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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91204259
Party	Defendant Valhalla Game Studios Co. Ltd.
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Date	09/18/2014
Attachments	Seventh Notice of Reliance.pdf(2730385 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In Re: Serial Nos. 77/948,333; 77/948,895; 85/310,089

Applicant's Marks: VALHALLA GAME STUDIOS, VALHALLA
GAME STUDIOS and Design;
Applicant's Mark in Child Case: VALHALLA ENTERTAINMENT

VALHALLA MOTION PICTURES, INC.,

Opposer,

v.

Opposition No. 91204259
(parent case)

VALHALLA GAME STUDIOS CO. LTD.,

Applicant.

VALHALLA GAME STUDIOS CO. LTD.,

Opposer,

v.

Opposition No. 91206662

VALHALLA MOTION PICTURES, INC.,

Applicant.

SEVENTH NOTICE OF RELIANCE

Pursuant to Trademark Rule 2.120(j), Applicant Valhalla Game Studios Co. Ltd., hereby serves notice that it will rely upon the following discovery depositions and exhibits:

Opposition No. 91204259 and 91206662

1. Gale Ann Hurd taken on April 11, 2013; pp. 4:1-16, 42:13-49:16 (Exhibit 12), 57:12-15, 92:10-105:12 (Exhibits 13, 14, 15, 16 & 17), 107-108,
2. Kristopher Henigman taken on May 29, 2013; pp. 6:1-15, 26:6-27:8, 36:20-37:9, 41:10-43:16;129-130.
3. Julie Thomson taken on May 30, 2013; pp. 1:1-15, 13:20-15:19; 19:25-20:24, 31:16-33:9, 36:25-43:19 and 73:7-74:6 (Exhibit 52), 76-77; and
4. Ben Roberts taken on July 15, 2013, pp. 5:1-17, 27:21-31:7, 35:21-36:22, 38:16-44:23, 81-82.

Respectfully submitted,

September 18, 2014



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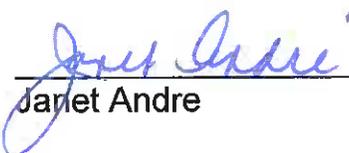
CERTIFICATE OF SERVICE

I hereby certify that this **SEVENTH NOTICE OF RELIANCE** is being filed electronically with the United States Trademark Trial and Appeal Board pursuant to 37 C.F.R. § 18.

I hereby further certify that a true and complete copy of the foregoing **SEVENTH NOTICE OF RELIANCE** has been served on Opposer, has been served on September 18, 2014, by electronic mail, to:

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Dated: September 18, 2014



Janet Andre

MILLER & COMPANY REPORTERS

CERTIFIED
TRANSCRIPT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE

THE TRADEMARK TRIAL AND APPEAL BOARD

VALHALLA MOTION PICTURES,)
INC.,)

Opposer,)

v.)

VALHALLA GAME STUDIOS)
CO. LTD.,)

Applicant.)

Opposition No. 91204259

NONCONFIDENTIAL TESTIMONY

DEPOSITION OF: GALE ANNE HURD

TAKEN ON: April 11, 2013

PAGES 1 to 21, 29 to 72, 77 to 80, 92 to 108

NO. 32874

REPORTED BY:

ALTHEA L. MILLER

CSR No. 3353, RPR, CCRR

Los Angeles

San Francisco

800.487.6278

1 Beverly Hills, California

2 Thursday, April 11, 2013

3 10:02 A.M.

4
5 -oOo-

6
7 GALE ANNE HURD,

8 having declared under penalty
9 of perjury to tell the truth, was
10 examined and testified as follows:

11
12 EXAMINATION

13 BY MR. GELFAND:

14 Q Would you please state your name for the
15 record.

16 A Gale Anne Hurd.

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10:02:30

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10:02:35

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10:02:50

10:55:51

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10:56:03

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10:56:21

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10:56:34

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10:56:51

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10:56:58

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Was there anything that you saw with respect to any searches that were conducted with respect to any other Valhalla entities that existed at the time that you were choosing the Valhalla name?

MR. GRACE: Objection. Assumes facts not in evidence. Calls for speculation.

BY MR. GELFAND:

Q You can answer.

MR. GRACE: You can answer if you understand the question.

THE WITNESS: Can you restate the question?

MR. GELFAND: Let me rephrase it.

10:57:06

1 Q Did you see any written report with respect
2 to the existence of any other Valhalla entities at
3 the time you were selecting the name "Valhalla"?

4 A I don't recall.

10:57:25

5 Q Are you aware that at the time that you
6 were applying for a trademark, there was a Valhalla
7 entity that called itself Valhalla and it was for
8 recording studio services?

9 A I don't recall.

10:57:44

10 Q Are you aware that the Patent and Trademark
11 Office initially refused to register Valhalla
12 because of the existence of the other Valhalla
13 entity?

14 A I don't recall specifically.

10:58:27

15 Q When you applied for the trademarks, were
16 you represented by the firm of Greenberg Glusker?

17 A I can't recall.

18 Q When you applied for a trademark, do you
19 recall whether your attorney was Michael Grace?

10:58:44

20 A I can't recall. I don't get involved in
21 those aspects of the company.

22 Q Back in 1998, who did get involved in the
23 aspect of the securing of the Valhalla name for
24 trademark purposes?

10:59:05

25 A I believe that would be Julie Thomson.

10:59:08

1 Q How long has Julie Thomson been working
2 with you?

3 A I believe she started in 1991, right around
4 then.

10:59:17

5 Q And that was obviously before Valhalla;
6 correct?

7 A Right.

8 Q And that was at Pacific Western?

9 A Correct.

10:59:29

10 MR. GELFAND: I'm going to mark as
11 Exhibit 12 a document which was produced by
12 Valhalla Motion Pictures. It bears Bates stamp
13 VMP 000254 and -255.

14 (The document referred to was marked as
15 Applicant's Exhibit 12 by the Reporter.)

11:00:01

16 BY MR. GELFAND:

17 Q It appears to be a letter on
18 Greenberg Glusker letterhead signed on page 2 by
19 Michael Grace of the firm, and it's a letter written
20 July 21st, 1998 -- copy of a letter written
21 July 21st, 1998, to the United States Patent and
22 Trademark.

11:00:12

23 Have you ever seen Exhibit 12 before?

24 A I can't recall.

11:00:47

25 Q Do you recall being involved in any

11:00:48

1 decision with respect to disagreeing with the
2 Patent and Trademark Office that your use of
3 Valhalla Motion Pictures, in connection with motion
4 picture film production services, would likely be
5 confused with the recording studio offering

11:01:10

6 recording studio services under the name "Valhalla"?

7 A I can't recall.

8 Q Does this refresh your recollection as to
9 whether Mr. Grace and/or Greenberg Glusker was

11:01:30

10 counsel for Valhalla Motion Pictures in the
11 July 1998 time frame?

12 A Not really.

13 Q Have you had any counsel other than
14 Michael Grace represent you -- or represent
15 Valhalla -- strike that.

11:01:50

16 Have you had counsel other than
17 Michael Grace represent Valhalla Motion Pictures in
18 matters pertaining to its trademarks?

19 A I am not aware. That's not my purview.

11:02:04

20 Q You're not aware of any; is that correct?

21 A That's correct.

22 Q Are you personally aware of any steps that
23 have been taking -- taken by Valhalla to protect any
24 of its trademarks?

11:02:41

25 A Yes.

11:02:42

1 Q What steps are you aware of that Valhalla
2 has taken to protect any of its trademarks?

3 A I am aware that Julie has been notified
4 when there are other filings that might interfere.

11:03:14

5 Q Any other steps that you're aware of that
6 Valhalla has taken to protect its trademarks?

7 MR. GRACE: Objection. Overbroad.

8 BY MR. GELFAND:

9 Q You can answer.

11:03:25

10 A Not that I'm aware of.

11 Q Would the issue of trademark protection
12 fall under Julie's domain?

13 A Yes.

11:03:39

14 Q Are you personally aware as to whether or
15 not Valhalla Entertainment has been involved in any
16 litigation with respect to its trademarks? Any
17 lawsuits?

18 A I'm -- I wouldn't -- I wouldn't know that.

11:03:56

19 Q Okay. Are you personally aware as to
20 whether or not Valhalla has been involved in any
21 other Patent and Trademark Office proceedings other
22 than the one with Valhalla Game Studios?

23 A I'm not -- I'm not aware.

11:04:18

24 Q Are you involved at all in any process to
25 determine whether -- whether or not someone else's

11:04:23

1 use of a trademark is confusingly similar to yours?

2

MR. GRACE: Objection. The question calls for a legal conclusion.

3

4 THE WITNESS: Could you restate the question?

11:04:35

5

6

BY MR. GELFAND:

7

Q Sure.

