

Exhibit C

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: Don Juncal
To: nicholasjamesgrp@aol.com; Chris @ OBEY
Cc:
Bcc:
Subject: **Re: Bravado Vs. OBEY**

October 03, 2007 5:36:05 PM (-07)

Attachments:

Justin,

Thank you for this information, this helps. I would like to meet Travis, in person please have him email me and let know a convenient time we can meet.

Thank you-
Don

nicholasjamesgrp@aol.com wrote:

- > Don:
- >
- > Regarding the images in question, there is potential exposure for
- > trademark infringement on the Clash/Public t-shirt - regardless of
- > whether its a hand drawn logo or not. The names alone are still
- > protected, legally. Since trademark law does allow for penalties,
- > their interest in your profits on that shirt might be valid.
- >
- > When in doubt, substitute Coca-Cola for the band name and see if you
- > still think you can get away with it.
- >
- > The Jenny Lens shirt is more a matter of the Publicity Rights which
- > the various uncleared artists on the collage t-shirt may or may not
- > have granted the photographer. As discussed, legal would typically
- > suggest you to hold back all royalties payable to the photographer
- > pending resolution of the potential claims - though I imagine that
- > Jenny Lens didn't think to indemnify Obey Clothing for usage. If she
- > has either "implied" or explicit publicity rights to the images she
- > took - or is on good terms with the artists in the pics - then you
- > could be ok. You might ask her. Either way I think you might answer
- > Bravado with "we licensed the collage image from the photographer who
- > holds those rights" and see what they say. I'm not sure that they want
- > to go after an iconic photographer, and out of respect (or good
- > business sense) they might see the value of going back to her for more
- > of her classic images.
- >
- > Re: Morrissey-looking shirt. I think your response showing the
- > progression from Obey employee to newspaper silhouette is a good move
- > - though if you think that the end image is pretty close to a
- > Morrissey trademark or copyright image then a judge will only compare
- > the final t shirt image against the album or poster art and decide -
- > in their favor.
- >
- > Either way there is not much you can do now except stop producing and
- > distributing these products - which you already have, right? The
- > potential resolution in lieu of litigation is to offer a small
- > percentage of profits Obey earned from actual sales (at least as a
- > first point of negotiating a settlement).
- >

> Another way might be to offer Obey/Shepard generated band T's - you
> know, shirts that look homemade but designed by Shepard for Clash,
> Public Enemy, etc. Just a thought & you'd need to talk to Shepard
> about that.

>
> At this point, Obey Clothing, Obey and Shepard are clearly on the
> radar with Bravado and they are a BIG ASS company with far reaching
> rights and lots and lots of lawyers. I might suggest that you beef up
> your IP representation so as to avoid future challenges like these.
> As indicated, Travis Pananides @ Goldring, Hertz & Lichtenstein is my
> partner on another project and specializes in this stuff. In fact,
> his firm represents Will I Am and Gwen Stefani who both have extensive
> licensing. Since your old lawyer departed her firm you are going to
> need a new one & I'm happy to set up a meeting with him.

>
> At the end of the day, we must reiterate that not all of Shepard's art
> can translate to apparel and, in lieu of submitting t-shirt art for
> our approval, you need to use your own best / educated judgement.

>
> The Danzig solution was a gift from God and the background info we
> manage to uncover was the only thing that saved the situation from
> certain disaster. I don't think there there are many more rabbits in
> the hat. :(

>
> Hope this helps & call me if you want to meet Travis. JM

>
>
>
> -----Original Message-----
> From: Don Juncal <don@obeyclothing.com>
> To: NicholasJamesGrp@aol.com; nicholasjamesgrp@aol.com
> <nicholasjamesgrp@aol.com>
> Sent: Wed, 26 Sep 2007 5:16 pm
> Subject: [Fwd: Bravado Vs. OBEY]

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> Justin,

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>
> Sorry I was on the phone when you called. Here is the image that they
> think is Morissey, we called this the Newspaper Face, and you can see it
> is Arthur.

>
> I will send the other two images as soon as I get them from the
> design team tonight. I appreciate your attention to these issues.

>
>
> Have a good evening,

>
> Don

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>
> Attached Message
> From:Chris @ OBEY
> <chris@obeyclothing.com>To:kfeinswog@aol.comSubject:Bravado Vs.
> OBEYDate:Mon, 23 Jul 2007 11:53:16 -0700
>
>
>
>
> Kenneth, thank you for taking the time to give me a call back today. I
> have
> attached the art files used to create the design in question. As you
> can see
> we make no reference to Morrissey in this image. We have not used the
> image
> or the OBEY typography in any manner which references Morrissey or his
> body
> of work. The photo used to create this piece of art is of one of our
> employees and any similarity is coincidental in this case.
>
> Best regards,
>
> Chris Broders
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>
> ** CHRIS BRODERS **
> 2313 S. SUSAN STREET
> SANTA ANA, CA 92704
> PH 714.429.1595 EXT: 238
> FAX 714.429.1594
> chris@obeyclothing.com
>
>
> www.obeyclothing.com
> www.obeygiant.com
>
>
>
> _____ NOD32 2415 (20070723) Information _____
>
> This message was checked by NOD32 antivirus system.
> <http://www.eset.com>
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> [Image Removed]

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> _____
> Email and AIM finally together. You've gotta check out free AOL Mail!

> - <http://mail.aol.com>

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> _____ NOD32 2563 (20071001) Information _____

>

> This message was checked by NOD32 antivirus system.

> <http://www.eset.com>

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