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YUGA LABS, INC.

14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA  
16 WESTERN DIVISION

18 YUGA LABS, INC.,  
19 Plaintiff,  
20 v.  
21 RYDER RIPPS, JEREMY CAHEN, and  
DOES 1-10,  
22 Defendants.  
23

Case No.: 2:22-CV-04355-JFW-JEM  
**YUGA LABS, INC.’S OBJECTIONS  
TO DEFENDANTS’ EVIDENCE  
FILED WITH DEFENDANTS’  
MOTION TO STRIKE AND  
DISMISS**

Date: Nov. 7, 2022  
Time: 1:30 p.m.  
Dept: Courtroom 7A  
Judge: Honorable John F. Walter

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24  
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26  
27  
28

# TABLE OF CONTENTS

**Page**

- I. THE DECLARATION OF RYDER RIPPS ..... 1
  - A. Objection Number 1 ..... 1
  - B. Objection Number 2 ..... 5
  - C. Objection Number 3 ..... 6
  - D. Objection Number 4 ..... 6
  - E. Objection Number 5 ..... 7
  - F. Objection Number 6 ..... 8
  - G. Objection Number 7 ..... 10
  - H. Objection Number 8 ..... 11
  - I. Objection Number 9 ..... 12
  - J. Objection Number 10 ..... 13
- II. THE DECLARATION OF LOUIS TOMPROS ..... 15
  - A. Objection Number 11 ..... 15
  - B. Objection Number 12 ..... 16
  - C. Objection Number 13 ..... 18
  - D. Objection Number 14 ..... 18
  - E. Objection Number 15 ..... 19
  - F. Objection Number 16 ..... 20
  - G. Objection Number 17 ..... 21
  - H. Objection Number 18 ..... 22
  - I. Objection Number 19 ..... 23
  - J. Objection Number 20 ..... 24
  - K. Objection Number 21 ..... 25
  - L. Objection Number 22 ..... 26
  - M. Objection Number 23 ..... 28
  - N. Objection Number 24 ..... 29

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26  
27  
28

**TABLE OF CONTENTS**  
**(continued)**

**Page**

O.	Objection Number 25.....	30
P.	Objection Number 26.....	31
Q.	Objection Number 27.....	33
R.	Objection Number 28.....	34
S.	Objection Number 29.....	35
T.	Objection Number 30.....	36
U.	Objection Number 31.....	37
V.	Objection Number 32.....	38
W.	Objection Number 33.....	39
X.	Objection Number 34.....	40
Y.	Objection Number 35.....	41
Z.	Objection Number 36.....	42
AA.	Objection Number 37.....	43
BB.	Objection Number 38.....	44
CC.	Objection Number 39.....	45
DD.	Objection Number 40.....	46
EE.	Objection Number 41.....	47
FF.	Objection Number 42.....	48
GG.	Objection Number 43.....	49
HH.	Objection Number 44.....	50

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**TABLE OF AUTHORITIES**

**CASES**

*Carlsen v. Bank of Am., N.A.*,  
No. CV 20-1463, 2020 WL 4258657 (C.D. Cal. June 11, 2020)..... 4, 15

*Hal Roach Studios, Inc. v. Richard Feiner & Co.*,  
896 F.2d 1542 (9th Cir. 1990)..... 4, 15

*Herring Networks, Inc. v. Maddow*,  
8 F.4th 1148 (9th Cir. 2021)..... 16

*Khoja v. Orexigen Therapeutics*,  
899 F.3d 988 (9th Cir. 2018)..... 15, 17

*Planned Parenthood Fed’n of Am., Inc. v. Ctr. for Med. Progress*,  
890 F.3d 828 (9th Cir.), *amended*, 897 F.3d 1224 (9th Cir. 2018)..... 4, 16

**STATUTES AND RULES**

Federal Rule of Civil Procedure 12(b)(6).....*passim*

Federal Rule of Evidence 201 .....*passim*

Federal Rule of Evidence 401 .....*passim*

Federal Rule of Evidence 403 .....*passim*

Federal Rule of Evidence 404 ..... 5, 6, 7

Federal Rule of Evidence 602 ..... 4, 14

Federal Rule of Evidence 701 .....*passim*

Federal Rule of Evidence 702 .....*passim*

Federal Rule of Evidence 801 .....*passim*

Federal Rule of Evidence 901 .....*passim*

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1 On October 3, 2022, Defendants filed the declarations of Ryder Ripps and  
2 Louis Tompros in support of their Anti-SLAPP Motion to Strike and Motion to  
3 Dismiss (“MTS”)—despite knowing that the content of these declarations is false,  
4 clearly unrelated to the case at hand, and intended to harass and disparage Yuga Labs’  
5 founders. *See* Dkt. 48, 48-1, and 48-3. Yuga Labs hereby objects to portions of, or  
6 the entirety of, these declarations, including their exhibits, as set forth below.

7 **I. The Declaration of Ryder Ripps**

8 **A. Objection Number 1**

9 Material Objected To: The entirety of the Declaration of Ryder Ripps.  
10 Dkt. 48-1.

11 Grounds for Objection: Yuga Labs objects that Ripps’ declaration lacks  
12 foundation. The purported “facts” about Yuga Labs’ founders to which Ripps  
13 purports to testify are false, Ripps knows they are false, and Ripps has no factual basis  
14 to make them. The facts that are known to Ripps contradict the false claims that he  
15 has concocted about Yuga Labs’ founders. Ripps’ knowledge that these claims are  
16 false leaves only one conclusion – he is seeking to make a mockery of this case by  
17 using Defendants’ filings to harass and disparage Yuga Labs’ founders.

18 Yuga Labs and its founders have publicly explained how Yuga Labs created  
19 Yuga Labs’ logo, the art for its NFTs, and the inspiration for its name. Ripps is not a  
20 founder of Yuga Labs or in any way connected with the company and thus does not  
21 have any personal knowledge as to how and why Yuga Labs created its assets other  
22 than what Yuga Labs has shared with the public.

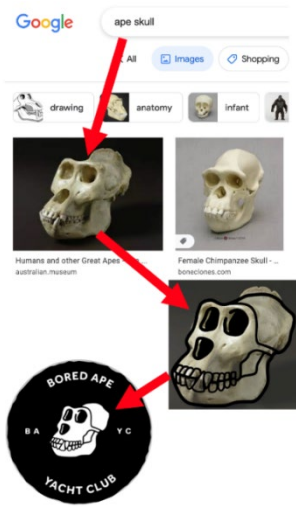
23 But Ripps does not need to take Yuga Labs and its founders’ words for the truth  
24 to know that his claims are false. Ripps is well aware of the publicly available emails  
25 proving that the inspiration for the BAYC logo was a combination of maritime club  
26 patches, punk rock designs, streetwear, and skating culture. *See*  
27 [https://medium.com/@team\\_69582/a-letter-from-the-founders-678e5a3431e7](https://medium.com/@team_69582/a-letter-from-the-founders-678e5a3431e7). Not  
28 one source of inspiration that Yuga Labs provided to the designer who created the

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1 logo was the Nazi *Totenkopf*. *Id.* Indeed, based on the inspirations shared by Yuga  
2 Labs, the designer provided Yuga Labs with different logo options:



15 Yuga Labs selected the image that most looked like a patch, which it felt was  
16 evocative of patches for old yacht clubs. *Id.* Although Ripps falsely claims that the  
17 founders chose the orientation of the skull to match the orientation of the skull in the  
18 Nazi *Totenkopf*, in reality, the angle of the skull was inspired by a photograph of a  
19 real ape skull, which came from a Google image search result for “ape skull.”



1 Ripps has no factual basis for testifying under oath to the contrary. It is  
2 fantastical and harassing for the Defendants to continue to knowingly make false  
3 statements that are legally irrelevant to this litigation. But that is exactly the purpose  
4 of Ripps' declaration. He desires to misuse this case to harass and disparage Yuga  
5 Labs' founders.

6 Ripps also knows that an expert on Nazism<sup>1</sup> from the Anti-Defamation League  
7 reviewed and considered Ripps' claims of neo-Nazism and rejected them. *See e.g.*,  
8 Tompros Decl. Ex. 20, Dkt. 48-23, at 4.<sup>2</sup> In particular, the expert concluded that there  
9 is no apparent connection between BAYC's logo and the Nazi *Totenkopf* image. *Id.*  
10 Ripps has been aware of this denouncement of his demonstrably false claims since at  
11 least February 2022.

12 The BAYC collection is irreverent, egalitarian, and a little bit weird. Yuga  
13 Labs wanted the BAYC collection to capture the vibe of a radical 1969 Warhol  
14 Factory party where everyone, from bikers to beatniks to bankers, were invited. The  
15 BAYC collection has everything from S&M hats to rainbow suspenders, punk rock  
16 jackets to togas, Hawaiian shirts to Cuban guayaberas, devil's horns to halos to  
17 cowboy hats, cigars to kazoos to pizza slices, and sunglasses to robot eyes to laser  
18 beams. With over 170 mixing and matching traits in the collection, there is an Ape  
19 that almost anyone can find themselves in. That also means that what any one Ape  
20 looks like is the function of this mixing and matching, not any person's purported  
21 racism. The entire concept is eclectic: a bunch of apes hanging out in a yacht club in  
22 a swamp, drawing on a bathroom wall. Ripps knows this.

23 Additionally, there are two inspirations for the name of the company, Yuga  
24 Labs. The term "yuga" itself means "era" in Sanskrit. Yuga Labs is building a

25 \_\_\_\_\_  
26 <sup>1</sup> Ripps is not such an expert, and any opinion he might offer is improper. Fed. R.  
Evid. 701 and 702.

27 <sup>2</sup> Although Yuga Labs objects to this exhibit, along with many others filed by  
28 Defendants in support of their motion, Defendants' own evidence debunks their false  
claims.

1 company for a new era: Web3. There is also a Zelda videogame character named  
2 Yuga that turns things into 2D art, which is similar to Yuga Labs' business. Yuga  
3 Labs has publicized these facts too, and Ripps knows them.