8

Are you involved -- you personally involved in any process whereby an analysis would be made to determine whether or not anyone else's use of a trademark conflicts with or is confusingly similar to any Valhalla mark?

11:04:46

10

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13

A I honestly don't know what you're asking.

14

11:05:05

15

16

Q Have you ever sat down with anyone -- this is just "Yes" or "No" because I'm not getting into substance yet.

17

18

19

Have you ever sat down with anyone to go over whether or not a company's use of some mark, some trademark, conflicts with your Valhalla marks?

11:05:18

20

21

22

23

A Yes.

Q Okay. Have you ever done that in a situation other than with Valhalla Game Studios?

24

11:05:35

25

MR. GRACE: I want to object because I think the form of the question is back-ending into attorney-client communications, and on that basis,

11:05:38

1 I'll instruct her not to answer the question.

2 Your question was discussion with anyone
3 regarding a legal topic --

4 MR. GELFAND: I understand.

11:05:52

5 MR. GRACE: -- in anticipation of
6 litigation.

7 You have a quizzical look on your face.

8 MR. GELFAND: Yeah, because I think it's
9 preliminary without getting into substance; and --

11:06:01

10 so let me see if I can try to rephrase it because I
11 don't believe your objection is well taken, but I'll
12 see if I can get there a different way.

13 Q I'm not asking for the substance of any
14 conversation. I'm just trying to find out whether
15 or not, on a particular subject, a conversation has
16 existed. And what I want to do is exclude anything
17 relating to Valhalla Game Studios for this question.

11:06:15

18 So other than any issue that may arise with
19 Valhalla Game Studios, have you ever had a
20 conversation with anyone on the subject of whether
21 someone else's use of a name or mark conflicts with
22 your Valhalla marks?

11:06:37

23 A I can't recall.

24 Q Are you familiar with a company that's
25 called -- strike that.

11:07:06

11:07:07

1

Are you familiar with a trademark that is called V Valahalla Knights?

2

3

A I can't recall.

4

11:07:18

5

Q Are you familiar with a video game company that's called V Valhalla Knights?

6

A I can't recall.

7

8

9

Q Are you aware that there is a trademark in the United States for a video game company that's called V Valhalla Knights?

11:07:40

10

A I can't recall.

11

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11:07:59

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11:08:25

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11:08:43

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A I can't recall.

11:20:02

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11:20:17

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11:20:40

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12

Has anyone ever told you that they had seen the name "Valhalla Game Studios" and wondered if that had any relationship to your company?

13

14

11:20:53

15

A Not that I recall.

16

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11:21:27

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11:21:44

25

NONCONFIDENTIAL TESTIMONY (Continued)

12:25:20

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12:25:26

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12:25:42

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Q In order for the video game for the -- the first "Walking Dead" video -- strike that.

11

12

13

14

In order for the first "Walking Dead" video game to be created, did Valhalla need to, in any fashion, provide the manufacturer with any license or other agreement to do the video game?

12:26:04

15

16

A No.

17

18

Q Was that done solely by the publisher of the comic book?

19

A I'm not sure.

12:26:19

20

21

22

Q How about for the second "Walking Dead" video game? Did Valhalla need to give any license or agreement to do the video game on that?

23

24

MR. GRACE: Objection. Calls for a legal conclusion.

12:26:31

25

THE WITNESS: I'm not sure.

12:26:32

1 BY MR. GELFAND:

2 Q Are you aware as to whether or not Valhalla
3 in any manner gave any permission or approval to do
4 the second video game?

12:26:46

5 A We were consulted throughout the
6 development of the second video game. I
7 specifically was consulted on behalf of
8 Valhalla Entertainment.

12:26:55

9 Q My question was a little bit different.
10 Do you know whether Valhalla gave any
11 permission or approval to do the video game?

12 A I don't know the distinction in this case
13 between consultation and approval.

12:27:13

14 Q Did Valhalla enter into any -- other
15 than -- strike that.

16 Other than whatever consulting agreement
17 you may have had, do you know whether or not
18 Valhalla entered any -- entered into any agreement
19 with a video game producer that granted permission
20 for the producer to do the video game based on the
21 television show?

12:27:25

22 A I'm not sure.

23 Q Do you know whether or not the Valhalla
24 name or logo appears anywhere in "The Walking Dead"
25 video games?

12:28:18

12:28:26

1 A I don't believe so.

2 Q Do you know whether or not the Valhalla
3 name or logo appears on any of the video games?

4 A I'm not sure.

12:28:39

5 Q Are there plans right now to turn any
6 current -- strike that.

7 Are there plans right now that you're aware
8 of to turn any project of Valhalla into a new video
9 game -- specific plans?

12:29:03

10 A Not that I'm currently aware.

11 Q Is there any mention on your website of any
12 of the video games for any Valhalla project?

13 A I believe there is, but I'm not 100 percent
14 certain.

12:29:32

15 Q A project or products are -- strike that.

16 A I tweeted about them, and tweets would
17 appear on the website.

18 Q Anything other than tweets that you may
19 have tweeted about?

12:30:14

20 MR. GRACE: Can I have that question read
21 back, please.

22 (The record was read.)

23 MR. GRACE: We're getting close to the
24 lunch break.

12:30:30

25 MR. GELFAND: Let's go off for a second.

12:35:08

1

(A brief recess was taken.)

2

BY MR. GELFAND:

3

Q We were talking before the break --

4

A Yes.

12:35:18

5

Q -- a little bit about whether or not there is any mention on the website of video games for any Valhalla project, and you stated that you're not 100 percent sure but you believe there is, and you stated that you've tweeted on your website about video games; is that correct?

12:35:35

10

11

A Yes. And the intention was, but since I'm not the website administrator, I'm not sure -- we are Amazon associates, which means that we're vendors that link to Amazon, and people click through from our website.

12:35:53

15

16

We're credited with sales of any movie, and the intention was also to have video games, but I don't know that our website administrator actually followed through.

12:36:09

20

21

Q Let's mark as Exhibit 13 a document produced by you. Bears Bates stamp VMP 000033.

22

(The document referred to was marked as

23

Applicant's Exhibit 13 by the Reporter.)

24

BY MR. GELFAND:

12:36:36

25

Q It appears to be a page from the website

12:36:40

1 that lists products for sale.

2 None of those are video games; is that
3 correct?

4 A Not on this page.

12:36:46

5 Q Okay. And this is the only page that was
6 produced. The next page -- not page 2 of this, but
7 I will represent to you that I did go on the website
8 to see page 2, and there are no video games listed
9 there as well.

12:37:01

10 Do you know whether or not video games have
11 ever been offered for sale on your website?

12 A I'm not sure.

12:37:49

13 MR. GELFAND: Next, I'd like to mark as
14 Exhibit 14 another document produced by you. It's a
15 page that appears to be from your website VMP 00026.

16 (The document referred to was marked as
17 Applicant's Exhibit 14 by the Reporter.)

18 BY MR. GELFAND:

19 Q Can you tell me what this page is?

12:38:03

20 A This is a page of some tweets -- snapshot
21 of a moment in time from the Valhalla Twitter.

22 Q Now, is this a page that will deal with the
23 tweets that you referred to earlier that you may
24 have said something about the video games?

12:38:34

25 MR. GRACE: Objection. Misstates her

12:38:35

1 testimony.

2 MR. GELFAND: It's not on this page.

3 Q But obviously since we can read it, there
4 is nothing on video games?

12:38:44

5 A Not on this page. I know I have tweeted,
6 and I have a separate account as well; so there is
7 ValhallaEnt, and then there is also gunnergale,
8 which is my account.

12:38:59

9 Q So you do believe that video games have
10 been somewhere mentioned on your website; is that
11 correct?

12 A I believe so.

13 Q Do you know whether or not those pages are
14 producible -- are securable and producible?

12:39:12

15 A I'm not a technological expert; so the
16 answer is I'm not sure.

17 MR. GELFAND: Next, I'd like to mark as
18 Exhibit 15.

12:39:53

19 (The document referred to was marked as
20 Applicant's Exhibit 15 by the Reporter.)

21 BY MR. GELFAND:

22 Q Exhibit 15 is not something you produced,
23 but it is something that -- that we printed.

12:40:01

24 Do you recognize this as being your
25 website?

12:40:04

1 A It does look like it.

2 Q Across the top, there are various links --

3 A Uh-huh.

4 Q -- that are part of the website, and it has

12:40:15

5 "Home," "About," "Films," "Television," "Comics,"

6 "Blog," "Appearances," "Press," "Links," and

7 "Store."

8 Do you know whether or not there has ever

9 been a link on your website that has linked to

12:40:27

10 anything dealing with video games?

11 A I'm not sure.

12 MR. GELFAND: Next, I'll mark as Exhibit 16

13 another page from the website.

