

MORONS

I was sick of the smell. Every time my dad lit a cigarette on his balcony, the smoke wafted up to my bedroom and I knew he was one cancer stick closer to death. After many unsuccessful attempts to sabotage his habit (soaking his cigarettes in water, ripping off filters, hiding matches), I decided to find a more artistic way to convey my disapproval. When he saw the Morons painting I had left in his bedroom, he woke me up to congratulate me on finally motivating him to quit. He also paid me \$400, with the stipulation that I use the money to do for other smokers what I had done for him.

Morons became an L.A. classic, eliciting hundreds of impassioned emails from total strangers – all in response to the nocturnal antics of a 14-year-old.

FOOLISH CHOICES

les en el interior • 5 Miles



Morons

Las Autoridades Sanitarias advierten que
el tabaco perjudica seriamente la salud





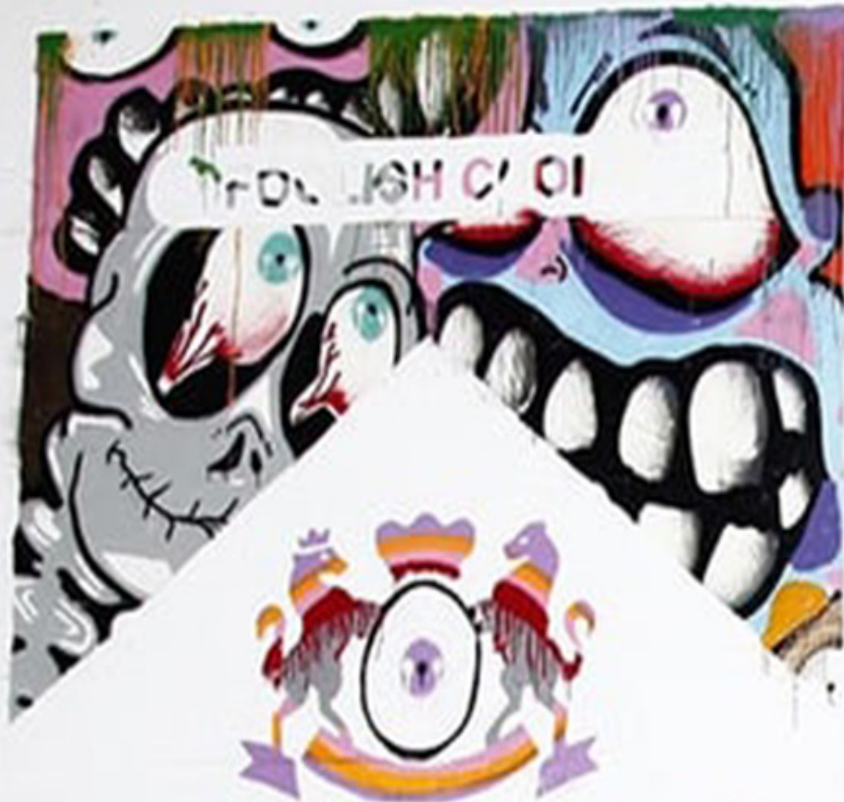
FOOLISH CHOICE



Merons

COMMITTING SUICIDE





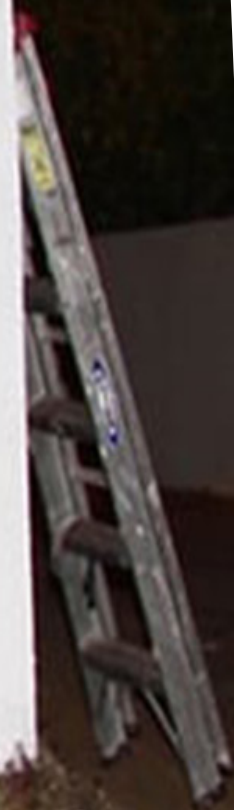
ISH CHOICE

FOOLISH CHOICE



Morons

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Subject: Thanks
From: diana mendez <diana_mendez_romero@yahoo.com>
Date: Mon, August 02, 2010 2:24 pm
To: hope@kaiaspire.com

Hi Kai,

I came across your "morons"/marlborogh poster today just about an hour after I threw away a half empty box of cigarettes with the decision to quit (again). I took a picture of your poster and put it on my cell phone wall paper to be reminded of my decision to quit every time I check my phone.

