

To: Crayola Properties, Inc. (lschuv1@hallmark.com)
Subject: U.S. TRADEMARK APPLICATION NO. 77895829 - POP ART PIXIES - N/A
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UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/895829

MARK: POP ART PIXIES

77895829

CORRESPONDENT ADDRESS:
ALBERT P. MAURO, JR., ESQ.
HALLMARK CARDS, INCORPORATED
2501 MCGEE ST
KANSAS CITY, MO 64108-2600

RESPOND TO THIS ACTION:
<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:
<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Crayola Properties, Inc.

CORRESPONDENT'S REFERENCE/DOCKET NO :
N/A

CORRESPONDENT E-MAIL ADDRESS:
lschuv1@hallmark.com

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 2/23/2010

TEAS PLUS APPLICANTS MUST SUBMIT DOCUMENTS ELECTRONICALLY OR SUBMIT FEE: Applicants who filed their application online using the reduced-fee TEAS Plus application must continue to submit certain documents online using TEAS, including responses to Office actions. For a complete list of these documents, see TMEP §819.02(b). In addition, such applicants must accept correspondence from the Office via e-mail throughout the examination process and must maintain a valid e-mail address. 37 C.F.R. §2.23(a)(2); TMEP §§819, 819.02(a). TEAS Plus applicants who do not meet these requirements must submit an additional fee of \$50 per international class of goods and/or services. 37 C.F.R. §2.6(a)(1)(iv); TMEP §819.04. Responding by telephone to authorize an examiner's amendment will not incur this additional fee.

The referenced application has been reviewed by the assigned trademark examining attorney. Applicant must respond timely and completely to the issue raised below. 15 U.S.C. §1062(b); 37 C.F.R. §§2.62, 2.65(a); TMEP §§711, 718.03.

SEARCH OF OFFICE'S DATABASE OF MARKS

The Office records have been searched and there are no similar registered or pending marks that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

DISCLAIMER REQUIRED

Applicant must disclaim the descriptive wording "POP ART" apart from the mark as shown because it merely describes the type of artistic features on the goods which are the subject matter of the goods sold on the website. Please see the attachments. See 15 U.S.C. §1056(a); TMEP §§1213, 1213.03(a).

The computerized printing format for the Office's *Trademark Official Gazette* requires a standardized format for a disclaimer. TMEP §1213.08(a)(i). The following is the standard format used by the Office:

No claim is made to the exclusive right to use "POP ART" apart from the mark as shown.

TMEP §1213.08(a)(i); see *In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

IDENTIFICATION OF SERVICES

The identification of services is indefinite and must be clarified because the nature of the services provided on the website must be specified and the type of subscriptions and general category of merchandise featured must be more specifically identified. See TMEP §1402.01. Applicant may adopt the following identification, if accurate: Retail store services provided via a website featuring magazine subscriptions and arts and crafts and home décor merchandise.

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahhtml/tidm.html>. See TMEP §1402.04.

Identifications of services can be amended only to clarify or limit the services; adding to or broadening the scope of the services is not permitted. 37 C.F.R. §2.71(a); see TMEP §§1402.06 *et seq.*, 1402.07. Therefore, applicant may not amend the identification to include services that are not within the scope of the services set forth in the present identification.

MULTIPLE – CLASS APPLICATION REQUIREMENTS

The application identifies services that could be classified in other classes depending upon their nature; however, the fees submitted are sufficient for only 1 class. In a multiple-class application, a fee for each class is required. 37 C.F.R. §2.86(a)(2); TMEP §§810.01, 1403.01.

Therefore, applicant must either (1) restrict the application to the number of classes covered by the fee(s) already paid, or (2) submit the fees for the additional class(es).

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney.

