

Exhibit 1

Teller's "vase"



Bakardy's "vase"



Exhibit 2

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Teller Sues For Copyright Infringement Over Famous (and Beloved) Illusion

From TMZ via iTricks. Teller is suing another (a foreign) magician named Gerard Bakardy (real name Dogge) for disclosing the method behind his famous (and wonderful) illusion "Shadows". Mr. Bakardy had posted a video of his own version of the illusion, called "The Rose & Her Shadow," on YouTube, which has since been taken down, and is selling the secret to the illusion for more than \$3000 to all comers. The illusion is slightly different from Teller's, but Teller thinks it's not so different that it doesn't constitute copyright infringement. Since he registered the illusion in 1983, he has filed suit in U.S. District Court in Nevada, requesting an injunction to prohibit Mr. Bakardy from continuing to perform the illusion and continuing to sell his explanation of it, and requesting damages. Why federal court? The Copyright Act is a federal statute. Of course, since the defendant is overseas (presumably), assuming Teller wins his injunction and damages, he might have trouble enforcing it, and/or getting Mr. Bakardy to pay unless he has assets in the U.S. that could be seized. I don't teach copyright, and don't know enough about international IP to know how one would go about enforcing such a judgment abroad.

Here are the relevant sections of the Copyright Act, explaining remedies for copyright infringement.

§ 501. Infringement of copyright

(a) Anyone who violates any of the exclusive rights of the copyright owner as provided by sections 106 through or of the author as provided in section 106A(a), or who imports copies or phonorecords into the United States in violation of section 602, is an infringer of the copyright or right of the author, as the case may be. For purposes of this chapter (other than section 505), any reference to copyright shall be understood to mean copyright in the United States or in any other country or nation whose law is governed by the principles of international law which protect copyright like other intellectual property rights.

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... is slightly different from Teller's, but Teller thinks it's not so different that it doesn't constitute copyright infringement. Since he

Exhibit 3

□ Teller Penn & Teller
Aan Gerard Bakardy

27/03/2012
Beantwoorden

Dear Gerard,

This is a tough thing to figure out, and I don't think either of us ends up being totally happy with any plan, but here's my best attempt at being fair to each of us.

Sometimes I hire people to help develop mechanical parts of tricks. If I had hired you for that purpose, and you'd developed a way to allow the rose stem to be visible and mobile, I would think a reasonable price for that improvement would be about \$7500.

But at this point, I have no idea whether I can build on what you've developed to make the movement smooth enough to have the look I want on stage. So for me, that \$7500 would be a total gamble.

On the other hand, I understand that you have put a lot of experimentation and ingenuity into what you've done, and were hoping to have good sales. Unfortunately those sales would have forced me to defend my rights by unpleasant and protracted lawsuits in both the U.S. and Europe. We would both lose large amounts of money and would end up poorer and bitterly angry at each other.

That is not the way I want to live.

So here's what I suggest:

I would like to offer you \$15,000. For this, you send me everything you've built. You cease manufacture of your prop. You share your idea with nobody and assist nobody else in copying my trick. I assume full ethical and legal possession of your method. I would pay \$7500 upon signing the agreement, and the remaining \$7500 upon receipt of the props.

Now, understand, this is a total gamble for me. I do not know whether what I'm buying will actually be usable in any way for me. But the reason I'm offering such a generous settlement is to reflect three things:

1. The thought and work you have put into developing the alternate method.
2. Your respectful and ethical willingness to step completely away from this project.
3. The wish not be compelled to solve this problem through strife and lawsuits.

I would also expect that you would agree to keep our arrangement absolutely confidential. If this were to get out in the magic community, I believe it would make both of us look very, very bad and cause future problems. And I'd expect your sworn promise never to emulate or endeavor to manufacture any of the material Penn and I have developed on stage or television (unless you contact Penn and me and develop the material exclusively for us -- we do appreciate clever thinking.)

As I said above, there is no perfect solution to this situation. I suspect you were hoping for greater profits in sales than I am offering. And I'm not very pleased to be offering a large amount of money for something that should not have been done without my consent in the first place, and which may turn out to be of no use to me.

But if we follow this plan, and back it up with proper paperwork, you make a respectable amount for your work and ingenuity, avoid legal headaches, and have a new friend in Vegas. I end up without the aggravation of lawsuits, get a potential step towards improving my signature trick, and gain an ingenious new colleague in Spain.

So we turn bad to good and move on with clear hearts and warm feelings.

Please let me know your thoughts on this proposal.

Cordially,

TELLER

Exhibit 4

May 23, 2012

Via Email: gerard-barkardy@hotmail.com

Gerard Barkardy

Re: Teller / Barkardy

Dear Mr. Barkardy:

I respond to your communication only because you assert you are not represented by counsel. I strongly urge you to retain competent US IP representation.

Your communication to my client over the past several weeks demonstrates a fundamental lack of knowledge of the relevant law and a misunderstanding of my client's claims against you.

First, the copyright infringement occurred when you posted, without my client's consent, an unauthorized video performance of my client's copyrighted work on YouTube. You later threatened to sell the illusion to others if Teller did not immediately agree to pay you \$125,000 US. It is that conduct which forms the basis for the unfair competition claim not the copyright claim. You posted two infringing videos that carry a possible \$150,000 statutory damage award each for up to \$300,000 US. As the copyright holder, when we prevail, we will also be entitled to an award of our attorney fees and the cost of suit.

Second, documents filed in a court proceeding are privileged. Your effort to feign an injury to your reputation because one of our research team may have recently investigated a possible infringement on an adult website does not create any realistic claim that you were injured by having your infringing video documented as a screen shot from a computer that had been used to research other potential infringements on such a site. No competent US lawyer I know would support such an unrealistic claim. Your claims of embarrassment demonstrate you are grasping at straws and this reveals your desperation to avoid answering for your unlawful infringement.

You have demonstrated no remorse at all for stealing from someone you claim to admire and respect. That is not Christian conduct thus your claims of injury as a Christian are either false or hypocritical.

GREENBERG TRAUER, LLP • ATTORNEYS AT LAW • WWW.GTLAW.COM
3773 Howard Hughes Parkway, Suite 400 North • Las Vegas, Nevada 89169 • Tel 702.792.3773 • Fax 702.792.9002
LV 419,767,668v1 131991.010400

May 23, 2012

Page 2

Third, rather than viewing Teller's early efforts to find a non-litigation solution for what it was, (Teller being kind to someone he hoped would behave with proper professional ethics) you seem to have taken his kindness as a sign of weakness or your chance for unrealistic opportunism. That was a miscalculation on your part.

Because your video posting hurt Teller where he lives and works, here in Las Vegas, we will litigate the matter here in Nevada.

Teller has now been required to expend several tens of thousands of dollars to enforce his rights and thus will not pay the sum you demanded to acquire your prototype. We will pay you his standard prop development fee of no more than \$15,000. We will absorb the cost of shipping the device to Teller in the US.

In exchange we will expect a written acknowledgment of the infringement and a settlement agreement where in you promise not to engage in further infringement. If we have to continue the litigation there will be no reimbursement to you of any kind.

Because you posted the infringing work to the whole world to view on the internet in order to solicit purchasers, it is not realistic for you to expect that the settlement to be confidential and out of the Media spotlight.

Finally, you appear to be attempting to avoid service of our Complaint and Summons upon you. This will not work. If you continue to hide, we will simply ask the Federal court to allow us to serve you through publication. As you have a copy of the Complaint already, there will be no surprise or prejudice to you.

If you wish to authorize a US attorney to accept service of the pleadings, we can avoid the potential embarrassment of public service in Belgium.

