

# Exhibit D

# Exhibit D

# the Stranger



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## THE QUEEN EXTRAVAGANZA THURSDAY, JUNE 28 / SHOWBOX SODO / ALL AGES



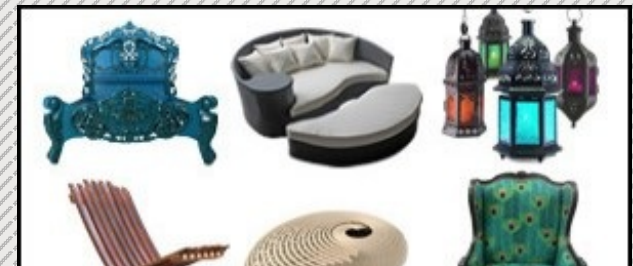
N E W S

June 19, 2012

### Win, Lose, or Draw

Local Cartoon Spat Escalates to Your Mama Jokes, Death Threats, and a Fundraiser for Wildlife

by [DANNY BRADBURY](#)









T H E O A T M E A L

Local cartoonist Matthew Inman, creator of the outrageously popular online comic *The Oatmeal*, was making sushi with his girlfriend and a couple of friends in his Fremont apartment on June 3 when someone knocked on the door. He answered to find a smiling but slightly nervous courier in jeans who gave him an envelope.

As he walked back up the stairs to his friends, Inman read a letter from Charles Carreon, a lawyer representing [FunnyJunk.com](http://FunnyJunk.com). This was the first time Inman had thought about FunnyJunk since about a year ago, when Inman had found dozens of his *Oatmeal* comics

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on FunnyJunk's site. The users who posted them (not the site administrator) often stripped attribution from the comics. Infuriated, Inman had posted a comic complaining that FunnyJunk users were posting his comics without permission.


**STRANGER PERSONALS**

**LoveLab**




StickPete: Men seeking Women

**Lustlab**



sugarcube

**LoveLab**



Just\_curious: Women seeking Men

FunnyJunk had also e-mailed its users saying that *The Oatmeal* was going to sue (according to records that Inman would later post on his website). This unleashed a flying monkey army of FunnyJunk users who hammered Inman's Facebook page with insults. Inman's online response: "Your admin is a moron who chooses his words about as carefully as a mule chooses where to take a shit."

And there was where Inman left it a year ago—until he got the letter.

In his letter threatening the lawsuit, Carreon said that the *Oatmeal* comic amounted to defamation, demanded that Inman remove all references to FunnyJunk on his site, and requested \$20,000 to avoid a lawsuit.

"You want ME to pay YOU \$20,000 for hosting MY unlicensed comics on YOUR shitty website for the past three years?" Inman wrote on his website.

Inman's lawyer advised him to just call Carreon and straighten it out, but he didn't. "I figured I would have more of a chance if I had the public on my side," Inman says. So he posted a drawing that he said depicted the FunnyJunk administrator's mother seducing a Kodiak bear. Then he launched a campaign on crowdfunding website Indiegogo to raise the \$20,000. But instead of paying FunnyJunk, Inman said he would give the \$20,000 to the National Wildlife Federation and the American Cancer Society. "Consider this my kind, philanthropic way of saying 'Fuck off,'" he wrote.



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Inman likes to color outside the lines. His comic, started in 2009, is a simply drawn, surreal affair. A published anthology is called *5 Very Good Reasons to Punch a Dolphin in the Mouth*. His 4.6 million readers like his quirky style. They donated the \$20,000 within 64 minutes—and kept going. As of earlier this week, the amount raised was \$198,000.

FunnyJunk declined an interview request, but Carreon agreed to be interviewed. He called the charity campaign deceptive. "The charity is used as a foil," he told me on the phone, arguing that there's nothing to stop Inman from pocketing the proceeds. "This is like having a bum put on an outfit outside the grocery store and saying that he's collecting money for the Salvation Army." For his part, Inman maintains that every penny will go to charity.

Then on Friday, June 15, Carreon personally sued Inman in a US District Court in California for "incitement to cybervandalism," as well as violating charitable fundraising rules in California. The lawsuit also named Indiegogo and both of the charities. Inman shouldn't be allowed to raise funds for the charities, the lawsuit complains, because he isn't qualified, because he did not enter into a written agreement with the charities, and because Inman is disparaging the good name of both charities by his use of "false and deceptive statements and insinuations of bestiality on the part of the Plaintiff and the client's 'mother.'" Carreon alleges Inman is using the charities as "a 'human shield' for his assault" on Carreon and FunnyJunk, and he wants the proceeds held in a charitable trust and wants damages from Inman and Indiegogo, calling their profits "ill-gotten."

