

# PREVIEWS

Information for the California and Nevada Motion Picture Theatre Industry • February 2004

## Calendar of Events and Holidays

*Feb. 12*  
Abraham Lincoln's BD

*Feb. 14*  
Valentine's Day

*Feb. 16*  
President's Day

*Feb. 22*  
George Washington's BD

*Feb. 25*  
Ash Wednesday

*Feb. 29*  
Academy Awards presentation

*Mar. 22-25*  
ShoWest

*April 20-22*  
National NATO Board of Directors Meeting

### Routing Slip

Please share *Previews* with other people in your organization:

- \_\_\_\_\_
- \_\_\_\_\_
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- \_\_\_\_\_

## Film Piracy in America: A Growing Crisis

By Jill Varon

Film piracy in America is a growing crisis. In 1994, California addressed this issue by amending its penal code to provide a safe haven for theater owners who, based upon probable cause, choose to detain people suspected of recording a film in a theater without the consent of the theater owner. The statute provides that a theater owner may detain a movie patron for a reasonable amount of time to conduct an investigation in a reasonable manner whenever the theater owner has probable cause to believe the movie patron is attempting to operate a recording device in a theater without the consent of the theater owner.

On October 3, 2003, California's penal code was amended again. In addition to the existing statute, the new legislation provides that every person who operates a recording device in a movie theater while a motion picture is being exhibited, for the purpose of recording a movie without the authority of the theater owner, is automatically guilty of a public offense and shall be punished by imprisonment in a county jail not exceeding one year, by a fine not exceeding \$2,500, or by both such fine and imprisonment. This new law will be codified in Section 653z of the California Penal Code and became effective on January 1, 2004.

To assist industry efforts to combat film piracy, theater owners should immediately establish written protocols for theater personnel to follow when they become aware of violations of the new law. The policies should educate theater employees on the basics of Section 653z, and should detail actions theater personnel are authorized to take and not take when they encounter patrons illegally recording a film. For example, the written protocol might allow theater personnel to take such aggressive action as making a citizen's arrest, or it might simply require theater personnel to ask the violator to exit the theater and surrender the tape, or both. The written protocol should probably also instruct theater personnel to report violations of



*Make the public aware of the new law, recording devices are not allowed in motion picture theatres. One sheet and box-office decals similar to above photo were shipped to every theatre in California. If additional copies are needed please contact the NATO of California/Nevada office.*

(continued on page 2)

*Previews* is published by the  
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Theatre Owners of  
California/Nevada

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Charlene Sievers  
*Manager, Member Services*

# 1-800-371-9884

## The Number to Remember

by Mikhail Reider-Gordon, MPAA  
Supervisor, U.S. Anti-Piracy Operation

Camcorder piracy is coming soon to your theatre. In fact, this piracy is so prevalent that California passed a new law, 653(z), which went into effect January 1, 2004 that makes camcording in a theatre a criminal violation. This law is designed to help protect movies from camcorder piracy. The MPAA is working closely to develop programs and policies with NATO of CA/NV and theatre owners to make their employees feel comfortable and confident in taking action when a camcorder is spotted or reported.

MPAA recognizes that theatre staff need a support mechanism to assist them in stopping camcording. That is why the MPAA created an "800" number specifically designed for theatre staff to call during a camcording incident. **1-800-371-9884**. This hotline is staffed 24 hours a day, 7 days a week. The operator who answers will ask a series of questions of the employee:

Where are you located [be specific, give the state, city and actual street address of the theatre]; what is the phone number [be sure not to give the recorded message number as this may be the only way we can reach you after you hang up]; which movie is being recorded; can you describe the person camcording [this is crucial for later identification purposes]? Law enforcement and MPAA investigators need to know as much as possible about this individual. Can you describe any friends or associates with the violator? Is the camcorder still in the theatre? Have you already called local law enforcement? If not, that should be your next step. Have you spoken directly to the person camcording? Have you attempted to make them stop or come out to the lobby to discuss the matter? If so, are they being cooperative enough to ask them for some identification?

*(Film Piracy continued from page 1)*

Section 653z to local law enforcement and the MPAA. Local law enforcement and the MPAA have expressed their intention to support theater owners in their efforts to enforce the new law by establishing a protocol to properly deal with violators and by assisting theater personnel with the making of a citizen's arrest.