I close by noting ignorance of the law has never been a successful US defense in copyright cases. You infringed upon Teller's rights and then later sought to obtain a windfall to compensate you for forgoing income from future infringement. Such demonstrates greed or arrogance or both. This is not conduct the law rewards. By now, it is likely you have been told this by many of the lawyers you have failed to retain.

May 23, 2012

Page 3

You are not in a position to bargain. Either agree to these still generous terms and settle the matter or come to Court and explain to the Jury why you believed you could steal from this well known US citizen who registered his copyright many decades prior. I am confident the Las Vegas Jury will understand who is stealing from whom and who is injured. The choice of proceeding or settling is yours.

Very truly yours,

GREENBERG TRAUER, LLP

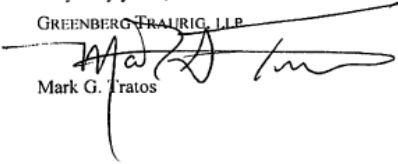

Mark G. Tratos

Exhibit 5

□ Teller Penn & Teller

Aan gerard bakardy

20/04/2012

Beantwoorden

Dear Gerard,

I have expressed my wish that this could all be avoided.

I cannot allow you to further damage my creation and act by your selfish act of infringement.

I made you a generous offer to stop and you threatened more damaging sales.

If you wish to resolve this, we can, but you must not threaten me further and you must act reasonably and in good faith.

When you changed your story to me about seeing me perform the act in person, that suggested that you were not acting in good faith.

Please suggest what action you are willing to take to resolve this, and we can consider it.

Your last demand of \$125,000 or threat of sales is unreasonable and not good faith.

Sincerely,

Teller

Exhibit 6

■ gerard bakardy
Aan Teller Penn & Teller

11/04/2012

Beantwoorden

Hello Mr. Teller,

I hope everything is good with you.

I regret not receiving any news from you, especially since you told me in the last phone conversation, on April 6th, that you would like to end this situation and would decide whit in a couple of days which way you want to go.

It is actually very simple, or I sell my apparatus exclusively to you, or I sell my apparatus to the whole world.

In the last case of course I will inform the buyer NOT to use the Teller Routine.

Since you don't send me the exact detail from your 'copyrights' (I asked all ready four times) I conclude that you are scared to send me these. However, I tell you once again I will do respect your routine and use a different one, where I don't use any shadow or knife.

People are calling me every day, asking me when they can expect delivery and telling me that they are happy to use the apparatus in a different way from the Teller Routine. I promised them to answer on the end of this week.


Mr. Teller, I think it's fair to say that if I don't receive any news from you before April 13th, I may conclude that you're not interested in the apparatus, and that you're aware that I will start selling to public.

Respectfully,
Gerard Bakardy.

Exhibit 7

□ Teller Penn & Teller 12/04/2012
Aan Gerard Bakardy, Gerard Bakardy Beantwoorden

📎 1 bijlage (2,8 MB) Hotmail [Interactieve weergave](#)

 001 Compl...pdf
[Downloaden](#) (2,8 MB)

Downloaden als zip

Dear Gerard,

Thanks for your email yesterday. You said on the phone that I was a businessman. Your note has forced me to behave like one.

So yesterday, after I received your note, I had my attorney file the attached copyright action with Federal court in Las Vegas. As a courtesy to you, I attach it here.


It includes screen shots of your YouTube advertisement. It includes my original copyright papers you have been so eager to see. It requires you come to Las Vegas at your expense to defend yourself, as you said you'd be happy to do.

Exhibit 8

YouTube

plants and shadows.wmv

AlSmagic2008 [Subscribe](#) 5 videos



0:21 / 1:46

Like [Share](#) 2,403 [Like](#)

no, I cant tell the secret. it is actually public information... well... its information thats in the public. I found it on the web and made a newer version. their are a bunch of people who have made different versions and twice as many theories. I myself have three ways that I have thought up and Im not an engineer so I can just imagine a M.I.T student giving this a try...

AlSmagic2008 in reply to cinemaker006 (Show the comment) 3 months ago

y even comment? I use diffrent methods and props. my illusion is much more complex: its like asking copperfield to get permission from walter blaney to do a levitation... (its not needed) 2nd: I dont need his permission because this was exposed some years back by multiple magicians so his methods are now public information. 3rd: its FAN ART im not making money off of so why are you worried? do you work 4 teller? if not you can feel free not 2 not comment. is that all champ?

AlSmagic2008 in reply to manfombeyond (Show the comment) 3 weeks ago

YouTube

"shadows" by petros

xana2226 [Subscribe](#) 3 videos



0:25 / 2:32

Like [Share](#) 5,000 [Like](#)

Uploaded by xana2226 on Aug 25, 2009

me attempting to do tellers amazing magic that he came up with long time ago. after I saw it I finally decided to go ahead and do it. I am not revealing it any way i respect a fellow magicians work and i will perform it in public as per tellers approval, thank you for your ideas

16 likes, 3 dislikes

YouTube

Hector is Magic! - illusion Show

hectorismagic [Abonnieren](#) 13 videos

hectorismagic.com



Hector IS MAGIC!

1:13 / 1:57

Hector

Posted: Apr 15, 2012 3:58pm [Quote](#) [Profile](#)

Hello,


First of all, thank you w_s_anderson for your kind words and for defending me before I could know about this thread.

On the other hand, about the rose routine, I bought my prop a few years back second hand (long story that I won't tell here) and my routine was created for a Leonardo Da Vinci show that I had on a theme park a long time ago without

Loyal user
236 Posts

Exhibit 9

Hector Posted: Apr 16, 2012 9:54am [quote](#) [profile](#)



Loyal user
242 Posts

Well, sometimes some people appear just for these kind of things... You know how it is.

I would like to add that when I recently realized what had happened, I contacted Mr. Teller myself. I told him (and I live by my word) that, as much as I love the routine, I will do whatever Mr. Teller deems right in this situation. If he asks me to limit its use or even remove it from my repertoire, I will do so. I will let you know the outcome of our discussions.

All the best.

Hector.



YouTube

"shadows" by petros

xana2226 [Subscribe](#) 3 videos

0:20 / 2:32

5,011

16 likes, 3 dislikes

Uploaded by xana2226 on Aug 25, 2009



me attempting to do tellers amazing magic that he came up with long time ago. after i saw it i finally decided to go ahead and do it, i am not revealing it any way i respect a fellow magicans work and i will perform it in public as per tellers approval. thank you for your ideas

3 / 3

More videos from xana2226

6:53 PM
8/3/2012

Exhibit 10

□ G R [Toevoegen aan contactpersonen](#)
Aan gerard myself23/03/2012 
[Beantwoorden](#) 

From: teller@nobunnies.com
Subject: Re: Shadows
Date: Thu, 22 Mar 2012 15:58:46 -0700
To: fuertebel@hotmail.com

Dear Gerard,

I'm so glad we spoke today. You seem like a very good man, talented, charming, and very clever indeed.

I appreciate your passion for my signature trick, "Shadows."

And I thank you for understanding why -- since I created and have been identified with this effect since 1975 -- I do not want it to become part of the common repertoire of magicians at this time. Very possibly at some point in my career, I'll license it to someone or release it as a product, but not now. I am still using it to earn my living.

Thank you for withdrawing your advertisement from the magic magazine. It's a gracious and wise choice that will avoid conflict and expense for both of us.

Give me just a few days to talk over with my team what you and I discussed today. I'm optimistic that we can work out a happy ending for all of us.

Cordially,

TELLER

Exhibit 11

Teller Penn & Teller
Aan Gerard Bakardy, Gerard Bakardy

15/04/2012
Beantwoorden

Dear Gerard,

Thanks for your email.