Here's hoping it sticks.

Thanks!
Diana

Subject: RE: Thanks
From: <hope@kaiaspire.com>
Date: Mon, August 09, 2010 1:40 pm
To: "diana mendez" <diana_mendez_romero@yahoo.com>

thank you so much, you quitting and using my art to help you quit is an honor keep it up if youre ever having a hard day and you feel like you need to smoke email me to get youre mind off it and spread the art please

kai

Subject: Morons.
From: Markus Rutledge <thegreatlazlo@gmail.com>
Date: Thu, July 28, 2011 5:23 pm
To: HOPE@KAIASPIRE.COM

"The streets are where most of the negativity is playing out, so it only makes sense to fight back within that environment."

Then why are you fighting back WITH negativity? Why not motivate, rather than ridicule? I know you think you came up with something really witty, but in fact, you're just bullying on a large scale. I'm guessing your next piece doesn't call fat kids Morons? Yet obesity is ranked neck and neck with tobacco. I don't mean to attack you, personally, and wouldn't have cared until I read your little mission statement and its "nothing is as effective as street art in producing change in everyday life." If you want to attack big tobacco, go for it, but when you attack its victims, I can garner zero respect for your motives or your work.

Just my 2 cents.

-Markus Rutledge

Subject: Morons Committing suicide-
From: Chris Dryer <jesuslovesyou112@yahoo.com>
Date: Thu, September 30, 2010 6:49 pm
To: hope@kaiaspire.com

I saw your art picture in the L.A. District. I really appreciate the message you are presenting to the public. There has already been hate towards your art. For example, some random person had written on your poster in a public area "My Life, My Body, F*** off" I was startled, because I had just seen it. Anyway keep up the good work. jesuslovesyou112 has seen your website kaiaspire.com

Subject: "Morons" Dude why?
From: braka2000-harper@yahoo.com
Date: Tue, September 14, 2010 5:02 am
To: hope@kaiaspire.com

Heya Kai,

I keep seeing your morons sign around town and I'm asking you please to stop. Why do you have to spread a message of negativity? I'm out having a wonderful time with my friends, trying to fend off the problems of life... money, love politics and all of a sudden I see your posters and it really puts me off. Affects mine and my friends mood.

I'm a big fan of street art. From Banksy to Blu blu, but their Art spreads a message of hope and positivity.

I know you have good intentions. I'm simply trying to appeal to your sense of reason. Please, it's really a buzzkill. I work hard, I get my heart broken, I got enough problems in my life without someone attacking the life choices of me and my friends.

Whatever happened to live and let live?

Should I hiss at smokers? Should I walk up to them on the street when they're with their girls and tell them that they're morons? Do you do that?

Seriously man. It's bad manners. It's just plain rude, unproductive, patronizing and one more problem in an otherwise imperfect world.

Regards,

B

ARNOLD & PORTER LLP

Roberta L. Horton
Roberta.Horton@aporter.com
+1 202.942.5161
+1 202.942.5999 Fax
555 Twelfth Street, NW
Washington, DC 20004-1206

February 15, 2012

VIA FEDEX COURIER AND ELECTRONIC MAIL

Mr. Zac Guetta
7701 Melrose Ave.
Los Angeles, CA 90046
Phone: 323-854-7252
Email: zaccari23@yahoo.com
hope@kaiaspire.com

Re: Unauthorized Use of MARLBORO® Trade Dress

Dear Mr. Guetta:

We represent Philip Morris USA Inc. ("PM USA") in certain trademark matters. Our client recently has learned that your company, Kai Aspire Art, advertises and sells posters and stickers (the "Infringing Products") that infringe PM USA's MARLBORO® Trade Dress, as described herein. A screen capture from your website, www.kaiaspire.com, displaying the Infringing Products, is attached hereto as Exhibit A. This letter is to inform you that the use, advertisement, sale and distribution of the Infringing Products constitutes statutory and common law trademark infringement, dilution, and unfair competition in violation of PM USA's valuable rights. On behalf of PM USA, we must demand that you immediately refrain from using, advertising, selling, and/or distributing any products bearing the MARLBORO® Trade Dress or any other mark or trade dress confusingly similar thereto.