Inman responded by pulling up the drawbridge. He told me that his lawyer advised him not to give any more interviews.

Ironically, the threat of the first lawsuit never materialized. Carreon admits he was misinformed: Before demanding the \$20,000, which was based on FunnyJunk's "estimate of advertising losses sustained due to the taint of being accused of engaging in willful copyright infringement," Carreon was told that all *Oatmeal* comics had been taken off the FunnyJunk site, even though they hadn't. "If I had known... no demand would have gone out," he says.

Initially, this resume Republican Reagan Dunn says he had a Civil Law Practice During Years He Wasn't a Lawyer

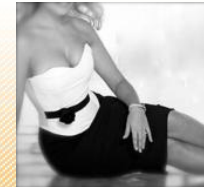
## STRANGER PERSONALS

Lovelab



libby1: Women Seeking Men

Lustlab



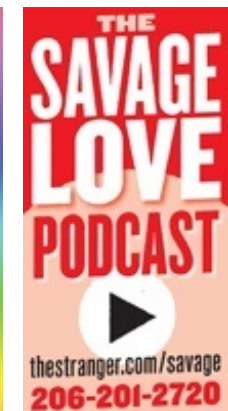
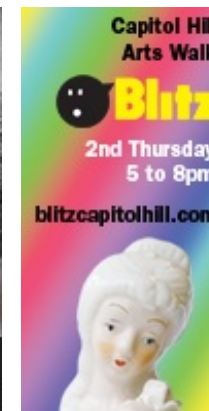
Down the Rabbit Hole

Lovelab



goose\_lightning: Women seeking Men

## STRANGER PRESENTS



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After all of this, Carreon says his inbox has been deluged with death threats and hate mail. So to try and calm the waters, Inman posted a request to "**stop harassing Carreon**. Be lawful and civil in your interactions with him." Inman also intends to post a comic asking his meme-soaked readers to lay off Carreon.

Until last Friday, I could see where Carreon was coming from. He had "his dick in a hornet's nest," as Inman put it, and his unwillingness to remove it seemed inept at worst. But the lawsuit filed last Friday strikes me as needlessly incendiary—not just taking on *The Oatmeal*, but taking on a wildly successful charity campaign to protect wildlife and fight cancer. The guy simply doesn't know when to quit.

What's really sad is that a short phone call early on in this whole affair could have prevented it. Mind you, it would also have stopped Inman from raising \$198,000 and generating a whole bunch of new traffic for his website. ★

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REGISTERED  On UNREGISTERED  Off OLDEST FIRST 



That comic is an insult to Kodiak bears, who are large, humble, and largely peaceful creatures who would never contravene God's law with inter-species sex. It's good that Inman is raising moolah for the wildlifes to ameliorate his karma. :)

1

Posted by [treacle](#) on June 21, 2012 at 10:40 AM · [Report](#)



The real tragedy here is that FunnyJunk, which ignited this whole affair with its cheap-ass skeezy business operation and shady, unethical attempts at legal bullying, is getting away more or less unscathed.

←

Posted by [Eric Arrr](#) on June 21, 2012 at 10:50 AM · Report

Carreon's ambulance chaser ought to be disbarred.

3

Posted by [keshmeshi](#) on June 21, 2012 at 10:53 AM · Report



\$207,989 as of now! It's great that Internet rage can be directed into helpful causes.

4

STRANGER STAFF

Posted by [Renée Krulich \(Nay\)](#) on June 21, 2012 at 10:55 AM · Report



@3 - Carreon IS the ambulance chaser. Am I misunderstanding you?

5

Posted by [STJA](#) on June 21, 2012 at 10:59 AM · Report



Inman would not be having any of this trouble if he would have acted like he was older than four years old.

6

I don't know why people's first response to a legal notice is "derp, I'll start an unlicensed charity", but this isn't the first time I've seen that response.

What he should have done is submitted a DMCA notice to FunnyJunk, and if that didn't get prompt action, sued them himself. Turning it into a pissing contest to see who has the more obnoxious army of monkeys w3as not a clever idea. Both these guys should be drowned in

the ocean.

Oh, and the cartoon is terrible, by the way. But not illegal. Hustler Magazine v Falwell.

AWESOME PERSON

Posted by [Fnarf](#) on June 21, 2012 at 11:02 AM · Report



So fun to have contributed after seeing the lovely Reddit link at the time.

7

AWESOME PERSON

Posted by [gloomy gus](#) on June 21, 2012 at 11:03 AM · Report



@fnarf: you are wrong.

