

**Exhibit A**

**to the AP's**

**Opposition to One 3 Two, Inc.'s**

**Motion in Limine No. 7 to Exclude**

**Unrelated Copyright Claims and**

**Settlement Evidence**

**From:** info  
**To:** IN STUDIO ONLY (PRIVATE)  
**Cc:**  
**Bcc:**  
**Subject:** FW: Image use copyright violation  
**Attachments:**

July 27, 2007 4:07:36 PM (-07)

----- Forwarded Message

From: Lincoln Cushing <lcushing@igc.org>  
Date: Fri, 27 Jul 2007 13:29:24 -0700  
To: info <info@obeyclothing.com>  
Subject: Re: Image use copyright violation

Chris-

Thanks, that's fine. I have to say, I'm disappointed that it appears that OBEY made little effort to determine if there were rights issues involved in using such an image. In this case, it's entirely likely that the estate of the artist's family would have been fine with arranging authorized use with a reasonable royalty. The work of Cuban graphic artists, especially, has been considerably exploited over the years. In addition to the issue of royalty, there is the issue of credit. I believe that purchasers of OBEY products buy them with the understanding that the products are personally designed by Sheppard Fairey. Examples such as this - and I suspect there are others - undermine that faith. Something to consider.

I appreciate your standing up to this. Best wishes.

Lincoln Cushing  
Docs Populi

On Jul 27, 2007, at 12:26 PM, info wrote:

> Lincoln, to clarify I am a partner in the OBEY clothing brand and I  
> typically do handle any type of trademark or art issues that may  
> arise. I  
> have been in contact with our Canadian distributor whom will  
> contact Bombing  
> Science to make sure that image is pulled off the site. We have ceased  
> production and you have my word that there will never be another  
> run on this  
> style. If I do come across any other retailers that are advertising  
> the  
> style then I will also ask that they cease to show the image. Thank  
> you for  
> your approach to this matter.  
>  
> Best Regards,  
>  
> Chris Broders  
>  
>> Chris-  
>>  
>> Thanks for the reply. Just so that I'm clear, since your e-mail  
>> doesn't have much by way of identification:  
>> You are an authorized representative of Obey Clothing (or whatever

>> corporate entity is responsible for these shirts), you are confirming  
>> that you will no longer carry this item, and you will remove listing  
>> of them from current advertising as is feasible.  
>> Correct? Please confirm.  
>>  
>> Thanks for the reply.  
>>  
>> Lincoln Cushing  
>> Docs Populi  
>>  
>>  
>>  
>> On Jul 26, 2007, at 8:23 PM, info wrote:  
>>  
>>> Hello Lincoln and thank you for your e-mail. I am aware of the  
>>> shirt design  
>>> you mention and the online retailer you are sighting. We ran a  
>>> small run of  
>>> that design for our Summer season. We have sold through inventory  
>>> and will  
>>> be happy to agree not to make any more of that design. We will  
>>> contact the  
>>> retailer as well and have them grab that design off of their site  
>>> at this  
>>> point.  
>>>  
>>>  
>>> Best Regards,  
>>>  
>>> Chris Broders  
>>>  
>>>  
>>>  
>>>  
>>>  
>>>  
>>>  
>>>  
>>>  
>>>> Obey/Bombing Science Corporation:  
>>>>  
>>>> Please be advised that the "Cuban Rider" t-shirt you have listed  
>>>> for  
>>>> sale at  
>>>> <[http://www.bombingscience.com/catalog.htm?item=3683&ret=http%3A%  
>>>> 2F%  
>>>> 2Fwww.bom](http://www.bombingscience.com/catalog.htm?item=3683&ret=http%3A%2F%2Fwww.bom)>  
>>>> is a direct copy of a poster by Cuban artist Rene Mederos, and  
>>>> is an  
>>>> unauthorized violation of his work. I work closely with the Mederos  
>>>> estate and have represented them in several arrangements for use of  
>>>> his work.  
>>>>  
>>>> A quick reference to this poster appears on my web page <[http://  
>>>> www.docspopuli.org](http://www.docspopuli.org)> and has been reproduced (with permission) in my  
>>>> book Revolucion! Cuban Poster Art as well as in David Kunzle's  
>>>> book  
>>>> Che Guevara: Icon, Myth and Message.  
>>>>  
>>>> Given that your item is violating the intellectual property  
>>>> rights of  
>>>> another artist, you can do one of two things - either negotiate  
>>>> with

>>>> Rene Mederos' estate for a fair royalty (assuming that they will  
>>>> grant it) or you can immediately stop production of this item and  
>>>> remove advertising from the public.  
>>>>  
>>>> Please let me know how you wish to proceed.  
>>>>  
>>>> Lincoln Cushing  
>>>> Docs Populi  
>>>> 510-418-5193  
>>>>  
>>>>  
>>>  
>>>  
>>  
>>  
>  
>

----- End of Forwarded Message

```
<?xml version="1.0" encoding="UTF-8"?>
<!DOCTYPE plist PUBLIC "-//Apple Computer//DTD PLIST
1.0//EN" "http://www.apple.com/DTDs/PropertyList-1.0.dtd">
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<dict>
  <key>date-sent</key>
  <real>1185577502</real>
  <key>flags</key>
  <integer>261253</integer>
  <key>original-mailbox</key>
  <string>pop://sfinsno%40studionumber-one.com@obeygiant.com/</string>
  <key>remote-id</key>
  <string>UID2887-1175113377</string>
  <key>sender</key>
  <string>info &lt;info@obeyclothing.com&gt;</string>
  <key>subject</key>
  <string>FW: Image use copyright violation</string>
  <key>to</key>
  <string>"IN STUDIO ONLY (PRIVATE)" &lt;sfinsno@studionumber-one.com&gt;</string>
</dict>
</plist>
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