/Nora Buchanan Will/
Examining Attorney
Law Office 116
ph 571-272-9135
fax 571-273-9116

RESPOND TO THIS ACTION: Applicant should file a response to this Office action online using the form at <http://www.uspto.gov/teas/eTEASpageD.htm>, waiting 48-72 hours if applicant received notification of the Office action via e-mail. For *technical* assistance with the form, please e-mail TEAS@uspto.gov. For questions about the Office action itself, please contact the assigned examining attorney. **Do not respond to this Office action by e-mail; the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

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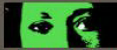
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Pop art was a visual artistic movement that emerged in the early 1950s in Britain and in parallel in the late 1950s in the United States. **Pop art** is one of the major **art** movements of the Twentieth Century. Characterized by themes and techniques drawn from popular mass culture, such as advertising and comic books, **pop art** is widely interpreted as either a reaction to the then-dominant ideas of abstract expressionism or an expansion upon them. **Pop art**, like **pop** music, aimed to employ images of popular as opposed to elitist culture in **art**, emphasizing the banal or kitschy elements of any given culture. **Pop art** at times targeted a broad audience, and often claimed to do so. However, much of **pop art** is considered very academic, as the unconventional organizational practices used often make it difficult for some to comprehend. **Pop art** and Minimalism are considered to be the last Modern **art** movements and thus the precursors to Contemporary **art** or Postmodern **art**.

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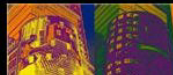
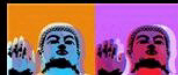
Obama
Obama Biden Gifts



Pets-Animals
Pop Art style



Famous people
Famous people gifts





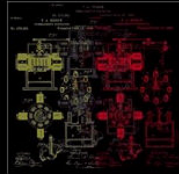
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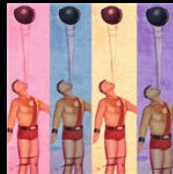


Pill box hat

Miscellaneous
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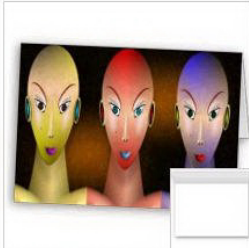
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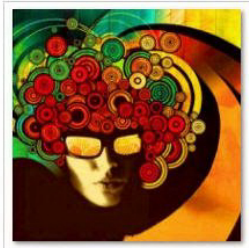
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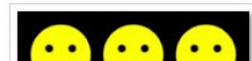
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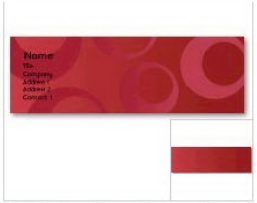
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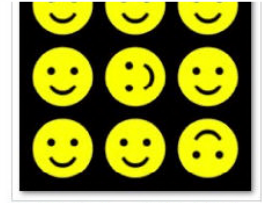
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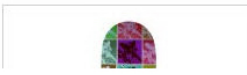
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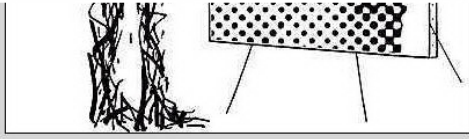
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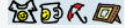
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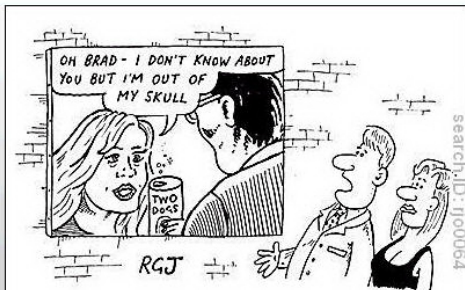
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"I think it's called Alcopop Art."

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roy liechtenstein, liechtenstein,
brad, two dogs.

