

Exhibit 85

**to the Declaration of
Brendan T. Kehoe, Esq. In
Support of The Associated
Press's Memorandum of
Law In Opposition to One 3
Two, Inc.'s (d/b/a Obey
Clothing) Motion for
Summary Judgment**

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHEPARD FAIREY AND OBEY
GIANT
ART, INC.,

Plaintiffs,

v.

THE ASSOCIATED PRESS,

Defendant and
Counterclaim
Plaintiff,

v.

SHEPARD FAIREY, OBEY GIANT
ART,
INC., OBEY GIANT LLC, STUDIO
NUMBER ONE, INC., and ONE 3
TWO,
INC. (d/b/a OBEY CLOTHING),

Counterclaim Defendants.

And

MANNIE GARCIA,

Defendant, Counterclaim
Plaintiff and Cross-claim
Plaintiff/Defendant,

v.

ECF

Case No. 09-01123 (AKH)

**COUNTERCLAIM DEFENDANT
ONE 3 TWO'S SUPPLEMENTAL
RESPONSES AND OBJECTIONS
TO FIRST SET OF REQUESTS
FOR PRODUCTION
PROPOUNDED BY DEFENDANT,
COUNTERCLAIM PLAINTIFF
AND CROSS-CLAIM
PLAINTIFF/DEFENDANT THE
ASSOCIATED PRESS**

SHEPARD FAIREY and OBEY
GIANT
ART, INC.,

Counterclaim Defendants,

And

THE ASSOCIATED PRESS,

Cross-claim
Plaintiff/Defendant.

PROPOUNDING PARTY: Defendant, Counterclaim Plaintiff and Cross-claim Plaintiff/Defendant THE ASSOCIATED PRESS

RESPONDING PARTY: Counterclaim Defendant ONE 3 TWO, INC.

SET NO.: One

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

Pursuant to Federal Rules of Civil Procedure 34 and 26(e)(1), Counterclaim Defendant Obey Clothing d/b/a One 3 Two, Inc. d/b/a Obey Clothing (“One 3 Two”) hereby supplements its responses and objections to the First Set of Requests for Production propounded by Defendant, Counterclaim Plaintiff and Cross-claim Plaintiff/Defendant The Associated Press (“the AP”) as follows:

GENERAL OBJECTIONS

1. One 3 Two’s discovery, internal investigation, and preparation for the trial of this matter are not completed as of the date of these Responses and Objections and are continuing. One 3 Two anticipates that discovery, internal investigation, and preparation for trial will reveal additional information not presently known to it, but upon which it may rely. These Responses and Objections to the AP’s First Set of Requests for Production (the “First Requests”) are based upon information currently known or believed to be true by One 3 Two. One 3 Two reserves the right to modify or supplement its Responses and Objections upon completion of its discovery, internal investigation, and preparation for the trial of this matter, and to use at trial, or in any motion or deposition, any documents, facts, or supporting evidence of any sort later developed or discovered.

2. One 3 Two objects to the Requests to the extent that they seek to impose obligations in addition to those imposed by the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Southern District of New York.

3. One 3 Two objects to the Requests as overbroad, unduly burdensome and unwarranted.

4. One 3 Two objects to each Request to the extent that it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. Any disclosure of privileged information would be inadvertent and should not be deemed a waiver of any privilege.

5. One 3 Two objects to each Request to the extent that it seeks proprietary business information, trade secrets, or other confidential information. Documents containing such confidential information will be designated as “CONFIDENTIAL” pursuant to the terms of the Stipulated Protective Order filed on August 14, 2009 (“Stipulated Protective Order”).

6. One 3 Two objects to each Request to the extent that it seeks information from persons, companies, or entities other than One 3 Two. One 3 Two further objects to the extent each Request seeks information not within One 3 Two’s custody, control, or possession or that is equally available to the AP or more easily obtainable from another source.

7. One 3 Two objects to each Request to the extent that it does not specify dates and thus is overbroad and/or ambiguous.

8. One 3 Two objects to each Request to the extent that it contains words and/or phrases that are not defined, thereby rendering the Request overbroad, vague and ambiguous.

9. One 3 Two objects to each Request to the extent that it does not specify the documents requested with reasonable particularity.

10. One 3 Two objects generally to the Requests to the extent that they seek to have One 3 Two furnish information and identify documents that are a matter of the public record, and therefore, are equally available to the AP as they are to One 3 Two.

