

# Exhibit F

Comics: [Random](#) [Most Popular](#) [All](#) [Cats](#) [Grammar](#) [Food](#) [Animals](#) [Tech](#)

## FunnyJunk is threatening to file a federal lawsuit against me unless I pay \$20,000 in damages

Remember [FunnyJunk?](#) Almost exactly a year ago I published a [blog post](#) about my comics being stolen, re-hosted, and monetized on FunnyJunk's website. The owner of the site [responded](#) and some of the comics were taken down, He still had a ton of my comics hosted without credit, but the energy it would take to get him to take them down wasn't worth it. I thought the issue was done and over with so I let him be.

A few days ago I was served papers informing me that the owner of FunnyJunk is going to file a federal lawsuit against me unless I pay him \$20,000 in damages. You can read the [full letter here](#).

The owner of FunnyJunk hired [Charles Carreon](#), a lawyer who became famous in the 90s after successfully litigating sex.com. Charles does a [bit of modeling](#) too, apparently.

I don't want to get tied up in courtroom nonsense. I don't want to pay more money to my lawyer. Don't you miss the days when I posted 2 comics a week, instead of writing rebuttals to Forbes and dealing with bullshit like this?

So do I.

I've annotated the letter below as well as outlined [how I'm going to deal with this](#).



Charles Carreon, Attorney at Law  
[Redacted]  
[Redacted]  
[Redacted]  
Telephone: [Redacted]  
Fax: [Redacted]

June 2, 2012  
Via Personal Service  
Matthew Inman  
[Redacted]  
Seattle, WA

Re: FunnyJunk - TheOatmeal.com - Defamation and False Advertising

Dear Mr. Inman:

I represent FunnyJunk, LLC. ("FunnyJunk"), a competitor of TheOatmeal.com in the field of online humor. I write to demand immediate removal of false statements about FunnyJunk from TheOatmeal.com, where you posted the following:

Here's how FunnyJunk.com's business operates:

1. Gather funny pictures from around the internet
2. Host them on FunnyJunk.com
3. Slather them in advertising
4. If someone claims copyright infringement, throw your hands up in the air and exclaim "It was our users who uploaded your photos! We had nothing to do with it! We're innocent!"

5. Cash six figure advertising checks from other  
artist's stolen material  
(Attachment A.)

This is a false accusation of willful copyright infringement. FunnyJunk hosts only user-uploaded content pursuant to a rigorous DMCA policy that includes termination as a sanction for repeat abusers. FunnyJunk takes immediate action on any DMCA notice it receives in the proper form. In addition to the above-quoted false statements, on the same webpage you say that FunnyJunk has "practically stolen my entire website and mirrored it on FunnyJunk." You illustrate this present-tense statement with a screencap that purports to be current, but in fact was taken long ago, and grossly misrepresents the current state of affairs. (Attachment A.)

↳ OH REALLY NOW?

What an adorable little fiction.

Here's a list of HUNDREDS of my comics that  
are STILL hosted on FunnyJunk.com,  
(and have been for years)

Update: FunnyJunk removed all these links since I posted this list.

