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February 10, 2015

VIA E-MAIL

Christopher Jon Sprigman, Professor of Law
c/o New York University School of Law
40 Washington Square South
New York, NY 10012-1099
E-mail: christopher.sprigman@nyu.edu

Re: **Left Shark**

Dear Professor Sprigman:

I am writing in response to your letter dated February 9, 2015. You posed two primary substantive questions, to which I respond in turn below.

First, can you tell me why you believe the costume of a shark that you claim Katy Perry owns is copyrightable?

Katy Perry's team created multiple shark drawings in the process of designing and creating the costumes used onstage in the televised performance. All of these drawings are copyrightable, as are multiple elements of the drawings incorporated into the final shark costumes themselves.¹

Second, what is the basis for your claim that Katy Perry, and not some other person, owns the copyright?

Pursuant to the terms of multiple agreements, Katy Perry's company is the owner of all relevant copyrights in the works at issue. Your speculation based on Katy's comments to *Elle* Magazine is inaccurate and inapposite.

It should be noted that, in addition to copyright causes of action, unfair competition causes of action would be available to Ms. Perry and her company in this situation as well. It is clear that any commercial value that your client's sculptures have derives solely from the public's association of them with Ms. Perry.

¹ Although Copyright Office Examiners view costumes generally as useful articles, the 1991 Federal Register Notice, the December 2014 edition of the Compendium, and the applicable case law are all clear that conceptually separable elements of a costume design can be copyrightable.
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Having said that, Katy Perry is not interested in a dispute with your client or anyone else. If your client is interested in a license to make Left Shark products, please call me to discuss. If not, kindly advise your client to stop selling such products without authorization.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Steve Plinio', written over the closing text.

Steve Plinio
LA Shareholder

cc: Steve Jensen
Martin Kirkup
Bradford Cobb
Jay Cooper

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