

protected by the Fair Use Doctrine.

**PRAYER FOR RELIEF**

WHEREFORE, Fairey, Obey Giant, Obey Giant LLC and Studio Number One, Inc. request this Court to enter judgment:

1. Declaring that Fairey's Obama Works do not infringe any copyrights held by the AP or Garcia;
2. Declaring that Fairey's use of the ~~Garcia~~Obama Photograph as a visual reference in creating the Obama Works is privileged under, and protected by, the Fair Use Doctrine;
3. Enjoining Garcia, his agents, attorneys, and assigns from asserting copyrights against Fairey, Obey Giant, Obey Giant LLC or Studio Number One, Inc. in connection with any of the Obama Works;
4. Enjoining Garcia, his agents, attorneys, and assigns from asserting copyrights against any third party (including but not limited to the Smithsonian Institution and the Institute for Contemporary Art / Boston) that possesses, reproduces, distributes or displays any of the Obama Works;
5. Awarding Fairey and Obey Giant their reasonable attorneys' fees and costs; and

6. Awarding any other relief the Court deems just and proper.

DATED: August 14, 2009

Respectfully Submitted,

/s/

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**DEMAND FOR JURY TRIAL**

Plaintiffs Shepard Fairey and Obey Giant, and Counterclaim Defendants Obey Giant LLC and Studio Number One, Inc. demand a jury trial on all issues properly triable to a jury.

DATED: ~~August 14~~October 9, 2009

Respectfully Submitted,

/s/

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# **EXHIBIT A**



# **EXHIBIT B**



**PROGRESS**

# **EXHIBIT C**





**HOPE**

# **EXHIBIT D**



# **EXHIBIT E**

**BE THE CHANGE**



**JANUARY 20TH 2009**