4 Ripps offers no factual basis – and cannot offer one – for his false assertion that  
5 Yuga Labs engaged in a plot to deceive the public into popularizing Nazi symbolism,  
6 alt-right dog whistles, or racist imagery. There is no such factual basis because those  
7 claims are false and disproven by evidence that is readily available in the public  
8 domain and known to him. Importantly, Federal Rule of Evidence 602 specifically  
9 prohibits Ripps from presenting his false speculation as evidence to the Court, which  
10 operates on facts and the law.

11 Yuga Labs further objects that the Court may not consider material beyond the  
12 pleadings in ruling on a Rule 12(b)(6) motion. See [Hal Roach Studios, Inc. v. Richard](#)  
13 [Feiner & Co., 896 F.2d 1542, 1555 n.19 \(9th Cir. 1990\)](#). “[A] court may consider  
14 material which is properly submitted as part of the complaint and matters which may  
15 be judicially noticed pursuant to Federal Rule of Evidence 201 without converting the  
16 motion to dismiss into a motion for summary judgment.” [Carlsen v. Bank of Am.,](#)  
17 [N.A., No. CV 20-1463, 2020 WL 4258657, at \\*4 \(C.D. Cal. June 11, 2020\)](#). However,  
18 Ripps has not asked the Court to take judicial notice of the purported (false) facts in  
19 his declaration. Fed. R. Evid. 201(c) (“The court: (1) may take judicial notice on its  
20 own; or (2) must take judicial notice if a party requests it and the court is supplied  
21 with the necessary information.”). Nor has Ripps established that the Court *can* take  
22 judicial notice of the material he has submitted, which is information and an exhibit  
23 that are not part of the Complaint and are not facts which are “accurately and readily  
24 determined from sources whose accuracy cannot reasonably be questioned.” *Id.*  
25 201(b)(2).

26 Yuga Labs further objects that the Court cannot consider evidence outside of  
27 the Complaint on an anti-SLAPP motion analyzed under Rule 12(b)(6). See [Planned](#)  
28 [Parenthood Fed’n of Am., Inc. v. Ctr. for Med. Progress, 890 F.3d 828, 834 \(9th Cir.\)](#),



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1 amended, [897 F.3d 1224 \(9th Cir. 2018\)](#) (“[W]e hold that, on the one hand, when an  
2 anti-SLAPP motion to strike challenges only the legal sufficiency of a claim, a district  
3 court should apply the Federal Rule of Civil Procedure 12(b)(6) standard and consider  
4 whether a claim is properly stated.”).

5

6 Plaintiff’s objections to the Declaration of Ryder Ripps are hereby  
7 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

8

9 **B. Objection Number 2**

10 Material Objected To: Paragraph 1: “I am a visual artist and creative director  
11 whose multi-disciplinary practice aims to dismantle the porous boundaries between  
12 art, the internet, and commerce, agitating the structure of the attention economy and  
13 revealing the flow of power in online relationships.”

14 Grounds for Objection: Yuga Labs objects on the same grounds as its  
15 objections stated in Objection Number 1 that the Court should not consider evidence  
16 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

17 Yuga Labs objects pursuant to Federal Rule of Evidence 401 that this  
18 Paragraph 1 does not make a fact regarding Defendants’ infringement of the BAYC  
19 Marks more or less probable.

20 Yuga Labs further objects pursuant to Federal Rule of Evidence 404 that the  
21 fact Ripps regards himself as an artist does not prove or tend to prove that his sale of  
22 NFTs using the BAYC Marks is expressive or protected.

23

24 Plaintiff’s objections to Paragraph 1 in the Declaration of Ryder Ripps are  
25 hereby

26 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

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**C. Objection Number 3**

Material Objected To: Paragraph 2: “My work often examines popular culture and highlights the effects of technology on society.”

Grounds for Objection: Yuga Labs objects on the same grounds as its objections stated in Objection Number 1 that the Court should not consider evidence outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

Yuga Labs objects pursuant to Federal Rule of Evidence 401 that this Paragraph 2 does not make a fact regarding Defendants’ infringement of the BAYC Marks more or less probable.

Yuga Labs further objects pursuant to Federal Rule of Evidence 404 that the fact Ripps regards himself as an artist, or what the purpose of his art “often” is, does not prove or tend to prove that his sale of NFTs using the BAYC Marks is expressive or protected.

Plaintiff’s objections to Paragraph 2 in the Declaration of Ryder Ripps are hereby

\_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

**D. Objection Number 4**

Material Objected To: Paragraph 3: “Through my creative content company, OKFocus, I have led creative direction and design projects for companies like Nike and Red Bull, and developed branding for products such as Soylent meat replacements. I have also worked closely with Kanye West in connection with his creative agency *Donda*, and have created art and executed creative direction with many leading musicians such as Grimes, James Blake, MIA, Pop Smoke, Pusha T, Tame Impala, and Travis Scott.”

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1           Grounds for Objection: Yuga Labs objects on the same grounds as its  
2 objections stated in Objection Number 1 that the Court should not consider evidence  
3 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

4           Yuga Labs objects pursuant to Federal Rule of Evidence 401 that this  
5 Paragraph 3 does not make a fact regarding Defendants’ infringement of the BAYC  
6 Marks more or less probable.

7           Yuga Labs further objects pursuant to Federal Rule of Evidence 404 that the  
8 fact Ripps regards himself as an artist, that any third party might regard him as an  
9 artist, or what work he may have developed, does not prove or tend to prove that his  
10 sale of NFTs using the BAYC Marks is expressive or protected.

11  
12           Plaintiff’s objections to Paragraph 3 in the Declaration of Ryder Ripps are  
13 hereby

14           \_\_\_\_\_ SUSTAINED.                   \_\_\_\_\_ OVERRULED.

15  
16           **E.    Objection Number 5**

17           Material Objected To: Paragraph 4: “Beginning at the end of 2021, I started  
18 researching Yuga Labs, Inc. (‘Yuga’) and their use of neo-Nazi symbolism, alt-right  
19 dog whistles, and racist imagery in their company and in the Bored Ape Yacht Club  
20 (‘BAYC’) non-fungible tokens (‘NFTs’).”

21           Grounds for Objection: Yuga Labs objects on the same grounds as its  
22 objections stated in Objection Number 1 that the Court should not consider evidence  
23 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

24           Yuga Labs objects that this Paragraph 4 lacks foundation to assert any of Ripps’  
25 outlandish allegations, including that Yuga Labs uses neo-Nazi symbolism, alt-right  
26 dog whistles, or racist imagery, which is a factually false claim as discussed in  
27 connection with Objection Number 1.

28

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1 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
 2 Paragraph 4 does not make a fact regarding Defendants’ infringement of the BAYC  
 3 Marks more or less probable. What Ripps did in 2021 is not relevant to the facts  
 4 alleged in the Complaint and the facts to which Ripps admitted. Specifically, by  
 5 Ripps’ own testimony (in Paragraph 8 of his declaration), he did not begin the  
 6 RR/BAYC NFTs until May 13, 2022. Ripps admits then that his false claims about  
 7 Yuga Labs’ founders and Defendants’ trademark infringement of the BAYC Marks  
 8 are two separate acts.

9 Yuga Labs further objects pursuant to Federal Rule of Evidence 403 that any  
 10 probative value of Paragraph 4 is substantially outweighed by the danger of unfair  
 11 prejudice or confusing the issues. While Yuga Labs condemns Ripps’ willfully false  
 12 statements, Defendants’ offensive accusations against Yuga Labs’ founders are not  
 13 the basis for any claim in this lawsuit.

14 Yuga Labs further objects pursuant to Federal Rule of Evidence 701 and 702  
 15 that Ripps is not qualified to offer his factually unsupported and disproven opinions.

16  
 17 Plaintiff’s objections to Paragraph 4 in the Declaration of Ryder Ripps are  
 18 hereby

19 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

20  
 21 **F. Objection Number 6**

22 Material Objected To: Paragraph 5: “I began posting on social media, Twitter  
 23 and Instagram, going on podcasts, and speaking to investigative journalists to expose  
 24 the misconduct I had found and to start a public discussion of Yuga’s offensive  
 25 material. Additionally, in January 2022, I created the website  
 26 <https://gordongoner.com> to compile the information I found for the public to view  
 27 and discuss.”  
 28

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1           Grounds for Objection: Yuga Labs objects on the same grounds as its  
2 objections stated in Objection Number 1 that the Court should not consider evidence  
3 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

4           Yuga Labs objects that Ripps lacks foundation to assert any of his false and  
5 outlandish allegations, including that Yuga Labs’ material is “offensive” and that any  
6 “misconduct” occurred, which is a factually false claim as discussed in connection  
7 with Objection Number 1.

8           Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
9 Paragraph 5 does not make a fact regarding Defendants’ infringement of the BAYC  
10 Marks more or less probable. What Ripps did in 2021 and early 2022 is not relevant  
11 to the facts alleged in the Complaint and the facts to which Ripps admitted.  
12 Specifically, by Ripps’ own testimony (in Paragraph 8 of his declaration), he did not  
13 begin the RR/BAYC NFTs until May 13, 2022. Ripps admits then that his false  
14 claims about Yuga Labs’ founders and Defendants’ trademark infringement of the  
15 BAYC Marks are two separate acts.

16           Yuga Labs further objects pursuant to Federal Rule of Evidence 403 that any  
17 probative value of Paragraph 5 is substantially outweighed by the danger of unfair  
18 prejudice or confusing the issues. This case focuses on trademark infringement and  
19 false advertising by Defendants. While Yuga Labs condemns Ripps’ willfully false  
20 statements, Defendants’ offensive accusations against Yuga Labs’ founders are not  
21 the basis for any claim in this lawsuit.

22           Yuga Labs further objects pursuant to Federal Rule of Evidence 701 and 702  
23 that Ripps is not qualified to offer his factually unsupported and disproven opinions  
24 that Yuga Labs’ material is “offensive” or that any “misconduct” occurred.

25  
26           Plaintiff’s objections to Paragraph 5 in the Declaration of Ryder Ripps are  
27 hereby

28           \_\_\_\_\_ SUSTAINED.                           \_\_\_\_\_ OVERRULED.

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1           **G.    Objection Number 7**

2           Material Objected To: Paragraph 6: “I also spoke against the number of  
3 celebrities that promoted BAYC NFTs. It is my understanding that Yuga used the  
4 following celebrities to promote the BAYC collection and their neo-Nazi  
5 symbolism . . . .”