[http://www.funnyjunk.com/funny\\_pictures/1484220/Coffee+Intake/](http://www.funnyjunk.com/funny_pictures/1484220/Coffee+Intake/)  
[http://www.funnyjunk.com/funny\\_pictures/662058/5+Stages+Of+Caffeine/](http://www.funnyjunk.com/funny_pictures/662058/5+Stages+Of+Caffeine/)  
[http://www.funnyjunk.com/funny\\_pictures/457318/The+even+shittier+life+of+a+tapeworm/](http://www.funnyjunk.com/funny_pictures/457318/The+even+shittier+life+of+a+tapeworm/)  
[http://www.funnyjunk.com/funny\\_pictures/422538/KEEP+YOUT+TREX+OFF+CRACK/](http://www.funnyjunk.com/funny_pictures/422538/KEEP+YOUT+TREX+OFF+CRACK/)  
[http://www.funnyjunk.com/funny\\_pictures/1316773/trex+on+crack/](http://www.funnyjunk.com/funny_pictures/1316773/trex+on+crack/)  
[http://www.funnyjunk.com/funny\\_pictures/1435643/trex+plus+crack+equal+epic/](http://www.funnyjunk.com/funny_pictures/1435643/trex+plus+crack+equal+epic/)  
[http://www.funnyjunk.com/funny\\_pictures/1330893/T+Rex/](http://www.funnyjunk.com/funny_pictures/1330893/T+Rex/)  
[http://www.funnyjunk.com/funny\\_pictures/5303117+reasons/](http://www.funnyjunk.com/funny_pictures/5303117+reasons/)  
[http://www.funnyjunk.com/funny\\_pictures/5303127+reasons+part+2/](http://www.funnyjunk.com/funny_pictures/5303127+reasons+part+2/)  
[http://www.funnyjunk.com/funny\\_pictures/5303167+reasons+part+3/](http://www.funnyjunk.com/funny_pictures/5303167+reasons+part+3/)  
[http://www.funnyjunk.com/funny\\_pictures/5303187+reasons+part+4/](http://www.funnyjunk.com/funny_pictures/5303187+reasons+part+4/)  
[http://www.funnyjunk.com/funny\\_pictures/5303227+reasons+part+5/](http://www.funnyjunk.com/funny_pictures/5303227+reasons+part+5/)  
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[http://www.funnyjunk.com/funny\\_pictures/526899/Bacon/](http://www.funnyjunk.com/funny_pictures/526899/Bacon/)  
[http://www.funnyjunk.com/funny\\_pictures/570613/Bacon+Love/](http://www.funnyjunk.com/funny_pictures/570613/Bacon+Love/)  
[http://www.funnyjunk.com/funny\\_pictures/457885/Bacon+True+Love/](http://www.funnyjunk.com/funny_pictures/457885/Bacon+True+Love/)  
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[http://www.funnyjunk.com/funny\\_pictures/1820212/Bacon+Love/](http://www.funnyjunk.com/funny_pictures/1820212/Bacon+Love/)  
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- [http://www.funnyjunk.com/funny\\_pictures/639849/How+Age+Effects+Halloween/](http://www.funnyjunk.com/funny_pictures/639849/How+Age+Effects+Halloween/)
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- [http://www.funnyjunk.com/funny\\_pictures/1514471/Zombie+Apocalypse/](http://www.funnyjunk.com/funny_pictures/1514471/Zombie+Apocalypse/)
- [http://www.funnyjunk.com/funny\\_pictures/732275/Zombie+Apocalypse/](http://www.funnyjunk.com/funny_pictures/732275/Zombie+Apocalypse/)
- [http://www.funnyjunk.com/funny\\_pictures/997499/Zombie+Apocalypse/](http://www.funnyjunk.com/funny_pictures/997499/Zombie+Apocalypse/)
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- [http://www.funnyjunk.com/funny\\_pictures/613451/Different+Types+Of+Handshakes/](http://www.funnyjunk.com/funny_pictures/613451/Different+Types+Of+Handshakes/)
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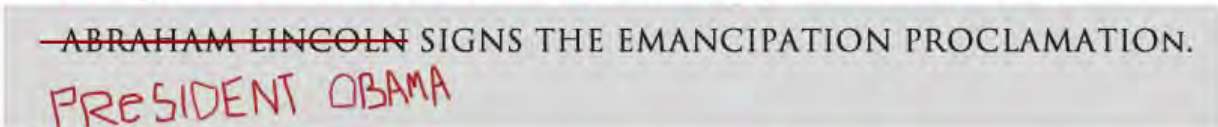
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- [http://www.funnyjunk.com/funny\\_pictures/2005676/How+to+Fix+Your+Computer/](http://www.funnyjunk.com/funny_pictures/2005676/How+to+Fix+Your+Computer/)
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- [http://www.funnyjunk.com/funny\\_pictures/2140129/god+before+rapture/](http://www.funnyjunk.com/funny_pictures/2140129/god+before+rapture/)
- [http://funnyjunk.com/funny\\_pictures/2294599/Pros/](http://funnyjunk.com/funny_pictures/2294599/Pros/)
- [http://funnyjunk.com/funny\\_pictures/2609728/What/](http://funnyjunk.com/funny_pictures/2609728/What/)
- [http://funnyjunk.com/funny\\_pictures/3305266/Hipster+and+Hammer+Pants/](http://funnyjunk.com/funny_pictures/3305266/Hipster+and+Hammer+Pants/)
- [http://funnyjunk.com/funny\\_pictures/2744524/If/](http://funnyjunk.com/funny_pictures/2744524/If/)