Alcopop Art

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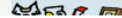
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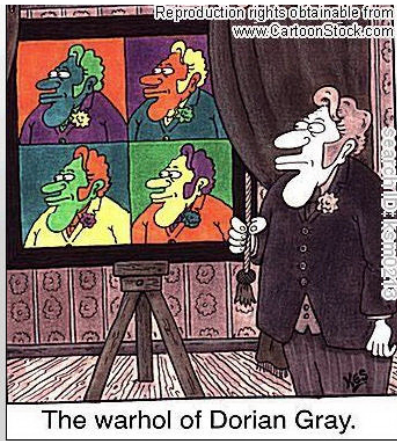
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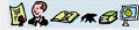


'The Warhol of Dorian Gray'

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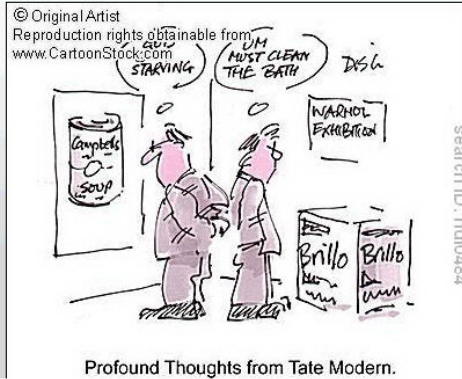
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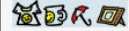
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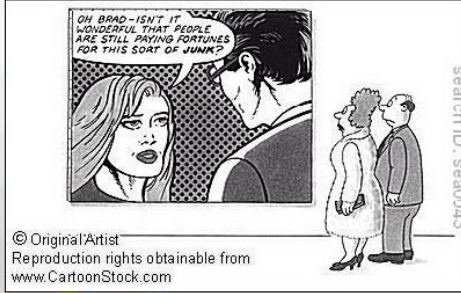
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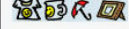
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Art Gallery, "Oh Brad isn't it wonderful that people are still paying fortunes for this sort of junk?"

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critics, modern artist, pop art.

'The check of it! Look, someone's left a piece of litter next to this exhibit.'

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'Brad, you really must do something about that acne.'

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Pop art

From Wikipedia, the free encyclopedia

*This is about the **art** movement. For other uses see **Pop art** (disambiguation).*

Pop art is a visual **art** movement that emerged in the mid 1950s in Britain and in the late 1950s in the United States.^[1] **Pop art** challenged tradition by asserting that an artist's use of the mass-produced visual commodities of popular culture is contiguous with the perspective of **fine art**. **Pop** removes the material from its context and isolates the object, or combines it with other objects, for contemplation.^{[1][2]} The concept of **pop art** refers not as much to the **art** itself as to the attitudes that led to it.^[2]

Pop art is an **art** movement of the twentieth century. Characterized by themes and techniques drawn from *popular mass* culture, such as advertising, comic books and mundane cultural objects, **pop art** is widely interpreted as a reaction to the then-dominant ideas of **abstract expressionism**, as well as an expansion upon them.^[3] **Pop art**, aimed to employ images of popular as opposed to elitist culture in **art**, emphasizing the banal or *kitschy* elements of any given culture, most often through the use of *irony*.^[2] It is also associated with the artists' use of mechanical means of reproduction or rendering techniques.

Much of **pop art** is considered incongruent, as the conceptual practices that are often used make it difficult for some to readily comprehend. **Pop art** and **minimalism** are considered to be **art** movements that precede **postmodern art**, or are some of the earliest examples of **Postmodern Art** themselves.^[4]

Pop art often takes as its imagery that which is currently in use in advertising.^[5] Product labeling and logos figure prominently in the imagery chosen by **pop** artists, like in the Campbell's Soup Cans labels, by **Andy Warhol**. Even the labeling on the shipping carton containing retail items has been used as subject matter in **pop art**, for example in **Warhol's Campbell's Tomato Juice Box** 1964, (pictured below), or his *Brillo Soap Box* sculptures.



Richard Hamilton, *Just What Is It That Makes Today's Homes So Different, So Appealing?* (1956) is one of the earliest works to be considered "**pop art**".