I am not sure what you are asking me to reconsider. You threatened to start selling your infringing work by Friday 13 April 2012, if I did not meet your financial terms. Your YouTube posting was your first infringement. And then you threatened to cause me further damage by future sales. You left me no choice but to protect my creation and enforce my rights.

It now seems clear to me you may not understand Copyright Law or *Droit Moral*. I suggest you retain an attorney who is knowledgeable in these areas, and in U.S. law in particular. An attorney will inform you that your prior infringement can be punished by a damage award of up to \$150,000. Since you posted two videos, that could amount to up to \$300,000 *on the previous infringements alone*. As I had a Registered Copyright when you infringed, I will also be entitled to receive my attorney's fees and costs back when I prevail in court. I have further damages on my other claim as well.

If you want to resolve this, then please **tell me what you propose**. I do not intend to haggle further.

Remember: Even though you infringed upon my creation, nevertheless I was initially willing to resolve it without litigation -- and, in my view, very generously. You choose to push things and threaten me with releasing your knock-off trick to the world if I did not agree with your demand based upon your projection of profits from your sales. That is not the action of an innocent person.

If you want a resolution, please propose one.

Otherwise, be prepared to defend your actions in court.

Sincerely,

TELLER

Exhibit 12

Case 2:12-cv-00591 Document 1-3 Filed 04/11/12 Page 2 of 4

http://www.youtube.com/watch?v=BYm7N085Y

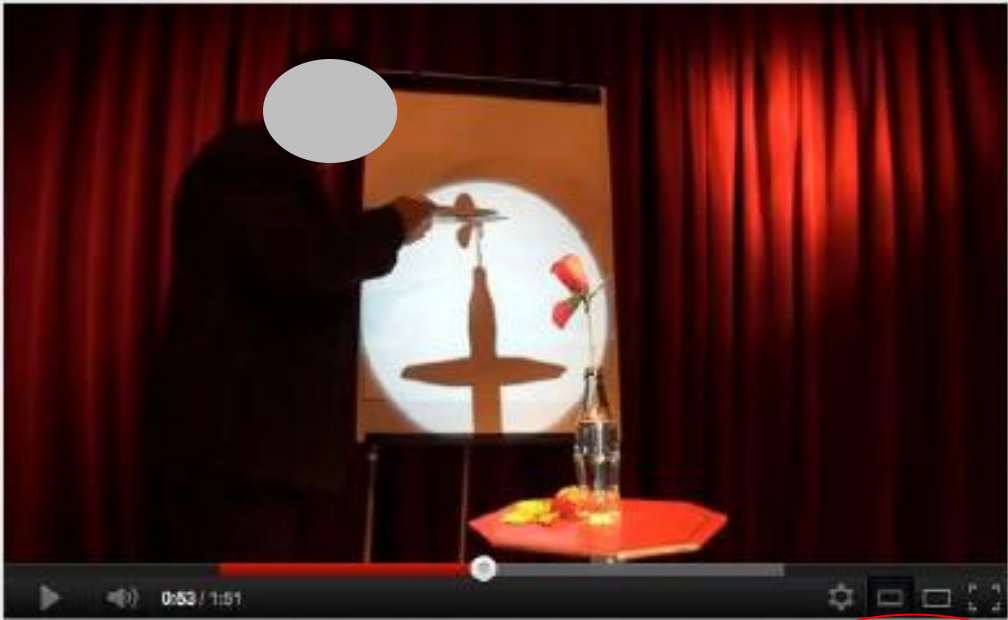
stopwatch vermeer Highlights CFSelect Scale FitPal Netflix Corbin vidge Tyler mantube Sean pdny Reviews Twitter 2 Long Th

Live now: Cults performing at the SXSW festival in Austin.

YouTube [Browse](#) [Movie](#)

Th... ..ly

Geraroka 6 videos



Like Share

14 views

Uploaded by Geraroka on Mar 15, 2012

The magician cuts one by one the leaves from a rose... in her shadow ! But it happens in reality on the real rose which is standing 2 meters away from her shadow. Everything is separate and loose from each other, so how is this possible? This is the most Magical, romantic and beautiful illusion I know. I've seen the great Penn & Teller performing a similar trick and now I'm very happy to share my version in a different and more impossible way with you. It is so magical to manipulate a shadow! The audience is so surprised especially when they see that the stem and vase filled with water are removed from the table ! In combination with the floating table effect, these are for sure 'the' eye catchers' in my show.

It could be a wonderful and refreshing addition to all your coin or card tricks on show !

Thanks for watching my movie,

Category:
Entertainment

Tags:
The rose her shadow Magic trick illusion Floating table Geraroka Bakardy Penn Teller Magic (illusion) Card Tricks Revealed Coin Cards Magic Trick Criss David Baine Magician Cool Amazing Tutorial Magic Tricks

License:
Standard YouTube License

Exhibit 13

Op 30-mrt.-2012, om 01:10 heeft gerard bakardy het volgende geschreven:

Goede..nacht Gunther,

Hopelijk gaat alles goed met je.

Met de grooste verontschuldiging wil ik je vragen, als het nog niet te laat is, de advertentie voorlopig op 'hold' te zetten.

Ik ben nog midden in onderhandeling met Teller, en wil deze nu niet in gevaar brengen. Waarschijnlijk komt er een goeie oplossing uit de bus.

Ik zal eventueel de truck moeten aanpassen om uit zijn 'copyright' te blijven. Dus de advertentie uiteraard ook.


Nogmaals mijn excuses, ik houd je op de hoogte !

Groetjes,
Gerard.

ps. Kan je effe bevestigen aub.

Re: Dringend -ivm advertentie in Escamateur

[Terug naar Berichten](#) |  

 Gunther Escamateur
Aan gerard bakardy

4/04/2012



[Beantwoorden](#) 

Beste Gerard

Ik heb de advertentie niet ingelast en uiteindelijk maar goed ook vrees ik...want het verhaal heeft intussen een staartje gekregen.


Exhibit 14

gerard bakardy
Aan Teller Penn & Teller

23/03/2012
[Beantwoorden](#)

1 bijlage (423,7 kB)

Hotmail [Interactieve weergave](#)

 Shadow Ro...pdf
[Downloaden](#) (423,7 kB)

[Downloaden als zip](#)

Good morning Mr. Teller,

I hope things are well.
Thanks for your email with all these compliments; it is really a big honor for me to hear all this from such a famous magician.
As I told you, I put all orders and advertisements on hold for now, and I was just in time to stop the edition for April.

As you can see, also in the adv. (in attachment), my heart is just as yours very connected with this beautiful trick, and I believe the success of it is also in how it is treated, with love and respect.

Looking forward to your email, please accept my
Kindest regards,


Gerard.

Exhibit 15

FW: 041112 -- Teller lawsuit Terug naar Berichten | ↓ ↑

Gerard Dogge 29/04/2012
 Aan gerard-bakardy@hotmail.com Beantwoorden ▾

1 bijlage (2,0 MB) Hotmail Interactieve weergave ^

 041112 --...pdf
[Downloaden](#) (2,0 MB)

Downloaden als zip

From: Jon.Stempel@thomsonreuters.com
 To: gerard-de-losdos@hotmail.com
 Date: Mon, 16 Apr 2012 15:09:13 +0000
 Subject: 041112 -- Teller lawsuit

Dear Mr. Bakardy:

I am a reporter with Reuters in New York. I am writing up the attached copyright lawsuit by Teller. I would welcome any comment on your behalf, including any prospects for and potential terms for a settlement.

I may be reached as shown below.

Sincerely,
 /s/
 Jonathan Stempel
 Correspondent, Reuters America LLC
 Thomson Reuters

Terug naar Berichten | ↓ ↑

gerard bakardy 19/04/2012
 Aan jon.stempel@thomsonreuters.com Beantwoorden ▾

Dear Mr. Stempel,

Thanks for your email and interest.