Below this barrage of false statements, you posted a series of hyperlinks with this false statement as an introduction: "There's still hundreds of C&H comics hosted on FunnyJunk.com, as well as thousands from other artists...." Clicking on those hyperlinks turns up a null result in every case. (Attachment B.)

You realize that's how the editorial process works, right? Bloggers and journalists write down words and ideas. When the world changes, writers aren't required to go back and edit all those words and ideas.

Don't you think it'd be a bit odd if we edited newspapers from 1863 to read:



THE INTERNET IS AN ARCHIVE, IDIOT.

However, that string of apparently useless hyperlinks put the phrase "funnyjunk" into the source code for the page twenty-eight (28) times (Attachment C), thus causing TheOatmeal.com to come up whenever "funnyjunk" is punched into the Google search engine. (Attachment D.) The Alexa stats for TheOatmeal.com are equally revealing, showing that the "Query Popularity" of "funnyjunk" is 42, nearly as popular as "oatmeal" itself, at 44. (Attachment E.) Given your background in SEO, you clearly intended this result. (Attachment F.)



Do you actually believe that if I repeat a word a bunch of times on a web page it'll show up first in Google's search results?

So If I put "porn porn porn porn porn porn porn porn porn" in my website I would rank number one for "porn" at Google? SHIT YES! I'm switching careers.

COMING SOON: THEPORNMEAL.COM!

Rankings in Google are determined by the amount of activity and links a page receives on the internet. I rank highly for "FunnyJunk" because a bunch of news sources wrote about my blog post after I published it.

This is not a factor I can control.

Maybe you should go file lawsuits against everyone on reddit who upvoted the post, or everyone on Facebook who clicked "like this."

Your false statements, recorded in Attachment A, accuse FunnyJunk of engaging in willful copyright infringement for commercial advantage and financial gain, a federal felony. 17 U.S.C. § 506(a)(1)(A) and 18 U.S.C. § 2319(b). Your false statements injured FunnyJunk in its trade, business or profession. Your false statements were made with the explicit, malicious purpose you announced in the source code of the webpage, screencaptured on page 2 of Attachment B, and



SERIOUSLY?!

You're suggesting that a picture of a DINOSAUR which is inside EVERY PAGE of The Oatmeal and HAS BEEN since 2009 is proof that I'm attacking FunnyJunk?

Was the pterodactyl comic which I published TWO YEARS before I wrote about you part of the attack as well? And the music video?

NICE EVIDENCE, JACKASS.  
YOUR LAWYER = A+

By maliciously accusing FunnyJunk of criminal conduct to injure its business reputation, you exposed yourself to a lawsuit for defamation *per se*, in which damages are presumed. *Albert v. Loksen*, 239 F.3d 256, 272 (2<sup>nd</sup> Cir. 2001).