6           Grounds for Objection: Yuga Labs objects on the same grounds as its  
7 objections stated in Objection Number 1 that the Court should not consider evidence  
8 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

9           Yuga Labs objects that Ripps lacks foundation to assert any of his false and  
10 outlandish allegations, including that Yuga Labs uses neo-Nazi symbolism, which is  
11 a factually false claim as discussed in connection with Objection Number 1.  
12 Furthermore, Ripps has no factual basis for testifying that “Yuga used the following  
13 celebrities to promote the BAYC collection *and their neo-Nazi symbolism*” (emphasis  
14 added) because that statement is false. Even if his statement were not false (which it  
15 is), Ripps is not a founder of Yuga Labs or in any way connected with the company  
16 and thus could not have any personal knowledge of Yuga Labs’ internal marketing  
17 plans.

18           Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
19 Paragraph 6 does not make a fact regarding Defendants’ infringement of the BAYC  
20 Marks more or less probable. What Ripps did in 2021 and early 2022 is not relevant  
21 to the facts alleged in the Complaint and the facts as admitted to by Ripps.  
22 Specifically, by Ripps’ own testimony (in Paragraph 8 of his declaration), he did not  
23 begin the RR/BAYC NFTs until May 13, 2022. Ripps admits then that his false  
24 claims about Yuga Labs’ founders and Defendants’ trademark infringement of the  
25 BAYC Marks are two separate acts.

26           Yuga Labs further objects pursuant to Federal Rule of Evidence 403 that any  
27 probative value of Paragraph 6 is substantially outweighed by the danger of unfair  
28 prejudice or confusing the issues. While Yuga Labs condemns Ripps’ willfully false

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1 statements, Defendants’ offensive accusations against Yuga Labs’ founders are not  
2 the basis for any claim in this lawsuit.

3 Yuga Labs further objects pursuant to Federal Rule of Evidence 701 and 702  
4 that Ripps is not qualified to offer his factually unsupported and disproven opinion  
5 that Yuga Labs uses neo-Nazi symbolism.

6  
7 Plaintiff’s objections to Paragraph 6 in the Declaration of Ryder Ripps are  
8 hereby

9 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

10  
11 **H. Objection Number 8**

12 Material Objected To: Paragraph 7: “In December 2021, Guy Oseary, Yuga’s  
13 talent manager, called me to discuss the public statements I had made about Yuga’s  
14 neo-Nazi symbolism. On the call, Oseary made a series of vague threats, saying ‘I  
15 can be a nice guy or I can be a not nice guy’ and that I would be better off being  
16 friends with Yuga. Oseary suggested that he understood Yuga used racist dog  
17 whistles by stating ‘who am I to judge someone’s art.’ Oseary stated that he would  
18 help me if I kept silent and that he could make my life difficult if I did not cooperate.  
19 Oseary also offered to introduce me to Kanye West, not realizing that I already  
20 worked with him, and later added me to a text message thread with West’s manager.  
21 When I had not posted anything new criticizing Yuga for about one week and  
22 unpinned a Tweet criticizing Yuga, Oseary left me a voice memo thanking me for  
23 my silence.”

24 Grounds for Objection: Yuga Labs objects on the same grounds as its  
25 objections stated in Objection Number 1 that the Court should not consider evidence  
26 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

27 Yuga Labs objects that Ripps lacks foundation to assert any of his false and  
28 outlandish allegations, including that Yuga Labs uses neo-Nazi symbolism, which is



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1 a factually false claim as discussed in connection with Objection Number 1.

2 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
3 Paragraph 7 does not make a fact regarding Defendants’ infringement of the BAYC  
4 Marks more or less probable. This call that Ripps allegedly had in 2021 is not relevant  
5 to the facts alleged in the Complaint and the facts as admitted to by Ripps.  
6 Specifically, by Ripps’ own testimony (in Paragraph 8 of his declaration), he did not  
7 begin the RR/BAYC NFTs until May 13, 2022. Ripps admits then that his false claims  
8 about Yuga Labs’ founders and Defendants’ trademark infringement of the BAYC  
9 Marks are two separate acts.

10 Yuga Labs further objects pursuant to Federal Rule of Evidence 403 that any  
11 probative value of Paragraph 7 is substantially outweighed by the danger of unfair  
12 prejudice or confusing the issues. While Yuga Labs condemns Ripps’ willfully false  
13 statements, Defendants’ offensive accusations against Yuga Labs’ founders are not  
14 the basis for any claim in this lawsuit.

15 Yuga Labs further objects pursuant to Federal Rule of Evidence 701 and 702  
16 that Ripps is not qualified to offer his factually unsupported and disproven opinion  
17 that Yuga Labs uses neo-Nazi symbolism.

18  
19 Plaintiff’s objections to Paragraph 7 in the Declaration of Ryder Ripps are  
20 hereby

21 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

22  
23 **I. Objection Number 9**

24 Material Objected To: Paragraph 8: “On May 13, 2022, I began creating the  
25 artistic project, RR/BAYC. The project has grown to include a collection of NFTs,  
26 each of which uses a unique blockchain entry but includes a link to the same digital  
27 image as the corresponding BAYC NFT. The purpose of the project was to (1) bring  
28 attention to Yuga’s use of racist messages and imagery, (2) expose Yuga’s use of



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1 celebrities and popular brands to disseminate offensive material, (3) create social  
2 pressure demanding that Yuga take responsibility for its actions, and (4) educate the  
3 public about the nature of NFTs.”

4 Grounds for Objection: Yuga Labs objects on the same grounds as its  
5 objections stated in Objection Number 1 that the Court should not consider evidence  
6 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

7 Yuga Labs objects that Ripps lacks foundation to assert (falsely) that  
8 Defendants’ “project” is artistic. For instance, in August 2022 Cahen told an audience  
9 that “NFTs are not art.” Yuga Labs objects that this Paragraph 8 lacks foundation to  
10 assert (falsely) that Yuga Labs used “racist messages and images”, used celebrities  
11 and popular brands to “disseminate offensive material”, that there is “offensive  
12 material” contained within Yuga Labs’ work, and that Yuga Labs has taken any such  
13 falsely alleged actions.

14 Yuga Labs further objects pursuant to Federal Rule of Evidence 701 and 702  
15 that this is improper opinion testimony that Defendants’ RR/BAYC NFTs are artistic.

16  
17 Plaintiff’s objections to Paragraph 8 in the Declaration of Ryder Ripps are  
18 hereby

19 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

20  
21 **J. Objection Number 10**

22 Material Objected To: Paragraph 15 and Exhibit 1 (Dkt. 48-2): “Attached  
23 hereto as Exhibit 1, is a list of various NFT projects that use the BAYC NFT images  
24 to make a profit off of the BAYC NFT brand without expressing any artistic or critical  
25 commentary regarding Yuga. To the best of my knowledge, Yuga has not  
26 commenced litigation against any of them.”

27 Grounds for Objection: Yuga Labs objects on the same grounds as its  
28 objections stated in Objection Number 1 that the Court should not consider evidence

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1 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

2 Yuga Labs objects pursuant to Federal Rule of Evidence 401 that this  
3 Paragraph 15 and Exhibit 1 do not make a fact regarding Defendants’ infringement  
4 of the BAYC Marks more or less probable. Whether other potential infringers exist  
5 is immaterial to Defendants’ infringement of Yuga Labs’ trademarks. That someone  
6 else may infringe Yuga Labs’ trademarks is not a defense for Defendants’ own  
7 infringement.

8 Yuga Labs further objects pursuant to Federal Rule of Evidence 403 that this  
9 Paragraph 15 and Exhibit 1 are misleading, incomplete, and a waste of time.

10 Yuga Labs further objects that Ripps’ offensive speculation is not permitted in  
11 this Court, which operates on facts and the law. Fed. R. Evid. 602. Ripps does not  
12 declare how this list, in Exhibit 1, was created or offer any factual basis for his  
13 statement that Yuga Labs has not commenced litigation against any of them. His  
14 declaration lacks any indicia of personal knowledge from which he could offer this  
15 testimony.

16 Yuga Labs further objects pursuant to Federal Rule of Evidence 701 and 702  
17 that this Paragraph 15 and Exhibit 1 are improper opinion testimony about what is and  
18 is not “artistic” or “critical” commentary. Although Ripps admits that these knockoff  
19 BAYC NFTs are neither “artistic” nor “critical” of Yuga Labs (and, thus by extension  
20 admits that Defendants’ own identical knockoff NFTs, the subject of this lawsuit, are  
21 also neither artistic nor critical), Ripps may not testify to his opinion about whether  
22 these other NFTs are artistic or expressive, or not.

23 Yuga Labs further objects pursuant to Federal Rule of Evidence 901 that  
24 Exhibit 1 is an unauthenticated data compilation.