14 (The document referred to was marked as

12:40:41

15 Applicant's Exhibit 16 by the Reporter.)

16 THE WITNESS: Thank you.

17 THE REPORTER: You're welcome.

18 BY MR. GELFAND:

19 Q Do you recognize Exhibit 16 as being a page

12:41:14

20 from your website?

21 A It looks like it, yes.

22 Q And this is the "About" page that's about

23 Valhalla Entertainment that lists a little bit about

24 you, what Valhalla has done, and in the final

12:41:34

25 paragraph, a brief description of future projects.

12:41:40

1 Do you see that?

2 A Yes.

12:41:49

3 Q Do you know whether or not, at any time in
4 the website, there was any mention of any future
5 project that involved video games?

6 A We never announce any project that hasn't
7 been publicly announced in the press; so unless
8 something was announced in the press, that -- the
9 answer would be no.

12:42:08

10 Q Here this talks about some future projects,
11 but these projects have been announced already in
12 some state?

13 A Correct.

12:42:16

14 Q My question to you at any point in time on
15 your website, was there ever any mention of any
16 video games --

17 A Not --

18 Q -- as a future project?

12:42:27

19 A Not that I'm aware of, but 90 percent of
20 my -- well, enormous -- let me restate that.

21 Most of my projects that I'm currently
22 developing have never been announced.

23 MR. GELFAND: Next I'd like to mark as
24 Exhibit 17 pages of the website that we have printed
25 out as of yesterday afternoon.

12:43:14

12:43:24

1 (The document referred to was marked as
2 Applicant's Exhibit 17 by the Reporter.)

3 BY MR. GELFAND:

12:43:28

4 Q You see on Exhibit 17 the date and the
5 timestamp of when this was printed --

6 A Uh-huh.

7 Q -- appears?

8 And do you recognize these pages as being
9 from the Valhalla Entertainment website?

12:43:45

10 A They do look like they are.

11 Q Okay. Now, in the first part of this on
12 page 1, in the right-hand side, it talks about
13 "The Walking Dead" convention appearances.

14 A Uh-huh.

12:44:10

15 Q Do you see that?

16 A Uh-huh.

17 Q There is nothing here listed for any games
18 convention; correct?

19 A Correct.

12:44:25

20 Q And under "Website," where there are links
21 going about halfway down the page, there's several
22 different websites, comments, "Walking Dead,"
23 "Valhalla Entertainment," but, again, there is
24 nothing here that has any link to any game website;
25 correct?

12:44:43

100

12:44:44

1 A Correct.

2 Q Going over to page 2, there are various --
3 there is a list of various categories that include
4 different projects, film, television, interviews.

12:45:06

5 Do you see that list --

6 A Uh-huh.

7 Q -- in the lower right-hand side?

8 Is that "Yes"?

9 A Yes. I'm sorry.

12:45:18

10 Q There is nothing on that list with respect
11 to video games; correct?

12 A Not that I see.

13 Q Have -- are you -- to your knowledge, has
14 there ever been any specific category listed on any
15 aspect of Valhalla's website that -- other than the
16 tweets that have directed people to anything that
17 dealt with video games?

12:45:34

18 A I'm not sure.

19 Q Who is the person at Valhalla who you would
20 say would be the person most knowledgeable in the
21 creation or development of any video games?

12:46:01

22 A Kris Henigman and Phillip Kobylanski
23 currently.

12:46:22

24 Q Who would be the person at Valhalla who
25 would be most knowledgeable on how the Valhalla

12:46:30

1 marks appear in video games?

2 A I'm not sure who that would be.

3 Q Who would be the person at Valhalla most
4 knowledgeable on the subject of Valhalla's intent to
12:46:52 5 create video games?

6 A That would go back to Ben Roberts who is no
7 longer at the company.

8 Q Who would be the person currently at the
9 company that would be most knowledgeable about that
12:47:06 10 intent?

11 A I would imagine Kris Henigman.

12 Q Who would be the person most knowledgeable
13 at Valhalla with respect to its intent to expand the
14 Valhalla brand to any markets other than television,
12:47:44 15 film, and comic books?

16 A Me.

17 Q And who would be the person who would be
18 most knowledgeable as to all affirmative steps taken
19 by Valhalla to implement its intent to expand the
12:48:01 20 Valhalla brand to markets other than television,
21 film, and comic books?

22 A Could you restate that?

23 MR. GELFAND: Would you read that back?

24 (The record was read.)

12:48:38

25 THE WITNESS: I guess I would be the person

12:48:41

1 most knowledgeable about intent.

2 BY MR. GELFAND:

3 Q About the affirmative steps taken, would
4 they be different people depending on which market?
12:48:49 5 Is that the struggle?

6 A Yes. That's the struggle.

7 Q So with affirmative steps taken to
8 implement Valhalla's intent to expand into video
9 games, would that be Kris?

12:49:01

10 A Who is currently at the company, that would
11 be Kris.

12 Q Are you aware of the existence of any
13 documents with any third party that concerns in any
14 way Valhalla's authorization of video games based on
12:51:07 15 its productions?

16 A Could you -- could you repeat? I'm sorry.
17 (The record was read.)

18 MR. GELFAND: Let me rephrase that. When
19 you hear it back sometimes, it doesn't quite come
12:51:38 20 out the same way.

21 Q Are you aware of any documents that exist
22 in Valhalla's files that concern or relate to
23 Valhalla's authorizing video games from any of its
24 productions?

12:51:53

25 A There might be, but I'm not sure.

103

12:51:58

1 Q Are you aware of any specific agreements
2 that otherwise -- strike that.

12:52:10

3 Are you aware of any specific agreements
4 that exist between Valhalla and any third parties
5 concerning authorizing the use of video games of any
6 Valhalla production?

7 A I imagine that my contracts with the studio
8 or the financier might address those rights.

12:52:30

9 Q As you sit here today, you're not -- there
10 is no specific document or agreement that you have
11 in mind that covers that category; is that correct?

12 A I'm not sure.

12:52:52

13 Q Are you aware of any documents that in any
14 manner deal with any communications, whether it be
15 letters or memos or anything like that, that
16 concerns your authorizing third parties to produce
17 video games based on your productions?

18 A I'm not the person most involved in rights
19 authorizations.

12:53:21

20 Q Who would that be?

21 A That would be Julie and my attorney.

12:54:00

22 Q Without going through my entire list, would
23 it be fair to say that any of the documents, the
24 agreements, the written communications, with respect
25 to the use of the Valhalla brand for video games or

12:54:07

1 the expansion in the video game market -- that the
2 person who would be best able to talk about those
3 documents and communications would be Julie?

4 A Yes.

12:54:16

5 I was contacted about five years ago by
6 Dr. Lars Buttler to partner with him -- and I don't
7 know if it was an email or a letter -- on a project
8 called -- well, that is now launching simultaneously
9 as a TV series and a video game called "Defiance,"
10 which is beginning to air on the Sci-Fi network, but
11 I did not pursue that project. That would be the
12 only other one.

12:54:43

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12:55:37

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12:55:50

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12:56:11

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I, GALE ANNE HURD, declare under
penalty of perjury that the foregoing
is true and correct, to the best of
my ability.

Dated this ___ day of
_____, 2013, at
_____,
California.

GALE ANNE HURD

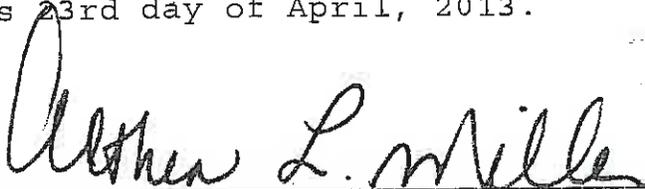
1 I, ALTHEA L. MILLER, CSR No. 3353, certify:
2 That the foregoing deposition of
3 GALE ANNE HURD was taken before me at the time and
4 place therein set forth, at which time the witness
5 declared under penalty of perjury to tell the truth;
6 That the testimony of the witness and all
7 objections made at the time of the deposition were
8 recorded stenographically by me and were reduced to
9 a computerized transcript under my direction;
10 That this transcript is a true record of
11 the testimony of the witness and of all objections
12 and colloquy made at the time of the deposition.
13 I further certify that I am neither counsel
14 for nor related to any party to said action nor
15 interested in the outcome.
16 The certification of this transcript does
17 not apply to any reproduction of the same by any
18 means unless under the direct control and/or
19 direction of the certifying deposition reporter.
20 IN WITNESS WHEREOF, I have subscribed my
21 name this 23rd day of April, 2013.
22
23 
24 ALTHEA L. MILLER, CSR No. 3353, RPR, CCRR
25

Exhibit 12

EXHIBIT 12

Althea L. Miller
CSR No. 3353

Date: 7/16/98
Witness: [Signature]

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07-23-1998

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101
[Signature]

OF COUNSEL: JIM HARRIS
RETIRING: STEVE GLUSKER
JOSEPH M. CLAMAN

1800 AVENUE OF THE STARS
SUITE 2100
LOS ANGELES, CALIFORNIA 90067-4590

TELEPHONE: (310) 553-3610
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Trademark Law Office 101
Serial No. 75/326422
Action Ltr.: 1/21/98

Attention: Montia O. Givens, Examining Attorney

Re: Mark: VALHALLA MOTION PICTURES

Dear Ms. Givens:

In response to Action Letter No. 1, Applicant Valhalla Entertainment, Inc., a Nevada corporation, responds as follows in the same order as the objections raised:

1. Likelihood of Confusion.

Applicant respectfully disagrees that its use of VALHALLA MOTION PICTURES in connection with motion picture film production services or writing and editing services for scripts, teleplays and screenplays would be likely to be confused with a recording studio offering recording studio services under the name VALHALLA. First, the marks have a different overall visual impression, even though the term "Valhalla" is in both. Second, our client uses the mark in the business of producing major motion pictures and writing and editing scripts, which are dissimilar to the registrant's registered services. Our client does not intend to use its mark in connection with any sound recording services or distribution of sound recordings. Under these circumstances, there appears to be no likelihood of confusion.

