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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:

ATARI, INC., *et al.*,

Debtors.

Chapter 11

Case No. 13-10176 (JMP)

**NOTICE OF APPEARANCE AND  
REQUEST FOR NOTICES AND SERVICE OF PAPERS**

PLEASE TAKE NOTICE that Kmart Corporation, by and through its managing agent Sears Holdings Management Corporation (collectively, "SHMC"), appears herein through their undersigned attorneys pursuant to 11 U.S.C. Section 1109(b) and Rule 9010 of the Federal Rules of Bankruptcy Procedure and requests that all notices (including those required by Bankruptcy Rule 2002) in these cases or any related adversary proceeding be mailed to the undersigned, unless otherwise directed by the Court, at the address set forth below.

PLEASE TAKE FURTHER NOTICE that request is hereby also made for service of copies of all papers, including but not limited to reports, pleadings, motions, applications or petitions, schedules, plans, disclosure statements, and answering or reply papers filed in the above-captioned cases or any related adversary proceeding by mailing one copy of each, unless otherwise directed by the Court, to the following:

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PLEASE TAKE FURTHER NOTICE that SHMC does not intend this Notice of Appearance and Request for Notices and Service of Papers, nor any subsequent appearance, pleading, claim, or suit, to waive any rights to which they may be entitled including, but not limited to: (i) their right to have final orders in noncore matters entered only after *de novo* review by a District Judge; (ii) their right to trial by jury in any proceeding related to these cases; (iii) their right to have the District Court withdraw the reference in any matter subject to mandatory or discretionary withdrawal; or (iv) any rights, claims, actions, defenses, setoffs, or recoupments to which they may be entitled under agreements, in law or in equity, all of which rights, claims, actions, defenses, setoffs, and recoupments they expressly reserve.

PLEASE TAKE FURTHER NOTICE that this Notice of Appearance and Request for Notices and Service of Papers does not constitute an agreement to accept service of initial process under Rule 4, F.R.Civ.P., or Rule 7004 F.R.Bankr. P., nor shall it result in undersigned counsel being deemed to be the agent of SHMC for such purpose.

FOX ROTHSCHILD LLP  
Attorneys for Kmart Corporation and  
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By: /s/ Richard M. Meth  
RICHARD M. METH

Dated: February 1, 2013  
Roseland, NJ