As you undoubtedly know, MARLBORO® is the most recognized brand of cigarettes in the United States. In addition to the MARLBORO® word mark, one of the distinctive features of the MARLBORO® brand is its trade dress. The MARLBORO® trade dress features the distinctive MARLBORO® Roof Design that is comprised of a five-sided figure with upper sides extending to make right angle corners with the top and two sides, and the bottom two sides forming upwardly and inwardly sloping diagonals, all within which an ellipse is centered; the distinctive font, size, and typeface of the MARLBORO® word mark, which is centered towards the bottom of the pack; and the gold and red PM USA insignia located directly under the peak of the MARLBORO® Roof Design. To enhance its rights in the MARLBORO® trade dress and Roof Design, PM USA has obtained from the United States Patent and Trademark Office several federal trademark registrations covering the trade dress and Roof Design, including Registration No. 938,510 for the trade dress with the Roof Design in red, and Registration No. 3,533,419 for the Roof Design and other elements of the MARLBORO®

FOOLISH CHOICE



Morons

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trade dress, without the word MARLBORO®. Copies of the certificates for these registrations are attached hereto as Exhibit B.

The Infringing Products misappropriate PM USA's MARLBORO® Trade Dress. As shown in Exhibit A, the Infringing Products feature the exact MARLBORO® Roof Design in the color red, within which an ellipse is centered, and below which the exact PM USA gold and red insignia is featured in the same location as used on PM USA's MARLBORO® packaging. Centered towards the bottom of the Infringing Products, the word "Moron" is displayed in a font confusingly similar to the distinctive font used by PM USA on its MARLBORO® packaging. There is no need for you to use these elements of the MARLBORO® Trade Dress to sell your products. Thus, your advertisement, offering for sale, sale, and/or distribution of the Infringing Products constitutes trademark infringement, unfair competition, and dilution under the Lanham Act, 15 U.S.C. § 1051 *et seq.*, and corresponding state law.

Although we hope we can resolve this matter amicably, we must have your assurance that you, as well as anyone acting under the direction of, or in active concert or participation with you, will comply with our demands. Please provide us with such assurance by countersigning and returning a copy of this letter within two weeks of the date of this letter affirming that you will: (1) immediately cease any and all, use, sale, advertisement, and distribution of items that bear the MARLBORO® Trade Dress, any other mark confusingly similar thereto, or any other PM USA trademark, including, but not limited to, the Infringing Products; (2) immediately deliver up for destruction at a place designated by PM USA any and all products and advertising materials bearing the MARLBORO® Trade Dress and/or any other PM USA trademark, and/or any trademark confusingly similar thereto, that are in your possession or under your control, including without limitation all Infringing Products, and confirm, under penalty of perjury, that you have fully complied with this demand; (3) refrain in the future from manufacturing, using, selling, distributing, and advertising any product bearing the MARLBORO® Trade Dress, any other trademark owned by PM USA, and/or any trademark confusingly similar thereto; and (4) provide us with the name, address, telephone number, and e-mail address of all persons or companies that are supplying you with the Infringing Products. Contingent upon our receipt of a countersigned letter confirming your intent to comply with our demands, PM USA will refrain from taking further action in this matter.

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Mr. Zac Guetta
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Nothing in this letter should be construed as a waiver, relinquishment or election of rights or remedies by PM USA. PM USA expressly reserves all rights and remedies under all applicable federal and state laws.

Sincerely,


Roberta L. Horton

Enclosures

cc: Timothy Hofmeyer, Esq.
Altria Client Services Inc.