At this moment I am waiting for a response from Mr. Teller to settle this delicate case out of court and out of media.
 So I prefer not to comment today although I would like to, since I believe it is in our both interest to stop this lawsuit.
 I am sincerely hoping to come to a satisfying agreement with Mr. Teller, so I don't need to defend myself in public




I keep you informed in the next coming days,

Kind regards,
 Sincerely,
 Gerard Bakardy

+34.606.35.65.04
gerard-bakardy@hotmail.com

Exhibit 16

Rose and her Shadow Terug naar Berichten |  

 Jack Toevoegen aan contactpersonen 21/03/2012 
Aan Gerard Bakardy Beantwoorden 

Dear Mr. Bakardy,

Can you tell me what price you are charging for the rose trick, and how long it would take to order it?

Thank you,

Jack

RE: Rose and her Shadow Terug naar Berichten |  



 gerard bakardy 23/03/2012 
Aan jack@splurp.com Beantwoorden 




Hello, goodmorning Mr. Jack,

Thanks for your interest and price request for this wonderful trick. The price for the 'Rose and her Shadow' trick is €2.299,00 (\$ 3.050)
The price for the 'Rose and her Shadow' trick on a FLOATING TABLE is € 2.450 (\$ 3.250)

We would like to deliver right now, but at this moment we have put all orders on hold, since we are in negotiation with Mr. Teller. Expecting to clear out this matter within a few days I will let you know if we can accept any order.

Accept our apologies,
Kind Regards,
Gerard.

RE: rose ilusion Terug naar Berichten |  

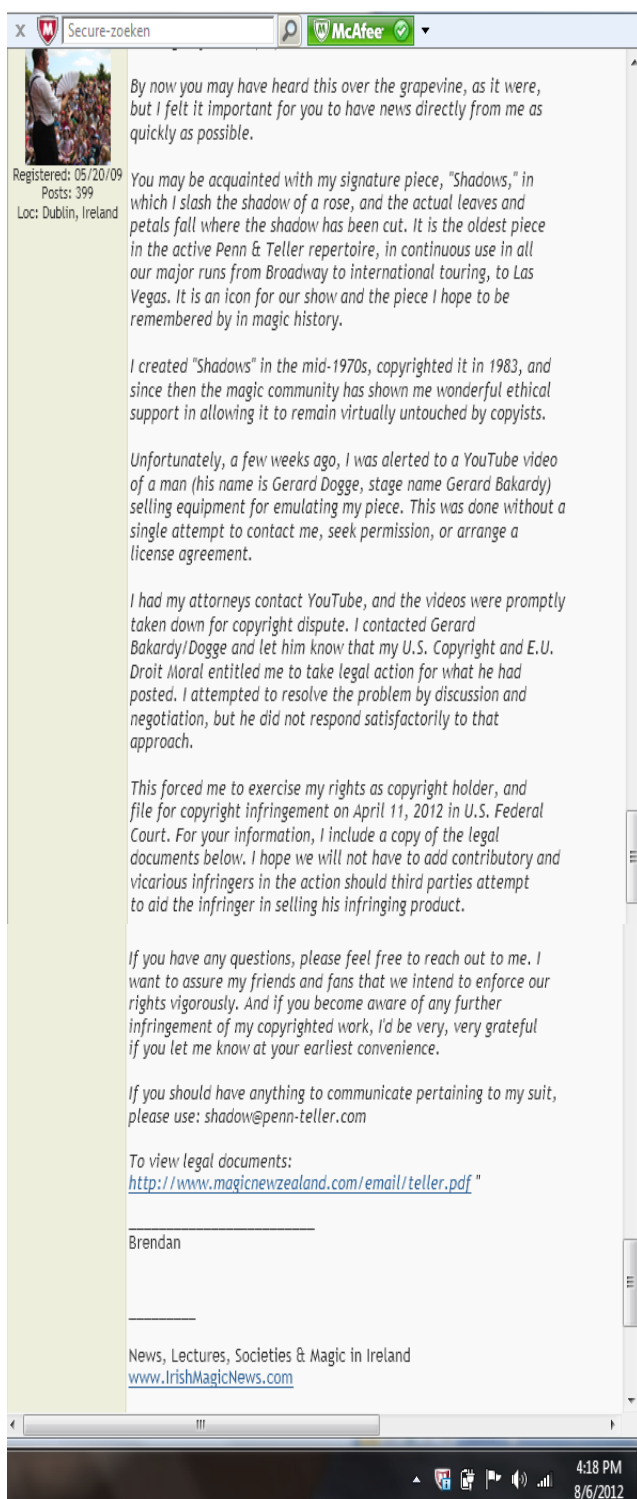
 gerard bakardy 18/05/2012 
Aan stan_vega23@hotmail.com Beantwoorden 

no

From: stan_vega23@hotmail.com
To: gerard-bakardy@hotmail.com
Subject: rose ilusion
Date: Fri, 18 May 2012 06:19:48 +0000

Do u sell the ilusion im quite interesed?

Exhibit 17



By now you may have heard this over the grapevine, as it were, but I felt it important for you to have news directly from me as quickly as possible.

You may be acquainted with my signature piece, "Shadows," in which I slash the shadow of a rose, and the actual leaves and petals fall where the shadow has been cut. It is the oldest piece in the active Penn & Teller repertoire, in continuous use in all our major runs from Broadway to international touring, to Las Vegas. It is an icon for our show and the piece I hope to be remembered by in magic history.

I created "Shadows" in the mid-1970s, copyrighted it in 1983, and since then the magic community has shown me wonderful ethical support in allowing it to remain virtually untouched by copyists.

Unfortunately, a few weeks ago, I was alerted to a YouTube video of a man (his name is Gerard Dogge, stage name Gerard Bakardy) selling equipment for emulating my piece. This was done without a single attempt to contact me, seek permission, or arrange a license agreement.

I had my attorneys contact YouTube, and the videos were promptly taken down for copyright dispute. I contacted Gerard Bakardy/Dogge and let him know that my U.S. Copyright and E.U. Droit Moral entitled me to take legal action for what he had posted. I attempted to resolve the problem by discussion and negotiation, but he did not respond satisfactorily to that approach.

This forced me to exercise my rights as copyright holder, and file for copyright infringement on April 11, 2012 in U.S. Federal Court. For your information, I include a copy of the legal documents below. I hope we will not have to add contributory and vicarious infringers in the action should third parties attempt to aid the infringer in selling his infringing product.

If you have any questions, please feel free to reach out to me. I want to assure my friends and fans that we intend to enforce our rights vigorously. And if you become aware of any further infringement of my copyrighted work, I'd be very, very grateful if you let me know at your earliest convenience.

If you should have anything to communicate pertaining to my suit, please use: shadow@penn-teller.com

To view legal documents:
<http://www.magicnewzealand.com/email/teller.pdf>

Brendan

News, Lectures, Societies & Magic in Ireland
www.IrishMagicNews.com

4:18 PM
8/6/2012

<http://www.geniimagazine.com/forums/ubbthreads.php?ubb=showflat&Number=265094>

<http://www.goochelaars.com/threads/teller-sues-to-protect-illusion.11752/>



Rodin
Goochelaar

2. Teller Suing Dutch Magician Gerard Dogge

Message by Teller (US)

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Unfortunately, a few weeks ago, I was alerted to a YouTube video of a man (his name is Gerard Dogge, stage name Gerard Bakardy) selling equipment for emulating my piece. This was done without a single attempt to contact me, seek permission, or arrange a license agreement.

