

September 12, 2017

Louis W. Tompros

By Email and Federal Express

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Michael C. Cernovich (a.k.a. "Mike Cernovich")

Re: Misappropriation of Pepe the Frog

Dear Mr. Cernovich:

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 alt-right messages across various forms of media. For example, you have published (and may have created) a video entitled *Hillary Clinton reads a passage from "What Happened" (featuring Pepe)* that includes a video recreation of Pepe the Frog. You published that video at least through your YouTube page (<https://www.youtube.com/watch?v=6QrOLg9cVug>) and your Facebook page (<https://www.facebook.com/MikeCernovich/videos/1287725544689828/>).

In addition, we understand that you have used images of Pepe on your *Danger and Play* website. For example, the page <http://www2.dangerandplay.com/2016/08/31/is-mike-cernovich-part-of-the-alt-right/> includes an image of Pepe the Frog in the banner image at the top of the page.

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.

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, including those identified in this letter. Specifically, effective immediately, cease and desist from: (1) publishing any video including Pepe the Frog (including but not limited to *Hillary Clinton reads a passage from "What Happened" (featuring Pepe)*); (2) publishing any image of Pepe the Frog (including but not limited to on your *Danger and Play* website). Please also immediately remove the video and images identified above from Facebook, YouTube, your *Danger and Play*

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website, and any other public location. Please confirm that you have complied with each of these requests 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