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Assistant Commissioner for Trademarks
July 21, 1998
Page 2

2. Significance of Wording.

The term "Valhalla" has no significance in the relevant trade and no geographical significance. In Norse mythology, "Valhalla" was the place to which deceased Viking warriors resided after death.

3. Activities are Services for Others.

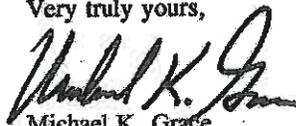
The services are intended to be offered for the benefit of someone other than the Applicant and are an integral part of Applicant's services for others. Accordingly, Applicant adopts the following recitation for the services in Class 42 as proposed by the Examining Attorney: writing and editing scripts, teleplays and screenplays for others in IC

AES | 42.

With these comments and amendments, Applicant respectfully requests that the above statements be entered and that the application be approved and passed to publication.

If you have any further questions about the application, please call me at my direct dial number above.

Very truly yours,



Michael K. Grace
of GREENBERG GLUSKER FIELDS
CLAMAN & MACHTINGER LLP

CERTIFICATE OF MAILING

I hereby certify that the foregoing correspondence is being deposited with the United States Postal Services, postage prepaid, in an envelope addressed to Commissioner of Patents and Trademarks, Box Response/No Fee, 2900 Crystal Drive, Arlington, VA 22202-3513 on July 21, 1998.


Sheila M. Fallon

Exhibit 13



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Last Man Standing
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The Wronged Man
\$4.69



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\$29.58



Witch Hunt [VHS]

EXHIBIT 13
Althea L. Miller
CSR No. 3753
Date: 4/11/13
Witness: [Signature]

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Exhibit 14

ValhallaEnt @valhallapics
 Executive Producer and Production Company for *The Walking Dead*,
Terminator Trilogy, *Armageddon*, *Incredible Hulk*, *The Punisher*, *The
 Abys*, *Dante's Peak* & *Aliens*
 Hollywood, CA <http://www.valhallasentertainment.com>

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 1,539 FOLLOWERS

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 Has Rick Grimes lost his humanity? @GunnerGale and @AndrewLincoln_ discuss the new #RickGames with @CBR. bit.ly/SRfKGG

ValhallaEnt @valhallapics 20h
 #TheWalkingDead's @GunnerGale and Greg Nicotero chat with @HittExDante! about the prison set and zombie protocol! bit.ly/Oy7Jt

The Walking Dead AMC @WalkingDead_AMC 21 Oct
 Thanks for making #Oral-eggedHer the number 1 trending topic in America! Excited for @AMCTalkingDead soon! pic.twitter.com/TZz02SIL

The Walking Dead AMC @WalkingDead_AMC 21 Oct
 AMC is back on DISH: Channel 131. Catch *The Walking Dead* Season Premiere at 8PM EST then a new episode immediately afterwards at 9PM.

ValhallaEnt @valhallapics 19 Oct
 Check out our new exclusive video Q&A with Tom Barrett, Best Boy Grip on #TheWalkingDead! wp.me/p1VSx9-gH #filmjobs #filmcrew

EXHIBIT 14
 Althea L. Miller
 CSR No. 3353
 Date: 4/11/13
 Witness: Hmd

VMP 000026

Exhibit 15

TELEVISION



WALKING DEAD
 RETURNS OCTOBER 1-4 AMC
 SEASON 2 DVD RELEASE AUGUST 28

PEEL



CLICK HERE TO WATCH VALHALLA'S PEEL

Q & A



ats.com
 "The Walking Dead's" Catering Assistant, Martin Veladoz
 from Valhalla Entertainment

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 @AMCWalkingDead - reply - retweet - favorite

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 Althea L. Miller
 CSR No. 3353
 Date: 4/11/13
 Witness: Hand

Althea L. Miller and other members of the Valhalla team as they

Exhibit 16

VALHALLA ENTERTAINMENT

HOME ABOUT VALHALLA ENTERTAINMENT INTERVIEWS QUESTIONS & ANSWERS

ABOUT VALHALLA ENTERTAINMENT

WELCOME TO GALEANNE HURD'S VALHALLA ENTERTAINMENT

CEO Gale Anne Hurd led Valhalla's first foray into viable series television, developing and producing such hit series as *The Walking Dead*, with Executive Producers Robert Kirkman and Greg Berlanti, and *Dead Man's Shoes*, with Executive Producer Michael Hirst. Hurd's next series, *The Walking Dead*, is a collaboration with Robert Kirkman and Greg Berlanti, and is set to premiere in 2010. Hurd's next series, *The Walking Dead*, is a collaboration with Robert Kirkman and Greg Berlanti, and is set to premiere in 2010.

Valhalla has developed and produced a number of projects, including the films *White House Down*, *Armageddon*, *The Ex*, *The Ex: Part II*, *The Ex: Part III*, *The Ex: Part IV*, *The Ex: Part V*, *The Ex: Part VI*, *The Ex: Part VII*, *The Ex: Part VIII*, *The Ex: Part IX*, *The Ex: Part X*, *The Ex: Part XI*, *The Ex: Part XII*, *The Ex: Part XIII*, *The Ex: Part XIV*, *The Ex: Part XV*, *The Ex: Part XVI*, *The Ex: Part XVII*, *The Ex: Part XVIII*, *The Ex: Part XIX*, *The Ex: Part XX*, *The Ex: Part XXI*, *The Ex: Part XXII*, *The Ex: Part XXIII*, *The Ex: Part XXIV*, *The Ex: Part XXV*, *The Ex: Part XXVI*, *The Ex: Part XXVII*, *The Ex: Part XXVIII*, *The Ex: Part XXIX*, *The Ex: Part XXX*.

Valhalla is currently developing a number of new projects, including the film *The Ex: Part XXXI*, the film *The Ex: Part XXXII*, the film *The Ex: Part XXXIII*, the film *The Ex: Part XXXIV*, the film *The Ex: Part XXXV*, the film *The Ex: Part XXXVI*, the film *The Ex: Part XXXVII*, the film *The Ex: Part XXXVIII*, the film *The Ex: Part XXXIX*, the film *The Ex: Part XL*, the film *The Ex: Part XLI*, the film *The Ex: Part XLII*, the film *The Ex: Part XLIII*, the film *The Ex: Part XLIV*, the film *The Ex: Part XLV*, the film *The Ex: Part XLVI*, the film *The Ex: Part XLVII*, the film *The Ex: Part XLVIII*, the film *The Ex: Part XLIX*, the film *The Ex: Part L*.

Valhalla is currently developing a number of new projects, including the film *The Ex: Part L*, the film *The Ex: Part LI*, the film *The Ex: Part LII*, the film *The Ex: Part LIII*, the film *The Ex: Part LIV*, the film *The Ex: Part LV*, the film *The Ex: Part LVI*, the film *The Ex: Part LVII*, the film *The Ex: Part LVIII*, the film *The Ex: Part LIX*, the film *The Ex: Part LX*, the film *The Ex: Part LXI*, the film *The Ex: Part LXII*, the film *The Ex: Part LXIII*, the film *The Ex: Part LXIV*, the film *The Ex: Part LXV*, the film *The Ex: Part LXVI*, the film *The Ex: Part LXVII*, the film *The Ex: Part LXVIII*, the film *The Ex: Part LXIX*, the film *The Ex: Part LXX*.