11. One 3 Two objects to each Request to the extent it seeks the same documents requested by the AP in the Deposition Subpoena for Production of Business Records to One 3 Two dated August 19, 2009 (the “AP’s Deposition Subpoena”). To the extent that One 3 Two already provided the AP with documents responsive to the AP’s Deposition Subpoena, those documents will not be produced again.

12. One 3 Two objects to the definition of the term “OBEY CLOTHING,” “YOU,” and “YOUR” as vague, ambiguous, overbroad, burdensome, and oppressive to the extent that it includes any “affiliates” of One 3 Two.

13. One 3 Two objects to the definition of the term “SHEPARD FAIREY AND/OR OBEY GIANT” as vague, ambiguous, overbroad, burdensome, and oppressive.

14. Any responses to these Requests provided by One 3 Two are solely for the purpose of this litigation. Any attempt by the AP or any other person or entity to use or disseminate the Responses, the information contained in the Responses, or the documents produced in this litigation beyond this litigation is objected to as improper and will be subject to appropriate action.

15. By these Responses, One 3 Two does not, and does not intend to:
(1) waive any objections as to the admissibility of evidence or the competency of, relevancy of, materiality of, or privilege attaching to any information disclosed in

these responses; or (2) waive the right to object to other discovery requests or undertakings involving or reflecting the subject matter requested herein. These Responses do not constitute, nor should they be construed as, admissions with respect to the relevancy or admissibility of any evidence or document identified herein or the truth or accuracy of any statement, characterization, or other information contained in such document. One 3 Two expressly does not concede the relevance or materiality of any of these responses or the subject matter to which they refer.

RESPONSES TO THE FIRST SET OF REQUESTS FOR PRODUCTION

During the course of One 3 Two's search for responsive documents, it has discovered that certain electronically-stored documents (i.e. emails) are no longer in the possession, custody, or control of One 3 Two. First, Don Juncal no longer has in his possession, custody, or control any emails dated prior to April 23, 2008. On or around April 23, 2008, Mr. Juncal obtained a new computer. He did not have his emails transferred from his old computer to the new computer. Further, One 3 Two has determined that Mr. Juncal's old computer containing emails prior to April 23, 2008 is no longer in the possession, custody, or control of One 3 Two. Given the age of the computer, One 3 Two elected to retire the old computer in or around April 23, 2008. Next, One 3 Two has determined that beginning in January 2008, Chris Broders' computer experienced technical difficulties that caused him to lose certain emails. Prior to January 3, 2008, Mr. Broders used a single email program, Microsoft Entourage, for business-related emails. At that time, he attempted to upgrade the email program, and the database became corrupted. Mr. Broders also began using a second email program, Mac Mail, for business-related emails on or about January 4, 2008. Mr. Broders has attempted to rebuild his database from Microsoft Entourage several times but with no success. As a result of these technical problems, it appears that certain emails sent to and from Mr.

Broders were lost, but the precise time period for which emails were lost is uncertain. One 3 Two has performed a commercially reasonable search to locate copies of emails sent by and to Mr. Juncal and Mr. Broders during the time periods in question and has produced all such documents One 3 Two has been able to locate as a result of that search.

Notwithstanding and without waiving any of its General Objections, which are incorporated into each of its Responses as though set forth in full, One 3 Two responds as follows:

DOCUMENT REQUESTS

REQUEST FOR PRODUCTION NO. 1

DOCUMENTS sufficient to show the formation of OBEY CLOTHING.

RESPONSE TO REQUEST FOR PRODUCTION NO. 1

One 3 Two objects to this Request on the grounds that the phrase “formation of OBEY CLOTHING” is undefined and thus vague and ambiguous. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. One 3 Two further objects to this Request to the extent it seeks the same documents requested by the AP in the Deposition Subpoena. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two will produce documents sufficient to identify the circumstances concerning its formation to the extent that such documents were not previously produced in response to the AP’s Deposition Subpoena.

REQUEST FOR PRODUCTION NO. 2

DOCUMENTS sufficient to show the organizational structure of OBEY CLOTHING.

RESPONSE TO REQUEST FOR PRODUCTION NO. 2

One 3 Two objects to this Request on the grounds that the phrase “organizational structure of OBEY CLOTHING” is undefined and thus vague and ambiguous. One 3 Two objects to this Request as overbroad in that it is not limited as to time or subject matter. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. One 3 Two further objects to this Request to the extent it seeks the same documents requested by the AP in the Deposition Subpoena. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two will produce documents sufficient to show its organizational structure to the extent that such documents were not previously produced in response to the AP’s Deposition Subpoena.