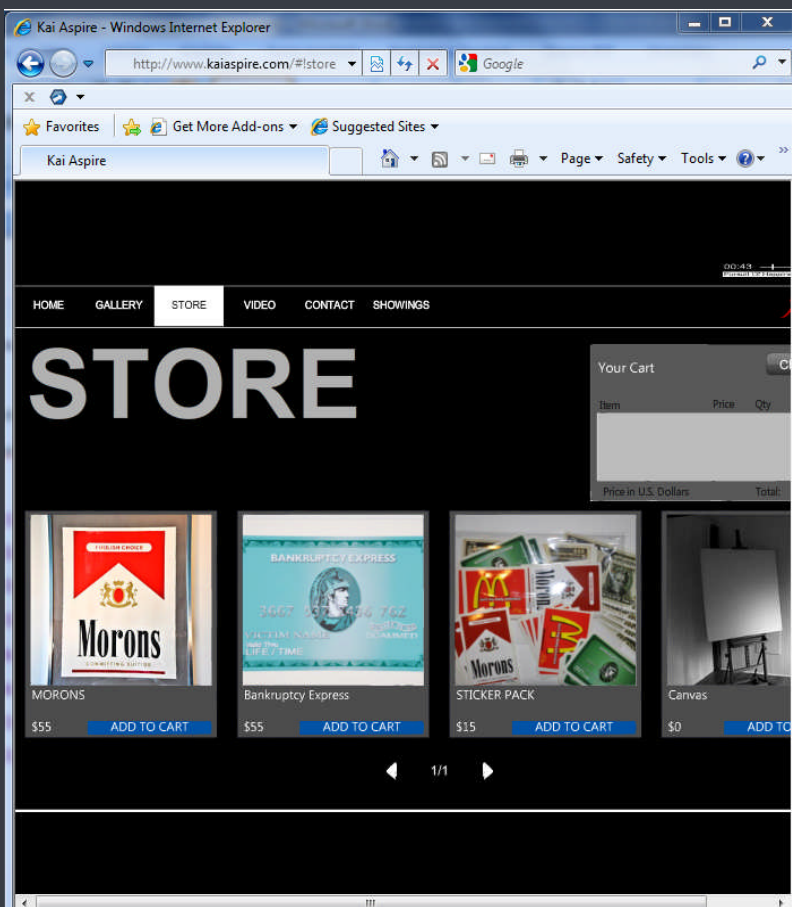
By signing below, I represent that I am authorized to bind Kai Aspire Art as well as myself, and that I and Kai Aspire Art agree to the above-listed terms:

Agreed: _____
Signature

Printed Name

Title

Date



Int. Cl.: 34
Prior U.S. Cl.: 17
United States Patent and Trademark Office
Corrected
Reg. No. 938,510
Registered July 25, 1972
OG Date June 14, 2011

TRADEMARK PRINCIPAL REGISTER



PHILIP MORRIS USA INC. (VIRGINIA CORPORATION)
660 WEST BROAD STREET
RICHMOND, VA 2329

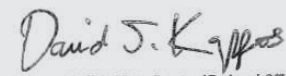
OWNER OF U.S. REG. NOS. 68,502, 854,007 AND OTHERS.
APPLICANT DISCLAIMS THE WORDS "FILTER CIGARETTES" APART FROM THE MARK AS SHOWN.

THE DRAWING IS LINED TO INDICATE THE COLORS RED AND GOLD AND THESE COLORS ARE USED AND CLAIMED AS A FEATURE OF THE MARK.

FOR: CIGARETTES, IN CLASS 17 (INT. CL. 34).
FIRST USE 9-9-1954; IN COMMERCE 0-8-1954.
SER. NO. 72-387,884. FILED 3-30-1971.



In testimony whereof I have hereunto set my hand and caused the seal of The Patent and Trademark Office to be affixed on June 14, 2011.


Director of the United States Patent and Trademark Office

Int. Cl.: 34

Prior U.S. Cls.: 2, 8, 9 and 17

United States Patent and Trademark Office

Reg. No. 3,533,419

Registered Nov. 18, 2008

TRADEMARK
PRINCIPAL REGISTER



PHILIP MORRIS USA INC. (VIRGINIA CORPORATION)

6601 WEST BROAD STREET
RICHMOND, VA 23230

FOR: TOBACCO PRODUCTS, NAMELY, CIGARETTES, IN CLASS 34 (U.S. CLS. 2, 8, 9 AND 17).

FIRST USE 2-12-2007; IN COMMERCE 2-12-2007.

OWNER OF U.S. REG. NOS. 632,881, 3,289,673 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "USA", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A RECTANGLE CONTAINING A ROOF DESIGN LOCATED AT THE TOP. WITHIN THE ROOF DESIGN IS A HORIZONTAL OVAL. THERE IS A LINE SEPARATING THE ROOF DESIGN FROM THE BACKGROUND. A CREST WITH A HORSE ON EITHER SIDE, A CROWN ON TOP, A BANNER BELOW, AND CONTAINING THE TEXT PM USA INSIDE AN OVAL CENTER IS LOCATED DIRECTLY UNDER THE MIDDLE OF THE ROOF DESIGN. THERE IS A HORIZONTAL LINE LOCATED AT THE BOTTOM OF THE RECTANGULAR DESIGN.