I had my attorneys contact YouTube, and the videos were promptly taken down for copyright dispute. I contacted Gerard Bakardy/Dogge and let him know that my U.S. Copyright and E.U. Droit Moral entitled me to take legal action for what he had posted. I attempted to resolve the problem by discussion and negotiation, but he did not respond satisfactorily to that approach.

This forced me to exercise my rights as copyright holder, and file for copyright infringement on April 11, 2012 in U.S. Federal Court. For your information, I include a copy of the legal documents below. I hope we will not have to add contributory and vicarious infringers in the action should third parties attempt to aid the infringer in selling his infringing product.

If you have any questions, please feel free to reach out to me. I want to assure my friends and fans that we intend to enforce our rights vigorously. And if you become aware of any further infringement of my copyrighted work, I'd be very, very grateful if you let me know at your earliest convenience.

If you should have anything to communicate pertaining to my suit, please use: shadow@penn-teller.com

To view legal documents:
<http://www.magicnewzealand.com/email/teller.pdf>

Rodin, 21 apr 2012



4:24 PM
8/6/2012

Exhibit 18



Exhibit 19

[Penn & Teller Trap Door See How It's Done - YouTube](#) ✓

Alert icon. Sign in or sign up now! Alert icon. Loading... Uploaded by Lindasothervideos on May 8, 2009. **Penn and Teller Trap Door**. See how it's done.

www.youtube.com/watch?v=O04dSllaFrA - [Vergelijkbaar](#)

[Penn and Teller on Just for Laughs - YouTube](#) ✓

26 Aug 2009 ... **Penn and Teller** perform their Blast Off / **Trap Door** routine at the Just for Laughs Festival in Montreal, sometime in the early '90s. This was on ...

www.youtube.com/watch?v=df4TuhpSp6U - [Vergelijkbaar](#)

[Muppets Tonight - Penn & Teller Blast Off - YouTube](#) ✓

20 May 2006 ... **Penn & Teller** make an appearance on Muppets Tonight. ... 2:01 pretty obvious it was **trap doors**. can see him closing something with his foot ...

www.youtube.com/watch?v=vS5QnrpDXg0 - [Vergelijkbaar](#)

[Trap Door \(Illusion\) - YouTube](#) ✓

6 Apr 2009 ... **Penn & Teller Trap Door** See How It's Done by Lindasothervideos 38880 views · Drew & Angela perform the 'Trapdoor' 2:45. Watch Later Error ...

www.youtube.com/watch?v=yJSCbGtGcio - [Vergelijkbaar](#)

[Penn & Teller Trap Door - REVEALED - - The Card Trick Teacher](#) ✓

Penn & Teller Trap Door - REVEALED card trick video - on The Card Trick Teacher. ... Contests · Upload Videos · Teacher's Shop · **YouTube** Channel · Teacher's ...

www.thecardtrickteacher.com/card-trick-video.php?v=5621 - [Vergelijkbaar](#)

Exhibit 20

The Magic Cafe Forum Index » » Grand illusion » » Penn and Teller suing over trick exposure

w_s_anderson




Special user
The United States
909 Posts

Posted: Apr 14, 2012 12:00am [quote](#) [profile](#)

What do you guys think? I have always found them very entertaining, but I never liked or understood why they expose other magic secrets.


<http://www.t TMZ.com/2012/04/12/penn-and-teller-gerard-bakardy-rose-shadows-trick/>

4.  **SUPERMAN**

I think it's ridiculously stupid to copyright magician tricks. That's like a tv network copyrighting comedy shows, drama shows, game shows, talk shows, reality shows, news reporting, etc. so no other network can "copycat" them with their own type of show.


Everybody has competition. People looking for a job know all too well. These people use copyrights to stifle competition, not protect a trademark.

116 DAYS AGO
[REPLY](#)

5.  **MB**

It's funny how Penn and Teller are "known for showing how other magic tricks have been done", because they don't really. Mostly, they've given away secrets to tricks they designed themselves specifically for the purpose of exposing. I don't know of an instance of them exposing somebody else's illusion.

Not sure you can really copyright a magic trick, though.

1.  **JACKMAMA311**

i love penn & teller but they are known for showing how other magic tricks have been done, but now complaining that someone is telling their secret, not meet the kettle

Decomposed



Eternal Order
High Desert
10174 Posts

Posted: Jun 12, 2012 11:20pm [quote](#) [profile](#)

Quote:

On 2012-06-12 22:30, Mr. Mystoffelees wrote:
Penn and Teller rarely expose "their own stuff". Have you seen them expose "Shadows"?

Exposure is exposure- it all degrades magic. There is no difference.

How long must we listen to the lemmings bleat this inane nonsense? It is starting to sound like 1984...

Well said.

Mr. Mystoffelees



Inner circle
I haven't changed
anyone's opinion in
3071 Posts

Posted: Jun 10, 2012 2:42pm [quote](#) [profile](#)

Quote:

On 2012-04-14 00:00, w_s_anderson wrote:
What do you guys think? I have always found them very entertaining, but I never liked or understood why they expose other magic secrets.

<http://www.t TMZ.com/2012/04/12/penn-and-teller-gerard-bakardy-rose-shadows-trick/>

I think Teller has abandoned any right to tell anyone they can not reveal magic secrets, including his, since he has been doing just that for years...

Exhibit 21

Penn & Teller: Fool Us

From Wikipedia, the free encyclopedia

Penn & Teller: Fool Us was a British entertainment comedy television programme. Hosted by [Jonathan Ross](#), *Fool Us* is a magic competition show, which challenges magicians to perform in front of American magician/comedian duo [Penn & Teller](#). If they can fool Penn and Teller, they win a five-star trip to Las Vegas to perform as the opening act in Penn & Teller's world famous show at the [Rio Hotel & Casino](#).^[2] It was announced on June 28 2012 that [ITV](#) has cancelled the show.^[3]

Contents [hide]

- 1 Production
- 2 Episode List
- 3 International Broadcast
- 4 International Versions
- 5 References
- 6 External links

Production [edit]

The pilot of *Fool Us* was first commissioned by John Kaye Cooper, the controller of entertainment for [ITV](#).^[4] The pilot aired on 7

Penn & Teller: Fool Us



Title Card

Also known as	Fool Us
Genre	Entertainment comedy
Format	Magic competition with live audience
Created by	Penn Jillette Teller Peter Adam Golden Andrew Golder
Presented by	Jonathan Ross
Starring	Penn Jillette Teller
Judges	Penn Jillette Teller