25  
26 Plaintiff’s objections to Paragraph 15, including Exhibit 1, in the Declaration  
27 of Ryder Ripps are hereby

28 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

1 **II. The Declaration of Louis Tompros**

2 **A. Objection Number 11**

3 Material Objected To: The entirety of the Declaration of Louis Tompros. Dkt.  
4 48-3.

5 Grounds for Objection: Yuga Labs objects that generally the Court may not  
6 consider material beyond the pleadings in ruling on a Rule 12(b)(6) motion. *See*  
7 [Hal Roach Studios, Inc. v. Richard Feiner & Co., 896 F.2d 1542, 1555 n.19 \(9th Cir.](#)  
8 [1990](#)). “[A] court may consider material which is properly submitted as part of the  
9 complaint and matters which may be judicially noticed pursuant to Federal Rule of  
10 Evidence 201 without converting the motion to dismiss into a motion for summary  
11 judgment.” [Carlsen v. Bank of Am., N.A., No. CV 20-1463, 2020 WL 4258657, at \\*4](#)  
12 [\(C.D. Cal. June 11, 2020\)](#). Defendants have not asked the Court to take judicial notice  
13 of the exhibits attached to Mr. Tompros’ declaration. Fed. R. Evid. 201(c) (“The  
14 court: (1) may take judicial notice on its own; or (2) must take judicial notice if a  
15 party requests it and the court is supplied with the necessary information.”). Nor have  
16 they established that the Court *can* take judicial notice of the material Mr. Tompros  
17 has submitted, which are exhibits that are not part of the Complaint and are not facts  
18 which are “accurately and readily determined from sources whose accuracy cannot  
19 reasonably be questioned.” *Id.* 201(b)(2). The Ninth Circuit has made clear that “[a]  
20 court must also consider – and identify – which fact or facts it is noticing from . . . [a  
21 document]. Just because the document itself is susceptible to judicial notice does not  
22 mean that every assertion of fact within that document is judicially noticeable for its  
23 truth.” [Khoja v. Orexigen Therapeutics, 899 F.3d 988, 999 \(9th Cir. 2018\)](#). This is  
24 because the substance “is subject to varying interpretations, and there is a reasonable  
25 dispute as to what the [document] establishes.” *Id.* at 1000. Defendants have not even  
26 attempted to establish that the Court can or should consider any of the exhibits  
27 attached to the declaration of Mr. Tompros in ruling on Defendants’ MTS.  
28

1 Yuga Labs further objects that the Court cannot consider evidence outside of  
 2 the Complaint on an anti-SLAPP motion analyzed pursuant to Rule 12(b)(6). *Cf.*  
 3 [Herring Networks, Inc. v. Maddow](#), 8 F.4th 1148, 1156 (9th Cir. 2021) (“The  
 4 defendant determines which motions she files, not the plaintiff. Given that the parties  
 5 do not dispute that Maddow’s motion challenged the legal sufficiency of Herring’s  
 6 complaint, we conclude that Herring’s reliance on evidence outside of its complaint  
 7 in defending against the motion was improper and inconsistent with the Federal  
 8 Rules.”); *see also* [Planned Parenthood Fed’n of Am., Inc. v. Ctr. for Med. Progress](#),  
 9 [890 F.3d 828, 834 \(9th Cir.\)](#), *amended*, [897 F.3d 1224 \(9th Cir. 2018\)](#) (“[W]e hold  
 10 that, on the one hand, when an anti-SLAPP motion to strike challenges only the legal  
 11 sufficiency of a claim, a district court should apply the Federal Rule of Civil Procedure  
 12 12(b)(6) standard and consider whether a claim is properly stated.”).

13 Yuga Labs further objects that the exhibits to Mr. Tompros’ declaration are not  
 14 authenticated. Fed. R. Evid. 901. Mr. Tompros does not declare when any exhibit  
 15 was created and, for all except Exhibits 1, 2, and 35, does not declare from where the  
 16 exhibit was obtained.

17 Yuga Labs further objects that Mr. Tompros’ declaration seeks to introduce  
 18 irrelevant and prejudicial material. Fed. R. Evid. 401, 403.

19 Yuga Labs further objects that Defendants offer the declaration of  
 20 Mr. Tompros for the improper purposes of harassing Yuga Labs and needlessly  
 21 increasing the cost of litigation.

22  
 23 Plaintiff’s objections to the Declaration of Louis Tompros are hereby

24 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

25  
 26 **B. Objection Number 12**

27 Material Objected To: Exhibit 2 (Dkt. 48-5) to the Declaration of Louis  
 28 Tompros.

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1           Grounds for Objection: Yuga Labs objects on the same grounds as its  
2 objections stated in Objection Number 11 that the Court should not consider evidence  
3 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

4           Yuga Labs objects that this website is not properly the subject of judicial notice  
5 and Defendants’ have not sought judicial notice of this Exhibit 2. Fed. R. Evid. 201.  
6 “[T]he mere mention of the existence of a document is insufficient to incorporate the  
7 contents” of a document. [Khoja, 899 F.3d at 1002](#) (citation omitted). Yuga Labs  
8 further objects that Defendants offer Exhibit 2 for the improper purposes of harassing  
9 Yuga Labs and needlessly increasing the cost of litigation.

10           Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
11 Exhibit 2 does not make a fact regarding Defendants’ infringement of the BAYC  
12 Marks more or less probable. While Ripps’ statements on this website are false and  
13 offensive, they are not at issue in this lawsuit. Instead, Defendants’ infringing actions  
14 are at issue.

15           Yuga Labs further objects pursuant to Federal Rule of Evidence 403 that any  
16 probative value of Exhibit 2 is substantially outweighed by the danger of unfair  
17 prejudice or confusing the issues. While Yuga Labs condemns Ripps’ willfully false  
18 statements on this website, Defendants’ offensive accusations against Yuga Labs’  
19 founders are not the basis for any claim in this lawsuit.

20           Yuga Labs further objects that Exhibit 2 is not authenticated. Fed. R.  
21 Evid. 901.

22           Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
23 improper hearsay.

24

25           Plaintiff’s objections to Exhibit 2 to the Declaration of Louis Tompros are  
26 hereby

27           \_\_\_\_\_ SUSTAINED.                   \_\_\_\_\_ OVERRULED.

28

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1 **C. Objection Number 13**

2 Material Objected To: Exhibit 3 (Dkt. 48-6) to the Declaration of Louis  
3 Tompros.

4 Grounds for Objection: Yuga Labs objects on the same grounds as its  
5 objections stated in Objection Number 11 that the Court should not consider evidence  
6 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

7 Yuga Labs objects that this webpage is not properly the subject of judicial  
8 notice and Defendants have not sought judicial notice of this Exhibit 3. Fed. R.  
9 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 3 for the improper  
10 purposes of harassing Yuga Labs and needlessly increasing the cost of litigation.

11 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
12 Exhibit 3 does not make a fact regarding Defendants’ infringement of the BAYC  
13 Marks more or less probable.

14 Yuga Labs further objects that Exhibit 3 is not authenticated. Fed. R.  
15 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 3, and  
16 although Exhibit 3 contains information which might answer those concerns  
17 Mr. Tompros does not establish those facts and the document is not self-  
18 authenticating.

19 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
20 improper hearsay.

21  
22 Plaintiff’s objections to Exhibit 3 to the Declaration of Louis Tompros are  
23 hereby

24 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

25  
26 **D. Objection Number 14**

27 Material Objected To: Exhibit 4 (Dkt. 48-7) to the Declaration of Louis  
28 Tompros.

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1           Grounds for Objection: Yuga Labs objects on the same grounds as its  
2 objections stated in Objection Number 11 that the Court should not consider evidence  
3 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

4           Yuga Labs objects that this webpage is not properly the subject of judicial  
5 notice and Defendants have not sought judicial notice of this Exhibit 4. Fed. R.  
6 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 4 for the improper  
7 purposes of harassing Yuga Labs and needlessly increasing the cost of litigation.

8           Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
9 Exhibit 4 does not make a fact regarding Defendants’ infringement of the BAYC  
10 Marks more or less probable.

11           Yuga Labs further objects that Exhibit 4 is not authenticated. Fed. R.  
12 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 4.

13           Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
14 improper hearsay.

15  
16           Plaintiff’s objections to Exhibit 4 to the Declaration of Louis Tompros are  
17 hereby

18           \_\_\_\_\_ SUSTAINED.     \_\_\_\_\_ OVERRULED.

19  
20           **E.     Objection Number 15**

21           Material Objected To: Exhibit 5 (Dkt. 48-8) to the Declaration of Louis  
22 Tompros.

23           Grounds for Objection: Yuga Labs objects on the same grounds as its  
24 objections stated in Objection Number 11 that the Court should not consider evidence  
25 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

26           Yuga Labs objects that this webpage is not properly the subject of judicial  
27 notice and Defendants have not sought judicial notice of this Exhibit 5. Fed. R.  
28 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 5 for the improper



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1 purposes of harassing Yuga Labs and needlessly increasing the cost of litigation.

2 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
3 Exhibit 5 does not make a fact regarding Defendants’ infringement of the BAYC  
4 Marks more or less probable.

5 Yuga Labs further objects that Exhibit 5 is not authenticated. Fed. R. Evid. 901.  
6 Mr. Tompros does not declare where or when he acquired Exhibit 5, and although  
7 Exhibit 5 contains information which might answer those concerns Mr. Tompros does  
8 not establish those facts and the document is not self-authenticating.

9 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
10 improper hearsay.

11  
12 Plaintiff’s objections to Exhibit 5 to the Declaration of Louis Tompros are  
13 hereby

14 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

15  
16 **F. Objection Number 16**

17 Material Objected To: Exhibit 6 (Dkt. 48-9) to the Declaration of Louis  
18 Tompros.

19 Grounds for Objection: Yuga Labs objects on the same grounds as its  
20 objections stated in Objection Number 11 that the Court should not consider evidence  
21 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

22 Yuga Labs objects that this webpage is not properly the subject of judicial  
23 notice and Defendants have not sought judicial notice of this Exhibit 6. Fed. R.  
24 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 6 for the improper  
25 purposes of harassing Yuga Labs and needlessly increasing the cost of litigation.

26 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
27 Exhibit 6 does not make a fact regarding Defendants’ infringement of the BAYC  
28 Marks more or less probable.



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1 Yuga Labs further objects that Exhibit 6 is not authenticated. Fed. R.  
2 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 6, and  
3 although Exhibit 6 contains information which might answer those concerns  
4 Mr. Tompros does not establish those facts and the document is not self-  
5 authenticating.

6 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
7 improper hearsay.

8  
9 Plaintiff’s objections to Exhibit 6 to the Declaration of Louis Tompros are  
10 hereby

11 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

12  
13 **G. Objection Number 17**

14 Material Objected To: Exhibit 7 (Dkt. 48-10) to the Declaration of Louis  
15 Tompros.

16 Grounds for Objection: Yuga Labs objects on the same grounds as its  
17 objections stated in Objection Number 11 that the Court should not consider evidence  
18 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

19 Yuga Labs objects that this webpage is not properly the subject of judicial  
20 notice and Defendants have not sought judicial notice of this Exhibit 7. Fed. R.  
21 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 7 for the improper  
22 purposes of harassing Yuga Labs and needlessly increasing the cost of litigation.

23 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
24 Exhibit 7 does not make a fact regarding Defendants’ infringement of the BAYC  
25 Marks more or less probable.

26 Yuga Labs further objects that Exhibit 7 is not authenticated. Fed. R.  
27 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 7.

28

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1 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
2 improper hearsay.

