

ESTTA Tracking number: **ESTTA306322**

Filing date: **09/15/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91176791
Party	Plaintiff UMG RECORDINGS, INC.
Correspondence Address	ALEXA L. LEWIS, ESQ. MITCHELL SILBERBERG & KNUPP, LLP 11377 W. OLYMPIC BOULEVARD LOS ANGELES, CA 90064 UNITED STATES all@msk.com, kls@msk.com
Submission	Other Motions/Papers
Filer's Name	Alexa L. Lewis
Filer's e-mail	all@msk.com, kls@msk.com
Signature	/s/ Alexa L. Lewis
Date	09/15/2009
Attachments	Request for Judicial Notice re Websites - PDF (2374840).PDF (105 pages) (4068893 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 78/751,105
Published for Opposition in the OFFICIAL GAZETTE on December 12, 2006

UMG RECORDINGS, INC.

Opposition No.: 91176791

Opposer

v.

MATTEL, INC.,

Applicant

REQUEST FOR JUDICIAL NOTICE RE: WEBSITES

Pursuant to 37 C.F.R. §2.122(a) and Federal Rule of Evidence 201, Opposer UMG Recordings, Inc. hereby makes of record and asks the Board to take judicial notice of the following documents, true and correct copies of which are attached hereto as Group Exhibit A¹:

(1) An Amazon.com webpage, <http://www.amazon.com/story-Motown-Evergreen-book/dp/0394175549/>;

(2) An Abebooks.com webpage, [http://www.abebooks.com/servlet/BookDetailsPL?bi=380792444](http://www.abebooks.com/servlet/BookDetailsPL?bi=380792444;);

(3) An Amazon.com webpage, <http://www.amazon.com/Motown-History-Sharon-Davis/dp/0851128947/>;

(4) An Amazon.com webpage, <http://www.amazon.com/Motown-City-Cool-Solid-Gold/dp/0385197993/>;

(5) An Amazon.com webpage, <http://www.amazon.com/Motown-Album-Sound-Young-America/dp/0312045174/>;

(6) An Amazon.com webpage, <http://www.amazon.com/One-Nation-Under-Groove-American/dp/0472089560/>;

(7) An Amazon.com webpage, <http://www.amazon.com/Complete-Motown-1s-Box/dp/B001H5HWSK/>;

(8) Database results available from [http://www.riaa.com/goldandplatinumdata.php?table=SEARCH](http://www.riaa.com/goldandplatinumdata.php?table=SEARCH;);

(9) <http://www.motownmuseum.com/mtmpages/index.html>;

¹ These documents are also attached as exhibits and discussed in the contemporaneously filed Trial Declaration of Peter Caparis.

- (10) <http://www.websitestores.net/motown/> (and linked pages);
- (11) http://www.singmachine.com/news/index.php?grptype=1&page=get_article&article_id=7AUKWEK-I9OVPFJ-1FL9PAX-KAF8XD2;
- (12) <http://www.mcgi.state.mi.us/hso/sites/15952.htm>;
- (13) The Mattel webpage,
http://www.hotwheelscollectors.com/news/newsprint.aspx?news_id=522;
- (14) The Google webpage,
<http://www.google.com/search?hl=en&q=site%3Akmart.com+motown&aq=f&oq=&aqi;>
- (15) An Amazon.com webpage,
http://www.amazon.com/s/ref=nb_ss?url=search-alias%3Daps&field-keywords=motown;
- (16) An Amazon.com webpage,
http://www.amazon.com/s/qid=1252985239/ref=sr_st?keywords=motown&rs=165793011&page=1&rh=i%3Atoys-and-games%2Ck%3Amotown%2Cn%3A165793011%2Cn%3A%21165795011&sort=price;
- (17) The eBay webpage, http://music.shop.ebay.com/Music-/11233/i.html?_nkw=motown;
- (18) The eBay webpage,
http://toys.shop.ebay.com/i.html?_nkw=motown+metal&_sacat=220;
- (19) The Walmart webpage, http://www.walmart.com/search/search-ng.do?ic=48_0&search_query=motown&search_constraint=0&ref=501457.501458&tab_value=61_Store;
- (20) The Target webpage, <http://www.target.com/gp/store-info/popup-start.html?asin=B002FMAOGQ&callingPage=drill-down;>

(21) The ToyRUs webpage

<http://www.toysrus.com/search/index.jsp?kwCatId=&kw=motown&origkw=motown&f=Taxonomy/TRUS/2254197&sr=1;>

(22) The Mattel webpage, http://www.hotwheels.com/index_hwkids.aspx;

(23) The Mattel webpage, <http://www.hotwheelscollectors.com/>;

(24) An Amazon.com webpage, <http://www.amazon.com/Wheels-Anniversary-Motown-Mustang-Camaro/dp/B00136505U/>;

(25) An Amazon.com webpage, <http://www.amazon.com/Motown-Kids-Various-Artists/dp/B000YVJQZK/>; and

(26) An Amazon.com webpage, <http://www.amazon.com/Flintstones-Motown-Christmas-Various-Artists/dp/B0000047ND/>.

Good cause exists for the Court to grant this Request for Judicial Notice. Fed. R. Evid. 201(b) provides that “a judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned.”

The website pages UMG seeks to introduce are proper subjects for judicial notice. Denius v. Dunlap, 330 F.3d 919, 926-27 (7th Cir. 2003) (in § 1983 action by employee, district court abused its discretion in withdrawing its judicial notice of the information regarding health records from the National Personnel Records Center’s website; although employee testified regarding his records, information on website was not duplicative of testimony); Monsanto Co. v. Pacificorp, No. CIV 01 607 E LMB, 2006 WL 1128226 at *7 n.4 (D.Idaho, April 24, 2006) (“a court may take judicial notice of information

publicly announced on a party's website"); Caldwell v. Caldwell, No. CO5-4166 PJH, 2006 WL 618511 at *4 (N.D.Cal. March, 13, 2006) (stating that "[t]he court agrees with the proposition that, as a general matter, websites and their contents may be proper subjects for judicial notice," but denying request because the court had not been provided with copies of the webpages at issue); Wible v. Aetna Life Ins. Co., 375 F. Supp. 2d 956, 965-66 (C.D.Cal. 2005) (taking judicial notice of Amazon.com webpages and a page from the website of the American Academy of Allergy Asthma and Immunology). Here, the Board has been provided with copies of the website pages at issue; and their accuracy cannot reasonably be questioned. Pursuant to Rule 201, this Court should take judicial notice of the documents that comprise Group Exhibit A.

Respectfully submitted,

Date: September 15, 2009



Alexa L. Lewis
MITCHELL SILBERBERG & KNUPP LLP
11377 West Olympic Boulevard
Los Angeles, California 90064
(310) 312-2000
Attorneys for Opposer
UMG Recordings, Inc.