By publishing false statements about FunnyJunk to gain publicity, popularize TheOatmeal.com, and injure FunnyJunk's reputation in the marketplace, you engaged in false advertising in violation of the Lanham Trademark Act, 15 U.S.C. §1125(a)(B). FunnyJunk is therefore entitled to file a federal lawsuit against you for injunctive relief to compel the removal of the false statements from TheOatmeal.com. *McNeil-PCC, Inc. v. Bristol-Meyers Squibb Co.*, 938 F.2d 1544, 1549 (2<sup>nd</sup> Cir., 1991). FunnyJunk may also sue for enhanced damages and recovery of its attorneys fees under 15 U.S.C. §1117. *U-Haul Int. v. Jartran, Inc.*, 793 F.2d 1034, 1042 - 1043 (9<sup>th</sup> Cir. 1986) (upholding award of double damages and attorneys fees under Sec. 1117 to unregistered markholder in action for false advertising). In a Lanham Act lawsuit, both judge and jury will presume that your false statements deceived Internet users. *Southland Sod Farms v. Stover Seed Co.*, 108 F.3d 1134, 1146 (9<sup>th</sup> Cir. 1997).

Accordingly, demand is hereby made upon you to perform the following remedial acts on or before June 12, 2012:

- Remove all mention of FunnyJunk and FunnyJunk.com from TheOatmeal.com from your website and any other website over which you have control.
- Deliver to me a check in the amount of \$20,000 payable to the order of FunnyJunk, LLC.

I look forward to your prompt response.

Very truly yours,



Charles Carreon  
2012.06.02  
17:13:44 -07'00'

Charles Carreon

This is a joke, right?

You want ME to pay YOU

\$20,000 for hosting MY unlicensed comics on YOUR shitty website for the past three years?

No, I've got a better idea.



1. I'm going to try and raise \$20,000 in donations.



2. I'm going to take a photo of the raised money



3. I'm going to mail you that photo, along with this drawing of your mom seducing a Kodiak bear.



4. I'm going to take the money and donate one half to the National Wildlife Federation and the other half to the American Cancer Society.

# FunnyJunk:

I don't want to write retorts like this anymore.  
I don't want to spend the next year tied up in  
legal bullshit with you.

I just want to make comics.

Consider this my philanthropic, kind-spirited  
way of saying:

# Fuck off.

OPERATION  
BEARLOVE GOOD. CANCER BAD.  
NOW COMMENCING!

CLICK ON THIS



GIANT DONATE BUTTON

THINK OF THE SEXY BEARS!      THINK OF THE SHITTY CANCER!

-  Random Comic
-  Most Popular
-  All Comics

3.1k Like 62k Send

Like  and 1979 others liked this.

Add New Comment

[Login](#)



[Empty comment box]

Real-time updating is paused. [\(Resume\)](#)

### Showing 20 of 3238 comments

Sort by oldest first



EmilyC1

Send them this link and tell them, "Don't worry": <http://youtu.be/iGJgyuAu6eo>

[2 weeks ago](#) [9 Likes](#)

[Like](#) [Reply](#)



Sean

I <3 Oatmeal!

[2 weeks ago](#) [5 Likes](#)

[Like](#) [Reply](#)



robeberhardt

PWNED

[2 weeks ago](#) [5 Likes](#)

[Like](#) [Reply](#)



Tova Fertal

As someone who is both pro-bear, and anti-cancer, as well as anti internet assholes, I have to say I applaud your take on it!

[2 weeks ago](#) [87 Likes](#)

[Like](#) [Reply](#)



Pipoca, Capoeira, good beer, and Motorcycles...nothing in life is better.

Holy crap! Nicely done.

[2 weeks ago](#) [5 Likes](#)

[Like](#) [Reply](#)



Josh

This post my friend, was exquisite.

[2 weeks ago](#) [29 Likes](#)

[Like](#) [Reply](#)



Josh Hassara

There is no way that that could be the actual letterhead for a real lawyer, could it?

[2 weeks ago](#) [55 Likes](#)

[Like](#) [Reply](#)



Cortney J

Nothing says law like CENTURY GOTHIC.

[2 weeks ago](#) [in reply to Josh Hassara](#) [143 Likes](#)

[Like](#) [Reply](#)



Tori

You mean that logo doesn't inspire confidence in his ability to understand how the internet works? Because I know when I see a globe circled by a mouse and a cd that is both poorly drawn and highly clip-art-y, I think "Man that guys knows what's up."

