UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

SHEPARD FAIREY and OBEY GIANT ART, INC.

Plaintiffs,

v.

THE ASSOCIATED PRESS and MANNIE GARCIA,

Defendants.

v.

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

Counterclaim Defendants.

OPTION CONTROL OF THE PROPERTY OF THE PROPERTY

NOTICE OF MOTION TO INTERVENE

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, the Declaration of George F. Carpinello and the proposed Answer, Counterclaims and Cross-Claims, Mannie Garcia will move this Court on August 5, 2009 for an order, pursuant to Fed. R. Civ. P. 24 allowing him to intervene in this action as a defendant and counter-claim Plaintiff.

PLEASE TAKE FURTHER NOTICE that responses to the Motion, if any, shall be served on or before July 22, 2009 on counsel for proposed intervener. Reply papers, if any, shall be served on or before July 29, 2009.

BOIES, SCHILLER & FLEXNER, LLP

By:

George F. Carpinello (GC 4229) 10 North Pearl Street, 4th Floor Albany, NY 12207 (518) 434-0600

Michael Underhill 5301 Wisconsin Avenue, N.W. Washington, D.C. 20015 (202) 274-1120

KILE GOEKJIAN REED & MCMANUS, PLLC

Bradford E. Kile 1200 New Hampshire Avenue NW Suite 570 Washington, D.C. 20036 (202) 659-8000

Attorneys for Intervener Mannie Garcia

TO: Anthony T. Falzone
Julie A. Aherns
Standford Law School Center for
Internet & Society
559 Nathan Abbot Way
Stanford, CA 94305
(650) 736-9050

Dated: July 8, 2009

Joseph C. Gratz Mark Lemley Michael H. Page Durie Tangri Lemley Roberts & Kent LLP 332 Pine Street, Suite 200 San Francisco, CA 94104 (415) 362-6666

Attorneys for Plaintiff Shepard Fairey

Dale M. Cendali Brendan T. Kehoe Kirkland & Ellis LLP Citigroup Center 153 East 53rd Street New York, NY 10022 (212) 446-4846

Attorneys for The Associated Press

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