8

- 1) Inman DID ask them to take down his links in the very first fight they had over this issue (which was a while back).
- 2) Inman actually DID fight them in court. He now said he just didn't want to do that and instead wanted to draw comics (since he makes comics) and let them handle the legality of it and it seems that that move was the correct one... because of
  - a) the money it raised for charity
  - b) the fact that it seems Inman will walk away without having to pay the 20000 they demanded of him or set up a new legal battle.

Posted by [JensR](#) on June 21, 2012 at 11:09 AM · Report

It's impressive how a contest between two internet 'funny' men about who owns the right to steal jokes from others goes straight into misogyny.

9

Carreon's clearly a tool, but Inman comes out looking nearly as bad. Carreon's biggest mistake is thinking that reposting Inman's stuff is worth a lawsuit.

You're an aggregator. Ignore the hate and just keep cashing the checks. That's the job.



Posted by [dirge](#) on June 21, 2012 at 11:33 AM · Report

Fnarf - Both charities are licensed. A fundraiser for a charity by a third party does not need to be licensed. Could you imagine if every time a kid went around for UNICEF with their boxes if they had to license? Madness. This would be the same with any small group that wanted to raise money for an actual cause.

10

I mean Carreon donated to the campaign just to sue it. Pretty messed up. Not to mention by not just suing Inman but including NWF and ACS he is wasting their money with their legal departments.

More reading:  
<http://charles-carreon.com>

Posted by [internetzlawyerz](#) on June 21, 2012 at 11:33 AM · Report

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11

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More reading:  
<http://charles-carreon.com>

Posted by [internetzlawyerz](#) on June 21, 2012 at 11:36 AM · Report



Odd that you guys chose to link to FunnyJunk but not The Oatmeal in the article.

12

AWESOME PERSON

Posted by [I](#) on June 21, 2012 at 12:09 PM · Report



@12: You make a very good point.

13

Posted by [Knat](#) on June 21, 2012 at 12:32 PM · Report

@5,

14

Oh, oops. For some reason I thought Carreon worked for Funnyjunk (and not as a lawyer). I'll amend that: Carreon ought to be disbarred. The first letter was a bad enough abuse of his license; this new lawsuit is complete bullshit.

Posted by [keshmeshi](#) on June 21, 2012 at 12:35 PM · Report



Inman is doing nothing wrong here. I'm all behind The Oatmeal on this one. FunnyJunk did the stealing, FunnyJunk turned needlessly litigious. Twice. FunnyJunk is an a-hole. Inman is just plain damned funny.

15

Posted by [onion](#) on June 21, 2012 at 12:35 PM · Report



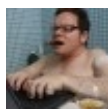
@Fnarf,

16

Inman is 100% in the right here. FJ violates his copyright, and instead of initiating a legal battle, he just calls them out on it and leaves it at that. And then FJ responds, **while continuing to violate Inman's copyright** by demanding that *he pay them* \$20,000 or else face a frivolous lawsuit?

Under those circumstances, taunting with nasty cartoons is taking the high road, if you ask me.

Posted by [Eric Arrr](#) on June 21, 2012 at 12:48 PM · Report



@8, did he submit a DMCA request? Or did he just yell at the guy?

17

Afterwards, "I figured I would have more of a chance if I had the public on my side," is the kind of thing a twelve-year-old dickhead says. And taunting with cartoons is idiotic; the purpose of taunting is to get an angry response, and he got one.

I'm not defending Funnyjunk at all; I think the world would be a better place if everyone who worked at or regularly viewed Funnyjunk fell into a wood chipper. But Inman ASKED FOR this overreaction, and he got it. Fuck him, too. Fuck all of these people.

AWESOME PERSON

Posted by [Fnarf](#) on June 21, 2012 at 1:39 PM · Report



Fnarf,

18

Sometimes, when the facts are so completely on one's side, it is completely appropriate to tell a bully, "*I triple dog dare you to even think about filing the ridiculous lawsuit you're threatening me with, you silly, laughable troll.*"

And if the bully is stupid enough to actually go through with it, well, does that make one wrong to have dared them?

Posted by [Eric Arr](#) on June 21, 2012 at 2:49 PM · Report



Unregistered Comment on June 21, 2012 at 3:27 PM

19

"...did he submit a DMCA request? Or did he just yell at the guy?"

20

My understanding is Inman couldn't. FunnyJunk did not comply with DCMA safe harbor provisions and did not give the details of an agent to whom the request could be made (they apparently applied after the fact in late May 2012). He could only send a message to the admin of the site and ask they take down or give attribution to the cartoons hosted on the site.

All he could do was request, and what FunnyJunk then did was put up an inflammatory message claiming he was going to sue them (he didn't) and send their members off on a witch

hunt. Some of it was taken down, but much more remained and he left it. The remainder had attribution stripped from it and had FunnyJunk's watermark on it. Up until he got the \$20000 or we'll sue demand, that is. Up until Carreon decided to push it further and sue everyone in sight.