Exhibit 22

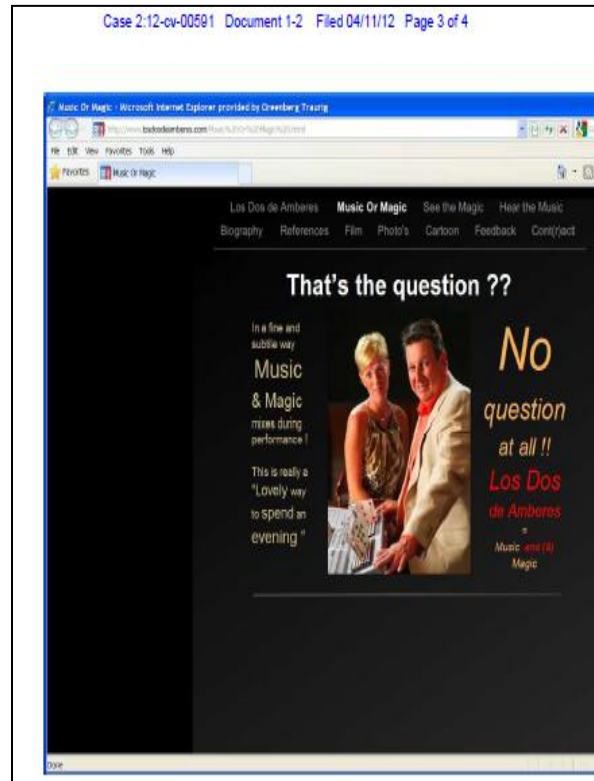
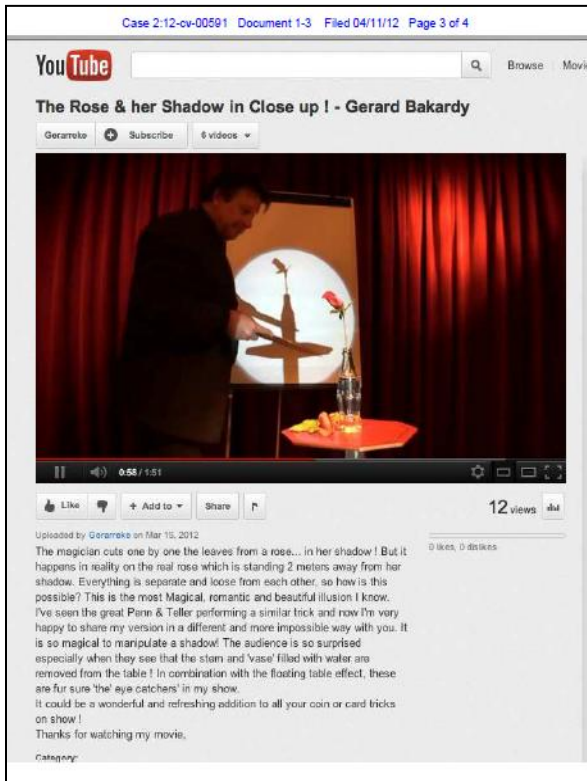
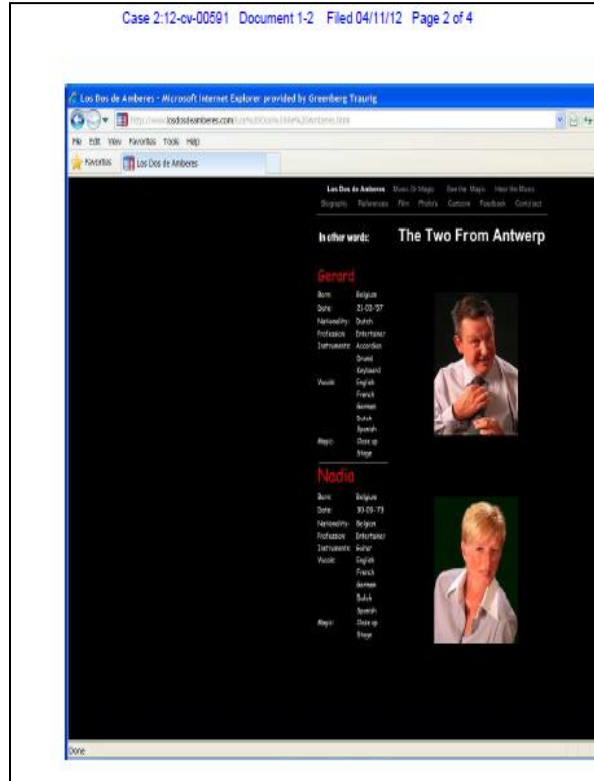
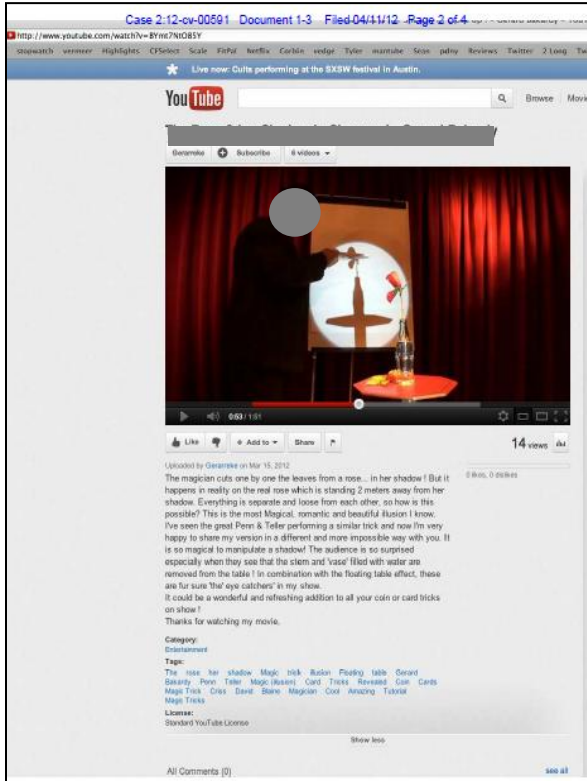