[2 weeks ago](#) [in reply to Josh Hassara](#) [78 Likes](#)

[Like](#) [Reply](#)



Mlorence



FunnyJunk is threatening to file a federal lawsuit against me unless I pay \$20,000 in damages - The Oa...

Thats a mouse?  
I thought it was an ejaculating penis.

[2 weeks ago](#) [in reply to Tori](#) [13 Likes](#)

[Like](#) [Reply](#)



How to Faint

That logo is him just courting the hipster start-up millionaire set by being ironic.

(Dear god, at least I hope it is.)

[1 week ago](#) [in reply to Tori](#)

[Like](#) [Reply](#)



DarkNightRJ

That's what I was thinking. It looks really unprofessional.

[2 weeks ago](#) [in reply to Josh Hassara](#) [2 Likes](#)

[Like](#) [Reply](#)



Ben M.

Unfortunately, there are a lot of attorneys like this jackwagon who make the rest of us look ridiculous.

[2 weeks ago](#) [in reply to Josh Hassara](#) [4 Likes](#)

[Like](#) [Reply](#)



Christa Mae McMillen

That's my initial reaction, too... "Did that asshole steal my 6th grade fax coversheet project from my [brilliantly-named] Technology class?"

[2 weeks ago](#) [in reply to Josh Hassara](#) [5 Likes](#)

[Like](#) [Reply](#)



Deep S., Web Designer, Blogger and a geek. More about me at DeepSoni.Me

Off to donate, FunnyJunk's being ridiculous.

[2 weeks ago](#) [23 Likes](#)

[Like](#) [Reply](#)



guest

Wow I used to use funnyjunk but this put me over the edge. Even though I think neither of these two sites are behaving maturely I'm done with it. I probably won't be visiting either of them anymore.

[2 weeks ago](#)

[Like](#) [Reply](#)



danny king

Nice try Funnyjunk.

But seriously, how did you manage to interpret this situation as anything other than FJ being asshats?

[2 weeks ago](#) [in reply to quest](#) [25 Likes](#)

[Like](#) [Reply](#)



Guest

Well Matt Inman is crying to his fans. Being an immature prick.

[2 weeks ago](#) [in reply to danny king](#)

[Like](#) [Reply](#)



Guess "Guest"'s homepage

lol, gotcha. So if I were, say, to threaten to throw poo at your mother and smear Nuttella on your windows you wouldn't tell people what a twat I was? How about if I attempted to cause you serious financial harm?

[2 weeks ago](#) [in reply to Guest](#) [8 Likes](#)

[Like](#) [Reply](#)



m x

Look, SFB (xxx for brains). I'm a fan. I want to know when something like this happens because I like his work and I hate assholes who pull this crap and then troll for juuuuuust enough money that the target might decided it's worth it to pay up and get them to go

away. Capische?

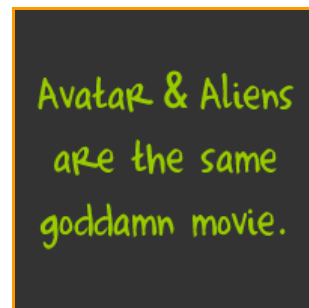
1 week ago in reply to Guest 1 Like

Like Reply

Subscribe by email RSS

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blog comments powered by DISQUS



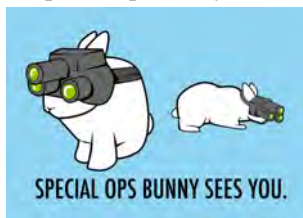
Neato things from [The Oatmeal Shop](#)

I Love Sriracha Magnet



[View Item](#)

Special Ops Bunny Shirt



[View Item](#)

Bear-O-Dactyl Shirt



[View Item](#)

Bears Love Boomboxes Shirt

Canadian Pet - Greeting Card

Bacon is Greater Than Love Bumper Sticker



[View Item](#)



[View Item](#)



[View Item](#)

Wookiee Jesus - Signed Print



[View Item](#)

Tesla > Edison Shirt



[View Item](#)

Sriracha Flamethrower Grizzly - Signed Print



[View Item](#)

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