**UMG RECORDINGS, INC. v. MATTEL, INC.
OPPOSITION NO. 91176791**

UMG RECORDINGS, INC.

**EXHIBIT A
TO REQUEST FOR JUDICIAL NOTICE RE: WEBSITES**

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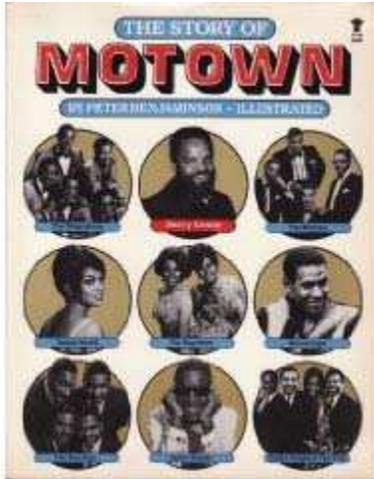
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Page 7

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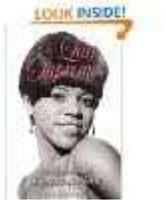
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Language: English

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ISBN-13: 978-0394175546

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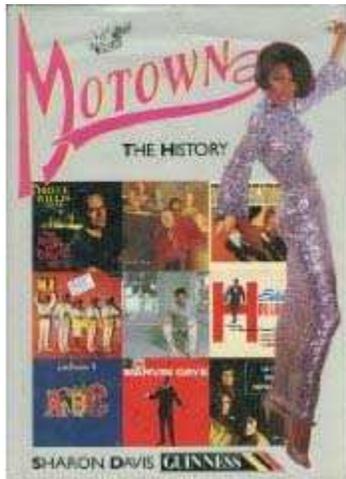
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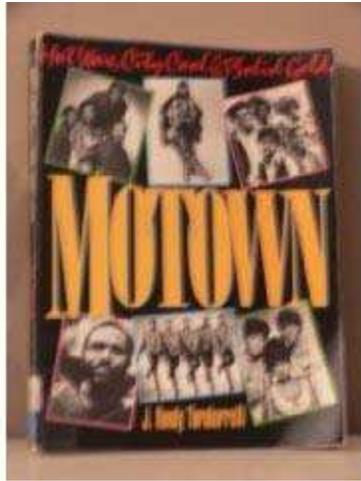
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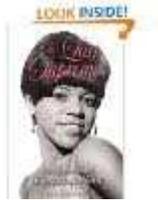
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From Publishers Weekly

Although clear and concise, Motown adds little to what the public already knows about the record company that had hit after hit in the '60s. The familiar main events are covered in detail: Marvin Gaye leaving Motown because owner Berry Gordy allowed only one of his performers Smokey Robinson artistic control over recordings; the departure of the talented writing and producing trio of Holland, Dozier and Holland because of royalty disagreements; jealousy on the part of other Motown groups when Gordy concentrated on Diana Ross's career, even at the expense of her group, the Supremes. The trivialists of record release dates, television appearances, even marriages, births, deaths carries the book. Some rare publicity photographs are also included.

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From Library Journal

Taraborrelli writes about Motown Records from its inception in the late 1950s to its present-day empire. After an introduction, he divides the book into five sections: each begins with a chronology of events at Motown and then includes sketches of such performers as Smokey Robinson, the Supremes, Marvin Gaye, Stevie Wonder, and the Jackson 5. Although gathering together many interesting photos, the author takes the uncritical perspective of a fan, characterizing the Motown sound as "the most exciting and absorbing popular music of the postwar epoch." Compared to other recent books on the subject, this book adds little to the understanding of the Motown phenomenon.

Still, it will probably appeal to diehard fans. David Szatmary, Continuing Education, Univ. of Washington, Seattle

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Product Details

Paperback: 213 pages

Publisher: Doubleday (August 1988)

Language: English

ISBN-10: 0385197993

ISBN-13: 978-0385197991

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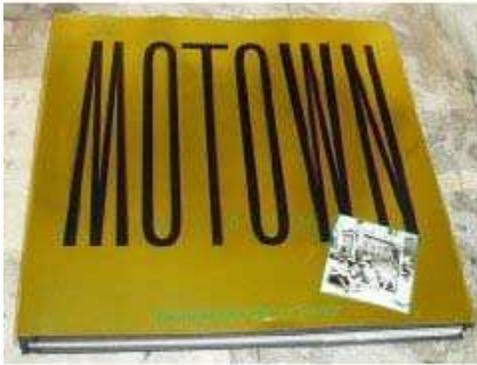
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[The Lost Supreme: The Life of Dreamgirl Flor...](#) by Peter Benjaminson

(29) \$16.47



[Diana Ross: A Biography](#) by J. Randy Taraborrelli

(13) \$17.79

Product Details

Hardcover: 252 pages

Publisher: St Martins Pr; 1st edition (October 1990)

Language: English

ISBN-10: 0312045174

ISBN-13: 978-0312045173

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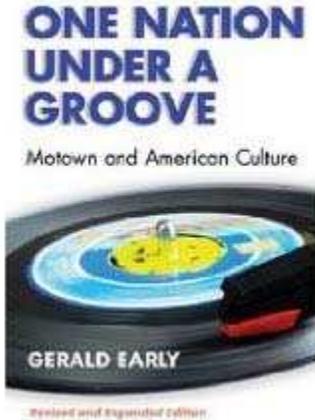
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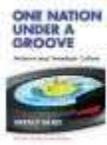
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Exhibit A
Page 20



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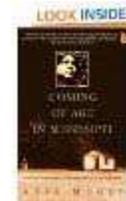
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Editorial Reviews

From Publishers Weekly

In this elegant, far-ranging essay, African American studies professor Early (The Culture of Bruising) offers a portrait of the revolutionary as a decidedly bourgeois family man and businessman-Motown Records founder Berry Gordy Jr., stage manager of "the most shining moment of the American black in popular culture." Borrowing crossover boxing hero Joe Louis's gloves and Booker T. Washington's bootstraps, Gordy combined black and American identities in a music "that neither bleached nor blackened," even if it was created,

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produced and-most significantly-popularized entirely by blacks. Readers hoping for a complete history or a critical equivalent of The Big Chill soundtrack will be disappointed; Early is less interested in particular songs or artists than in the overarching, if never fully described, "Motown sound" authored by Gordy himself with the help of in-house songwriters and producers. (Artists were never permitted to write songs or produce, and even diva Diana Ross was never allowed to become more than just the most exalted member of the Motown "family.") This is a heady mix of cultural studies and nostalgia, only occasionally bogged down in a slight mist of academicism. Copyright 1995 Reed Business Information, Inc. --*This text refers to an out of print or unavailable edition of this title.*

From [Booklist](#)