California law provides a theater owner with a defense to civil actions (e.g., false arrest, unlawful detention and invasion of civil rights) that may be brought by a person arrested and/or detained by theater personnel as a result of a reasonable belief (probable cause) that a person was attempting to operate a recording device in a movie theater

Have you asked that they willingly surrender the tape in the camcorder? If not, ask politely. You cannot demand it, but you can encourage the person to turn it over. Once you have concluded the brief phone session with the Hotline Operator, if you or a staff member hasn't already called the local police, you should immediately.

Shortly after calling the "800" number, your onsite management will receive a call from an MPAA Staff Supervisor. These Supervisors are responsible for oversight of MPAA anti-piracy investigations and all come from law enforcement backgrounds. They will be available to you on the phone or even at your theater to help quickly handle the situation when local police officers could take a few hours if they're busy. Supervisors will interact with law enforcement, interview the camcorder if

*"Make sure your  
theatre staff are  
on the look out for  
camcorder pirates."*

he or she is still present, and investigate the situation to allow you and your staff to return to your regular responsibilities.

You can help combat camcording piracy by making your theatre staff aware of the problem and aware of how to handle a camcording incident:

- Make sure your theatre staff are on the look out for camcorder pirates.
- Create a clear protocol for all to follow.
- Post the "800" number where staff can easily see it (any time of day or night).
- **Make sure your staff understands the first action to take when a camcorder is reported is to call 1-800-371-9884.**

*Ms. Reider-Gordon can be contacted via email at Mikhail\_Reider-Gordon@MPAA.org.*

without the consent of the theater owner. Of course, theater personnel must act reasonably under the circumstances. Theater owners should consult with their legal counsel concerning a protocol for addressing film piracy and any potential legal risks in implementing such a policy.

A White Paper on Section 653z has been prepared and distributed to all NATO of California/Nevada members. If you have not received a copy, please contact us.

*Ms. Varon is an attorney with the law firm of Kirkpatrick and Lockhart LLC where she practices entertainment law. She was one of the authors of the NATO of California/Nevada sponsored White Paper dealing with Section 653z of the California Penal Code.*

# Diversity Increases as Our Population Continues to Grow

*The following is an overview of what to expect based on census data and projections by NPA Data Services of Arlington, Va.*

## **Focusing on the Future**

Knowing about population trends and what they mean for you and your business will help prepare you for changes in the years to come.

It is the basis for sound planning and is often the key ingredient in crafting marketing strategies and setting goals.

Continuing growth in the U.S. population is assured for the near future, although the rate of growth is slowing somewhat.

By 2015, 40 million more Americans are going to need shelter, food, health care, education, transportation and recreation. Roughly 3.5 million people a year will be added, raising total U.S. population from 293 million in 2003 to 315 million in 2010 and 333 million in 2015.

## **Shifting Age Groups**

Expect major changes among age groups over the next decade.

The biggest changes will come as baby boomers - people born between 1946 and 1964 - move into and through middle age and the oldest reach senior citizen status.

- Infants and Pre-Schoolers - children up to 4 years old - are going to increase from about 20 million in 2004 to almost 24 million in 2015.
- School-age children - those between five and 19 - will also increase by 3 million, rising from 63 million in 2004 to 66 million in 2015.
- Young earners and consumers - 20-34 - will increase by 8 million by 2015, reaching nearly 70 million. Those in the youngest years of this age group are going to be attending college either full-or part-time.
- Early savers and prime spenders - 35-54 - are headed for modest gains. They constitute the bulk of the baby boomers, and their numbers are going to rise by about 700,000 to just under 87 million in 2015.

- Young empty-nesters - those who are 55 to 64 - will be far more numerous. Their numbers will increase by more than 12 million and will total nearly 41 million in 2015.
- Seniors - those 65 and over - will increase by nearly 10 million, numbering 46 million by 2015. Gains in this group are going to be even higher in the following decade.

*“The Census Bureau estimates that 860,000 legal immigrants will come to the U.S. each year from now to 2012.”*

## **A Changing Racial and Ethnic Mix**

The nation's racial and ethnic makeup is also going to change significantly in years to come.