Exhibit 23

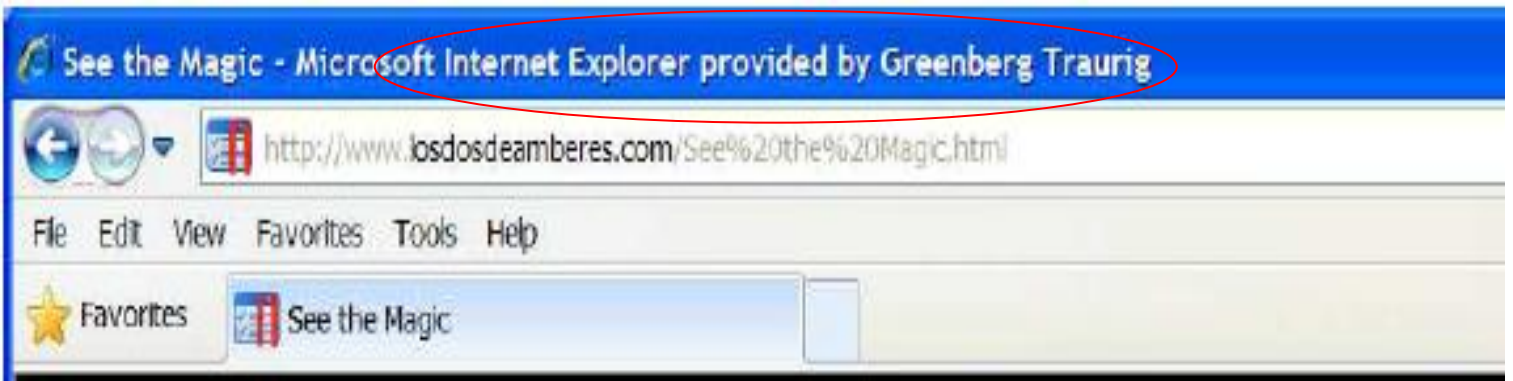
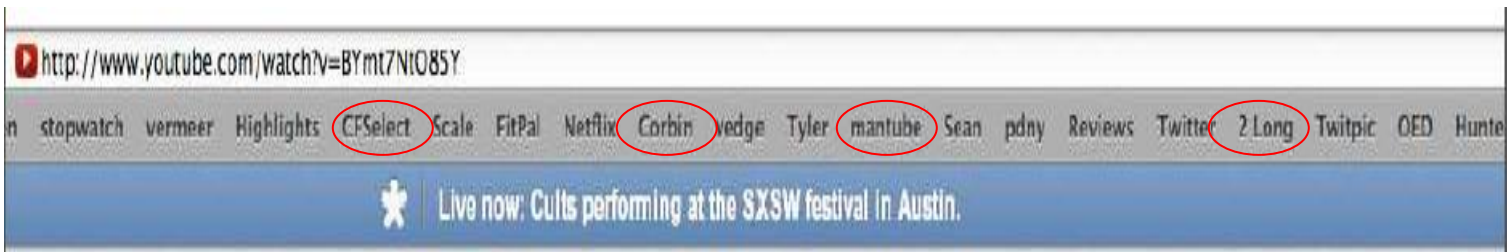
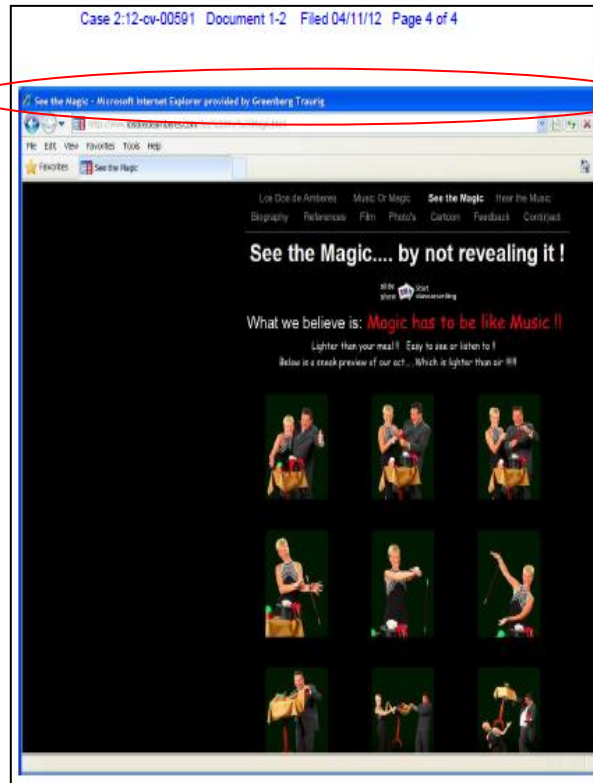
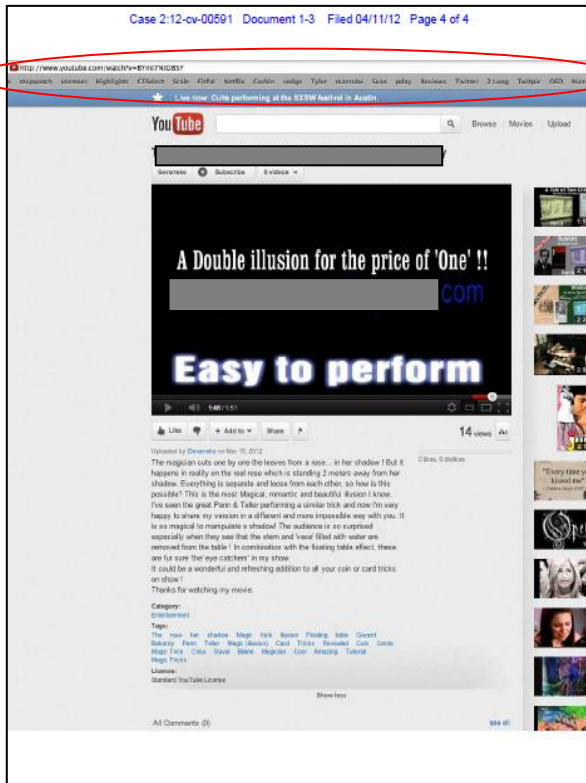


Exhibit 24

■ gerard bakardy
Aan Teller Penn & Teller

  
Beantwoorden 

Dear Mr. Teller,

On April 17th I've sent you my careful thoughts without prejudice and asked you to explain what you mean by publishing my picture (exhibit 3 page 2 and 4) right under the toolbar from website links that I do not visit. When the whole world can see my name in the same picture with 'mantube', Corbin, CF Select, 2 Long,

I'm still waiting and hoping to hear some respect and good faith in your answer.

Regards,

Gerard

Exhibit 25

□ Teller Penn & Teller
Aan gerard bakardy

24/04/2012



Beantwoorden ▾

Dear Gerard,

There is no injury to you and no actionable bases for objecting to documents filed with the United States Federal Court.

The screen shot was not made by you. It cannot be reasonably inferred that the sites you allude to are sites associated with you.

With all due respect, Gerard, you seem to be groping desperately for some shred of defense to your infringement and threat of future infringement.

If you have realistic, good-faith proposals to offer for settling this matter out of court, please make them.

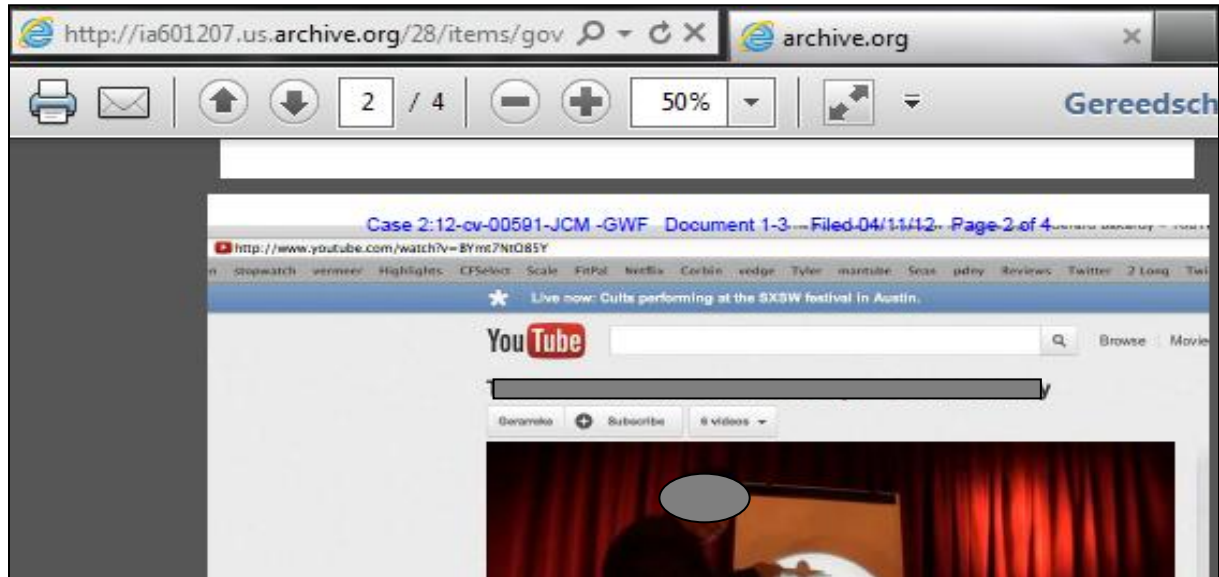
Otherwise, please stop wasting my time.

Respectfully,

TELLER

Exhibit 26

<http://arstechnica.com/tech-policy/2012/04/silent-magician-teller-files-copyright-suit-over-stolen-shadow-trick/> (posted a video)



<http://www.themagiccafe.com/forums/viewtopic.php?topic=462255&forum=7&24&start=0>

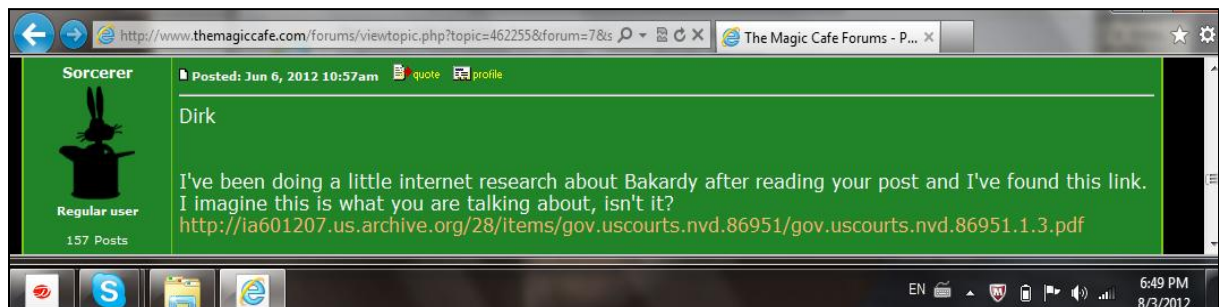


Exhibit 27

Justia Dockets & Filings **BETA**

Justia > Dockets & Filings > Nevada > District Court > Copyright > Teller v. Dogge > Filing 1 > Attachments

Teller v. Dogge

Filing: 1 Attachment: 3

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COMPLAINT against Gerard Dogge (Filing fee \$ 350 receipt number 0978-2334374), filed by Teller. Certificate of Interested Parties due by 4/21/2012. Proof of service due by 8/9/2012. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Civil Cover Sheet, # 6 Summons) (Tratos, Mark) Corrected image 5 filed on 4/25/2012 (SRK).