Early has gained quite a reputation from his participation in the Ken Burns baseball documentary on PBS, winning the 1994 National Book Critic Circle Award for best work of criticism with *The Culture of Bruising*, a work on the brutal sport of boxing, and his frequent commentaries on National Public Radio. He continues his analysis of popular culture with this brief study of Motown, an African American record company that has had a tremendous influence on popular music. Smoky Robinson and the Miracles, Marvin Gaye, the Supremes, the Temptations, and so many other pop groups got their big chance with Motown, and their music is fairly pervasive in American culture. Early begins his commentary with the career of Frank Sinatra, skipping and bounding about with a profusion of insights before tackling the tremendous development of Motown. Although it takes a bit of reflection to draw together seemingly disparate points, the book offers a useful discussion of the origins of black rhythm and blues music and how Motown moved it into the mainstream and carved a wildly successful business out of that connection. *Bonnie Smothers* --*This text refers to an out of print or unavailable edition of this title.*

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ISBN-13: 978-0472089567

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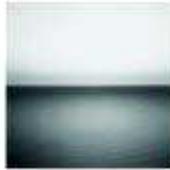
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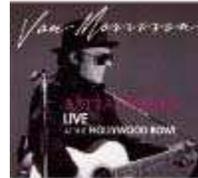
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Product Details

Audio CD (December 9, 2008)

Original Release Date: December 9, 2008

Number of Discs: 10

Format: [Limited Edition](#), [Original recording remastered](#), [Box set](#)

Note on Boxed Sets: During shipping, discs in boxed sets occasionally become dislodged without damage. Please examine and play these discs. If you are not completely satisfied, we'll refund or replace your purchase.

Label: Motown / Universal

ASIN: B001H5HWSK

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Editorial Reviews

Product Description

MOTOWN: THE COMPLETE NO. 1's is a 10-CD box set containing every Motown No. 1, and we mean every - from every U.S. and International chart and from every genre adding up to a staggering 191 tracks that hit the top, plus 10 bonus tracks whose cover versions were No. 1. These classic, memorable performances come from 50 different Motown artists from all eras. This special once-in-a-lifetime set is housed in a replica of the original Motown headquarters: the "Hitsville U.S.A." house on Detroit's West Grand Boulevard, now the home of the internationally renowned Motown Museum. It's a true collectible. Inside the house are 5 digi-paks - containing 10 CDs - fronted by a classic image of an artist in front of Motown.

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Artist 98 DEGREES	Title BECAUSE OF YOU	Certification Date 12/21/1998	Label MOTOWN
Award Description PLATINUM	Format SINGLE	Category GROUP	Type ST

Artist 98 DEGREES	Title 98 DEGREES & RISING	Certification Date 03/22/1999	Label MOTOWN
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Artist 98 DEGREES	Title 98 DEGREES & RISING	Certification Date 07/12/1999	Label MOTOWN
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Artist 98 DEGREES	Title 98 DEGREES & RISING	Certification Date 10/12/1999	Label MOTOWN
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Artist 98 DEGREES	Title THIS CHRISTSMAS	Certification Date 12/22/1999	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category GROUP	Type ST

Artist 98 DEGREES	Title HEAT IT UP	Certification Date 01/27/2000	Label MOTOWN
Award Description	Format	Category	Type

PLATINUM	VIDEO LONGFORM	GROUP	ST
Artist 98 DEGREES	Title 98 DEGREES & RISING	Certification Date 01/27/2000	Label MOTOWN
Award Description 4.00x MULTI PLATINUM	Format ALBUM	Category GROUP	Type ST
Artist AKON	Title DON?T MATTER	Certification Date 12/13/2007	Label UNIVERSAL MOTOWN
Award Description PLATINUM	Format SINGLE	Category SOLO	Type DI
Artist AKON	Title I WANNA LOVE YOU	Certification Date 12/13/2007	Label UNIVERSAL MOTOWN
Award Description PLATINUM	Format SINGLE	Category SOLO	Type DI
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Award Description PLATINUM	Format SINGLE	Category SOLO	Type MT
Artist BOYS, THE	Title MESSAGES FROM THE BOYS	Certification Date 06/01/1989	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category GROUP	Type ST
Artist BOYZ II MEN	Title COOLEYHIGHHARMONY	Certification Date 08/20/1991	Label MOTOWN
Award Description	Format	Category	Type

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Artist BOYZ II MEN	Title MOTOWNPHILLY	Certification Date 10/31/1991	Label MOTOWN
Award Description PLATINUM	Format SINGLE	Category GROUP	Type ST
Artist BOYZ II MEN	Title COOLEYHIGHHARMONY	Certification Date 11/14/1991	Label MOTOWN
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Artist BOYZ II MEN	Title END OF THE ROAD	Certification Date 09/16/1992	Label MOTOWN
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Artist BOYZ II MEN	Title COOLEYHIGHHARMONY	Certification Date 12/17/1992	Label MOTOWN
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Artist BOYZ II MEN	Title IN THE STILL OF THE NITE	Certification Date 01/27/1993	Label MOTOWN
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Artist BOYZ II MEN	Title CHRISTMAS INTERPRETATIONS	Certification Date 12/09/1993	Label MOTOWN
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Artist BOYZ II MEN	Title I'LL MAKE LOVE TO YOU	Certification Date 10/06/1994	Label MOTOWN
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Artist BOYZ II MEN	Title ON BENDED KNEE	Certification Date 01/25/1995	Label MOTOWN
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Artist BOYZ II MEN	Title FROM THEN II NOW	Certification Date 08/31/1995	Label MOTOWN HOME VIDEO
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Artist BOYZ II MEN	Title II	Certification Date 12/18/1995	Label MOTOWN
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Artist BOYZ II MEN	Title II	Certification Date 06/13/1996	Label MOTOWN
Award Description 12.00x MULTI PLATINUM	Format ALBUM	Category GROUP	Type ST

Artist BOYZ II MEN	Title THE REMIX ALBUM	Certification Date 07/10/1996	Label MOTOWN
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Artist BOYZ II MEN	Title CHRISTMAS INTERPRETATIONS	Certification Date 10/18/1996	Label MOTOWN
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Artist BOYZ II MEN	Title 4 SEASONS OF LONLINESS	Certification Date 10/14/1997	Label MOTOWN
Award Description PLATINUM	Format SINGLE	Category GROUP	Type ST

Artist BOYZ II MEN	Title EVOLUTION	Certification Date 10/28/1997	Label MOTOWN
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Artist COMMODORES	Title NATURAL HIGH	Certification Date 08/22/1978	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category GROUP	Type ST
Artist COMMODORES	Title HEROES	Certification Date 02/03/1981	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category GROUP	Type ST
Artist COMMODORES	Title IN THE POCKET	Certification Date 12/16/1981	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category GROUP	Type ST
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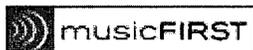
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GAYE, MARVIN	EVERY GREAT MOTOWN HIT	Date 10/18/1996	MOTOWN
Award Description PLATINUM	Format ALBUM	Category SOLO	Type ST