- Whites as a share of total population will decline from about 74% now to about 65% by 2015.
- Blacks will increase slightly, from 13% to nearly 14%.
- Hispanics recently became the nation's largest minority. The U.S. adds more Hispanics daily than any other group, including non-Hispanic whites. In years ahead, more Hispanics are going to be native born. Hispanics of all races now account for 13.5% of the population. By 2015, the percentage will rise to about 15%.
- Asians are also increasing in numbers, largely through immigration. They make up 4.5% of the population now and should reach about 5% by 2015.

Educational attainment varies widely by ethnic group. Asian-Americans are the most educated, with about 44% of those 25 and older having a college degree. For whites, the figure is 28%, for blacks, 17%, and for Hispanics, 11%.

Household income reflects educational attainment. Asians are tops at about \$56,000 a year. That is about \$10,000 above the median for non-Hispanic whites, \$22,000 above Hispanics and about \$24,000 above blacks. Keep in mind that Asian and Hispanic households often have more workers per household, which skews the numbers somewhat.

## **Growing Through Immigration**

Immigration - both legal and illegal - continues to be a major source of population growth for the U.S. Foreign-born residents make up 12% of the nation's population. That percentage is likely to decline, but there is no sign of a major drop in the number of newcomers.

The Census Bureau estimates that 860,000 legal immigrants will come to the U.S. each year from now to 2012. They join an illegal immigration population estimated at 9 million.

The large inflow of immigrants is changing the age structure of U.S. population in addition to increasing the total number of residents. While they make up 12% of total population, foreign born residents make up about 20% of the U.S. population between the ages of 25 and 34 and about 17% of those between ages 35 and 44. That's because most immigrants come to the U.S. in their 20s and 30s.

New arrivals concentrate in states and cities that already have large immigrant populations. Most live in California, New York, Texas and Florida and in major metropolitan areas such as Miami, San Francisco, Los Angeles, New York, Boston, Chicago, Detroit and Philadelphia.

*Source: The Kiplinger Letter*

**Estimated U.S. Population, In Millions**

	<b>Ages 0-4</b>	<b>5-19</b>	<b>20-34</b>	<b>35-54</b>	<b>55-64</b>	<b>65 - plus</b>	<b>Total</b>
2004	20.4	62.5	61.2	86.2	28.0	36.3	294.6
2010	22.3	63.6	65.4	87.5	36.2	39.8	314.7
2015	23.8	65.8	69.7	86.9	40.7	46.0	332.8
2020	24.9	70.7	71.1	88.2	43.5	53.6	352.0

*Source: NPA Data Services, Inc.*

## National NATO Relocates Headquarters

National NATO headquarters has relocated to Washington, D.C.

The new address is:

750 First Street, N.E., Suite 1130  
Washington, D.C. 20002

Phone: **202/962-0054**

Fax: **202/962-0370**

The email address remains the same:  
**nato@mindspring.com.**

The publications department will remain in North Hollywood. Continue to send press releases and company promotion information to the existing L.A. NATO address at 4605 Lankershim Blvd., Suite 340, North Hollywood, CA 91602.

## Films To Video: Projected Release Schedule

Under the Tuscan Sun	2/3/04
Intolerable Cruelty	2/10/04
Dickie Roberts: Former Child Star	2/17/04
Runaway Jury	2/17/04
Matchstick Men	2/24/04
The Missing	2/24/04
Pieces of April	2/24/04
Spy Kids 3-D: Game over	2/24/04
Looney Tunes: Back in Action	3/2/04
School of Rock	3/2/04
Mona Lisa Smile	3/9/02
Dr. Seuss' The Cat in the Hat	3/16/04
Dirty Pretty Things	3/23/04
The Magdalene Sisters	3/23/04
The Rundown	3/23/04
Shattered Glass	3/23/04
Brother Bear	3/30/04
The Texas Chainsaw Massacre	3/30/04

For additional listings refer to: [www.bive4media.com](http://www.bive4media.com)  
Source: Video Store Magazine

# In Memorium

**Robert W. Selig**

1910 - 2003

Robert "Bob" W. Selig, a past president of the National Association of Theatre Owners of California/Nevada and General Chairman of ShoWest passed away on December 31, 2003; he would have been 94 years old on February 1st.

