

EXHIBIT A
TO ONE 3 TWO, INC.’S
OPPOSITION TO THE AP’S
MOTION IN LIMINE NO. 4

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

SHEPARD FAIREY and OBEY ART, INC.,
Plaintiffs,

vs. 09-CV-01123

THE ASSOCIATED PRESS,

Defendant and Counterclaim
Plaintiff,

vs.

SHEPARD FAIREY, OBEY GIANT ART, INC., OBEY
GIANT LLC, and STUDIO NUMBER ONE, INC.,

Counterclaim Defendants.

DEPOSITION OF FARAH DeGRAVE

TUESDAY, MARCH 23, 2010

12:21 p.m.

Reported by: Adrienne M. Mignano, RPR

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2 A Whatever it is our price book
3 says.

4 Q As someone who is experienced
5 with these things, supposing you had to
6 give someone a price, a client was asking
7 you right now, I would like to do 25,000,
8 what kind of price can I expect from you
9 for that?

10 MS. RAY: Objection. Calls for
11 speculation.

12 MS. STERN: That's exactly what
13 I'm calling for.

14 MS. RAY: Just so we understand
15 each other.

16 A Well, if a client was asking me
17 for a price, I would go to my pricing
18 book. If I was at a client's location, I
19 would say why don't we jump on the Getty
20 site and see what they are charging. And
21 we would come up with a price, you know,
22 that was similar to that.

23 But, again, if I'm going to
24 issue a license, I'm going to go to my
25 pricing book and give them a number. It

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2 that are specific to how it is being used,
3 there are literally millions of
4 combinations in terms of how a price is
5 going to come about. There are millions.

6 If you print one, if you print
7 five, if you print it over five years,
8 over 10 years, what's the size, I mean, so
9 I feel like it is unrealistic for you to
10 say to me tell me specifically what 25,000
11 T-shirts would cost. That's why we
12 created the guide, because there are so
13 many -- you know, we have spent so much
14 time creating this guide.

15 I mean, if I was at a client's
16 or if you wanted to, I would say why don't
17 you look at the Getty site, let's take a
18 look, because all of the criteria we're
19 talking about is essentially there. And
20 we would definitely use the Getty site as
21 a reference to say, well, what is the
22 industry charging right now for this.

23 So I'm not trying to be
24 argumentative with you. And I just want
25 you to understand that I don't have that