Artist GAYE, MARVIN	Title LET'S GET IT ON	Certification Date 06/25/2007	Label MOTOWN
Award Description PLATINUM	Format SINGLE	Category SOLO	Type MT

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GILL, JOHNNY	JOHNNY GILL	Date 06/18/1990	MOTOWN

Award Description	Format	Category	Type
PLATINUM	ALBUM	SOLO	ST

Artist	Title	Certification	Label
GILL, JOHNNY	JOHNNY GILL	Date 02/08/1991	MOTOWN

Award Description	Format	Category	Type
2.00x MULTI PLATINUM	ALBUM	SOLO	ST

Artist	Title	Certification	Label
INDIA.ARIE	ACOUSTIC SOUL	Date 12/06/2001	MOTOWN

Award Description	Format	Category	Type
PLATINUM	ALBUM	SOLO	ST

Artist	Title	Certification	Label
INDIA.ARIE	ACOUSTIC SOUL	Date 12/17/2003	MOTOWN

Award Description	Format	Category	Type
2.00x MULTI PLATINUM	ALBUM	SOLO	ST

Artist	Title	Certification	Label
INDIA.ARIE	VOYAGE TO INDIA	Date 08/04/2006	MOTOWN

Award Description	Format	Category	Type
PLATINUM	ALBUM	SOLO	ST

Artist	Title	Certification	Label
JACKSON FIVE, THE	I WANT YOU BACK	Date 08/07/1997	MOTOWN

Award Description	Format	Category	Type
PLATINUM	SINGLE	GROUP	ST

Artist	Title	Certification	Label
MC DONALD, MICHAEL	MOTOWN	Date 02/19/2004	MOTOWN

Award Description	Format	Category	Type
PLATINUM	ALBUM	SOLO	ST

Artist	Title	Certification	Label
MC KNIGHT, BRIAN	ANYTIME	Date 04/22/1998	MOTOWN

Award Description	Format	Category	Type
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PLATINUM	ALBUM	SOLO	ST
Artist MC KNIGHT, BRIAN	Title ANYTIME	Certification Date 10/15/1998	Label MOTOWN
Award Description 2.00x MULTI PLATINUM	Format ALBUM	Category SOLO	Type ST
Artist MC KNIGHT, BRIAN	Title BACK AT ONE	Certification Date 10/27/1999	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category SOLO	Type ST
Artist MC KNIGHT, BRIAN	Title BACK AT ONE	Certification Date 01/24/2000	Label MOTOWN
Award Description 2.00x MULTI PLATINUM	Format ALBUM	Category SOLO	Type ST
Artist MC KNIGHT, BRIAN	Title BACK AT ONE	Certification Date 10/24/2001	Label MOTOWN
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Artist RARE EARTH	Title GET READY	Certification Date 10/30/2000	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category GROUP	Type ST
Artist RICHIE, LIONEL	Title LIONEL RICHIE	Certification Date 12/09/1982	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category SOLO	Type ST
Artist RICHIE, LIONEL	Title CAN'T SLOW DOWN	Certification Date 12/12/1983	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category SOLO	Type ST
Artist RICHIE, LIONEL	Title LIONEL RICHIE	Certification Date 10/19/1984	Label MOTOWN
Award Description 4.00x MULTI PLATINUM	Format ALBUM	Category SOLO	Type ST

Artist RICHIE, LIONEL	Title CAN'T SLOW DOWN	Certification Date 10/19/1984	Label MOTOWN
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Artist RICHIE, LIONEL	Title CAN'T SLOW DOWN	Certification Date 12/19/1985	Label MOTOWN
Award Description 10.00x MULTI PLATINUM	Format ALBUM	Category SOLO	Type ST
Artist RICHIE, LIONEL	Title DANCING ON THE CEILING	Certification Date 10/16/1986	Label MOTOWN
Award Description 3.00x MULTI PLATINUM	Format ALBUM	Category SOLO	Type ST
Artist RICHIE, LIONEL	Title DANCING ON THE CEILING	Certification Date 10/16/1986	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category SOLO	Type ST
Artist RICHIE, LIONEL	Title DANCING ON THE CEILING	Certification Date 05/21/1987	Label MOTOWN
Award Description 4.00x MULTI PLATINUM	Format ALBUM	Category SOLO	Type ST
Artist RICHIE, LIONEL	Title BACK TO FRONT	Certification Date 10/20/1992	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category SOLO	Type ST
Artist ROSS, DIANA	Title DIANA	Certification Date 02/03/1981	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category SOLO	Type ST
Artist ROSS, DIANA AND LIONEL RICHIE	Title ENDLESS LOVE	Certification Date 10/16/1981	Label MOTOWN
Award Description PLATINUM	Format SINGLE	Category DUO	Type ST

Artist	Title	Certification	Label
ROSS, DIANA AND THE SUPREMES	SOMEDAY WE'LL BE TOGETHER	Date 08/07/1997	MOTOWN

Award Description	Format	Category	Type
PLATINUM	SINGLE	GROUP	ST

Artist	Title	Certification	Label
ROSS, DIANA AND THE SUPREMES WITH THE TEMPTATIONS	I'M GONNA MAKE YOU LOVE ME	Date 08/07/1997	MOTOWN

Award Description	Format	Category	Type
PLATINUM	SINGLE	GROUP	ST

Artist	Title	Certification	Label
SOUNDTRACK	THE BIG CHILL	Date 03/29/1984	MOTOWN

Award Description	Format	Category	Type
PLATINUM	ALBUM	None	ST

Artist	Title	Certification	Label
SOUNDTRACK	THE BIG CHILL	Date 09/27/1985	MOTOWN

Award Description	Format	Category	Type
2.00x MULTI PLATINUM	ALBUM	None	ST

Artist	Title	Certification	Label
SOUNDTRACK	THE BIG CHILL	Date 07/20/1998	MOTOWN

Award Description	Format	Category	Type
4.00x MULTI PLATINUM	ALBUM	None	ST

Artist	Title	Certification	Label
SOUNDTRACK	MORE SONGS FROM THE BIG CHILL	Date 08/06/1998	MOTOWN

Award Description	Format	Category	Type
PLATINUM	ALBUM	None	ST

Artist	Title	Certification	Label
SOUNDTRACK	THE BIG CHILL	Date 10/15/1998	MOTOWN

Award Description	Format	Category	Type
6.00x MULTI PLATINUM	ALBUM	None	ST

Artist	Title	Certification	Label
TEMPTATIONS, THE	MY GIRL	Date 09/08/1997	MOTOWN

Award Description	Format	Category	Type

PLATINUM	SINGLE	GROUP	ST
Artist TEMPTATIONS, THE	Title TEMPTATIONS ANTHOLOGY	Certification Date 10/12/1999	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title JUST MY IMAGINATION	Certification Date 10/12/1999	Label MOTOWN
Award Description PLATINUM	Format SINGLE	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title ALL THE MILLION- SELLERS	Certification Date 10/12/1999	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title I CAN'T GET NEXT TO YOU	Certification Date 10/12/1999	Label MOTOWN
Award Description PLATINUM	Format SINGLE	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title PHOENIX RISING	Certification Date 10/12/1999	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title BALL OF CONFUSION	Certification Date 10/12/1999	Label MOTOWN
Award Description PLATINUM	Format SINGLE	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title PAPA WAS A ROLLIN' STONE	Certification Date 10/12/1999	Label MOTOWN
Award Description PLATINUM	Format SINGLE	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title GREATEST HITS	Certification Date 10/15/1999	Label MOTOWN
Award Description	Format	Category	Type