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- Exclusive O.G.A. Interview with Mike DeSawa, B. Dolly, Guy on 'THE WALKING DEAD'
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EXHIBIT 16
Althea L. Miller
CSR No. 1353
Date: 1/15/10
Witness: Hurd

Exhibit 17

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HOME ABOUT VALHALLA ENTERTAINMENT INTERVIEWS QUESTIONS & ANSWERS

Exclusive Interview with Carey Jones, Shop Supervisor at KNB Effects Group



THE WALKING DEAD CONVENTION APPEARANCES

Scare Fest - Sept 28-30
Lexington KY
Jon Bernthal

New York Comic Con - October 11-14
New York, NY
Walking Dead panels

The Walking Dead Convention for Fans
October 26-28th
Birmingham, UK

Lauren Cohan, Andrew Rothenberg

New Orleans Comic Con - TBD 2013

New Orleans LA
Madison Lintz

EXHIBIT 17
Althea L. Miller
CSR No. 3353
Date: 10/11/13
Witness: H. Miller

RECENT TWEETS

Check out the Top 10 Scenes from Season 3 of [#TheWalkingDead](#) as chosen by @TVOvermind. [bit.ly/14UJFp9](#) **20 hours ago**

[#TheWalkingDead](#) - Cold Storage webisodes receive 2 Webby Nominations in both drama and writing categories! [bit.ly/16L16Cd](#) **21 hours ago**

Congrats Chandler Riggs & Madison Lintz on your Young Artist Award nominations! Winners will be announced on May 5, 2013. [#TheWalkingDead](#) **23 hours ago**

Our new blog Q&A is up. This week we have Carey Jones, Shop Supervisor at KNB Effects, for [#TheWalkingDead](#). [bit.ly/14KxlcP](#) **4 days ago**

Missing [#TheWalkingDead](#)? Get a brief look at Season 4 from Norman Reedus. [bit.ly/1Z4tc4V](#) **5 days ago**

Check out @[CNN](#)'s interview



EXCLUSIVE INTERVIEW WITH KENNETH REQUA, AN ASSOCIATE PRODUCER ON "THE WALKING DEAD"

Kenneth Requa, who is an Associate Producer on "The Walking Dead," grew up thinking he would pursue a career in music. During his college years, his interests and path changed, so he moved to Los Angeles to attend film school. First starting out as a set production assistant on "The West Wing", Kenneth Requa now... [Read more](#)

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SPOILERS - Already missing
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 the team in a Season 4 sneak
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GALE ANNE HURD OF VALHALLA ENTERTAINMENT FEATURED IN EMMY MAGAZINE

She learned in the '70s from producer Roger Corman that women in Hollywood could do whatever job they wanted — and ever since, she's been proving him right. With her hands-on approach to TV and film, Gale Anne Hurd keeps productions rolling. Sure Hand, Cool Head Drenched in sweat under a blazing mid-summer Georgia ... [Read more](#)

Filed under *Uncategorized*



EXCLUSIVE INTERVIEW WITH EMILY KINNEY, BETH GREENE ON "THE WALKING DEAD"

The multitalented Emily Kinney, popularly known for her role as Beth Greene on "The Walking Dead", discusses her first acting roles and breakthrough into the entertainment industry in this exclusive interview. What started out as a few theatre gigs that she blogged about on the Backstage website eventually flourished into a career in film and ... [Read more](#)

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PART TWO OF THE EXCLUSIVE INTERVIEW WITH IRONE SINGLETON, T-DOG ON "THE WALKING DEAD"

In part two of this exclusive interview, IronE Singleton, popularly known as T-Dog on "The Walking Dead," discusses the entertainment industry and

IronE Singleton, T-Dog on "The Walking Dead"

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his new autobiography "Blindsided by the Walking Dead." Recounting his journey from low-income housing projects when he was younger to starring in one of the most popular television series of all time, IronE ...
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Zombie Apocalypse

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PART ONE OF THE EXCLUSIVE INTERVIEW WITH IRONE SINGLETON, T-DOG ON "THE WALKING DEAD"

IronE Singleton, popularly known as T-Dog on "The Walking Dead", discusses his early life and breakthrough into the entertainment industry in part one of this exclusive interview. Born and raised in Atlanta, Georgia, Singleton's story embodies everything we have come to understand about the lives of many inner city youth growing up in low-income housing ...
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EXCLUSIVE INTERVIEW WITH FREDDY TURNER, A SET PA ON "THE WALKING DEAD"

Freddy Turner started his career in the entertainment business as an intern and then transitioned into the role of Production Assistant through the contacts he met while interning. A Set PA supports the crew in anyway they can, ranging from calling "rolling" or "cut" as it comes through the radio, or assisting the actors on ...
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EXCLUSIVE INTERVIEW WITH THE "A" CAMERA OPERATOR OF "THE WALKING DEAD", MIKE SATRAZEMIS

Mike Satrazemis started his career in the entertainment business as a grip on "My Cousin Vinny", and he transitioned into the camera department soon after. He has been working in the camera department for two decades, and now works as the "A" Camera Operator on "The Walking Dead", a position he has held since season ... [Read more](#)

Filed under *Film, Interviews, Television, The Walking Dead, Zombie Apocalypse* - Tagged with *AMC, horror, Science Fiction, television series, the Walking Dead, Valhalla Entertainment, zombies*



EXCLUSIVE INTERVIEW WITH THE SCRIPT SUPERVISOR OF "THE WALKING DEAD", AMY BLANC LACY

Amy Blanc Lacy is a script supervisor on "The Walking Dead," where she supports various departments to maintain correct continuity. She works with the directors, actors, makeup artists and hair teams to ensure that each shot flows together without any errors. Her start in the industry began as an unpaid apprentice editor, but she was ... [Read more](#)

Filed under *Interviews, Television, The Walking Dead, Uncategorized, Zombie Apocalypse* - Tagged with *AMC, Film Jobs, Science Fiction, television series, the Walking Dead, Valhalla Entertainment, zombies*



'THE WALKING DEAD' GETS GREEN - PRODUCER GALE ANNE HURD ON HOW ZOMBIES ARE SAVING THE WORLD

Written by Mark Hughes, Forbes.com If you have read much of my writing or know anything about me, then you probably realize I'm a huge fan of

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zombie fiction in all forms—books, comics, films, and on television (check out my article on the very best of everything zombie-related!). So of course I'm a ... [Read more](#)

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EXCLUSIVE INTERVIEW WITH THE COSTUME ASSISTANTS ON "THE WALKING DEAD", HOLLIS SMITH & TESSA KICKLIGHTER

Hollis Smith and Tessa Kicklighter are production assistants with our costume department on "The Walking Dead", where they buy and manage the costumes. They are both newcomers to the industry and are very excited to be a part of the crew. Hollis graduated from Jacksonville University with a degree in theatre arts. He has since ... [Read more](#)

Filed under *Interviews, Television, The Walking Dead, Zombis Apocalypse* · Tagged with *AMC, Film Jobs, Science Fiction, television series, the Walking Dead, Valhalla Entertainment, Women at Work, zombies*

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VALHALLA ENTERTAINMENT - Welcome to GALE ANNE HURD'S Valhalla Entertainment Blog at WordPress.com. Theme: Structure by Organic Themes.

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MILLER & COMPANY REPORTERS

ORIGINAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE

THE TRADEMARK TRIAL AND APPEAL BOARD

VALHALLA MOTION PICTURES,)
 INC.,)
)
 Opposer,)
)
 v.)
)
 VALHALLA GAME STUDIOS)
 CO. LTD.,)
)
 Applicant.)

Opposition No. 91204259

NONCONFIDENTIAL TESTIMONY

DEPOSITION OF: KRISTOPHER HENIGMAN

TAKEN ON: May 29, 2013

Pages 1 through 27, 33 through 43,
and 127 through 130

NO. 33042

REPORTED BY:

ALTHEA L. MILLER
CSR No. 3353, RPR, CCRR

1 Beverly Hills, California

2 Wednesday, May 29, 2013

3 10:39 A.M.

4
5 -oOo-

6
7 KRISTOPHER HENIGMAN,

8 having declared under penalty
9 of perjury to tell the truth, was
10 examined and testified as follows:

11
12 EXAMINATION

13 BY MR. GELFAND:

14 Q Would you state your name, please.

15 A Kristopher Henigman.

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Q What projects have you been involved in whereby an agreement was made to use any Valhalla intellectual property in a video game?

MR. GRACE: Objection. Overbroad. Calls for a legal conclusion.

You can answer if you understand the question.

THE WITNESS: I would need -- I would need you to rephrase the question.

BY MR. GELFAND:

Q Okay. You said that you've been involved generally -- without going into the specifics of what the word "involve" means -- in the establishment of a video game for some intellectual property that belongs to either Miss Hurd or Valhalla; is that correct?

A Yes.

Q What projects or what intellectual property of Valhalla or Miss Hurd have you been involved in that has emanated in some type of a project of a

11:03:30

1 video game?