REQUEST FOR PRODUCTION NO. 3

DOCUMENTS sufficient to show the relationship between OBEY CLOTHING and SHEPARD FAIREY AND/OR OBEY GIANT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 3

One 3 Two objects to this Request on the grounds that the term “relationship” is undefined and thus vague and ambiguous. One 3 Two objects to this Request as overbroad in that it is not limited as to time or subject matter. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. One 3 Two further objects to this Request to the extent it seeks the same documents requested by the AP in the Deposition Subpoena. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two will produce documents sufficient to show the relationship between One 3 Two and Shepard Fairey and/or

Obey Giant to the extent that such documents were not previously produced in response to the AP's Deposition Subpoena.

REQUEST FOR PRODUCTION NO. 4

ALL COMMUNICATIONS with SHEPARD FAIREY AND/OR OBEY GIANT CONCERNING the OBAMA GRAPHICS or OBAMA MERCHANDISE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 4

One 3 Two objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. One 3 Two further objects to this Request to the extent it seeks the same documents requested by the AP in the Deposition Subpoena. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two will produce all responsive non-privileged documents in its possession, custody, or control to the extent that such documents were not previously produced in response to the AP's Deposition Subpoena.

REQUEST FOR PRODUCTION NO. 5

ALL COMMUNICATIONS with any other PERSON CONCERNING the OBAMA GRAPHICS, the OBAMA MERCHANDISE, the CLOONEY PHOTO, the OBAMA PHOTO, or THE AP since January 1, 2008.

RESPONSE TO REQUEST FOR PRODUCTION NO. 5

One 3 Two objects to this Request as overbroad and burdensome. One 3 Two further objects to this Request to the extent that the documents sought are equally available to the parties in this litigation. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not

provide any privileged and/or protected information. One 3 Two further objects to this Request to the extent it seeks the same documents requested by the AP in the Deposition Subpoena. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two will produce all responsive non-privileged documents in its possession, custody, or control to the extent that such documents were not previously produced in response to the AP's Deposition Subpoena.

REQUEST FOR PRODUCTION NO. 6

All DOCUMENTS CONCERNING any actual or contemplated contracts (whether oral or written), agreements, work-for-hire arrangements, or agreements for payment or revenues between OBEY CLOTHING and SHEPARD FAIREY AND/OR OBEY GIANT.

RESPONSE TO REQUEST FOR PRODUCTION NO. 6

One 3 Two objects to this Request on the ground that the terms "actual or contemplated contracts," "agreements," "work for hire arrangements," or "agreements for payment or revenues" are undefined and thus vague and ambiguous. One 3 Two further objects to this Request as overbroad and burdensome. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. One 3 Two further objects to this Request to the extent it seeks the same documents requested by the AP in the Deposition Subpoena. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two will produce all responsive non-privileged documents in its possession, custody, or control to the extent that such documents were not previously produced in response to the AP's Deposition Subpoena.

REQUEST FOR PRODUCTION NO. 7

All DOCUMENTS CONCERNING the OBAMA GRAPHICS, including without limitation documents relating to the use, display, distribution, selection, creation, conception, derivation, design, development, manufacture, or licensing of the OBAMA GRAPHICS.

RESPONSE TO REQUEST FOR PRODUCTION NO. 7

One 3 Two objects to this Request on the ground that the terms “use, display, distribution, selection, creation, conception, derivation, design, development, manufacture, [and] licensing” are undefined and thus vague and ambiguous. One 3 Two also objects to the extent that the documents sought are not within One 3 Two’s custody. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. One 3 Two further objects to this Request to the extent it seeks the same documents requested by the AP in the Deposition Subpoena. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two will produce all responsive non-privileged documents in its possession, custody, or control to the extent that such documents were not previously produced in response to the AP’s Deposition Subpoena.

REQUEST FOR PRODUCTION NO. 8

All DOCUMENTS CONCERNING the OBAMA MERCHANDISE, including without limitation documents relating to the use, display, distribution, selection, creation, conception, derivation, design, development, or manufacture, or licensing of the OBAMA MERCHANDISE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 8

One 3 Two objects to this Request on the ground that the terms “use, display, distribution, selection, creation, conception, derivation, design, development, manufacture, [and] licensing” are undefined and thus vague and ambiguous. One 3 Two also objects to the extent that the documents sought are not within One 3 Two’s custody. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. One 3 Two further objects to this Request to the extent it seeks the same documents requested by the AP in the Deposition Subpoena. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two will produce all responsive non-privileged documents in its possession, custody, or control to the extent that such documents were not previously produced in response to the AP’s Deposition Subpoena.