Bob started in the movie business as a salesman, in 1935, with British Gaumont Pictures in San Francisco and later joined the ranks of exhibition first with Fox InterMountain Theatres, then with Fox West Coast Theatres and later Pacific Theatres. He was widely recognized for his showmanship and innovative ideas. No Bob Selig event would be complete without the full University of Southern California Marching Band. He was a co-founder of ShoWest, which was conceived as a forum for west coast exhibitors to address issues within their region, but grew to become the world's largest gathering of the exhibition community. Bob was the General Chairman of ShoWest from its inception in 1975 until 1990 when he retired. Bob was at the forefront leading the charge on behalf of exhibition, whether it be an admission tax initiative or the threat of cable television. He wore many hats and had the respect of all those he had any dealings with.

Long time friend and past NATO of California/ Nevada board member Bruce Corwin remembered Bob as a "master showman, brilliant visionary, true friend, Bob Selig represented all that for our Industry and the Corwin family in particular. Three generations of our family were touched by his magic and his big picture approach to everything he accomplished. ShoWest was his idea and always having a band play at every big occasion was his trademark. When you thought of a promotion, you thought about Bob Selig. There was no one better. May his magic touch live within us always."

He was, for many years, president of the board of trustees of his beloved Denver University and a tireless worker on behalf of the Variety Club of Southern California. Bob is survived by his son Rob Jr., three grandchildren and three great grandchildren.

*For those who wish, contributions in  
memory of Bob can be made to:*

***The University of Denver***

***c/o Robert W. Selig Memorial Fund***

***#3 Cedar Lane***

***Woodside, CA 94062***

# TECHNICAL *Corner*

## The Evolution of Surround Sound

By Ken Jacquart, Cinema Product Manager; Motion Picture Division, Dolby Laboratories Inc.



Surround Sound is not all the same. The motion picture industry has evolved into its third generation of surround sound. Here is a basic summary of where we've been.

The original 'Star Wars' released

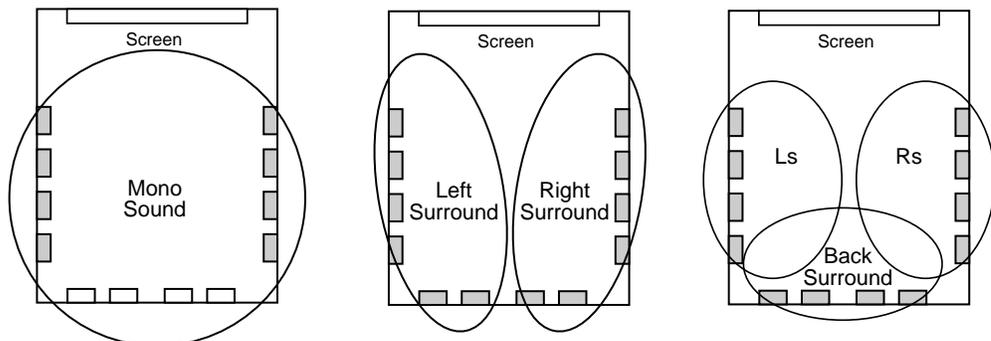
in 1977 was the first major film encoded in Dolby Stereo with surrounds. The surround channel was a single (mono) audio channel which fed the same surround signal to each and all of the surround speakers. In other words, the sound that was heard coming from a right surround speaker was exactly the same as that coming from a left surround speaker or a rear surround speaker. The overall mono surround field was intended to provide more of an ambience and was somewhat band limited in its frequency response.

In 1992 the release of 'Batman Returns', the Dolby® Digital 5.1 audio format was introduced including the next generation of surround sound. This audio format produces two separate surround channels which are directed to two different surround locations. The left surround signal feeds all of the surround speakers on the left side wall and left rear wall of the theatre while the right surround channel reproduces its audio along the right wall and right rear. Essentially the stereo surrounds provide clear full range spatial audio separation.

The surrounds could now produce localized audio from the left or right walls while still providing the ability to envelope the overall sound field with ambience.

What is Dolby® Digital Surround EX™? Today there are more than 8,000 equipped screens and more than 200 films encoded in this audio format throughout the world since its inception and release of 'Star Wars: Episode I - The Phantom Menace'. Dolby® Digital Surround EX™ adds a third channel to the overall surround field. This additional channel is located on the back wall of the theatre. The added realism can be both subtle and dramatic. Flyovers are precisely localized and can now realistically travel front-to-back and back-to-front. The surround field may seem wider and more directional while still able to emanate ambience. The field is consistent throughout the auditorium. A listener who is seated closer to the left or right wall can now clearly perceive the surround depth with the addition of the back surround channel. When playing conventional 5.1 audio, the decoder should be disabled which will automatically redistribute the back surround speakers to the left and right surround channels. All Dolby® Digital Surround EX™ films are backwards compatible and can be played in all existing 5.1 theatre audio systems (Dolby® Digital, DTS, and SDDS).