3  
4 Plaintiff’s objections to Exhibit 7 to the Declaration of Louis Tompros are  
5 hereby

6 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

7  
8 **H. Objection Number 18**

9 Material Objected To: Exhibit 8 (Dkt. 48-11) to the Declaration of Louis  
10 Tompros.

11 Grounds for Objection: Yuga Labs objects on the same grounds as its  
12 objections stated in Objection Number 11 that the Court should not consider evidence  
13 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

14 Yuga Labs objects that this webpage is not properly the subject of judicial  
15 notice and Defendants have not sought judicial notice of this Exhibit 8. Fed. R.  
16 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 8 for the improper  
17 purposes of harassing Yuga Labs and needlessly increasing the cost of litigation.

18 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
19 Exhibit 8 does not make a fact regarding Defendants’ infringement of the BAYC  
20 Marks more or less probable.

21 Yuga Labs further objects that Exhibit 8 is not authenticated. Fed. R.  
22 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 8, and  
23 although Exhibit 8 contains information which might answer those concerns  
24 Mr. Tompros does not establish those facts and the document is not self-  
25 authenticating.

26 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
27 improper hearsay.

28

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1 Plaintiff’s objections to Exhibit 8 to the Declaration of Louis Tompros are  
2 hereby

3 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.  
4

5 **I. Objection Number 19**

6 Material Objected To: Exhibit 9 (Dkt. 48-12) to the Declaration of Louis  
7 Tompros.

8 Grounds for Objection: Yuga Labs objects on the same grounds as its  
9 objections stated in Objection Number 11 that the Court should not consider evidence  
10 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

11 Yuga Labs objects that this webpage is not properly the subject of judicial  
12 notice and Defendants have not sought judicial notice of this Exhibit 9. Fed. R.  
13 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 9 for the improper  
14 purposes of harassing Yuga Labs and needlessly increasing the cost of litigation.

15 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
16 Exhibit 9 does not make a fact regarding Defendants’ infringement of the BAYC  
17 Marks more or less probable.

18 Yuga Labs further objects pursuant to Federal Rule of Evidence 403 that any  
19 probative value of Exhibit 9 is substantially outweighed by the danger of unfair  
20 prejudice or confusing the issues. Defendants lack any foundation to assert (falsely)  
21 that Yuga Labs’ founders are white supremacists and yet Defendants seek to introduce  
22 Exhibit 9 to make that unfounded (and false) accusation. Moreover, the document  
23 itself indicates that “18” has been associated with a British white supremacist group  
24 but only “occasionally” appears in cells in the U.S. that “tend to be small and short-  
25 lived”; there is no evidence that any Yuga Labs founder has any relationship to any  
26 “Combat 18” cell because none do.

27 Yuga Labs further objects that Exhibit 9 is not authenticated. Fed. R.  
28 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 9, and

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1 although Exhibit 9 contains information which might answer those concerns  
2 Mr. Tompros does not establish those facts and the document is not self-  
3 authenticating.

4 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
5 improper hearsay.

6  
7 Plaintiff’s objections to Exhibit 9 to the Declaration of Louis Tompros are  
8 hereby

9 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

10  
11 **J. Objection Number 20**

12 Material Objected To: Exhibit 10 (Dkt. 48-13) to the Declaration of Louis  
13 Tompros.

14 Grounds for Objection: Yuga Labs objects on the same grounds as its  
15 objections stated in Objection Number 11 that the Court should not consider evidence  
16 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

17 Yuga Labs objects that this Exhibit 10 is not properly the subject of judicial  
18 notice and Defendants have not sought judicial notice of this Exhibit 10. Fed. R.  
19 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 10 for the  
20 improper purposes of harassing Yuga Labs and needlessly increasing the cost of  
21 litigation.

22 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
23 Exhibit 10 does not make a fact regarding Defendants’ infringement of the BAYC  
24 Marks more or less probable.

25 Yuga Labs further objects pursuant to Federal Rule of Evidence 403 that any  
26 probative value of Exhibit 10 is substantially outweighed by the danger of unfair  
27 prejudice or confusing the issues. Defendants lack any foundation to assert (falsely)

28

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1 that Yuga Labs’ founders are associated with the “alt-right” and yet Defendants seek  
2 to introduce Exhibit 10 to make that unfounded (and false) accusation.

3 Yuga Labs further objects that Exhibit 10 is not authenticated. Fed. R.  
4 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 10, and  
5 although Exhibit 10 contains information which might answer those concerns  
6 Mr. Tompros does not establish those facts and the document is not self-  
7 authenticating. Even more, information in Exhibit 10 suggests that Mr. Tompros did  
8 not personally acquire Exhibit 10, further obscuring the source of Exhibit 10.

9 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
10 improper hearsay.

11 Yuga Labs further objects pursuant to Federal Rule of Evidence 701 and 702  
12 as improper opinion testimony.

13  
14 Plaintiff’s objections to Exhibit 10 to the Declaration of Louis Tompros are  
15 hereby

16 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

17  
18 **K. Objection Number 21**

19 Material Objected To: Exhibit 11 (Dkt. 48-14) to the Declaration of Louis  
20 Tompros.

21 Grounds for Objection: Yuga Labs objects on the same grounds as its  
22 objections stated in Objection Number 11 that the Court should not consider evidence  
23 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

24 Yuga Labs objects that this webpage is not properly the subject of judicial  
25 notice and Defendants have not sought judicial notice of this Exhibit 11. Fed. R.  
26 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 11 for the  
27 improper purposes of harassing Yuga Labs and needlessly increasing the cost of  
28 litigation.

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1 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
2 Exhibit 11 does not make a fact regarding Defendants’ infringement of the BAYC  
3 Marks more or less probable.

4 Yuga Labs further objects pursuant to Federal Rule of Evidence 403 that any  
5 probative value of Exhibit 11 is substantially outweighed by the danger of unfair  
6 prejudice or confusing the issues. Defendants lack any foundation to assert (falsely)  
7 that Yuga Labs’ founders are associated with the “alt-right” and yet Defendants seek  
8 to introduce Exhibit 11 to make that unfounded (and false) accusation.

9 Yuga Labs further objects that Exhibit 11 is not authenticated. Fed. R.  
10 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 11, and  
11 although Exhibit 11 contains information which might answer those concerns,  
12 Mr. Tompros does not establish those facts and the document is not self-  
13 authenticating.

14 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
15 improper hearsay.

16 Yuga Labs further objects pursuant to Federal Rule of Evidence 701 and 702  
17 as improper opinion testimony

18  
19 Plaintiff’s objections to Exhibit 11 to the Declaration of Louis Tompros are  
20 hereby

21 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

22  
23 **L. Objection Number 22**

24 Material Objected To: Exhibit 12 (Dkt. 48-15) to the Declaration of Louis  
25 Tompros.

26 Grounds for Objection: Yuga Labs objects on the same grounds as its  
27 objections stated in Objection Number 11 that the Court should not consider evidence  
28 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

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1 Yuga Labs objects that this webpage is not properly the subject of judicial  
2 notice and Defendants have not sought judicial notice of this Exhibit 12. Fed. R.  
3 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 12 for the  
4 improper purposes of harassing Yuga Labs and needlessly increasing the cost of  
5 litigation.

6 Yuga Labs objects pursuant to Federal Rule of Evidence 401 that this Exhibit  
7 12 does not make a fact regarding Defendants’ infringement of the BAYC Marks  
8 more or less probable.

9 Yuga Labs further objects pursuant to Federal Rule of Evidence 403 that any  
10 probative value of Exhibit 12 is substantially outweighed by the danger of unfair  
11 prejudice or confusing the issues. Defendants lack any foundation to assert (falsely)  
12 that Yuga Labs’ founders are associated with the “alt-right” and yet Defendants seek  
13 to introduce Exhibit 12 to make that unfounded (and false) accusation.

14 Yuga Labs further objects that Exhibit 12 is not authenticated. Fed. R.  
15 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 12, and  
16 although Exhibit 12 contains information which might answer those concerns,  
17 Mr. Tompros does not establish those facts and the document is not self-  
18 authenticating.

19 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
20 improper hearsay.

21 Yuga Labs further objects pursuant to Federal Rule of Evidence 701 and 702  
22 as improper opinion testimony.

23  
24 Plaintiff’s objections to Exhibit 12 to the Declaration of Louis Tompros are  
25 hereby

26 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

27  
28

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1           **M.    Objection Number 23**

2           Material Objected To: Exhibit 13 (Dkt. 48-16) to the Declaration of Louis  
3 Tompros.

4           Grounds for Objection: Yuga Labs objects on the same grounds as its  
5 objections stated in Objection Number 11 that the Court should not consider evidence  
6 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

7           Yuga Labs objects that this third-party social media post is not properly the  
8 subject of judicial notice and Defendants have not sought judicial notice of this  
9 Exhibit 13. Fed. R. Evid. 201. Yuga Labs further objects that Defendants offer  
10 Exhibit 13 for the improper purposes of harassing Yuga Labs and needlessly  
11 increasing the cost of litigation.

12           Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
13 Exhibit 13 does not make a fact regarding Defendants’ infringement of the BAYC  
14 Marks more or less probable.

15           Yuga Labs further objects pursuant to Federal Rule of Evidence 403 that any  
16 probative value of Exhibit 13 is substantially outweighed by the danger of unfair  
17 prejudice or confusing the issues. Defendants lack any foundation to assert (falsely)  
18 that Yuga Labs’ founders are associated with the “alt-right” and yet Defendants seek  
19 to introduce Exhibit 13 to make that unfounded (and false) accusation.

20           Yuga Labs further objects that Exhibit 13 is not authenticated. Fed. R.  
21 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 13, and  
22 although Exhibit 13 contains information which might answer those concerns,  
23 Mr. Tompros does not establish those facts and the document is not self-  
24 authenticating. Moreover, Mr. Tompros has not authenticated, and likely cannot, that  
25 any Tweet was made by any specific person.

26           Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
27 improper hearsay.