2 A Of Valhalla IP that has gone on to be
3 developed into a video game?

4 Q Yes.

11:03:36

5 A None.

6 Q Okay. Have you been involved in attempting
7 to have some Valhalla IP be involved in video games?

8 A Valhalla IP specifically? No.

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11:03:58

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11:04:06

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FROM PAGE 28 THROUGH PAGE 32, THE TESTIMONY IS

11:04:06

25

CONFIDENTIAL AND IS UNDER SEPARATE COVER

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11:16:04

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Q Okay. Has any third party -- again, anyone other than employed by Valhalla Motion Pictures or Valhalla Entertainment -- ever questioned the relationship between Valhalla Game Studios and Valhalla Entertainment or Motion Pictures?

A No.

11:16:38

1

Q Are you aware of any motion picture
2 production companies that also have a game studio
3 under their name that produces video games?

4

A I don't know.

11:17:05

5

Q Have you ever been involved in the
6 licensing of any Valhalla IP for any products?

7

A Like being licensed to another company?

8

Q Like being licensed to another company.

9

A I don't know.

11:17:31

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11:17:53

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Q Did you have any discussion with Ben at any point in time about getting involved in the video game production business?

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13

A I don't recall.

14

11:23:39

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Q Do you recall ever having any discussions with any third parties outside the company about actually getting involved in the production or publishing of video games?

19

20

21

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23

Q Do you recall having any conversation with anybody inside Valhalla Motion Pictures or Valhalla Entertainment about actually getting involved in the publishing or producing of video games?

24

A No, I don't recall.

11:24:07

25

Q Has anyone ever told you that there was an

11:24:09 1 interest in Valhalla to get involved in either
2 publishing or producing video games?
3 A I don't understand the question. Anybody
4 being whom?
11:24:18 5 Q Anybody in the world.
6 A I don't know.
7 Q Have you ever heard that from anyone inside
8 or outside of Valhalla Entertainment?
9 A I don't recall.
11:24:33 10 Q Other than E3, have you ever gone to any
11 other video game companies?
12 A Have I been to other video game companies?
13 Q Rephrase.
14 MR. GRACE: Start again.
11:24:46 15 MR. GELFAND: Sorry.
16 Q Other than E3, have you ever gone to any
17 other video game conventions?
18 A I don't recall.
19 Q Have you ever been to PAX?
11:24:55 20 A I don't know what that is.
21 Q Tokyo Game Show?
22 A No.
23 Q Ever go to the Video Game Awards?
24 A No.
11:25:46 25 Q Do you have anything to do with the

11:25:47

1 creation or maintenance of the company's website?

2 A No.

3 Q Do you know why the video games that are
4 being produced that are based upon Valhalla or
5 Gale's IP are not sold on the Valhalla website?

11:26:04

6 A Can you say that question one more time,
7 please.

8 MR. GELFAND: Could you read the question
9 back, please?

11:26:35

10 (The record was read.)

11 THE WITNESS: I don't know.

12 BY MR. GELFAND:

13 Q Has anyone told you why those products are
14 not sold in the online store for Valhalla
15 Entertainment?

11:26:43

16 A No.

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11:27:31

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24 FROM PAGE 44 THROUGH PAGE 126, THE TESTIMONY IS

11:27:35

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CONFIDENTIAL AND IS UNDER SEPARATE COVER

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I, KRISTOPHER HENIGMAN, declare
under penalty of perjury that the
foregoing is true and correct, to the
best of my ability.

Dated this 3 day of
July, 2013, at
Los Angeles,
California.



KRISTOPHER HENIGMAN

1 I, ALTHEA L. MILLER, CSR No. 3353, certify:
2 That the foregoing deposition of
3 KRISTOPHER HENIGMAN was taken before me at the time
4 and place therein set forth, at which time the
5 witness declared under penalty of perjury to tell
6 the truth;

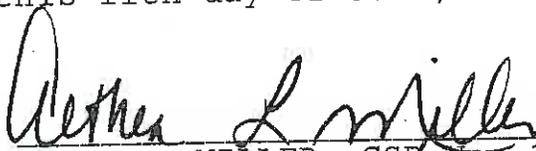
7 That the testimony of the witness and all
8 objections made at the time of the deposition were
9 recorded stenographically by me and were reduced to
10 a computerized transcript under my direction;

11 That this transcript is a true record of
12 the testimony of the witness and of all objections
13 and colloquy made at the time of the deposition.

14 I further certify that I am neither counsel
15 for nor related to any party to said action nor
16 interested in the outcome.

17 The certification of this transcript does
18 not apply to any reproduction of the same by any
19 means unless under the direct control and/or
20 direction of the certifying deposition reporter.

21 IN WITNESS WHEREOF, I have subscribed my
22 name this 11th day of June, 2013.

23 
24 _____
25 ALTHEA L. MILLER, CSR No. 3353, RPR, CCRR

MILLER & COMPANY REPORTERS

ORIGINAL

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 VALHALLA GAME STUDIOS)
 CO. LTD.,)
)
 Applicant.)

Opposition No. 91204259

NONCONFIDENTIAL TESTIMONY

DEPOSITION OF: JULIE THOMSON

TAKEN ON: May 30, 2013

Pages 1 through 44, 73 through 77

NO. 33043 REPORTED BY: ALTHEA L. MILLER
CSR No. 3353, RPR, CCRR

Los Angeles

San Francisco

800.487.6278

Beverly Hills, California

Thursday, May 30, 2013

11:06 A.M.

-oOo-

JULIE THOMSON,

having declared under penalty
of perjury to tell the truth, was
examined and testified as follows:

EXAMINATION

BY MR. GELFAND:

Q Would you state your name, please.

A Julie Thomson.

11:06:41

11:06:50

11:07:03

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11:17:34

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Q Were you involved in any decisions at that time as to the securing of trademarks?

A Yes.

Q Wasn't a trademark applied for back in the '90s for Valhalla Entertainment?

A I believe so.

13

11:17:34

1 Q Do you know whatever happened with that
2 trademark?

11:17:49

3 A I believe that there was another company
4 out there called Valhalla something. It was a music
5 recording company and it seemed to be too similar,
6 but music recording doesn't really have anything to
7 do really with film production, comic books, video
8 games especially now because the Internet has taken
9 over and everything seems to be commingled.

11:18:12

10 I don't know what happened to that company.
11 They must have gone out of business. I don't know.

11:18:29

12 Q Do you recall whether or not there was an
13 office action, at the time of the application, for
14 Valhalla Motion Pictures with respect to that sound
15 company that was called Valhalla?

16 A What is an office action?

17 Q You're not familiar with an office action
18 where the Patent and Trademark Office issues a
19 notice with respect to an applied-for mark?

11:18:44

20 A Say the question again.

21 Q Sure.

22 When you apply for a mark, do you
23 understand it goes to the Patent and Trademark
24 Office?

11:18:53

25 A Okay.

11:18:54

1

MR. GRACE: Can you be a little more

2

precise? She doesn't -- no one applies for a mark.

3

The mark already exists. The rights already exist.

4

There's an application to register the mark at the

11:19:07

5

U.S. Patent and Trademark Office.

6

BY MR. GELFAND:

7

Q When you apply to register a trademark, it

8

goes to the Patent and Trademark Office. You

9

understand that?

11:19:13

10

A Yes.

11

Q And the Patent and Trademark Office has

12

some action with respect to that, either approving

13

it, not approving it, or doing something; correct?

14

A Yes.

11:19:22

15

Q Do you recall that the Patent and Trademark

16

Office rejected, initially, Valhalla

17

Motion Pictures' mark because of the other existing

18

registered trademark for that music company?

19

A I don't recall that.

11:19:43

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11:19:57

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11:24:06

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11:24:31

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Q We started talking a bit about the

19

11:24:32

1 trademark work.

2 Were you involved in the initial
3 application for a registered trademark for Valhalla?

4 A Yes.

11:24:40

5 Q Did you conduct any searches in order to
6 clear the name Valhalla?

7 A I believe my attorney did.

8 Q You didn't?

9 A Not me physically. I'm sure our attorney
10 did.

11:24:50

11 Q Who was your attorney at the time?

12 A Mike Grace. He was with Greenberg Glusker,
13 I think.

14 Q Now, you mentioned you were aware of
15 another Valhalla that existed for recording studio
16 services; correct?

11:25:06

17 A I don't know if it was a trademark. I know
18 there was a Valhalla Recording Studios. I assume it
19 was a trademark, but I don't know for sure.

11:25:19

20 Q And do you understand that at that time it
21 was your position that you did not believe that
22 there would be any likelihood of confusion between
23 the two Valhallas?

24 A That's correct.

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11:39:05

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What steps have specifically been taken for Valhalla Entertainment to produce video games?

A I would say that, and I would say -- I don't know what you would consider producing, but Gale has been consulted on many video games.

Q And that would be consulted on video games by third parties who produce the games?

A Correct. Because of her -- her deals with the studios who own the rights to the video games. They are the people in control who makes the video

11:39:08

1 games and who is involved in the video games, and
2 they are the ones asking her to be involved.