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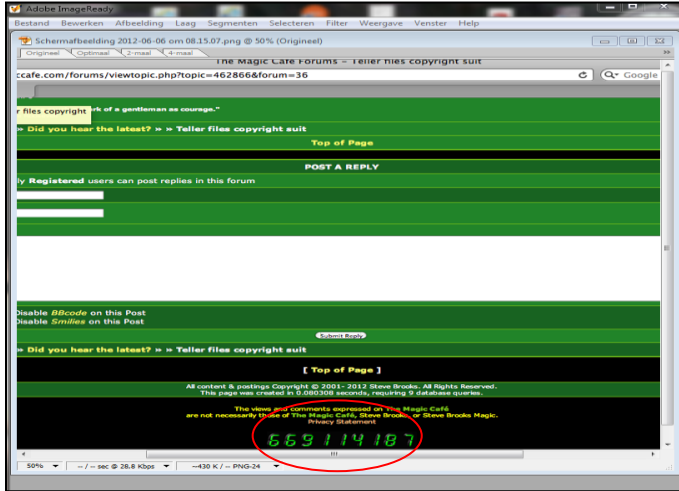
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Assigned-to: Judge James C. Mahan
Case-cause: 17-501 Copyright Infringement
Case-name: Teller v. Dogge
Court: nvd
Date-case-filed: 2012-04-11
Docket-num: 2:12-cv-00591
Jurisdiction: Federal Question
Jury-demand: Plaintiff
Mediatype: texts
Nature-of-suit: 820 Copyright
Pacer-case-num: 86951
Referred-to: Magistrate Judge George Foley, Jr

[Terms of Use \(10 Mar 2001\)](#)

10:47 AM
9/17/2012

Exhibit 28

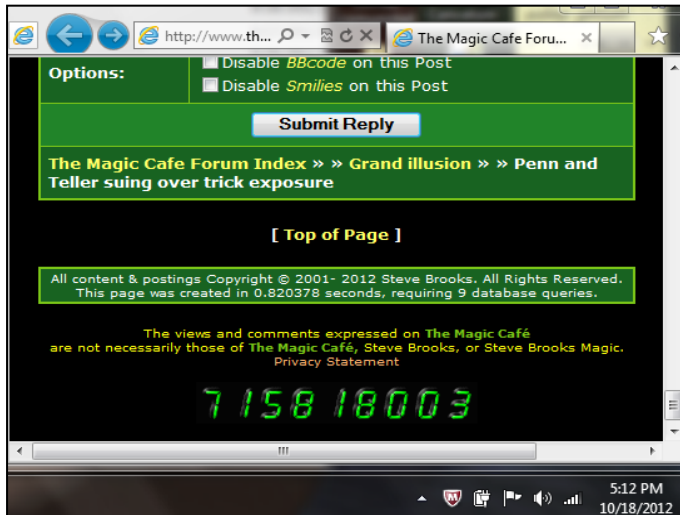
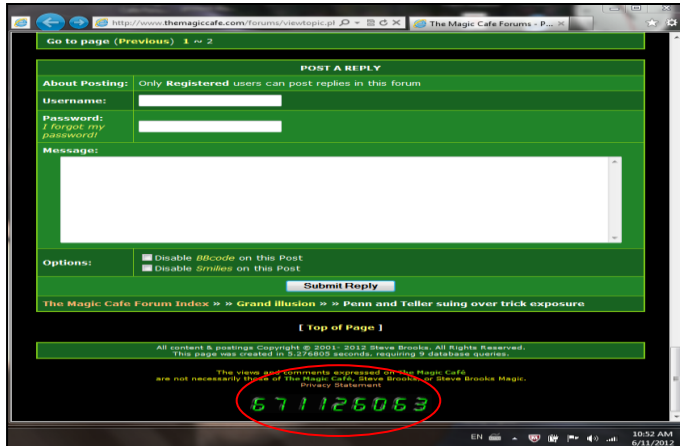
Counter on 06/06/2012 ... 669.114.187.



671.126.063 min 669.114.187 =
2.011.876 (in 5 day's !)

2.011.876 : 5 =
402.375 per day !

Counter 5 day's later 11/06/2012 ... 671.126.063.



Counter on 6 juni 2012 : 669.114.187.
Counter on 18 oktober 2012 op : 715.818.003.
In 4 months: 46.703.816 'hits'
On this forum only !

Exhibit 29

www.esquire.com/features/teller-magician-int

Deze pagina is ges... Engels Vertalen Nee Opties

Teller performing Shadows in 1976 at age twenty-eight, seven years before he copyrighted it. He conceived the trick as a teenager and has performed it onstage for more than thirty-five years.

On April 11 of this year — that date is precisely known — Teller did something it seems no magician has done in decades: He became the plaintiff in a lawsuit in United States District Court to protect one of his magic tricks against theft. The defendant is Gerard Bakardy. "This is an action for copyright infringement and unfair competition under federal statutes," the Nature of Action reads. "Plaintiff seeks damages, attorneys' fees, and costs."


When Teller filed his lawsuit, it made news: ROGUE MAGICIAN IS EXPOSING OUR SECRETS!!! read the TMZ headline. Teller did not like the coverage. The publicity might have sold more tickets to the show, but it misunderstood his purpose. Most of the stories suggested that he was suing Bakardy to protect the secret of his trick, the method. "The method doesn't matter," Teller says. He has performed Shadows over the years with three different methods, seeking perfection. The first involved a web of fishing line that took a painfully long time to set up; the second version required rigid, uncomfortable choreography; the third, today's version, he has never revealed. Bakardy, who said that he had seen Penn & Teller's show, almost certainly didn't use Teller's present method. He knew only the idea and the effect it had on the audience. He felt the crackle that runs through the otherwise silent theater when Teller wields his knife; he saw that some people start to cry, little soft sobs in the dark; he heard

5:44 PM
10/18/2012

http://www.themagiccafe.com/forums/viewtopic.php?topic=...

The Magic Cafe Forums - P... X

http://coneyislandtodd.blogspot.com/

Todd Robbins

 V.I.P.
 New York
 2558 Posts

Posted: Apr 22, 2012 11:40am quote profile

I'm not sure there is anything to lose for Teller on this. Even if the court case can not be won, the publicity from this has made the facts of the situation clear to the public.

And yes, the exposure (pun intended) does have the potential to sell tickets to Penn & Teller's show at the Rio All Suite Hotel & Casino in Las Vegas Nevada. (Just doing what I can towards that goal too.)

The only real downside is that the publicity also lets hack magicians around the world know where they can buy a rip-off of one of Teller's great routines.

6:20 PM
9/3/2012

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEVADA

CASE N° 2:12-cv-00591-JCM-GWF

Exhibit 1 – 29

IN ANSWER TO COMPLAINT