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Origins

[edit]

The origins of **pop art** in North America, China and Great Britain developed slightly differently.^[2] In America, it marked a return to *hard-edged* composition and *representational art* as a response by artists using impersonal, mundane reality, *irony* and *parody* to defuse the personal symbolism and "painterly looseness" of *Abstract Expressionism*.^{[3][6]} By contrast, the origin in post-War Britain, while employing irony and parody, was more academic with a focus on the dynamic and paradoxical imagery of American popular culture as powerful, manipulative symbolic devices that were affecting whole patterns of life, while improving prosperity of a society.^[6] Early **pop art** in Britain was a matter of ideas fueled by American popular culture viewed from afar, while the American artists were inspired by the experiences of living within that culture.^[6] However, **pop art** also was a continuation of certain aspects of Abstract Expressionism, such as a belief in the possibility for **art**, especially for large scale artwork.^[3] Similarly, **pop art** was both an extension and a repudiation of *Dadaism*.^[3] While **pop art** and Dadaism explored some of the same subjects, **pop art** replaced the destructive, satirical, and anarchic impulses of the Dada movement with detached affirmation of the artifacts of mass culture.^[3] Among those artists seen by some as producing work leading up to **Pop art** are Pablo Picasso, Marcel Duchamp, Kurt Schwitters, and Man Ray.

In Britain: The Independent Group

[edit]

The *Independent Group* (IG), founded in London in 1952, is regarded as the precursor to the **pop art** movement.^{[1][7]} They were a gathering of young painters, sculptors, architects, writers and critics who were challenging prevailing modernist approaches to culture as well as traditional views of Fine **Art**. The group discussions centered around popular culture implications from such elements as mass advertising, movies, product design, comic strips, science fiction and technology. At the first Independent Group meeting in 1952, co-founding member, artist and sculptor **Eduardo Paolozzi** presented a lecture using a series of collages titled *Bunk!* that he had assembled during his time Paris between 1947-1949.^{[1][7]} This material consisted of 'found objects' such as, advertising, comic book characters, magazine covers and various mass produced graphics that mostly represented American popular culture. One of the images in that presentation was Paolozzi's 1947 collage, *I was a Rich Man's Plaything*, which includes the first use of the word "**pop**", appearing in a cloud of smoke emerging from a revolver.^{[1][8]} Following Paolozzi's seminal presentation in 1952, the IG focused primarily on the imagery of American popular culture, particularly mass advertising.^[6]

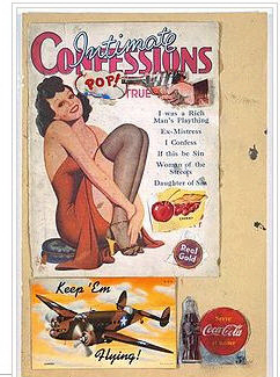
Subsequent coinage of the complete term "**pop art**" was made by **John McHale** for the ensuing movement in 1954. "**pop art**" as a moniker was then used in discussions by IG members in the Second Session of the IG in 1955, and the specific term "**pop art**" first appeared in published print in an article by IG members *Alison and Peter Smithson* in *Arc*, 1956.^[9] However, the term is often credited to *British art critic/curator, Lawrence Alloway* in a 1958 essay titled *The Arts and the Mass Media*, although the term he uses is "popular mass culture"^[10] Nevertheless, Alloway was one of the leading critics to defend the inclusion of the imagery found in mass culture in fine **art**.