REQUEST FOR PRODUCTION NO. 9

ALL DOCUMENTS CONCERNING profits, revenues, royalties, or fees collected by OBEY CLOTHING from any PERSON relating to the OBAMA GRAPHICS or the OBAMA MERCHANDISE, including without limitation any actual or anticipated revenues or payments paid by OBEY CLOTHING to SHEPARD FAIREY AND/OR OBEY GIANT or any other PERSON.

RESPONSE TO REQUEST FOR PRODUCTION NO. 9

One 3 Two objects to this Request on the ground that the terms “profits, revenues, royalties, [and] fees” and “actual or anticipated revenues or payments” are undefined and thus vague and ambiguous. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the

attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. One 3 Two further objects to this Request to the extent it seeks the same documents requested by the AP in the Deposition Subpoena. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two will produce documents sufficient to show profits, revenues, royalties or fees collected by One 3 Two from any person relating to the Obama Graphics or the Obama Merchandise.

REQUEST FOR PRODUCTION NO. 10

ALL DOCUMENTS CONCERNING revenues, costs, royalties, or fees paid by OBEY CLOTHING to any PERSON, including without limitation SHEPARD FAIREY AND/OR OBEY GIANT, relating to the OBAMA GRAPHICS or the OBAMA MERCHANDISE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 10

One 3 Two objects to this Request on the ground that the terms “revenues, costs, royalties [and] fees” are undefined and thus vague and ambiguous. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. One 3 Two further objects to this Request to the extent it seeks the same documents requested by the AP in the Deposition Subpoena. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two will produce documents sufficient to show revenues, costs, royalties, or fees paid by One 3 Two to Shepard Fairey and/or Obey Giant relating to the Obama Graphics or the Obama Merchandise.

REQUEST FOR PRODUCTION NO. 11

DOCUMENTS sufficient to show the current ownership, board of directors, and corporate officers of OBEY CLOTHING.

RESPONSE TO REQUEST FOR PRODUCTION NO. 11

One 3 Two objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two will produce documents sufficient to show the current ownership, board of directors, and corporate officers of One 3 Two.

REQUEST FOR PRODUCTION NO. 12

DOCUMENTS sufficient to show any liability insurance policy held by OBEY CLOTHING.

RESPONSE TO REQUEST FOR PRODUCTION NO. 12

One 3 Two objects to this Request on the ground that the term “liability insurance policy” is undefined and thus vague and ambiguous. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two will produce documents sufficient to show any liability insurance policy held by One 3 Two.

REQUEST FOR PRODUCTION NO. 13

DOCUMENTS sufficient to show any INDEMNIFICATION agreement between OBEY CLOTHING and SHEPARD FAIREY AND/OR OBEY GIANT CONCERNING OBEY CLOTHING’s use, marketing, or sale of any designs, graphics, or works created by SHEPARD FAIREY AND/OR OBEY GIANT, including without limitation the OBAMA GRAPHICS or the OBAMA MERCHANDISE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 13

One 3 Two objects to this Request on the ground that the terms “use, marketing, [and] sale” and “designs, graphics, [and] works” are undefined and thus vague and ambiguous. One 3 Two further objects to this Request as impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two will produce documents sufficient to show any indemnification agreement between One 3 Two and Shepard Fairey and/or Obey Giant concerning One 3 Two’s use, marketing, or sale of any designs, graphics, or works created by Shepard Fairey and/or Obey Giant.

REQUEST FOR PRODUCTION NO. 14

DOCUMENTS sufficient to show all client or prospective client pitch or promotional materials from 2006 through the present.

RESPONSE TO REQUEST FOR PRODUCTION NO. 14

One 3 Two objects to this Request on the ground that the terms “client [and] prospective client pitch [and] promotional materials” are undefined and thus vague and ambiguous. This Request is also overbroad, vague, and ambiguous to the extent it fails to identify whose promotional materials it is seeking. One 3 Two also objects to this Request on the ground that it is overbroad as to time and subject matter. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two will produce documents sufficient to show all

client or prospective client pitch or promotional materials from 2006 through present, but only to the extent such documents relate or refer to the Obama Merchandise.