28



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1 Plaintiff’s objections to Exhibit 13 to the Declaration of Louis Tompros are  
2 hereby

3 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.  
4

5 **N. Objection Number 24**

6 Material Objected To: Exhibit 14 (Dkt. 48-17) to the Declaration of Louis  
7 Tompros.

8 Grounds for Objection: Yuga Labs objects on the same grounds as its  
9 objections stated in Objection Number 11 that the Court should not consider evidence  
10 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

11 Yuga Labs objects that this third-party social media post is not properly the  
12 subject of judicial notice and Defendants have not sought judicial notice of this  
13 Exhibit 14. Fed. R. Evid. 201. Yuga Labs further objects that Defendants offer  
14 Exhibit 14 for the improper purposes of harassing Yuga Labs and needlessly  
15 increasing the cost of litigation.

16 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
17 Exhibit 14 does not make a fact regarding Defendants’ infringement of the BAYC  
18 Marks more or less probable.

19 Yuga Labs further objects pursuant to Federal Rule of Evidence 403 that any  
20 probative value of Exhibit 14 is substantially outweighed by the danger of unfair  
21 prejudice or confusing the issues. Defendants lack any foundation to assert (falsely)  
22 that Yuga Labs’ founders are associated with the “alt-right” and yet Defendants seek  
23 to introduce Exhibit 14 to make that unfounded (and false) accusation.

24 Yuga Labs further objects that Exhibit 14 is not authenticated. Fed. R.  
25 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 14, and  
26 although Exhibit 14 contains information which might answer those concerns,  
27 Mr. Tompros does not establish those facts and the document is not self-  
28

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1 authenticating. Moreover, Mr. Tompros has not authenticated, and likely cannot, that  
2 any Tweet was made by any specific person.

3 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
4 improper hearsay.

5 Yuga Labs further objects pursuant to Federal Rule of Evidence 701 and 702  
6 as improper opinion testimony.

7  
8 Plaintiff’s objections to Exhibit 14 to the Declaration of Louis Tompros are  
9 hereby

10 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

11  
12 **O. Objection Number 25**

13 Material Objected To: Exhibit 15 (Dkt. 48-18) to the Declaration of Louis  
14 Tompros.

15 Grounds for Objection: Yuga Labs objects on the same grounds as its  
16 objections stated in Objection Number 11 that the Court should not consider evidence  
17 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

18 Yuga Labs objects that this private communication between two third parties  
19 is not properly the subject of judicial notice and Defendants have not sought judicial  
20 notice of this Exhibit 15. Fed. R. Evid. 201. Yuga Labs further objects that  
21 Defendants offer Exhibit 15 for the improper purposes of harassing Yuga Labs and  
22 needlessly increasing the cost of litigation.

23 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
24 Exhibit 15 does not make a fact regarding Defendants’ infringement of the BAYC  
25 Marks more or less probable.

26 Yuga Labs further objects pursuant to Federal Rule of Evidence 403 that any  
27 probative value of Exhibit 15 is substantially outweighed by the danger of unfair  
28 prejudice or confusing the issues. Exhibit 15 reflects a private conversation between

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1 two non-parties relating to their personal beliefs about Yuga Labs and where one party  
2 admits that he does not feel like he knows “what’s going on” but is nevertheless  
3 willing to participate in a public dialogue about Yuga Labs at the behest of another  
4 party. Defendants also lack any foundation to assert (falsely) that Yuga Labs’  
5 founders are associated with the “alt-right” and yet Defendants seek to introduce  
6 Exhibit 15 to make that unfounded (and false) accusation.

7 Yuga Labs further objects that Exhibit 15 is not authenticated and there is no  
8 possible way that Mr. Tompros could authenticate Exhibit 15 unless he was one of  
9 the two parties participating in the private communication. Fed. R. Evid. 901.  
10 Mr. Tompros cannot even authenticate that any communication was made by any  
11 specific person. Mr. Tompros certainly does not lay any foundation as to how he  
12 could even attempt to declare under oath that Exhibit 15 is a “true and correct copy  
13 of two images showing direct messages between Richard Spencer and Frederick  
14 Brennan.”

15 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
16 improper hearsay.

17 Yuga Labs further objects pursuant to Federal Rule of Evidence 701 and 702  
18 as improper opinion testimony.

19  
20 Plaintiff’s objections to Exhibit 15 to the Declaration of Louis Tompros are  
21 hereby

22 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

23

24 **P. Objection Number 26**

25 Material Objected To: Exhibit 16 (Dkt. 48-19) to the Declaration of Louis  
26 Tompros.

27 Grounds for Objection: Yuga Labs objects on the same grounds as its  
28 objections stated in Objection Number 11 that the Court should not consider evidence

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1 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

2 Yuga Labs objects that this webpage is not properly the subject of judicial  
3 notice and Defendants have not sought judicial notice of this Exhibit 16. Fed. R.  
4 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 16 for the  
5 improper purposes of harassing Yuga Labs and needlessly increasing the cost of  
6 litigation.

7 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
8 Exhibit 16 does not make a fact regarding Defendants’ infringement of the BAYC  
9 Marks more or less probable.

10 Yuga Labs further objects pursuant to Federal Rule of Evidence 403 that any  
11 probative value of Exhibit 16 is substantially outweighed by the danger of unfair  
12 prejudice or confusing the issues. Defendants lack any foundation to assert (falsely)  
13 that Yuga Labs’ founders are associated with the “alt-right” and yet Defendants seek  
14 to introduce Exhibit 16 to make that unfounded (and false) accusation. The unknown  
15 author of Exhibit 16 similarly lacks foundation to make those unfounded (and false)  
16 accusations.

17 Yuga Labs further objects that Exhibit 16 is not authenticated. Fed. R.  
18 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 16, and  
19 although Exhibit 16 contains information which might answer those concerns,  
20 Mr. Tompros does not establish those facts and the document is not self-  
21 authenticating.

22 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
23 improper hearsay.

24 Yuga Labs further objects pursuant to Federal Rule of Evidence 701 and 702  
25 as improper opinion testimony.

26  
27  
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1 Plaintiff’s objections to Exhibit 16 to the Declaration of Louis Tompros are  
2 hereby

3 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.  
4

5 **Q. Objection Number 27**

6 Material Objected To: Exhibit 17 (Dkt. 48-20) to the Declaration of Louis  
7 Tompros.

8 Grounds for Objection: Yuga Labs objects on the same grounds as its  
9 objections stated in Objection Number 11 that the Court should not consider evidence  
10 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

11 Yuga Labs objects that this webpage is not properly the subject of judicial  
12 notice and Defendants have not sought judicial notice of this Exhibit 17. Fed. R.  
13 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 17 for the  
14 improper purposes of harassing Yuga Labs and needlessly increasing the cost of  
15 litigation.

16 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
17 Exhibit 17 does not make a fact regarding Defendants’ infringement of the BAYC  
18 Marks more or less probable.

19 Yuga Labs further objects pursuant to Federal Rule of Evidence 403 that any  
20 probative value of Exhibit 17 is substantially outweighed by the danger of unfair  
21 prejudice or confusing the issues. Defendants lack any foundation to assert (falsely)  
22 that Yuga Labs’ founders are associated with the “alt-right” and yet Defendants seek  
23 to introduce Exhibit 17 to make that unfounded (and false) accusation.

24 Yuga Labs further objects that Exhibit 17 is not authenticated. Fed. R.  
25 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 17, and  
26 although Exhibit 17 contains information which might answer those concerns,  
27 Mr. Tompros does not establish those facts and the document is not  
28 self-authenticating.

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1 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
2 improper hearsay.

3  
4 Plaintiff’s objections to Exhibit 17 to the Declaration of Louis Tompros are  
5 hereby

6 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

7  
8 **R. Objection Number 28**

9 Material Objected To: Exhibit 18 (Dkt. 48-21) to the Declaration of Louis  
10 Tompros.

11 Grounds for Objection: Yuga Labs objects on the same grounds as its  
12 objections stated in Objection Number 11 that the Court should not consider evidence  
13 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

14 Yuga Labs objects that this webpage is not properly the subject of judicial  
15 notice and Defendants have not sought judicial notice of this Exhibit 18. Fed. R.  
16 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 18 for the  
17 improper purposes of harassing Yuga Labs and needlessly increasing the cost of  
18 litigation.

19 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
20 Exhibit 18 does not make a fact regarding Defendants’ infringement of the BAYC  
21 Marks more or less probable.

22 Yuga Labs further objects pursuant to Federal Rule of Evidence 403 that any  
23 probative value of Exhibit 18 is substantially outweighed by the danger of unfair  
24 prejudice or confusing the issues. Defendants lack any foundation to assert (falsely)  
25 that Yuga Labs’ founders are associated with the “alt-right” and yet Defendants seek  
26 to introduce Exhibit 18 to make that unfounded (and false) accusation.

27 Yuga Labs further objects that Exhibit 18 is not authenticated. Fed. R.  
28 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 18, and

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1 although Exhibit 18 contains information which might answer those concerns,  
2 Mr. Tompros does not establish those facts and the document is not self-  
3 authenticating.

4 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
5 improper hearsay.

6  
7 Plaintiff’s objections to Exhibit 18 to the Declaration of Louis Tompros are  
8 hereby

9 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

10  
11 **S. Objection Number 29**

12 Material Objected To: Exhibit 19 (Dkt. 48-22) to the Declaration of Louis  
13 Tompros.

14 Grounds for Objection: Yuga Labs objects on the same grounds as its  
15 objections stated in Objection Number 11 that the Court should not consider evidence  
16 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

17 Yuga Labs objects that this Exhibit 19 comprised of a compilation of social  
18 media posts by unnamed third parties is not properly the subject of judicial notice and  
19 Defendants have not sought judicial notice of this Exhibit 19. Fed. R. Evid. 201.  
20 Yuga Labs further objects that Defendants offer Exhibit 19 for the improper purposes  
21 of harassing Yuga Labs and needlessly increasing the cost of litigation.

22 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
23 Exhibit 19 does not make a fact regarding Defendants’ infringement of the BAYC  
24 Marks more or less probable.

25 Yuga Labs further objects pursuant to Federal Rule of Evidence 403 that any  
26 probative value of Exhibit 19 is substantially outweighed by the danger of unfair  
27 prejudice or confusing the issues. While Yuga Labs condemns these third parties’  
28 willfully false statements, Defendants’ and third parties’ offensive accusations against

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1 Yuga Labs’ founders are not the basis for any claim in this lawsuit. Defendants lack  
2 any foundation to assert (falsely) that Yuga Labs’ founders are associated with the  
3 “alt-right” and yet Defendants seek to introduce Exhibit 19 to make that unfounded  
4 (and false) accusation.