That's just bullying and The Oatmeal is perfectly within their rights to push back against those baseless demands.

Posted by [Hemlock](#) on June 21, 2012 at 3:59 PM · Report

Fnarf,

21

The Oatmeal didn't "yell" at anyone. He also didn't file a DMCA complaint, file a lawsuit or even threaten to file a lawsuit. He simply posted a well-worded article on his own website that discussed the problems with copyright enforcement for sleazy websites like FunnyJunk -- not only for him, but for other content creators as well.

Specifically, there are (or at least, were) thousands of infringing copies of his comics and other comics on FunnyJunk. People like Inman can't act as their own personal "copyright cops" through the DMCA unless they spend all of their time searching for infringing copies and sending out DMCA notices each and every time. If they went down that path, then they won't have any time to do their actual work of creating new content.

<http://theoatmeal.com/blog/funnyjunk>

After Inman posted this article, FunnyJunk decided that the best defense is a good offense, and made inflammatory statements like "the Oatmeal wants to shut down FunnyJunk" (a complete lie) and issued a call for FunnyJunk users to harass Inman.

Inman then let the issue rest. Nothing happened for a year, until FunnyJunk had the unmitigated gall to hire an attorney and threaten to sue \*Inman\* due to Inman daring to criticize FunnyJunk for having a business model that depends on copyright infringement. In a situation like this, an old-fashioned public shaming is entirely appropriate.

Posted by [Xyzyy](#) on June 21, 2012 at 5:02 PM · Report

22



"The charity is used as a foil" .. implying he's pocketing the money is pretty slanderous for a lawyer...

22

Posted by [JonnoN](#) on June 21, 2012 at 5:29 PM · Report



Unregistered Comment on June 21, 2012 at 6:54 PM

23

@22 that's asscovering lawyer talk, the art of the inference. Meant to prick the thought without creating accountability.

24

Fnarf:

I agree that Inman acted immaturely. He's acted like the entire situation is a joke. Which is fine, because it is a fucking joke. Copyright law is almost defunct because the internet has made stealing material so much easier, and that much more pervasive. What is a guy whose business is comics and comedy, a business he relies on as an income, to do except do what he does best? Is it really better to get all self righteous and bring down the might of the law (dumping thousands of dollars into representation, and whatever else) or does it actually just make more sense, considering one's occupation, to raise the mast on each fist and tell them to go suck on it?

Whatever the end result, sometimes when you get fucked with, the only real justice you're going to get out of it is fucking with someone back- especially in a situation where it is becoming more difficult to protect oneself and one's work from being proliferated. So bravo to Inman for standing up and saying, "fuck this bullshit and fuck you." Mature? Maybe not. But honest, and a shite side more than the hacks who ripped him off in the first place. It's been a while since someone small time had the balls to call someone out for intellectual theft.

Posted by [stilettoV](#) on June 21, 2012 at 7:37 PM · Report



Who makes their own sushi?

25

AWESOME PERSON

Posted by [DOUG.](#) on June 21, 2012 at 9:26 PM · Report

@Doug People in Seattle.

[26](#)

Posted by [workingchef](#) on June 22, 2012 at 8:18 AM · Report

@dirge: You don't seem to have grasped this situation correctly. This isn't about two websites that each aggregate work that isn't theirs. It's about \*one\* website that does just that (FunnyJunk) versus another that creates its own content (TheOatmeal, run by Inman). In fact, that's what caused this trouble in the first place: FunnyJunk hosting original content from TheOatmeal without compensation or attribution.

[27](#)

Posted by [SPSP](#) on June 22, 2012 at 1:42 PM · Report

dirge,

[28](#)

"It's impressive how a contest between two internet 'funny' men about who owns the right to steal jokes from others goes straight into misogyny."

What are you talking about? Misogyny? Because Inman insulted FunnyJunk's mother? That's not indicative of him hating women, it's indicative of him wanting to get how stupid FunnyJunk is.

"Carreon's clearly a tool, but Inman comes out looking nearly as bad. Carreon's biggest mistake is thinking that reposting Inman's stuff is worth a lawsuit."  
Carreon's just a lawyer doing what his client wants. Inman was just a guy who had his intellectual property stolen.

"You're an aggregator. Ignore the hate and just keep cashing the checks. That's the job."  
Inman or FunnyJunk? Inman's not an aggregator, but FunnyJunk wasn't going to be able to "just keep cashing the checks" because Inman kept pointing out to the public that FunnyJunk blatantly stole his work.


Posted by [Nanashi](#) on June 25, 2012 at 8:51 PM · Report

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