REQUEST FOR PRODUCTION NO. 15

DOCUMENTS sufficient to show all press releases, sales or promotional materials, marketing brochures, print or Web advertising, or other advertising media or campaigns REFERRING OR RELATING TO the OBAMA POSTERS or the OBAMA MERCHANDISE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 15

One 3 Two objects to this Request on the ground that the terms “press releases, sales [and] promotional materials, marketing brochures, print [and] Web advertising, [and] advertising media [and] campaigns” are undefined and thus vague and ambiguous. One 3 Two also objects to the extent that the documents sought are not within One 3 Two’s custody. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two will produce documents sufficient to show all press releases, sales or promotional materials, marketing brochures, print or Web advertising, or other advertising media or campaigns referring or relating to the Obama Posters or the Obama Merchandise.

REQUEST FOR PRODUCTION NO. 16

DOCUMENTS sufficient to show all press releases, sales or promotional materials, marketing brochures, print or Web advertising, or other advertising media or campaigns REFERRING OR RELATING TO the FRIEDMAN

MERCHANDISE, the ISRAEL/PALESTINE MERCHANDISE, the MEDEROS MERCHANDISE, or the ROCKOFF MERCHANDISE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 16

One 3 Two objects to this Request on the ground that the terms “press releases, sales [and] promotional materials, marketing brochures, print [and] Web advertising, [and] advertising media [and] campaigns” are undefined and thus vague and ambiguous. One 3 Two also objects to the extent that the documents sought are not within One 3 Two’s custody. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. Subject to and without waiving the foregoing general and specific objections, One 3 Two is willing to meet and confer with the AP to narrow the scope of this Request so that it includes only documents properly subject to disclosure in this action.

REQUEST FOR PRODUCTION NO. 17

DOCUMENTS sufficient to show all COMMUNICATIONS with the United States Copyright Office or the United States Patent & Trademark Office CONCERNING OBEY CLOTHING’s intellectual property rights and assets, including without limitation any copyright or trademark registration application and related correspondence, since January 1, 2006.

RESPONSE TO REQUEST FOR PRODUCTION NO. 17

One 3 Two objects to this Request on the ground that the terms “intellectual property rights and assets [and] copyright or trademark registration [and] related correspondence” are undefined and thus vague and ambiguous. One 3 Two also objects to this Request as overbroad as to time and subject matter. One 3 Two further objects to this Request on the ground that it is impermissibly compound.

One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. One 3 Two further objects to this Request to the extent that it seeks confidential proprietary documents. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two responds that it has no documents in its possession, custody, or control responsive to this Request.

REQUEST FOR PRODUCTION NO. 18

DOCUMENTS sufficient to show the management and enforcement of OBEY CLOTHING's intellectual property rights, including without limitation all cease-and-desist letters, demands, complaints, or causes of action sent, or asserted by, or on behalf of OBEY CLOTHING, since January 1, 2006.

RESPONSE TO REQUEST FOR PRODUCTION NO. 18

One 3 Two objects to this Request on the ground that the terms "management," "enforcement," "intellectual property rights" and "cease-and desist letters, demands, complaints, [and] causes of action" are undefined and thus vague and ambiguous. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two will produce documents sufficient to show the management and enforcement of One 3 Two's intellectual property rights.

REQUEST FOR PRODUCTION NO. 19

DOCUMENTS sufficient to show any licensing or royalty agreements between OBEY CLOTHING and any PERSON to use that PERSON's designs, graphics, or works on clothing, accessories, or merchandise sold by OBEY

CLOTHING, including without limitation all payments made to any PERSON for the use of that PERSON's designs, graphics, or works on clothing, accessories, or merchandise sold by OBEY CLOTHING.

RESPONSE TO REQUEST FOR PRODUCTION NO. 19

One 3 Two objects to this Request on the ground that the terms "licensing or royalty agreements" and "designs, graphics, [and] works on clothing, accessories, [and] merchandise," are undefined and thus vague and ambiguous. One 3 Two further objects to this Request as overbroad as to subject matter insofar as it requests documents relating to third parties who are not named in this litigation and will only produce documents relating to Shepard Fairey, Obey Giant Art, Inc., Obey Giant LLC and Studio Number One, Inc. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two will produce documents sufficient to show any licensing or royalty agreements between One 3 Two and Shepard Fairey, Obey Giant Art, Inc., Obey Giant LLC and/or Studio Number One, Inc.

REQUEST FOR PRODUCTION NO. 20

ALL COMMUNICATIONS with SHEPARD FAIREY AND/OR OBEY GIANT, Glen E. Friedman, or any other PERSON CONCERNING the FRIEDMAN GRAPHICS or the FRIEDMAN MERCHANDISE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 20

One 3 Two objects to this Request as overbroad as to subject matter and time. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it

purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two is willing to meet and confer with the AP to narrow the scope of this Request so that it includes only documents properly subject to disclosure in this action.