*Do you have a question about the operations of your booth? Feel free to submit questions or suggestions for upcoming Tech Tips to [techtips@dolby.com](mailto:techtips@dolby.com). We look forward to hearing from you.*



## Significant Changes in Nevada's Business Tax Structure

The 2003 legislative session and the subsequent special sessions resulted in significant changes in Nevada's business tax structure. One of the key changes includes the Modified Business Tax (MBT) or payroll tax. The MBT is a tax on gross wages with a deduction for employer paid health care benefits to employees and their dependents. The tax is effective October 1, 2003; however, the first returns are not due until January 31, 2003.

The following tentative guidelines will help employers understand how the tax will be administered and which healthcare benefits are deductible.

- The tax rate is .70% in FY 2004 and .65% in FY 2005
- The tax is applied to gross wages
- Employer-paid medical coverage for the employee and the spouse, children or other dependents is deductible. Deductions include:
  - Medical
  - Dental
  - Vision
- NOT included are:
  - Life insurance payments
  - Short and Long term disability
  - Accidental death and dismemberment
  - Any health insurance payment made by the employee
- The MBT is due quarterly on July 31, October 31, January 31 and April 30
- Non-profit organizations are exempt
- Businesses must file with the Department of Taxation

Source: Las Vegas Chamber of Commerce

### Where Are 2003's 250 Top Grossing Theatres?

- California - 63 theatres
- Texas - 23 theatres
- New York - 22 theatres
- Florida - 22 theatres
- Illinois - 13 theatres

*The balance of the states have 10 or less theatres.*



# STATISTICS

## Trends at a Glance

	2003	2002
Average opening weekend	\$18.6	\$17.3
Average No. of theaters on opening weekend	2,595	2,445
Per-theater average	\$7,180	\$7,085
Average second-weekend % drop	-44	-43
Wide releases (more than 1,000 theaters, incl. ultrawide)	135	139
Ultrawide releases (more than 3,000 theaters)	43	32
Debuts of more than \$40 million	14	12
Debuts of more than \$60 million	6	6

All film comparisons are for wide releases only (more than 1,000 theaters).  
\$ in millions, except for per-theater average

Source: The Hollywood Reporter

### Six 2003 Films Topped \$60M on Opening Weekend

Film	Opening Weekend
The Matrix Reloaded	\$91.8
Bruce Almighty	\$85.7
X2: X-Men United	\$85.6
LOTR: Return of the King	\$72.6
Finding Nemo	\$70.3
The Hulk	\$62.1

Source: The Hollywood Reporter

### Profit Margins of the VHS/DVD Business

#### HOMEVID ECONOMICS 2002

VHS Average wholesale price \$12		DVD Average wholesale price \$16	
<i>Costs:</i>		<i>Costs:</i>	
Marketing	\$2.75	Marketing	\$2.75
Duplication	\$2.25	Duplication	\$1.00
Packaging	\$0.75	Packaging	\$0.90
Distribution	\$0.90	Distribution	\$0.80
Total	(\$6.65)	Total	(\$5.45)
VIDEO GROSS PROFIT/UNIT	\$5.35	DVD GROSS PROFIT/UNIT	\$10.55

Source: Jessica Reif Cohen, Merrill Lynch

### 2003 Boxoffice Tally

- 2003 \$9.42 billion  
2002 \$9.52 billion
- 2003 second best year in history.
- A record 25 films exceeded \$100 million.  
2 exceeded \$300 million  
4 exceeded \$200 million  
2 exceeded \$150 million  
17 exceeded \$100 million
- First time ever, 4 distributors topped \$1 billion dollars.
- First year ever a theatre complex exceeded \$20 million at the box office.
- California had 63 of the top 250 national grossing theatres.
- The top ten grossing films included six sequels.
- Finding Nemo* had the best opening weekend ever for an animated film, \$70.3 million, and became the highest grossing animated film in history \$339.7 million.
- 19 of the top 25 grossing films were rated PG or PG-13. *Nemo* was the lone G rated film.
- Lord of the Rings: the Return of the King* had the largest Wednesday opening in history with \$34.5 million.