In the United States

[edit]



Although the movement began in the late 1950s, **Pop Art** in America was given its greatest impetus during the 1960s. By this time, American advertising had adopted many elements and inflections of modern **art** and functioned at a very sophisticated level. Consequently, American artists had to search deeper for dramatic styles that would distance **art** from the well-designed and clever commercial materials.^[6] As the British viewed American popular culture imagery from a somewhat removed perspective, their views were often instilled with romantic, sentimental and



Eduardo Paolozzi. *I was a Rich Man's Plaything* (1947) is considered the initial standard bearer of "**pop art**" and first to display the word "**pop**". Paolozzi showed the collage in 1952 as part of his groundbreaking *Bunk!* series presentation at the initial *Independent Group* meeting in



Roy Lichtenstein's *Drowning Girl* (1963) on display at the Museum of Modern Art, New York

sentimental rendered picturesque, their forms were often infused with romantic, sentimental and humorous overtones. By contrast, American artists being bombarded daily with the diversity of mass produced imagery, produced work that was generally more bold and aggressive.^[7]

Two important painters in the establishment of America's **pop art** vocabulary were Jasper Johns and Robert Rauschenberg.^[7] While the paintings of Rauschenberg have relationships to the earlier work of Kurt Schwitters and other Dadaists, his concern was with social issues of the moment. His approach was to create **art** out of ephemeral materials and using topical events in the life of everyday America gave his work a unique quality.^{[7][11]} Johns' and Rauschenberg's work of the 1950s is classified as **Neo-Dada**, and is visually distinct from the classic American **Pop Art** which began in the early 1960s.^{[12][13]}

Of equal importance to American **pop art** is Roy Lichtenstein. His work probably defines the basic premise of **pop art** better than any other through **parody**.^[7] Selecting the old-fashioned comic strip as subject matter, Lichtenstein produces a hard-edged, precise composition that documents while it parodies in a soft manner. The paintings of Lichtenstein, like those of Andy Warhol, Tom Wesselmann and others, share a direct attachment to the commonplace image of American popular culture, but also treat the subject in an impersonal manner clearly illustrating the idealization of mass production.^[7] Andy Warhol is probably the most famous figure in **Pop Art**. Warhol attempted to take **Pop** beyond an artistic style to a life style, and his work often displays a lack of human affectation that dispenses with the irony and parody of many of his peers.^{[14][15]}

Early exhibitions

[edit]

In the fall of 1962 New York **art** dealer Sidney Janis organized a groundbreaking exhibition, called *The New Realists*, an international survey of new to the scene contemporary American **Pop** artists and a related group of European artists associated with the **art movement** called *New Realism*. The Sidney Janis Gallery exhibition included Wayne Thiebaud, Richard Lindner, Roy Lichtenstein, Andy Warhol, Claes Oldenburg, James Rosenquist, Jim Dine, Robert Indiana, Tom Wesselmann, George Segal, Marisol, Jean Tinguely, Yves Klein, Arman, Mario Schifano, Enrico Baj, Mimmo Rotella, Christo, Martial Raysse, Öyvind Fahlström and several others.^[16]

Also in 1962 in Los Angeles Roy Lichtenstein's work was included, along with Andy Warhol, Jim Dine, Phillip Hefferton, Wayne Thiebaud, Joe Goode, Edward Ruscha, and Robert Dowd, in the historical *New Painting of Common Objects*, curated by Walter Hopps at the Pasadena **Art Museum** [1] . This exhibition was the first **Pop Art** museum exhibition in America. These painters were part of a new movement, in a time of social unrest, which shocked America and the **art** world and changed **art** forever. This museum exhibition was followed by the Guggenheim Museum's 1963 **pop art** exhibition *Six Painters and the Object*, curated by Lawrence Alloway. Artists included in the Alloway exhibition were Jim Dine, Jasper Johns, Roy Lichtenstein, Robert Rauschenberg, James Rosenquist, and Andy Warhol.^[17]

Commercial galleries that first exhibited the **Pop** artists in the early to mid-1960s included the Green Gallery, the Stable Gallery, the Sidney Janis Gallery, the Leo Castelli Gallery in New York and the Ferus Gallery in Los Angeles.