REQUEST FOR PRODUCTION NO. 21

All COMMUNICATIONS with SHEPARD FAIREY AND/OR OBEY GIANT, THE AP, or any other PERSON CONCERNING the ISRAEL/PALESTINE GRAPHIC or the ISRAEL/PALESTINE MERCHANDISE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 21

One 3 Two objects to this Request as overbroad as to subject matter and time. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two is willing to meet and confer with the AP to narrow the scope of this Request so that it includes only documents properly subject to disclosure in this action.

REQUEST FOR PRODUCTION NO. 22

All COMMUNICATIONS with SHEPARD FAIREY AND/OR OBEY GIANT, Lincoln Cushing, or any other PERSON CONCERNING the MEDEROS GRAPHICS or the MEDEROS MERCHANDISE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 22

One 3 Two objects to this Request as overbroad as to subject matter and time. One 3 Two further objects to this Request on the ground that it is

impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two is willing to meet and confer with the AP to narrow the scope of this Request so that it includes only documents properly subject to disclosure in this action.

REQUEST FOR PRODUCTION NO. 23

ALL COMMUNICATIONS with SHEPARD FAIREY AND/OR OBEY GIANT or any other PERSON CONCERNING the ROCKOFF GRAPHICS or the ROCKOFF MERCHANDISE, including without limitation all COMMUNICATIONS with Al Rockoff, Cory Sontag, or any other PERSON purporting to act on behalf of Al Rockoff.

RESPONSE TO REQUEST FOR PRODUCTION NO. 23

One 3 Two objects to this Request as overbroad as to subject matter and time. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two is willing to meet and confer with the AP to narrow the scope of this Request so that it includes only documents properly subject to disclosure in this action.

REQUEST FOR PRODUCTION NO. 24

DOCUMENTS sufficient to show the use, display, distribution, selection, creation, conception, derivation, design, development, manufacture, or licensing of the FRIEDMAN GRAPHICS or the FRIEDMAN MERCHANDISE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 24

One 3 Two objects to this Request on the ground that the terms “use, display, distribution, selection, creation, conception, derivation, design, development, manufacture, [and] licensing” are undefined and thus vague and ambiguous. One 3 Two further objects to this Request as overbroad as to subject matter and time. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two is willing to meet and confer with the AP to narrow the scope of this Request so that it includes only documents properly subject to disclosure in this action.

REQUEST FOR PRODUCTION NO. 25

DOCUMENTS sufficient to show the use, display, distribution, selection, creation, conception, derivation, design, development, manufacture, or licensing of the ISRAEL/PALESTINE GRAPHIC or the ISRAEL/PALESTINE MERCHANDISE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 25

One 3 Two objects to this Request on the ground that the terms “use, display, distribution, selection, creation, conception, derivation, design, development, manufacture, [and] licensing” are undefined and thus vague and ambiguous. One 3 Two further objects to this Request as overbroad as to subject matter and time. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected

information. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two is willing to meet and confer with the AP to narrow the scope of this Request so that it includes only documents properly subject to disclosure in this action.

REQUEST FOR PRODUCTION NO. 26

DOCUMENTS sufficient to show the use, display, distribution, selection, creation, conception, derivation, design, development, manufacture, or licensing of the MEDEROS GRAPHICS or the MEDEROS MERCHANDISE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 26

One 3 Two objects to this Request on the ground that the terms “use, display, distribution, selection, creation, conception, derivation, design, development, manufacture, [and] licensing” are undefined and thus vague and ambiguous. One 3 Two further objects to this Request as overbroad as to subject matter and time. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two is willing to meet and confer with the AP to narrow the scope of this Request so that it includes only documents properly subject to disclosure in this action.

REQUEST FOR PRODUCTION NO. 27

DOCUMENTS sufficient to show the use, display, distribution, selection, creation, conception, derivation, design, development, manufacture, or licensing of the ROCKOFF GRAPHICS or the ROCKOFF MERCHANDISE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 27

One 3 Two objects to this Request on the ground that the terms “use, display, distribution, selection, creation, conception, derivation, design, development, manufacture, [and] licensing” are undefined and thus vague and ambiguous. One 3 Two further objects to this Request as overbroad as to subject matter and time. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two is willing to meet and confer with the AP to narrow the scope of this Request so that it includes only documents properly subject to disclosure in this action.