PLATINUM	ALBUM	GROUP	ST
Artist TEMPTATIONS, THE	Title GIVE LOVE AT CHRISTMAS	Certification Date 10/15/1999	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title GREATEST HITS	Certification Date 10/15/1999	Label MOTOWN
Award Description 2.00x MULTI PLATINUM	Format ALBUM	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title 20TH CENTURY MASTERS - THE BEST OF THE TEMPTATIONS	Certification Date 08/24/2005	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title GET READY: DEFINITIVE PERFORMANCES 1965-1972	Certification Date 06/29/2007	Label MOTOWN
Award Description PLATINUM	Format VIDEO LONGFORM	Category GROUP	Type ST
Artist TEMPTATIONS, THE	Title GET READY: DEFINITIVE PERFORMANCES 1965-1972	Certification Date 01/07/2009	Label MOTOWN
Award Description 2.00x MULTI PLATINUM	Format VIDEO LONGFORM	Category GROUP	Type ST
Artist VARIOUS	Title MOTOWN 25: YESTERDAY, TODAY, FOREVER	Certification Date 02/18/1986	Label MOTOWN HOME VIDEO
Award Description PLATINUM	Format VIDEO LONGFORM	Category None	Type ST

Artist Title Certification Label

WONDER, STEVIE	THE WOMAN IN RED (SOUNDTRACK)	Date 11/08/1984	MOTOWN
Award Description PLATINUM	Format ALBUM	Category SOLO	Type ST

Artist WONDER, STEVIE	Title IN SQUARE CIRCLE	Certification Date 11/13/1985	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category SOLO	Type ST

Artist WONDER, STEVIE	Title IN SQUARE CIRCLE	Certification Date 12/04/1985	Label MOTOWN
Award Description 2.00x MULTI PLATINUM	Format ALBUM	Category SOLO	Type ST

Artist WONDER, STEVIE	Title CHARACTERS	Certification Date 01/08/1988	Label MOTOWN
Award Description PLATINUM	Format ALBUM	Category SOLO	Type ST

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WONDER, STEVIE	SONG REVIEW: GREATEST HITS	Date 03/24/2003	MOTOWN
Award Description	Format	Category	Type
PLATINUM	ALBUM	SOLO	ST

Artist	Title	Certification	Label
WONDER, STEVIE	SONGS IN THE KEY OF LIFE	Date 03/29/2005	MOTOWN
Award Description	Format	Category	Type
PLATINUM	ALBUM	SOLO	ST

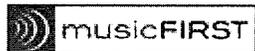
Artist	Title	Certification	Label
WONDER, STEVIE	SONGS IN THE KEY OF LIFE	Date 03/29/2005	MOTOWN
Award Description	Format	Category	Type
10.00x MULTI PLATINUM	ALBUM	SOLO	ST

Artist	Title	Certification	Label
WONDER, STEVIE	THE DEFINITIVE COLLECTION	Date 06/22/2005	MOTOWN
Award Description	Format	Category	Type
PLATINUM	ALBUM	SOLO	ST

Artist	Title	Certification	Label
ZHANE	ZHANE	Date 10/04/1996	MOTOWN
Award Description	Format	Category	Type
PLATINUM	ALBUM	DUO	ST

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Hitsville USA where it all began



Motown Historical Museum is one of Detroit's most popular tourist destinations. Each year, the museum attracts thousands of visitors from across the nation and around the globe. The museum was founded in 1985 by [Esther Gordy Edwards](#). Its mission is to preserve the legacy of Motown Record Corporation and to educate and motivate people, especially youth, through exhibitions and programs that promote the values of vision, creativity and entrepreneurship.

The museum exhibits trace the roots of Motown's remarkable story and chronicle its impact on 20th century popular culture and musical styles. The story begins with [Berry Gordy, Jr.](#) and a small house in Detroit that he christened, Hitsville USA (now home to Motown Historical Museum). The story continues as Motown evolves into a major entertainment enterprise that was among the most diverse and influential in the world.

The exhibitions include a fascinating collection of historical photographs, artwork, music, costumes and other memorabilia from this booming musical era. Each item tells a story – from the \$800 loan given to Berry Gordy, Jr. by the Gordy family savings club (the Berry-Berry Co-op) to produce his first record – to the explosive popularity of Motown's artists throughout the world. Visitors take a step back in time as they walk through the fully restored apartment that was once home to Berry Gordy, Jr, and stand in the original

"All over the world, all through the races, all through everything, Motown bridged a gap...and I'm so proud of that!"

William "Smokey" Robinson,
(Smokey Robinson & The Miracles)

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recording studio "Studio A" where Motown's greatest hits were recorded.

MUSEUM HIGHLIGHTS

Empire on West Grand Boulevard

This museum exhibit is a telling representation of the growth of Motown from a small startup business begun in 1959 to what became by the mid-70s the largest independent record company in the world. The exhibit includes models of eight houses on West Grand Boulevard acquired by the company to house its growing operations until it moved its offices to a high-rise in downtown Detroit in 1968. The display begins with Gordy's purchase of "Hitsville USA", a house that served a dual purpose as his company headquarters and home. Visitors see the houses that made up the Motown empire from the front porch of the Hitsville house.

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#MHM2000H1



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- Commuter
- ▶ Translucent
- Stainless
- ▶ Neon Shooter
- ▶ DOF Glass Set
- ▶ Flip Top
- Polycarbonate

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"One Motown One Family" Mug
MHM1016



Flip Top Polycarbonate Water Bottle
MHMVFLP



Motown Copper Commuter Mug
MHMSM18CS



Translucent Stainless Steel Travel Mug
MHMSVO3PS



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NEW

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MHMHM85S



NEW

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MHMT650SB



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Motown "M" Logo Mug
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Ring

▶ Record Magnet

(Singles)

▶ Record Magnet (Set

of 4)

▶ Hitsville House

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Spinner Record Key Ring
MHM204



Record Magnet (Singles)
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▶ Cap

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Hitsville USA Low Profile Unstructured Cap
MHM4168



MOTOWN Logo Cap (Black)
MHM4192M



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Pin

▶ Soul Lapel Pin

▶ Hitsville USA Lapel

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▶ Gordy Lapel Pin

▶ Studio A Brass Lapel

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▶ Studio A Full Color

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▶ Tamla Motown Lapel

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Motown "M" Lapel Pin
MHM207



Soul Lapel Pin
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Hitsville USA Lapel Pin
MHM214



Gordy Lapel Pin
MHM221



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The Singing Machine sells the best quality karaoke systems on the market. We have been in business for over 25 years and have millions of satisfied karaoke customers. We have karaoke systems to satisfy any consumer's needs and an excellent Customer Support Team.