Proto-pop

[edit]

It should also be noted that while the British **pop art** movement predated the American **pop art** movement, there were some earlier American proto-**Pop** origins which utilized 'as found' cultural objects.^[3] During the 1920s American artists Gerald Murphy, Charles Demuth and Stuart Davis created paintings prefiguring the **pop art** movement that contained **pop** culture imagery such as mundane objects culled from American commercial products and advertising design.^{[18][19][20]}

In Spain

[edit]

In Spain, the study of **pop art** is associated with the "new figurative", which arose from the roots of the crisis of informalism. Eduardo Arroyo could be said to fit within the **pop art** trend, on account of his interest in the environment, his critique of our media culture which incorporates icons of both **mass media** communication and the history of painting, and his scorn for nearly all established artistic styles. However, the Spaniard who could be considered the most authentically "**pop**" artist is Alfredo Alcán, because of the use he makes of popular images and empty spaces in his compositions.

Also in the category of Spanish **pop art** is the "Chronicle Team" (*El Equipo Crónica*), which existed in Valencia between 1964 and 1981, formed by the artists Manolo Valdés and Rafael Solbes. Their movement can be characterized as **Pop** because of its use of comics and publicity images and its simplification of images and photographic compositions. Filmmaker Pedro Almodovar emerged from Madrid's "La Movida" subculture (1970s) making low budget **super 8 pop art** movies and was subsequently called the Andy Warhol of Spain by the media at the time. In the book "Almodovar on Almodovar" he is quoted saying that the 1950s film "Funny Face" is a central inspiration for his work. One **Pop** trademark in

by the media at the time. In the book "Almodovar on Almodovar" he is quoted saying that the 1950s film "Funny Face" is a central inspiration for his work. One **Pop** trademark in Almodovar's films is that he always produces a fake commercial to be inserted into a scene.

In Japan

[edit]

Pop art in Japan is unique and identifiable as Japanese because of the regular subjects and styles. Many Japanese **pop** artists take inspiration largely from *anime*, and sometimes *ukiyo-e* and traditional Japanese **art**. The best-known **pop** artist currently in Japan is **Takashi Murakami**, whose group of artists, **Kaikai Kiki**, is world-renowned for their own mass-produced but highly abstract and unique **superflat art** movement, a surrealist, post-modern movement whose inspiration comes mainly from *anime* and Japanese street culture, is mostly aimed at youth in Japan, and has made a large cultural impact. Some artists in Japan, like **Yoshitomo Nara**, are famous for their **graffiti**-inspired **art**, and some, such as Murakami, are famous for mass-produced plastic or polymer figurines. Many **pop** artists in Japan use surreal or obscene, shocking images in their **art**, taken from Japanese *hentai*. This element of the **art** catches the eye of viewers young and old, and is extremely thought-provoking, but is not taken as offensive in Japan. A common metaphor used in Japanese **pop art** is the innocence and vulnerability of children and youth. Artists like Nara and **Aya Takano** use children as a subject in almost all of their **art**. While Nara creates scenes of anger or rebellion through children, Takano communicates the innocence of children by portraying nude girls.

In Italy

[edit]

In Italy, **Pop Art** was known from 1964, and took place in different forms, such as the "Scuola di Piazza del Popolo" in Rome, with artists such as **Mario Schifano**, **Franco Angeli**, **Gioetta Fioroni**, **Tano Festa** and also some artworks by **Piero Manzoni** and **Mimmo Rotella**.

Italian **Pop Art** originated in '50s culture, to be precise in the works of two artists: **Enrico Baj** and **Mimmo Rotella**, who have every right to be considered the forerunners of this scene. In fact, it was around 1958-59 that Baj and Rotella abandoned their previous careers – which might be generically defined as a non-representational genre despite being run through with post-Dadaism – to catapult themselves into a new world of images and the reflections on them which was springing up all around them. **Mimmo Rotella's** torn posters gained an ever more figurative taste, often explicitly and deliberately referring to the great icons of the times. **Enrico Baj's** compositions were steeped in contemporary kitsch, which was to turn out to be a gold mine of images and stimuli for an entire generation of artists.