5 Yuga Labs further objects that Exhibit 19 is not authenticated. Fed. R.  
6 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 19, and  
7 although Exhibit 19 contains information which might answer those concerns,  
8 Mr. Tompros does not establish those facts and the document is not  
9 self-authenticating.

10 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
11 improper hearsay.

12 Yuga Labs further objects pursuant to Federal Rule of Evidence 701 and 702  
13 as improper opinion testimony.

14  
15 Plaintiff’s objections to Exhibit 19 to the Declaration of Louis Tompros are  
16 hereby

17 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

18  
19 **T. Objection Number 30**

20 Material Objected To: Exhibit 20 (Dkt. 48-23) to the Declaration of Louis  
21 Tompros.

22 Grounds for Objection: Yuga Labs objects that this article is not properly the  
23 subject of judicial notice and Defendants have not sought judicial notice of this  
24 Exhibit 20. Fed. R. Evid. 201. Yuga Labs further objects that Defendants offer  
25 Exhibit 20 for the improper purposes of harassing Yuga Labs and needlessly  
26 increasing the cost of litigation.

27  
28



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1 Yuga Labs objects pursuant to Federal Rule of Evidence 401 that this Exhibit  
2 20 does not make a fact regarding Defendants’ infringement of the BAYC Marks  
3 more or less probable.

4 Yuga Labs further objects pursuant to Federal Rule of Evidence 403 that any  
5 probative value of Exhibit 20 is substantially outweighed by the danger of unfair  
6 prejudice or confusing the issues. Defendants lack any foundation to assert (falsely)  
7 that Yuga Labs’ founders are associated with the “alt-right” and yet Defendants seek  
8 to introduce Exhibit 20 to make that unfounded (and false) accusation.

9 Yuga Labs further objects that Exhibit 20 is not authenticated. Fed. R.  
10 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 20.

11 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
12 improper hearsay.

13  
14 Plaintiff’s objections to Exhibit 20 to the Declaration of Louis Tompros are  
15 hereby

16 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

17  
18 **U. Objection Number 31**

19 Material Objected To: Exhibit 21 (Dkt. 48-24) to the Declaration of Louis  
20 Tompros.

21 Grounds for Objection: Yuga Labs objects on the same grounds as its  
22 objections stated in Objection Number 11 that the Court should not consider evidence  
23 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

24 Yuga Labs objects that this webpage is not properly the subject of judicial  
25 notice and Defendants have not sought judicial notice of this Exhibit 21. Fed. R.  
26 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 21 for the  
27 improper purposes of harassing Yuga Labs and needlessly increasing the cost of  
28 litigation.

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1 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
2 Exhibit 21 does not make a fact regarding Defendants’ infringement of the BAYC  
3 Marks more or less probable.

4 Yuga Labs further objects that Exhibit 21 is not authenticated. Fed. R.  
5 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 21, and  
6 although Exhibit 21 contains information which might answer those concerns,  
7 Mr. Tompros does not establish those facts and the document is not self-  
8 authenticating.

9  
10 Plaintiff’s objections to Exhibit 21 to the Declaration of Louis Tompros are  
11 hereby

12 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

13  
14 **V. Objection Number 32**

15 Material Objected To: Exhibit 22 (Dkt. 48-25) to the Declaration of Louis  
16 Tompros.

17 Grounds for Objection: Yuga Labs objects on the same grounds as its  
18 objections stated in Objection Number 11 that the Court should not consider evidence  
19 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

20 Yuga Labs objects that this webpage is not properly the subject of judicial  
21 notice and Defendants have not sought judicial notice of this Exhibit 22. Fed. R.  
22 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 22 for the  
23 improper purposes of harassing Yuga Labs and needlessly increasing the cost of  
24 litigation.

25 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
26 Exhibit 22 does not make a fact regarding Defendants’ infringement of the BAYC  
27 Marks more or less probable.

28

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1 Yuga Labs further objects that Exhibit 22 is not authenticated. Fed. R.  
2 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 22, and  
3 although Exhibit 22 contains information which might answer those concerns,  
4 Mr. Tompros does not establish those facts and the document is not self-  
5 authenticating.

6  
7 Plaintiff’s objections to Exhibit 22 to the Declaration of Louis Tompros are  
8 hereby

9 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

10  
11 **W. Objection Number 33**

12 Material Objected To: Exhibit 23 (Dkt. 48-26) to the Declaration of Louis  
13 Tompros.

14 Grounds for Objection: Yuga Labs objects on the same grounds as its  
15 objections stated in Objection Number 11 that the Court should not consider evidence  
16 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

17 Yuga Labs objects that this webpage is not properly the subject of judicial  
18 notice and Defendants have not sought judicial notice of this Exhibit 23. Fed. R.  
19 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 23 for the  
20 improper purposes of harassing Yuga Labs and needlessly increasing the cost of  
21 litigation.

22 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
23 Exhibit 23 does not make a fact regarding Defendants’ infringement of the BAYC  
24 Marks more or less probable.

25 Yuga Labs further objects pursuant to Federal Rule of Evidence 403 that any  
26 probative value of Exhibit 23 is substantially outweighed by the danger of unfair  
27 prejudice or confusing the issues. Defendants lack any foundation to assert (falsely)  
28

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1 that Yuga Labs’ founders are associated with the “alt-right” and yet Defendants seek  
2 to introduce Exhibit 23 to make that unfounded (and false) accusation.

3 Yuga Labs further objects that Exhibit 23 is not authenticated. Fed. R.  
4 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 23, and  
5 although Exhibit 23 contains information which might answer those concerns,  
6 Mr. Tompros does not establish those facts and the document is not self-  
7 authenticating.

8 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
9 improper hearsay.

10  
11 Plaintiff’s objections to Exhibit 23 to the Declaration of Louis Tompros are  
12 hereby

13 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

14  
15 **X. Objection Number 34**

16 Material Objected To: Exhibit 24 (Dkt. 48-27) to the Declaration of Louis  
17 Tompros.

18 Grounds for Objection: Yuga Labs objects on the same grounds as its  
19 objections stated in Objection Number 11 that the Court should not consider evidence  
20 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

21 Yuga Labs objects that this webpage is not properly the subject of judicial  
22 notice and Defendants have not sought judicial notice of this Exhibit 24. Fed. R.  
23 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 24 for the  
24 improper purposes of harassing Yuga Labs and needlessly increasing the cost of  
25 litigation.

26 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
27 Exhibit 24 does not make a fact regarding Defendants’ infringement of the BAYC  
28 Marks more or less probable.

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1 Yuga Labs further objects pursuant to Federal Rule of Evidence 403 that any  
2 probative value of Exhibit 24 is substantially outweighed by the danger of unfair  
3 prejudice or confusing the issues. Defendants lack any foundation to assert (falsely)  
4 that Yuga Labs’ founders are associated with the “alt-right” and yet Defendants seek  
5 to introduce Exhibit 24 to make that unfounded (and false) accusation.

6 Yuga Labs further objects that Exhibit 24 is not authenticated. Fed. R.  
7 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 24, and  
8 although Exhibit 24 contains information which might answer those concerns,  
9 Mr. Tompros does not establish those facts and the document is not self-  
10 authenticating.

11 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
12 improper hearsay.

13  
14 Plaintiff’s objections to Exhibit 24 to the Declaration of Louis Tompros are  
15 hereby

16 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

17  
18 **Y. Objection Number 35**

19 Material Objected To: Exhibit 25 (Dkt. 48-28) to the Declaration of Louis  
20 Tompros.

21 Grounds for Objection: Yuga Labs objects on the same grounds as its  
22 objections stated in Objection Number 11 that the Court should not consider evidence  
23 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

24 Yuga Labs objects that this Exhibit 25 showing social media posts is not  
25 properly the subject of judicial notice and Defendants have not sought judicial notice  
26 of this Exhibit 25. Fed. R. Evid. 201. Yuga Labs further objects that Defendants  
27 offer Exhibit 25 for the improper purposes of harassing Yuga Labs and needlessly  
28 increasing the cost of litigation.

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1 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
2 Exhibit 25 does not make a fact regarding Defendants’ infringement of the BAYC  
3 Marks more or less probable.

4 Yuga Labs further objects pursuant to Federal Rule of Evidence 403 that any  
5 probative value of Exhibit 25 is substantially outweighed by the danger of unfair  
6 prejudice or confusing the issues. Defendants lack any foundation to assert (falsely)  
7 that Yuga Labs’ founders are associated with the “alt-right” and yet Defendants seek  
8 to introduce Exhibit 25 to make that unfounded (and false) accusation.

9 Yuga Labs further objects that Exhibit 25 is not authenticated. Fed. R.  
10 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 25, and  
11 although Exhibit 25 contains information which might answer those concerns,  
12 Mr. Tompros does not establish those facts and the document is not self-  
13 authenticating.

14 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
15 improper hearsay.

16  
17 Plaintiff’s objections to Exhibit 25 to the Declaration of Louis Tompros are  
18 hereby

19 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

20  
21 **Z. Objection Number 36**

22 Material Objected To: Exhibit 26 (Dkt. 48-29) to the Declaration of Louis  
23 Tompros.

24 Grounds for Objection: Yuga Labs objects on the same grounds as its  
25 objections stated in Objection Number 11 that the Court should not consider evidence  
26 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

27 Yuga Labs objects that this webpage is not properly the subject of judicial  
28 notice and Defendants have not sought judicial notice of this Exhibit 26. Fed. R.

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1 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 26 for the  
2 improper purposes of harassing Yuga Labs and needlessly increasing the cost of  
3 litigation.

4 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
5 Exhibit 26 does not make a fact regarding Defendants’ infringement of the BAYC  
6 Marks more or less probable.

7 Yuga Labs further objects that Exhibit 26 is not authenticated. Fed. R.  
8 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 26, and  
9 although Exhibit 26 contains information which might answer those concerns,  
10 Mr. Tompros does not establish those facts and the document is not self-  
11 authenticating.