Click the logo above to download Adobe Acrobat Reader (required to view PDF documents). This software is available free of charge.

Press Release

The Singing Machine Company and Universal Music Enterprises In Perfect Harmony With Merchandise License Program for Motown

February 12, 2003

Singing Machine to Create Motown-Branded Karaoke Machines and CD+G's Featuring Legendary Motown Music - Scheduled for Summer Launch

Coconut Creek, Florida, February 12, 2003 The Singing Machine Company (ASE:SMD), a leading manufacturer and distributor of home electronic karaoke equipment, karaoke music and related audio products, announced today that it has signed a multi-year, domestic merchandise license agreement with Universal Music Enterprises and Motown Record Company, divisions of Universal Music Group, to support a line of Motown-branded karaoke machines and music software.

"Motown clearly is the music industry's most recognizable brand name. To be teaming with one of the world's top entertainment brands is a real coup for The Singing Machine Company. We are thrilled with this new program that reflects our strategy to bring exciting, innovative products to large new markets. With this agreement we are targeting music lovers who grew up on the 'Motown Sound' in the 1960's and 1970's, an important and untapped demographic segment with substantial growth potential. We believe that our new Motown-branded karaoke machines and CD+G's (CD with graphics) featuring the unforgettable Motown music will be a hit with young and middle-aged adults, as well as many teenagers who may be introduced to these memorable songs that continue to shape the musical landscape. Because of growth opportunities like the Motown program and the substantial increase in orders from our major customers over last January, we are optimistic that fiscal 2004 will be another year of record revenue and earnings for

Singing Machine," said John Klecha, Chief Operating Officer.

"We are very excited about this innovative program to extend the Motown brand into a new electronics merchandise market segment. Motown Records has left an undeniable mark on our popular culture through its history of groundbreaking music," commented Kojo Bentil, Senior Vice President, Motown Record Company.

The first Motown-licensed karaoke machines and CD's+Graphics with music from the Motown music library should be available in stores beginning in Summer 2003. They will be distributed through leading mass merchandisers, discount merchandisers, warehouse clubs, specialty stores, department stores, toy stores, e-commerce, catalogs and direct to consumer sales, music stores, outlet malls and video stores.

"Motown has spent over 40 years earning its reputation as one of the world's top entertainment brands. We are very pleased to have The Singing Machine Company as a licensee for this truly important American icon. They will be one of the key licensees as our overall licensing and merchandising program for Motown takes shape in 2003," said Andy Richmond, Vice President of The Stronghold Group, who is the exclusive licensing agent for UME as it relates to the Motown trademark and who engineered this deal.

"We are all delighted to have The Singing Machine as part of the ongoing merchandising initiative behind the Motown brand. This type of property is a natural fit to bring our music to consumers in innovative ways," said Charlie Katz, Senior Vice President Strategic Marketing, Universal Music Enterprises.

About Universal Music Group

Universal Music Group is the world's leading music company with wholly-owned record operations or licensees in 63 countries. Its businesses also include Universal Music Publishing Group, one of the industry's largest global music publishing operations.

Universal Music Group consists of record labels Decca Record Company, Deutsche Grammophon, Interscope Geffen A&M Records, Island Def Jam Music Group, Lost Highway Records, MCA Nashville, MCA Records, Mercury Records, Motown Records, Philips, Polydor, Universal Music Latino, Universal Records, and Verve Music Group as well as a multitude of record labels owned or distributed by its record company subsidiaries around the world. The Universal Music Group owns the most extensive catalog of music in the industry, which is marketed through two distinct divisions, Universal Music Enterprises (in the U.S.) and Strategic Marketing and Commercial Affairs (outside the U.S.). Universal Music Group also includes eLabs, a new media and technology division.

Universal Music Group is a unit of Vivendi Universal, a global media and communications company.

About The Singing Machine Company

Incorporated in 1982, The Singing Machine Company produces and distributes a full line of consumer-oriented karaoke machines, CD with graphics machines and CD+G and audio karaoke music under The Singing Machine, MTV and Nickelodeon umbrellas. The company, which is based in Coconut Creek, Florida, was the first manufacturer to offer karaoke electronic recording equipment and audio software for home use in the U.S.

About The Stronghold Group

Headquartered in Los Angeles, The Stronghold Group is the nation's premiere entertainment brand management firm, representing artist, athlete, and entertainment property in the areas of brand management, licensing, merchandising,

commercial sponsorships and endorsements, professional representation, event packaging and proprietary product development. Stronghold's services provide artists and entertainment properties with tremendous brand building and brand extension opportunities, in addition to lucrative sources of long-term, ancillary income. The Stronghold Group currently works with music artists such as Dave Matthews Band, Linkin Park, Nelly, Korn, and KISS; entertainment and lifestyle brands such as Motown and Playboy; models such as Victoria Silvstedt and Karen McDougal; and athletes such as extreme sports superstars Daewon Song, Stevie Williams, and street luger Pamela Zoolalian.

Safe Harbor Statements under the Private Securities Litigation Reform Act of 1995.

This press release contains forward-looking statements. Such statements reflect the current views of the Company with respect to future events and are subject to certain risks, uncertainties and assumptions, including but not limited to those relating to product demand, pricing, market acceptance, the effect of economic conditions and other risks identified in the Company's filings with the Securities and Exchange Commission. Although the Company believes that the expectations reflected in such forward-looking statements are reasonable, should one or more of these risks or uncertainties materialize, or should underlying assumptions prove incorrect, actual future results or events may vary materially from those described herein.

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Motown Record Corporation Informational Site

2648 West Grand Boulevard, Detroit - Wayne County

Other Names Hitsville, U.S.A.

Significant Person Berry Gordy Jr.

Marker Name Motown

Marker Text MOTOWN The "Motown Sound" was created on this site from 1959 to 1972. The company was started with an eight hundred dollar loan from the savings club of the Bertha and Berry Gordy, Sr., family. Originally called Tamla Records, the company's first national release was "Money (That's What I Want)," in August 1959. The founder, choosing a name that reflected the Motor City, coined the word "Motown" for the company that was incorporated as the Motown Record corporation on April 14, 1960. That same year it produced its first gold record, "Shop Around." In 1968 the company, which had grown from a family-oriented business to an international enterprise, moved its business operations to 2457 Woodward. Motown provided an opportunity for Detroit's inner-city youth to reach their full potential and become super stars. SIDE TWO By the end of its first decade, Motown was the largest independent manufacturer of single 45 rpm records in the world. Among Motown's record labels were Tamla, Motown, Gordy, Soul, VIP, Rare Earth, Black Forum, Workshop Jazz, Divinity and others. In 1972, Motown moved its headquarters to Los Angeles, California. The company expanded its television productions and entered the motion picture industry. Lady Sings the Blues, Motown's first feature length film, received five Academy Award Nominations. By 1975, Motown Industries was the largest black-owned corporation in the world. In 1980 the Motown Historical Museum was established at Hitsville U.S.A. to commemorate the Motown Sound and to memorialize Motown's distinctive heritage and its global impact.