SER. NO. 77-354,685, FILED 12-18-2007.

ALYSSA PALADINO, EXAMINING ATTORNEY

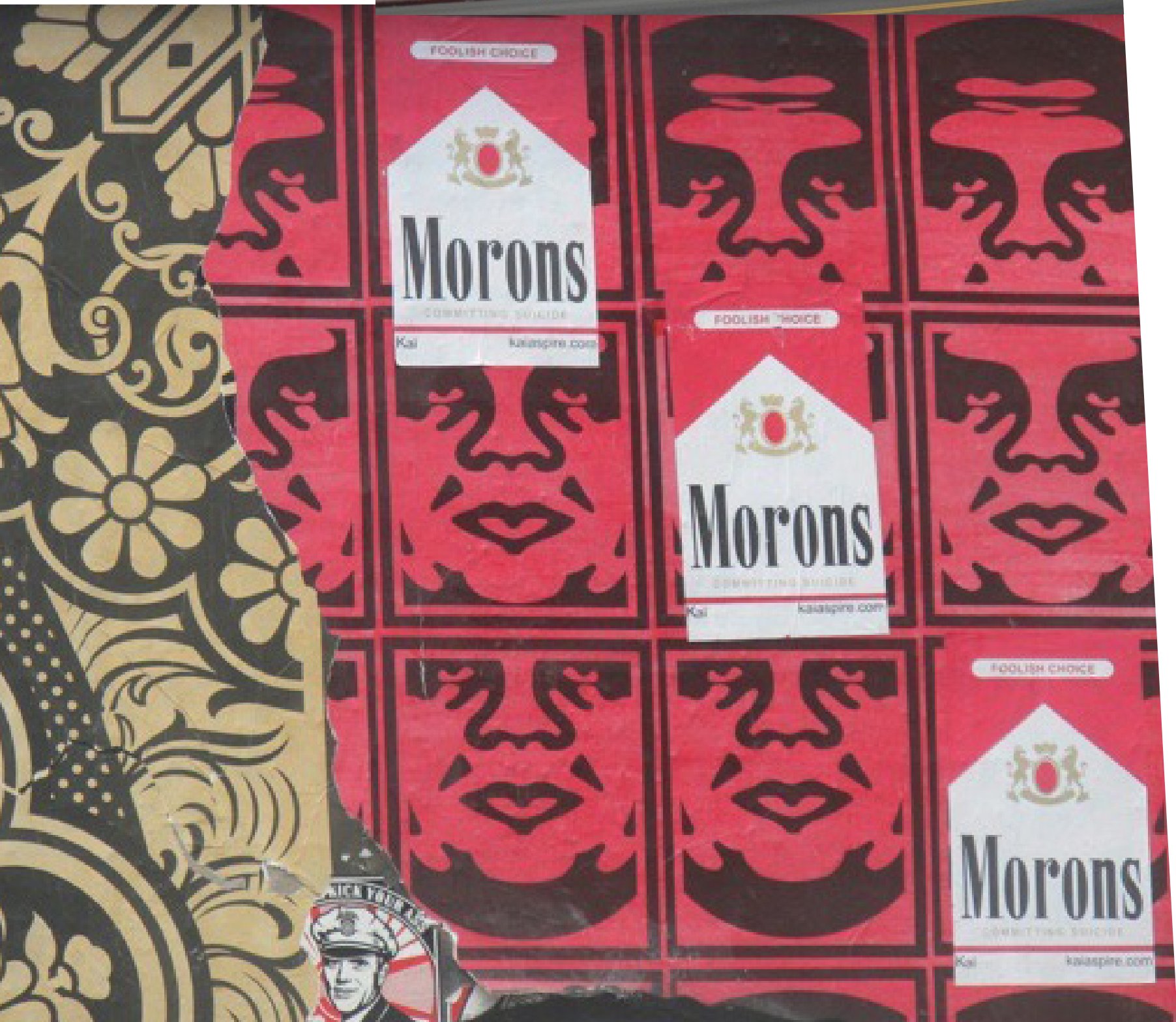
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