3 Q When you state that the long-term business
4 plan -- strike that.

11:39:21

5 Is it your testimony that the long-term
6 business plan of Valhalla is to produce, on your
7 own, video games?

8 A No.

11:39:33

9 Q What's the long-term plan with respect to
10 video games?

11 A Our long-term plan is if you can create
12 intellectual property, it brings ultimate value, and
13 if you can control that intellectual property, you
14 generate value for your company.

11:40:02

15 And one of the ways of creating
16 intellectual property that's valuable is to -- to
17 spin into all these other different businesses. I
18 don't believe we'll ever physically produce video
19 games, but we certainly will consult on video games
20 and hopefully control the intellectual property that
21 a video game is based on.

11:40:19

22 I think that's a long-term goal of -- of
23 Valhalla. I guess our long-term goal of Valhalla is
24 to generate something of value.

11:40:39

25 Q But just so I'm clear on that, in terms of

11:40:42

1 video games, it's the creation of intellectual
2 property; presumably on that intellectual property
3 to get into whatever media that would exist to
4 create value for that property; but with respect to
5 video games, it's not actually producing them
6 yourselves but working with third parties who would
7 be doing the production of that?

11:40:55

8 Is that a fair statement of your testimony?

9 A Yes.

11:41:09

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11:42:17

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11:46:59

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11:47:13

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Q And when the studio distributes a project,

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11:47:18

1 a feature film, for example, the marketing of the
2 feature film is the name of the film; correct?

3 A Sometimes; sometimes not.

11:47:28

4 Q Does the studio -- does the studio ever
5 market the Valhalla name?

6 A Yes.

7 Q When was that -- when has that been done?

8 A Well, in the beginning of the films, we'll
9 have a "Valhalla Motion Pictures Presents."

11:47:42

10 Sometimes, depending on -- I can't tell you all the
11 examples, but I know there have been examples where
12 they'll say "Valhalla Motion Pictures, a
13 Gale Ann Hurd Valhalla Motion Pictures."

11:48:03

14 You know, let's say it's a little -- a
15 little TV film or they will say, you know -- trying
16 to think of an example. "Dick" was a small movie.
17 "Gale Ann Hurd, Valhalla Motion Pictures," "From the
18 Producers of Armageddon."

11:48:25

19 I -- I can't tell you an example, but yes,
20 they have used it before.

21 Q Okay. And "Valhalla" -- in the films that
22 Valhalla produces, it appears in the credits?

23 A Correct.

11:48:44

24 Q Have you ever conducted a survey to
25 determine what percentage of people, who knew a

11:48:50

1 particular movie or project, know who the production
2 company is?

3 A No.

11:49:21

4 Q Has Valhalla ever had an employee, who is
5 experienced in video game production, on its staff?

6 MR. GRACE: Objection. Ambiguous.

7 THE WITNESS: I don't know.

8 BY MR. GELFAND:

11:49:39

9 Q Has there ever been any discussion about
10 hiring anyone who has experience in video game
11 production?

12 A Not that I recall.

13 Q Do you know who Tomonobu Itagaki is?

14 A Only because of this deposition or whatever
15 this is.

11:49:59

16 Q Do you ever go to the Video Game Awards?

17 A No.

18 Q Do you ever go to any of the video game
19 conventions?

11:50:10

20 A No.

21 Q Does Valhalla currently have any plans to
22 expand into any areas of business that it's not
23 already engaged in?

24 MR. GRACE: Objection. Ambiguous.

11:50:41

25 THE WITNESS: I don't know what that means

11:50:42

1 because I don't know what you consider areas that
2 we're already engaged in.

3 BY MR. GELFAND:

11:50:50

4 Q Well, you're engaged in television
5 productions and various media productions, including
6 Internet-based or web-series-based programming.

7 A Yes.

11:51:05

8 Well, we're also engaged in comic books.
9 And we control the rights to the video game rights
10 on several comic books that we recently published,
11 and we've developed those games.

12 We -- I think you covered all the areas.

13 Q What do you mean that you would develop
14 those games, video games?

11:51:29

15 A Just like -- just like we develop films,
16 you come up with a story line of what you want in
17 a -- you know, again, this is not my area of
18 expertise in the company, but they -- they come up
19 with a story line, and they try to find something --
20 on a film, they will come up with a story line.

11:51:49

21 They will go out and try to attach a writer and a
22 director and they put the whole package together and
23 they go out and try to sell it.

11:52:01

24 They would do the same thing with a video
25 game.

11:52:02 1 Q Is that happening now with any video games?

2 A No.

3 Q Is that happening with any comic books
4 right now?

11:52:08 5 A Are we trying to sell any comic books?

6 Q No.

7 Right now do you have anything in comic
8 books in the works -- the development of a video
9 game out of any comic book?

11:52:20 10 A I don't believe so. Not right now. I
11 don't think they think it's the right time yet.

12 Q Have you ever had any discussions about who
13 else you would need to hire in order to accomplish
14 the development of video games out of comic books?

11:52:37 15 A I don't know.

16 Q Are you aware of any written documents in
17 the company that talk about the plans to develop
18 video games out of comic books?

19 A I think there's been -- no. I'm not aware.

11:52:53 20 Q Are you aware of any business plan that the
21 company has ever drafted that specifies its plan or
22 strategies to develop video games out of comic
23 books?

24 A We don't have a business plan.

11:53:05 25 Q So you're not aware of any such documents?

11:53:08

1 A We've never drafted a document like that
2 ever.

3 I shouldn't say "ever." Not to my
4 knowledge.

11:53:32

5 Q I presume, therefore, you have not entered
6 into contract with anybody to actually develop video
7 games in-house as part of Valhalla; is that correct?

8 A We wouldn't enter into contracts with
9 somebody like that.

11:53:52

10 Q Have you had any discussions with any third
11 parties, people not in the company, about developing
12 video games in-house?

13 MR. GRACE: Are you talking about --

14 THE WITNESS: That wouldn't be my area of
15 expertise. I wouldn't know.

11:54:07

16 BY MR. GELFAND:

17 Q Do you know -- are you aware of any
18 discussions that have taken place with other people
19 in the company and third parties --

11:54:15

20 A I'm not aware.

21 Q -- about developing video games in-house at
22 Valhalla?

23 A I'm not aware.

24 Q Do you know whether the Valhalla name
25 appears anywhere on "The Walking Dead" video game?

11:54:34

11:54:38

1 A I do not know.

2 I -- I -- I actually don't know. It might
3 be Gale's name. I don't know.

11:54:50

4 Q Do you know whether or not the Valhalla
5 name appears on any video game that -- that came
6 from any production of Valhalla?

11:55:12

7 A I -- I do not think it does. I think
8 Gale's name does, and I think -- or Valhalla's and
9 Gale's name are synonymous, but I don't believe it
10 does.

11 Q Have you ever done any surveys to determine
12 whether or not Gale's name and Valhalla's name are,
13 in fact, synonymous?

11:55:22

14 A I've asked people to look -- oh, have I
15 ever done any -- no.

16 Q Are you familiar with your company's
17 website?

18 A Yes. Somewhat.

11:55:39

19 Q Do you know why there's no mention of video
20 games on the website?

21 A I believe there is.

22 Q Do you know where there is?

23 A I believe there is in the store.

24 Q There is an online store.

11:55:49

25 A Uh-huh.

11:55:50

1 Q Are you aware of that?

2 A Somewhat, yeah.

3 Q Do you know whether or not video games are
4 sold in the online store?

11:55:57

5 A I believe they are.

6 Q Do you know when that started?

7 A I believe it was to have started a while
8 ago, and I believe that the -- the website designer
9 dropped the ball on it, and I think they probably
10 started recently.

11:56:11

11 Q How recently?

12 A Probably -- I don't know -- a month ago.

13 Q Since Gale's deposition?

14 A Probably.

11:56:22

15 I think you brought it to our attention; so
16 thank you.

17 Q Pleasure.

18 A But it was an oversight by the designer.
19 It was supposed to be there.

11:57:15

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11:57:47

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RESUMPTION OF NONCONFIDENTIAL TESTIMONY

12:42:04

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Next, I'd like to mark Exhibit 52.

8

(The document referred to was marked as

9

Applicant's Exhibit 52 by the Reporter.)

12:43:06

10

BY MR. GELFAND:

11

Q You've mentioned -- Exhibit 52 is a
printout, VMP 000971 and -972. Appears to be a
photograph of a video game of "The Hulk."

12

13

14

A Uh-huh.

12:43:29

15

Q You've mentioned that Gale's listed at
various places in the "Special Thanks" category.

16

17

A Uh-huh.

18

Q Is that correct?

19

A I believe that's what I said on that list.

12:43:40

20

Q Look over in the -- it says "Published By
Universal Interactive, Inc.," and on the right-hand
side, the second to the last column on the right --

21

22

23

A Yes.

24

Q -- under "Special Thanks," there are eight
names listed and "Gale Ann Hurd" is listed there.