Period of Significance 1959-1968

Significant Date(s) 1959, 1968, 1972, 1985

Registry Type(s) 11/11/1987 Marker erected
08/21/1987 State Register listed

Site ID# P25185



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License to Collect: Kmart Collector Days!

Give Dad Something to Rave About

by **HWC Kelly**
06-02-06

Kmart Collector Days celebrates Dad. On **Saturday, June 17, 2006** -- Father's Day Eve -- the floodgates will open for dads, their kids and any other type of Hot Wheels® collector. So hold off on cards that call out Dad's remote control hoarding because Kmart has the ultimate Father's Day gift for Pops: the **Hot Wheels® License Plate Bundle**.



Event details:

What: **Kmart Collector Days event**

When: **Saturday, June 17, 9:00 AM local times**

Where: **All continental US Kmart, and participating Sears Essentials and Sears Grand stores, and (in TX only) Sears Mall stores**

Just what is the **License Plate Bundle** you ask? Let's just say, now, when you're stuck in traffic -- everyone will know a Hot Wheels® collector is behind the wheel. That's because your license plate holder will boast, "**My Other Car is a Hot Wheels®.**" But public declaration isn't the end of it -- you'll also find in the bundle two randomly chosen basic cars to add to your collection.

And we wouldn't let you down -- as usual, exclusive mixes will be on hand for this event! Look for three **Exclusive Colors** and three **First-to-Market** cars in the mixes. Check out these jaw-dropping editions:

Exclusive Colors:

- **1970 Plymouth® Barracuda (MOPAR Madness™)**
- **'69 Corvette® (2006 First Editions™)**
- **1970 Chevelle® SS™ (Motown Metal™)**

First-to-Market:

- **1969 Pontiac® Firebird® (Red Line™)**
- **1967 Camaro® (Motown Metal™)**
- **Scorchin' Scooter® ("Secret" segment)**

Kmart's not the only one hosting this drool-worthy event. Sears Essentials and Sears Grand stores are also fortunate enough to welcome us collecting enthusiasts. And if you happen to live in Texas, mosey on over to a Sears Department Store near you.

So either consider **Saturday, June 17**, a perfect day to go Father's Day shopping, or a perfect opportunity to spend some QT with the old man... or the kids... or any collectors in the family...



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While it may share several similarities with its predecessor -- there is an equal ratio of covers-to-originals, a familiar blend of girl group, **Motown**, R&B, ...
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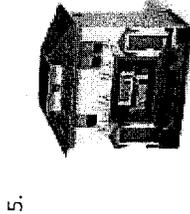
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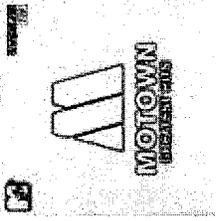
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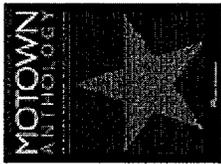
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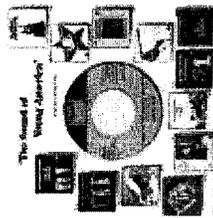
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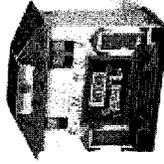
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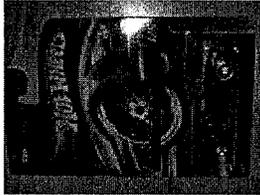
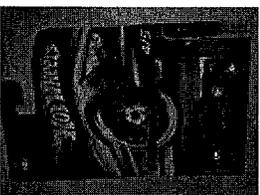
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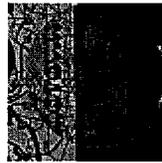
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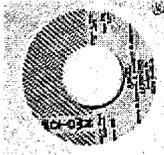


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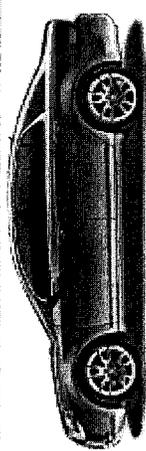
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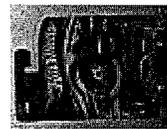
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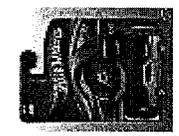
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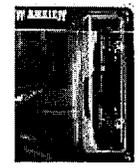


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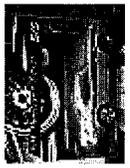
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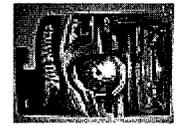


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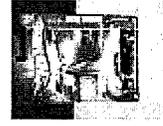
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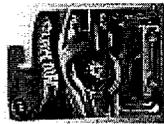


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<p><u>Motown 50 Fanthology (2CD)</u> by Various Artists Release Date: 09/01/2009 Motown 50 Fanthology (2CD)</p> <p>List Price: \$19.99 Our Price: \$14.88 You save: \$5.11 (26%)</p> <p>ALSO IN MANY STORES</p> <p>Availability:</p> <p><input checked="" type="checkbox"/> Online <input checked="" type="checkbox"/> In-Store</p>	<p><u>Now That's What I Call Motown</u> by Various Artists - Classic R&B Release Date: 01/13/2009 Now That's What I Call Motown</p> <p>List Price: \$16.99 Our Price: \$14.88 You save: \$2.11 (12%)</p> <p>Availability:</p> <p><input checked="" type="checkbox"/> Online <input checked="" type="checkbox"/> In-Store</p>
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<p><u>Motown Live: A Journey Through Hitsville USA (Music DVD) (Amaray Case)</u> by <u>Boyz II Men</u> Release Date: 12/09/2008 Motown Hitsville USA Live (Music DVD)</p> <p>\$19.98</p> <p>Availability:</p> <p><input checked="" type="checkbox"/> Online <input checked="" type="checkbox"/> In-Store In Limited Stores</p>