12 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
13 improper hearsay.

14  
15 Plaintiff’s objections to Exhibit 26 to the Declaration of Louis Tompros are  
16 hereby

17 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

18  
19 **AA. Objection Number 37**

20 Material Objected To: Exhibit 27 (Dkt. 48-30) to the Declaration of Louis  
21 Tompros.

22 Grounds for Objection: Yuga Labs objects on the same grounds as its  
23 objections stated in Objection Number 11 that the Court should not consider evidence  
24 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

25 Yuga Labs objects that this social media thread is not properly the subject of  
26 judicial notice and Defendants have not sought judicial notice of this Exhibit 27. Fed.  
27 R. Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 27 for the  
28

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1 improper purposes of harassing Yuga Labs and needlessly increasing the cost of  
2 litigation.

3 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
4 Exhibit 27 does not make a fact regarding Defendants’ infringement of the BAYC  
5 Marks more or less probable.

6 Yuga Labs further objects that Exhibit 27 is not authenticated. Fed. R.  
7 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 27, and  
8 although Exhibit 27 contains information which might answer those concerns,  
9 Mr. Tompros does not establish those facts and the document is not self-  
10 authenticating.

11 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
12 improper hearsay.

13  
14 Plaintiff’s objections to Exhibit 27 to the Declaration of Louis Tompros are  
15 hereby

16 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

17  
18 **BB. Objection Number 38**

19 Material Objected To: Exhibit 28 (Dkt. 48-31) to the Declaration of Louis  
20 Tompros.

21 Grounds for Objection: Yuga Labs objects on the same grounds as its  
22 objections stated in Objection Number 11 that the Court should not consider evidence  
23 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

24 Yuga Labs objects that this social media thread is not properly the subject of  
25 judicial notice and Defendants have not sought judicial notice of this Exhibit 28. Fed.  
26 R. Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 28 for the  
27 improper purposes of harassing Yuga Labs and needlessly increasing the cost of  
28 litigation.



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1 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
2 Exhibit 28 does not make a fact regarding Defendants’ infringement of the BAYC  
3 Marks more or less probable.

4 Yuga Labs further objects that Exhibit 28 is not authenticated. Fed. R.  
5 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 28, and  
6 although Exhibit 28 contains information which might answer those concerns,  
7 Mr. Tompros does not establish those facts and the document is not self-  
8 authenticating.

9 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
10 improper hearsay.

11  
12 Plaintiff’s objections to Exhibit 28 to the Declaration of Louis Tompros are  
13 hereby

14 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

15  
16 **CC. Objection Number 39**

17 Material Objected To: Exhibit 29 (Dkt. 48-32) to the Declaration of Louis  
18 Tompros.

19 Grounds for Objection: Yuga Labs objects on the same grounds as its  
20 objections stated in Objection Number 11 that the Court should not consider evidence  
21 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

22 Yuga Labs objects that this webpage is not properly the subject of judicial  
23 notice and Defendants have not sought judicial notice of this Exhibit 29. Fed. R.  
24 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 29 for the  
25 improper purposes of harassing Yuga Labs and needlessly increasing the cost of  
26 litigation.

27  
28

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1 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
2 Exhibit 29 does not make a fact regarding Defendants’ infringement of the BAYC  
3 Marks more or less probable.

4 Yuga Labs further objects that Exhibit 29 is not authenticated. Fed. R.  
5 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 29, and  
6 although Exhibit 29 contains information which might answer those concerns,  
7 Mr. Tompros does not establish those facts and the document is not self-  
8 authenticating.

9 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
10 improper hearsay.

11  
12 Plaintiff’s objections to Exhibit 29 to the Declaration of Louis Tompros are  
13 hereby

14 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

15  
16 **DD. Objection Number 40**

17 Material Objected To: Exhibit 30 (Dkt. 48-33) to the Declaration of Louis  
18 Tompros.

19 Grounds for Objection: Yuga Labs objects on the same grounds as its  
20 objections stated in Objection Number 11 that the Court should not consider evidence  
21 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

22 Yuga Labs objects that this webpage is not properly the subject of judicial  
23 notice and Defendants have not sought judicial notice of this Exhibit 30. Fed. R.  
24 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 30 for the  
25 improper purposes of harassing Yuga Labs and needlessly increasing the cost of  
26 litigation.

27  
28

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1 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
2 Exhibit 30 does not make a fact regarding Defendants’ infringement of the BAYC  
3 Marks more or less probable.

4 Yuga Labs further objects that Exhibit 30 is not authenticated. Fed. R.  
5 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 30, and  
6 although Exhibit 30 contains information which might answer those concerns,  
7 Mr. Tompros does not establish those facts and the document is not self-  
8 authenticating.

9 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
10 improper hearsay.

11  
12 Plaintiff’s objections to Exhibit 30 to the Declaration of Louis Tompros are  
13 hereby

14 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

15  
16 **EE. Objection Number 41**

17 Material Objected To: Exhibit 31 (Dkt. 48-34) to the Declaration of Louis  
18 Tompros.

19 Grounds for Objection: Yuga Labs objects on the same grounds as its  
20 objections stated in Objection Number 11 that the Court should not consider evidence  
21 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

22 Yuga Labs objects that this webpage is not properly the subject of judicial  
23 notice and Defendants have not sought judicial notice of this Exhibit 31. Fed. R.  
24 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 31 for the  
25 improper purposes of harassing Yuga Labs and needlessly increasing the cost of  
26 litigation.

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FENWICK & WEST LLP

1 Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this  
2 Exhibit 31 does not make a fact regarding Defendants’ infringement of the BAYC  
3 Marks more or less probable.

4 Yuga Labs further objects that Exhibit 31 is not authenticated. Fed. R.  
5 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 31, and  
6 although Exhibit 31 contains information which might answer those concerns,  
7 Mr. Tompros does not establish those facts and the document is not self-  
8 authenticating.

9 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
10 improper hearsay.

11  
12 Plaintiff’s objections to Exhibit 31 to the Declaration of Louis Tompros are  
13 hereby

14 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

15  
16 **FF. Objection Number 42**

17 Material Objected To: Exhibit 32 (Dkt. 48-35) to the Declaration of Louis  
18 Tompros.

19 Grounds for Objection: Yuga Labs objects on the same grounds as its  
20 objections stated in Objection Number 11 that the Court should not consider evidence  
21 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

22 Yuga Labs objects that this webpage is not properly the subject of judicial  
23 notice and Defendants have not sought judicial notice of this Exhibit 32. Fed. R.  
24 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 32 for the  
25 improper purposes of harassing Yuga Labs and needlessly increasing the cost of  
26 litigation.

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FENWICK & WEST LLP

1 Yuga Labs objects pursuant to Federal Rule of Evidence 401 that this Exhibit  
2 32 does not make a fact regarding Defendants’ infringement of the BAYC Marks  
3 more or less probable.

4 Yuga Labs further objects that Exhibit 32 is not authenticated. Fed. R.  
5 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 32, and  
6 although Exhibit 32 contains information which might answer those concerns,  
7 Mr. Tompros does not establish those facts and the document is not self-  
8 authenticating.

9 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
10 improper hearsay.

11  
12 Plaintiff’s objections to Exhibit 32 to the Declaration of Louis Tompros are  
13 hereby

14 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

15  
16 **GG. Objection Number 43**

17 Material Objected To: Exhibit 33 (Dkt. 48-36) to the Declaration of Louis  
18 Tompros.

19 Grounds for Objection: Yuga Labs objects on the same grounds as its  
20 objections stated in Objection Number 11 that the Court should not consider evidence  
21 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

22 Yuga Labs objects that this webpage is not properly the subject of judicial  
23 notice and Defendants have not sought judicial notice of this Exhibit 33. Fed. R.  
24 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 33 for the  
25 improper purposes of harassing Yuga Labs and needlessly increasing the cost of  
26 litigation.

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FENWICK & WEST LLP

1 Yuga Labs objects pursuant to Federal Rule of Evidence 401 that this Exhibit  
2 33 does not make a fact regarding Defendants’ infringement of the BAYC Marks  
3 more or less probable.

4 Yuga Labs further objects that Exhibit 33 is not authenticated. Fed. R.  
5 Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 33, and  
6 although Exhibit 33 contains information which might answer those concerns,  
7 Mr. Tompros does not establish those facts and the document is not self-  
8 authenticating.

9 Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as  
10 improper hearsay.

11  
12 Plaintiff’s objections to Exhibit 33 to the Declaration of Louis Tompros are  
13 hereby

14 \_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

15  
16 **HH. Objection Number 44**

17 Material Objected To: Exhibit 34 (Dkt. 48-37) to the Declaration of Louis  
18 Tompros.

19 Grounds for Objection: Yuga Labs objects on the same grounds as its  
20 objections stated in Objection Number 11 that the Court should not consider evidence  
21 outside of the pleadings in deciding the Rule 12(b)(6) or anti-SLAPP motions.

22 Yuga Labs objects that this Exhibit 34 is not properly the subject of judicial  
23 notice and Defendants have not sought judicial notice of this Exhibit 34. Fed. R.  
24 Evid. 201. Yuga Labs further objects that Defendants offer Exhibit 34 for the  
25 improper purposes of harassing Yuga Labs and needlessly increasing the cost of  
26 litigation.

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FENWICK & WEST LLP

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Yuga Labs further objects pursuant to Federal Rule of Evidence 401 that this Exhibit 34 does not make a fact regarding Defendants’ infringement of the BAYC Marks more or less probable.

Yuga Labs further objects that Exhibit 34 is not authenticated. Fed. R. Evid. 901. Mr. Tompros does not declare where or when he acquired Exhibit 34, and although Exhibit 34 contains information which might answer those concerns, Mr. Tompros does not establish those facts and the document is not self-authenticating.

Yuga Labs further objects pursuant to Federal Rule of Evidence 801 as improper hearsay.

Plaintiff’s objections to Exhibit 34 to the Declaration of Louis Tompros are hereby

\_\_\_\_\_ SUSTAINED. \_\_\_\_\_ OVERRULED.

Dated: October 17, 2022

FENWICK & WEST LLP

By: /s/ Eric Ball  
Eric Ball  
Attorneys for Plaintiff  
YUGA LABS, INC.