The novelty lies in the new visual panorama, both inside the four domestic walls and out: cars, road signs, television, all the "new world." Everything can belong to the world of **art**, which itself is new. In this respect, Italian **Pop Art** takes the same ideological path as that of the International scene, the only thing that changes is the iconography and, in some cases, the presence of a more critical attitude to it. Even in this case, the prototypes can be traced back to the works of Rotella and Baj, both far from neutral in their relationship with society. Yet this is not an exclusive element, there is a long line of artists, from **Gianni Ruffi** to **Roberto Barni**, from **Silvio Pasotti** to **Umberto Bignardi** and **Claudio Cintoli** who take on reality as a toy, as a great pool of imagery from which to draw material with disenchantment and frivolity, questioning the traditional linguistic role models with a renewed spirit of "let me have fun" à la **Aldo Palazzeschi**.^[21]

Painting and sculpture examples

[edit]



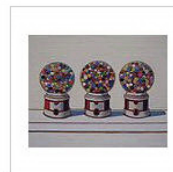
Jasper Johns, 1954-1955
Flag



Andy Warhol, 1962
Campbell's Soup Cans



Tom Wesselmann, 1962
Still Life



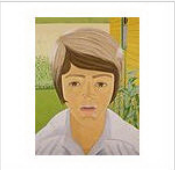
Wayne Thiebaud, 1963
Three Machines



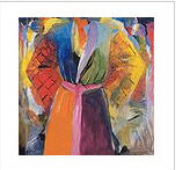
Claes Oldenburg, 1966 *Soft Bathub*



David Hockney, 1967 *A Bigger Splash*



Alex Katz, 1970 *Vincent with Open Mouth*



Jim Dine, 1984-1985 *The Robe Following Her*

Notable artists

[edit]

- Billy Apple
- Sir Peter Blake
- Derek Boshier
- Antonio Caro
- Patrick Caulfield
- Allan D'Arcangelo
- Jim Dine
- Robert Dowd
- William Eggleston
- Erró
- Marisol Escobar
- Red Grooms
- Richard Hamilton
- Keith Haring
- Jann Haworth
- David Hockney
- Robert Indiana
- Jasper Johns
- Allen Jones
- Alex Katz
- Corita Kent
- Nicholas Krushenick
- Yayoi Kusama
- Roy Lichtenstein
- Richard Lindner
- John McHale
- Peter Max
- Takashi Murakami
- Yoshitomo Nara
- Claes Oldenburg
- Julian Opie
- Eduardo Paolozzi
- Peter Phillips
- Sigmar Polke
- Hariton Pushwagner
- Mel Ramos
- Robert Rauschenberg
- Larry Rivers
- James Rosenquist
- Ed Ruscha
- George Segal
- Colin Self
- Aya Takano
- Wayne Thiebaud
- Andy Warhol
- John Wesley
- Tom Wesselmann

See also

[edit]

- Ferus Gallery
- Sidney Janis
- Leo Castelli
- Green Gallery
- New Painting of Common Objects
- Figuration Libre (**art** movement)
- Lowbrow (**art** movement)
- Nouveau réalisme
- Neo-**pop**
- Op **art**
- Plop **art**
- Retro **art**
- Superflat

Supernat

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- ↑ *Arnason, H., **History of Modern Art: Painting, Sculpture, Architecture**, New York: Harry N. Abrams, Inc. 1968.*
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- ↑ Alison and Peter Smithson, "But Today We Collect Ads", reprinted on page 54 in *Modern Dreams The Rise and Fall of Pop*, published by ICA and MIT, ISBN-N-0-262-73081-2
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Further reading

[edit]

- Lucy R. Lippard, **Pop Art**, with contributions by Lawrence Alloway, Nancy Marmor, Nicolas Calas, Frederick A. Praeger, New York, 1966.

External links

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