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Now: Motown
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2.42 miles	Van Nuys North VIEW MAP + DETAILS 14920 Raymer St, Van Nuys, CA 91405 Phone: (818) 922-1001 Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to 10:00pm; Su: 8:00am to 9:00pm.	Available
5.03 miles	North Hollywood VIEW MAP + DETAILS 11051 Victory Blvd, North Hollywood, CA 91606 Phone: (818) 761-3083 Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to 10:00pm; Su: 8:00am to 9:00pm.	Out Of Stock
5.19 miles	Pacoima VIEW MAP + DETAILS 9725 Laurel Canyon Blvd, Pacoima, CA 91331 Phone: (818) 896-8214 Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to 10:00pm; Su: 8:00am to 9:00pm.	Limited Availability
6.89 miles	Northridge VIEW MAP + DETAILS 8840 Corbin Ave, Northridge, CA 91324 Phone: (818) 772-0494 Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to 10:00pm; Su: 8:00am to 9:00pm.	Limited Availability
7.04 miles	Granada Hills VIEW MAP + DETAILS 11133 Balboa Blvd, Granada Hills, CA 91344 Phone: (818) 360-2999 Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to 10:00pm; Su: 8:00am to 9:00pm.	Limited Availability
7.36 miles	Woodland Hills VIEW MAP + DETAILS 20801 Ventura Blvd, Woodland Hills, CA 91364 Phone: (818) 713-2707 Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to	Out Of Stock

10:00pm; Su: 8:00am to 9:00pm.

7.42 miles

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Phone: (818) 238-0132

Hours: M-Fr: 8:00am to 10:00pm; Sa: 8:00am to 10:00pm; Su: 8:00am to 9:00pm.

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6700 Topanga Canyon Blvd, Canoga Park, CA

91303

Phone: (818) 746-9922

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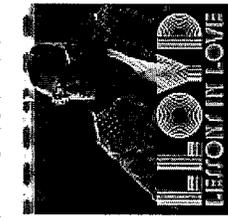
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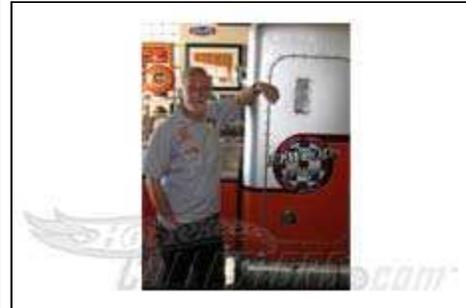
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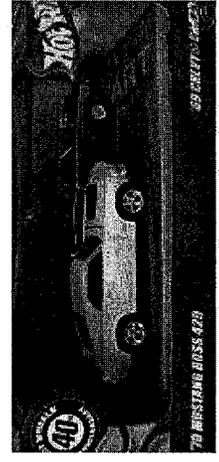
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Exhibit A
Page 98

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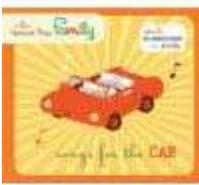
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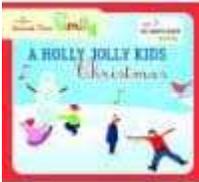
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Exhibit A
Page 99

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Original Release Date: August 19, 2008**Number of Discs:** 1**Label:** Motown / Universal**ASIN:** B000YVJQZK**In-Print Editions:** [MP3 Download](#)**Average Customer Review:** [\(3 customer reviews\)](#)**Amazon.com Sales Rank:** # 5,951 in Music (See [Bestsellers in Music](#))Would you like to [update product info](#) or [give feedback on images](#)?

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	5. Function At The Junction	Shorty Long	2:49	\$0.99	
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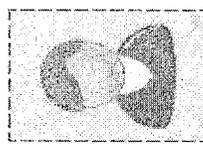
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Label: Umvd Special Markets

ASIN: B0000047ND

Also Available in: [Audio Cassette](#)

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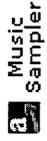
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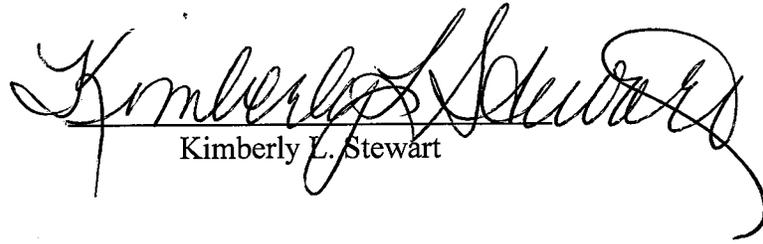
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I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Mitchell Silberberg & Knupp LLP, 11377 West Olympic Boulevard, Los Angeles, California 90064-1683.

On September 15, 2009, I served a copy of the foregoing document(s) described as **REQUEST FOR JUDICIAL NOTICE RE: WEBSITES** on the interested parties in this action at their last known address as set forth below by taking the action described below:

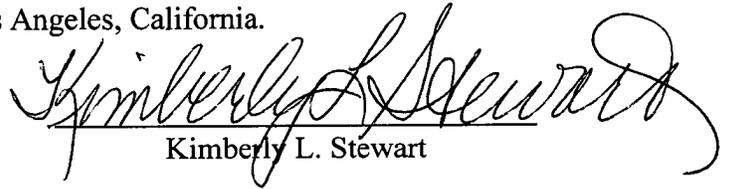
<p>Lawrence Y. Iser (liser@kwikalaw.com) Direct (310) 566-9801 Direct Fax (310) 566-9861 Patricia A. Millett (pmillet@kwikalaw.com) Direct (310) 566-9821 Direct Fax (310) 566-9870 Chad R. Fitzgerald (CFitzgerald@kwikalaw.com) Direct 310.566.9802 Direct Fax 310.566.9882 Kinsella, Weitzman, Iser, Kump & Aldisert LLP 808 Wilshire Boulevard, 3rd Floor Santa Monica, CA 90401 (310) 566-9800 Fax: (310) 566-9850</p>	<p>Counsel for Applicant, MATTEL, INC.</p>
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- BY OVERNIGHT MAIL:** I placed the above-mentioned document(s) in sealed envelope(s) designated by the carrier, with delivery fees provided for, and addressed as set forth above, and deposited the above-described document(s) with _____ in the ordinary course of business, by depositing the document(s) in a facility regularly maintained by the carrier or delivering the document(s) to an authorized driver for the carrier.
- BY PERSONAL DELIVERY:** I placed the above-mentioned document(s) in sealed envelope(s), and caused personal delivery by _____ of the document(s) listed above to the person(s) at the address(es) set forth above.
- BY ELECTRONIC MAIL:** I served the above-mentioned document electronically at __:__.m. on the parties listed at the email addresses above and, to the best of my knowledge, the transmission was complete and without error in that I did not receive an electronic notification to the contrary.

BY FAX: On _____, at _____ am/pm, from facsimile number (310) _____, before placing the above-described document(s) in sealed envelope(s) addressed as set forth above, I sent a copy of the above-described document(s) to each of the individuals set forth above at the facsimile numbers listed above. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine, and a copy of that report is attached hereto.

I declare under penalty of perjury under the laws of the United States that the above is true and correct.

Executed on September 15, 2009, at Los Angeles, California.


Kimberly L. Stewart