REQUEST FOR PRODUCTION NO. 28

DOCUMENTS sufficient to show any actual or anticipated gross or net revenues, profits, royalties, or fees collected (on a per-customer basis and in the aggregate) REFERRING OR RELATING TO the FRIEDMAN MERCHANDISE, the ISRAEL/PALESTINE MERCHANDISE, the MEDEROS MERCHANDISE, or the ROCKOFF MERCHANDISE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 28

One 3 Two objects to this Request on the ground that the terms “gross [and] net revenues, profits, royalties, [and] fees collected” are undefined and thus vague and ambiguous. One 3 Two further objects to this Request as overbroad as to subject matter and time. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or

protected information. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two is willing to meet and confer with the AP to narrow the scope of this Request so that it includes only documents properly subject to disclosure in this action.

REQUEST FOR PRODUCTION NO. 29

DOCUMENTS sufficient to show any actual or anticipated gross or net revenues, profits, royalties, or fees collected (on a per-customer basis and in the aggregate) REFERRING OR RELATING TO the OBAMA GRAPHICS or the OBAMA MERCHANDISE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 29

One 3 Two objects to this Request on the ground that the terms “gross [and] net revenues, profits, royalties, [and] fees collected” are undefined and thus vague and ambiguous. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two will produce documents sufficient to show any actual or anticipated gross or net revenues, profits, royalties, or fees collected relating to the Obama Graphics or the Obama Merchandise to the extent that such documents were not previously produced in response to the AP’s Deposition Subpoena.

REQUEST FOR PRODUCTION NO. 30

DOCUMENTS sufficient to show all costs or expenses, including without limitation all overhead costs, attributed to the OBAMA MERCHANDISE (on a per-unit basis and in the aggregate).

RESPONSE TO REQUEST FOR PRODUCTION NO. 30

One 3 Two objects to this Request on the ground that the terms “costs [and] expenses,” “overhead costs,” and “attributed” are undefined and thus vague and ambiguous. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two will produce documents sufficient to show all costs or expenses attributed to the Obama Merchandise to the extent that such documents were not previously produced in response to the AP’s Deposition Subpoena.

REQUEST FOR PRODUCTION NO. 31

DOCUMENTS sufficient to show all costs, including without limitation all overhead costs, attributed to the FRIEDMAN MERCHANDISE, the ISRAEL/PALESTINE MERCHANDISE, the MEDEROS MERCHANDISE, and the ROCKOFF MERCHANDISE (on a per-unit basis and in the aggregate).

RESPONSE TO REQUEST FOR PRODUCTION NO. 31

One 3 Two objects to this Request on the ground that the terms “costs” “overhead costs,” and “attributed” are undefined and thus vague and ambiguous. One 3 Two further objects to this Request as overbroad as to time and subject matter. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two is willing to meet and confer with the AP to narrow

the scope of this Request so that it includes only documents properly subject to disclosure in this action.

REQUEST FOR PRODUCTION NO. 32

ALL DOCUMENTS CONCERNING the events, projects, activities, and amounts identified in the document bearing the heading “OBAMA SPECIAL PROJECTS,” which was produced bearing the Bates number OBCL00181.

RESPONSE TO REQUEST FOR PRODUCTION NO. 32

One 3 Two objects to this Request on the ground that the terms “events, projects, activities [and] amounts” are undefined and thus vague and ambiguous. One 3 Two further objects to this Request on the ground that it is impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two will produce all responsive non-privileged documents in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 33

DOCUMENTS sufficient to show any and all amounts paid by OBEY CLOTHING to SHEPARD FAIREY AND/OR OBEY GIANT from 2006 through 2009 (on a year-by-year basis and in the aggregate).

RESPONSE TO REQUEST FOR PRODUCTION NO. 33

One 3 Two objects to this Request on the ground that the phrase “amounts paid” is undefined and thus vague and ambiguous. One 3 Two further objects to this Request on the ground that it is overbroad as to subject matter and time and it will only produce documents relating to the Obama Merchandise. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not

provide any privileged and/or protected information. One 3 Two further objects to this Request to the extent that it seeks financial or confidential proprietary documents. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two will produce documents sufficient to show amounts paid by One 3 Two to Shepard Fairey and/or Obey Giant relating to the Obama Merchandise.

REQUEST FOR PRODUCTION NO. 34

DOCUMENTS sufficient to show all DONATIONS made by or on behalf of OBEY CLOTHING, including without limitation DOCUMENTS sufficient to show the monetary equivalent or value of such DONATIONS (on a per-unit basis and in the aggregate).

