

September 5, 2017

Louis W. Tompros

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By Federal Express

Mr. Anthime J Gionet (a.k.a. "Baked Alaska")



Re: Misappropriation of Pepe the Frog

Dear Mr. Gionet:

My colleagues and I represent Matt Furie, the creator of Pepe the Frog ("Pepe" or the "Work"). Mr. Furie is the sole and exclusive owner of all intellectual property rights—including copyright—in the Pepe the Frog character, image, and name. Mr. Furie therefore has the exclusive rights, among others, to make copies of the original Work, prepare derivative works of the original Work, and/or distribute copies of the Work by sale, rental, lease, and/or lending.

We understand that you have used Pepe the Frog in connection with your promotion of racist, alt-right, white supremacist, white nationalist, anti-Semitic, and neo-Nazi messages across various forms of media. For example, we understand that you have included images of Pepe on your Twitter feed "@bakedalaska," including in a tweet dated September 18, 2016, in which you posted an image of a purported "baked alaska pepe." On April 13, 2017, you tweeted that you would "use pepe memes all [you] want actually." On that same Twitter feed, on August 11, 2017, you tweeted a video of the so-called "14 words," a well-known neo-Nazi slogan.

In addition, we understand that you have used images of Pepe in the Android version of your game, *Build The Wall: The Game*. Screenshots of *Build The Wall: The Game* depict an image of Pepe the Frog, and the Google Play description of the game refers to "Special Appearances by Pepe the Frog."

Finally, you have used the character, name, and image of Pepe the Frog in your book *Meme Magic Secrets Revealed*, including unauthorized images of Pepe on the cover of the book, and on at least pages 5, 251, 261, and 265. The Amazon.com description of the book (which you presumably approved) describes you as an "alt-right insider" and a "prominent figure in the so-called 'Alt-Right' and New Right political movements."

Your use of Pepe the Frog in connection with your promotion of hate is unauthorized and unacceptable. Pepe is a peaceful frog who represents togetherness and fun—not hate.

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As you have expressly admitted in your book, Matt Furie created Pepe the Frog. Your use of Pepe the Frog without Mr. Furie's permission constitutes copyright infringement in violation of the Copyright Act, 17 U.S.C. § 101 *et seq.* We request that you immediately stop using or distributing any images of Pepe the Frog. Specifically, effective immediately, cease and desist from: (1) selling or offering for sale the current edition of *Meme Magic Secrets Revealed* (which contains use of the Pepe character and images of Pepe); (2) distributing any version of *Build The Wall: The Game* containing any image of Pepe; (3) distributing any image of Pepe in any form, including through Twitter or other social media. Please confirm that you have complied with this cease-and-desist request within 5 days of receipt.

In addition, under U.S. copyright law, Mr. Furie is entitled to damages for your infringement. After we have received confirmation that you have ceased infringement, we will contact you to discuss what additional information we need from you to calculate the appropriate amount of damages.

Please be advised that, if we do not receive confirmation that you have complied in full with this request, we reserve the right to bring an action against you to permanently enjoin you from using Pepe the Frog, to obtain statutory damages, actual damages, unlawful profits, and attorney's fees and costs, and to seek all other remedies available under applicable Federal and state laws.

We strongly advise you to seek legal representation in connection with this matter. I look forward to a prompt response from you or your counsel.

Very truly yours,

A handwritten signature in black ink, appearing to read "Louis W. Tompros". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Louis W. Tompros