# STATISTICS



## 2003's 25 Top Grossing California Theatres

Rank	Circuit	Theatre	(Screens)	City
1	AMC	The Block	(30)	Orange
2	Loews	Metreon	(15)	San Francisco
3	Regal	Long Beach Stadium	(26)	Long Beach
4	Pacific	The Grove	(14)	Los Angeles
5	Century	Century	(25)	Union City
6	Century	Century	(20)	Daly City
7	Regal	Hacienda Crossings	(20)	Dublin
8	AMC	Mercado	(20)	Santa Clara
9	Regal	Fresno Stadium	(21)	Fresno
10	AMC	Mission Valley	(20)	San Diego
11	AMC	Ontario Mills	(30)	Ontario
12	Regal	Irvine Spectrum	(21)	Irvine
13	Pacific	Winnetka All Stadium	(21)	Chatsworth
14	Loews	Universal City	(18)	Universal City
15	AMC	Rolling Hills	(20)	Torrance
16	Nat'l Amusement	Bridge De Lux	(17)	Westchester
17	Regal	San Marcos Stadium	(18)	San Marcos
18	Century	Century	(16)	Mountain View
19	AMC	Puente Hills	(20)	Rowland Heights
20	AMC	Covina	(30)	West Covina
21	Regal	Ontario Palace	(22)	Ontario
22	AMC	Burbank	(30)	Burbank
23	Regal	South Gate Stadium	(20)	South Gate
24	Regal	Mira Mesa	(18)	San Diego
25	Century	Great Mall	(20)	Milpitas

## Year-To-Date Box-Office

YEAR-TO-DATE 19 days starting Thursday January 1, through Monday, January 19, 2004.

*Average Ticket price for 2003 & 2004 is estimated.*

Year	Avg. Ticket Price	Ticket Price Change	Total Gross	% Change vs. Previous Yr.	Attendance	% Change vs. Previous Yr.
2004	\$6.25	3.65%	\$515,600,880	-1.79%	82,496,141	-5.24%
2003	\$6.03	3.97%	\$524,979,391	-2.52%	87,061,259	-6.24%
2002	\$5.80	2.65%	\$538,548,018	—	92,853,107	—

Source: Exhibitor Relations Co.

Film Piracy in America:  
A Growing Crisis



1-800-371-9884  
The Number To  
Remember



Diversity Increases as  
Our Population  
Continues to Grow



Technical Corner

*The Evolution of  
Surround Sound*



Significant Changes  
in Nevada's Business  
Tax Structure



Goodbye to an  
Industry Great



National NATO  
Relocates Headquarters



Video Release Schedule



Statistics



Health Tip

National Association  
of Theatre Owners

of California/Nevada

116 No. Robertson Blvd., Suite 708  
Los Angeles, CA 90048

ADDRESS CORRECTION REQUESTED

## Health Tip

### Words for the Wise

It's important to keep things in perspective when reading health news and following epidemiologic studies, which cannot usually prove cause and effect, but can identify associations and risk factors. The following "Words for the Wise" are good to keep in mind.

- **"May":** does not mean "will."
- **"Contributes to," "is linked to," or "is associated with":** does not mean "causes."
- **"Proves":** scientific studies gather evidence in a systematic way, but one study, taken alone, seldom proves anything.
- **"Breakthrough":** this happens only now and then - for example, the discovery of penicillin or the polio vaccine. But today the word is so overworked as to be meaningless.
- **"Doubles the risk" or "Triples the risk":** may or may not be meaningful. Do you know what the risk was in the first place? If the risk was 1 in a million, and you double it, that's still only 1 in 500,000. If the risk was 1 in 100 and doubles, that's a big increase.

- **"Significant":** a result is "statistically significant" when the association between two factors has been found to be greater than might occur at random (this is worked out by a mathematical formula). But people often take "significant" to mean "major" or "important".

*The best advice to follow is:  
Everything in moderation.*

*Source: UC Berkeley Wellness Calendar*

***"Thought,  
not money,  
is the real  
business capital."***

**Harvey S. Firestone,  
US industrialist**