RESPONSE TO REQUEST FOR PRODUCTION NO. 34

One 3 Two objects to this Request on the ground that the phrase “monetary equivalent” and the term “value” are undefined and thus vague and ambiguous. One 3 Two further objects to this Request on the ground that it is overbroad as to subject matter and time. Subject to and without waiving any of the foregoing general and specific objections, One 3 Two will produce documents sufficient to show Donations made by or on behalf of One 3 Two, but only to the extent such documents relate to the Obama Merchandise.

REQUEST FOR PRODUCTION NO. 35

DOCUMENTS sufficient to show OBEY CLOTHING’s federal, state, and local income tax returns for the time periods during which OBEY CLOTHING produced, manufactured, printed, distributed, marketed, or sold the OBAMA MERCHANDISE.

RESPONSE TO REQUEST FOR PRODUCTION NO. 35

One 3 Two objects to this Request on the ground that the terms “produced, manufactured, printed, distributed, marketed [and] sold” are undefined and thus

vague and ambiguous. One 3 Two further objects to this Request on the ground that it is overbroad as to subject matter. One 3 Two further objects to this Request as impermissibly compound. One 3 Two also objects to this Request to the extent it purports to seek information protected by the attorney-client privilege or the work product doctrine, and One 3 Two will not provide any privileged and/or protected information. One 3 Two further objects to this Request to the extent that it seeks financial or confidential proprietary documents. Based upon the above objections, One 3 Two refuses to provide responsive documents, if any, in its possession, custody, or control.

REQUEST FOR PRODUCTION NO. 36

DOCUMENTS sufficient to show OBEY CLOTHING's annual financial statements for 2006 through the present.

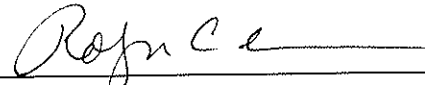
RESPONSE TO REQUEST FOR PRODUCTION NO. 36

One 3 Two objects to this Request on the ground that the phrase "annual financial statements" are undefined and thus vague and ambiguous. One 3 Two further objects to this Request on the ground that it is overbroad as to subject matter and time. One 3 Two further objects to this Request to the extent that it seeks financial or confidential proprietary documents. Based upon the above

objections, One 3 Two refuses to provide responsive documents, if any, in its possession, custody, or control.

Dated: Los Angeles, California
March 12, 2010

Respectfully submitted,

By 
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(admitted pro hac vice)
Jeanne A. Fugate
(admitted pro hac vice)
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*Counsel for Counterclaim Defendant
One 3 Two, Inc. (d/b/a Obey
Clothing)*

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 At the time of service, I was over 18 years of age and **not a party to this action**. I am
4 employed in the County of Los Angeles, State of California. My business address is 1000
Wilshire Boulevard, Suite 600, Los Angeles, California 90017-2463.

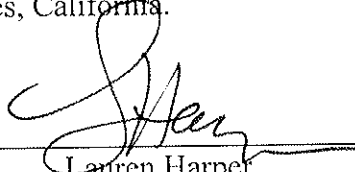
5 On March 12, 2010, I served true copies of the following document(s) described as
6 **COUNTERCLAIM DEFENDANT ONE 3 TWO'S SUPPLEMENTAL RESPONSES AND**
7 **OBJECTIONS TO FIRST SET OF REQUESTS FOR PRODUCTION PROPOUNDED BY**
8 **DEFENDANT, COUNTERCLAIM PLAINTIFF AND CROSS-CLAIM**
9 **PLAINTIFF/DEFENDANT THE ASSOCIATED PRESS** on the interested parties in this action
as follows:

10 **SEE ATTACHED SERVICE LIST**

11 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be
12 sent from e-mail address harper@caldwell-leslie.com to the persons at the e-mail addresses listed
13 in the Service List. I did not receive, within a reasonable time after the transmission, any
electronic message or other indication that the transmission was unsuccessful.

14 I declare under penalty of perjury under the laws of the United States of America that the
15 foregoing is true and correct and that I am employed in the office of a member of the bar of this
16 Court at whose direction the service was made.

17 Executed on March 12, 2010, at Los Angeles, California.

18 
19 _____
20 Lauren Harper

SERVICE LIST
Shepard Fairey, et al. v. The Associated Press, et al.
Case No. 09-01123 (AKH)

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Counsel for:

One 3 Two, Inc. d/b/a Obey Clothing

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