12:43:54

25

12:43:58

1

A Yes.

2

Q Do you see that?

3

A Yes.

4

Q Is that where you referenced the listing of

12:44:04

5

"Special Thanks" as some category like this?

6

A Yes.

7

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12:44:33

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12:44:49

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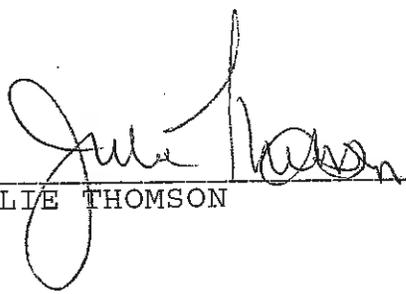
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I, JULIE THOMSON, declare under
penalty of perjury that the foregoing
is true and correct, to the best of
my ability.

Dated this 26th day of
June, 2013, at
Los Angeles,
California.



JULIE THOMSON

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I, ALTHEA L. MILLER, CSR No. 3353, certify:

That the foregoing deposition of
JULIE THOMSON was taken before me at the time and
place therein set forth, at which time the witness
declared under penalty of perjury to tell the truth;

That the testimony of the witness and all
objections made at the time of the deposition were
recorded stenographically by me and were reduced to
a computerized transcript under my direction;

That this transcript is a true record of
the testimony of the witness and of all objections
and colloquy made at the time of the deposition.

I further certify that I am neither counsel
for nor related to any party to said action nor
interested in the outcome.

The certification of this transcript does
not apply to any reproduction of the same by any
means unless under the direct control and/or
direction of the certifying deposition reporter.

IN WITNESS WHEREOF, I have subscribed my
name this 12th day of June, 2013.

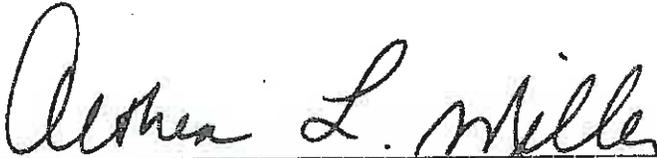

ALTHEA L. MILLER, CSR No. 3353, RPR, CCRR

Exhibit 52

EXHIBIT 52

Althea L. Miller
CSR No. 3333

Date: 5/31/03

Witness: Thompson



VMP 000971

**Published by
Universal Interactive, Inc.**

Product

Jeff Campbell

Production

William Lee

Coordinator

William Lee

Senior Producer

William Lee

General Manager

William Lee

up of Technology/

William Lee

External

William Lee

Production

William Lee

SR. Software

William Lee

Engineer

William Lee

Director of

William Lee

Product Marketing

William Lee

Marketing

William Lee

Coordinator

William Lee

Director of

William Lee

Content

William Lee

Development

William Lee

Director of

William Lee

Promotions

William Lee

Executive

William Lee

Public Relations

William Lee

Team

William Lee

Executive Services

William Lee

Supervisor

William Lee

Manual Design

William Lee

Special Thanks

William Lee

David Gaudin

William Lee

David Gaudin

William Lee

James Gaudin

William Lee

Scott Johnson

William Lee

Robert Johnson

William Lee

Philip O'Neil

William Lee

Brian Sadowsky

William Lee

Debra Sadowsky

William Lee

Henry Sadowsky

William Lee

Susan Sadowsky

William Lee

Marcus Sadowsky

William Lee

William Sadowsky

William Lee

Mark Sadowsky

William Lee

John Sadowsky

William Lee

TESTING BY

ABSOLUTE QUALITY

Lead Testers

William Lee

Team

William Lee

Testers

William Lee

Andy Becker

William Lee

Henry Chico

William Lee

Jason Davis

William Lee

Dave Freeman

William Lee

John Harrod

William Lee

Clayton Johnson

William Lee

Ronald Manning

William Lee

Chris Miller

William Lee

Tony Miller

William Lee

Scott Phillips

William Lee

Richard Williams

William Lee

VIVERO!

William Lee

UNIVERSAL GAMES

William Lee

LOCALIZATION

William Lee

UIC European

William Lee

Brand Manager

William Lee

Team

William Lee

Senior Project

William Lee

Manager

William Lee

Project

William Lee

Senior Engineer

William Lee

Team

William Lee

Senior Engineer

William Lee

Team

William Lee

Engineer

William Lee

Team

William Lee

QA Lead

William Lee

Team

William Lee

QA Lead

William Lee

Team

William Lee

QA Lead

William Lee

UNIVERSAL

William Lee

PICTURES

William Lee

Executives

William Lee

Team

William Lee

MARVEL

William Lee

ENTERTAINMENT

William Lee

Executives in

William Lee

Charge of

William Lee

Production

William Lee

Team

William Lee

Executives in

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Charge of

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Production

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Team

William Lee

Executives

William Lee

Team

William Lee

MARVEL

William Lee

CHARACTERS, INC.

William Lee

INTERACTIVE

William Lee

BUSINESS AND

William Lee

LEGAL AFFAIRS

William Lee

Team

William Lee

Executives

William Lee

Team

William Lee

MILLER & COMPANY REPORTERS

ORIGINAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE

THE TRADEMARK TRIAL AND APPEAL BOARD

VALHALLA MOTION PICTURES,)
INC.,)
)
) Opposer,)
)
v.) Opposition No. 91204259
)
VALHALLA GAME STUDIOS)
CO. LTD.,)
)
) Applicant.)
)

NONCONFIDENTIAL TESTIMONY

DEPOSITION OF: BEN ROBERTS

TAKEN ON: July 15, 2013

Pages 1 through 49, 81 and 82

33233

ALTHEA L. MILLER
CSR No. 3353, RPR, CCRR

NO. REPORTED BY:

Los Angeles

San Francisco

800.487.6278

Beverly Hills, California

Monday, July 15, 2013

10:05 A.M.

-oOo-

BEN ROBERTS,

having declared under penalty
of perjury to tell the truth, was
examined and testified as follows:

EXAMINATION

BY MR. GELFAND:

Q Good morning, Mr. Roberts.

Would you state your name for the record,
please?

A Ben Roberts.

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10:13:00

10:13:09

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Q Are you familiar with the video game for
"Walking Dead"?

22

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A Yes.

24

Q Do you know whether Valhalla's name appears
anywhere on the video game packaging?

10:41:47

25

27

10:41:51

1 A I can't speculate.

2 Q Ever have any discussions with anybody with
3 respect to Valhalla's name being part of the video
4 game packaging?

10:42:00

5 A With respect to the Activision game, no.

6 Q With respect to "Walking Dead," were there
7 any internal discussions about creating a
8 published -- video game publishing company and doing
9 it yourselves?

10:42:14

10 A No.

11 Q With respect to any project, were there
12 ever any internal discussions in Valhalla about
13 creating a motion -- a video game publishing company
14 and doing projects yourself?

10:42:26

15 A Yes.

16 Q With what -- in general or with any
17 specific property?

18 A In general.

19 You know, Gale and I have had conversations
20 about the possibility of -- of what it could have
21 taken to form a video game publishing company which
22 would require a lot of capital; so -- but those
23 conversations did take place of -- you know, in
24 success, that could have been a possibility.

10:42:59

25 Q Did the conversations take place with

10:43:04

1 anybody other than you and Gale?

2 A No.

3 Q Tell me about those conversations. When
4 did they first occur?

10:43:14

5 A I can't speculate on -- on a date.

6 Q How many conversations did you have?

7 A I can't speculate on how many
8 conversations. They were -- they were in -- you
9 know, a four-year time span and, you know, of

10:43:28

10 talking about ways to develop original IP and
11 transition our IP into other mediums.

12 Q Were they kind of wish-list conversations?

13 A I'm not going to -- I can't speculate on
14 the -- on Gale's intent of those conversations.

10:43:47

15 Q When you talked about money it would take
16 to create it, tell me the specifics of those
17 discussions.

18 A You know, just the reality of forming a
19 video game publishers would require you to have the
20 capital to, you know, pony up 25- to \$30 million,
21 you know, on a fairly low end, you know, for a big
22 box video game.

10:44:08

23 Q Where did you get that number from?

24 A From conversations with actual video game
25 publishers.

10:44:23

10:44:24

1 Q So these -- you've had conversations with
2 people on the low end what it would cost to do a
3 video game?

4 A Uh-huh.

10:44:34

5 Q "Yes"?

6 A Yes.

7 Q How about on the high end to do it right?

8 A On the high end to do it right, upwards of
9 50- to \$80 million.

10:44:43

10 Q Other than having these general discussions
11 with Gale, did anybody, to your knowledge, in
12 Valhalla do any specific research in trying to
13 determine what it would take in order to become a
14 video game publisher?

10:44:56

15 A I can't speculate on conversations between
16 Gale and -- and her CFO and her attorney on the
17 realities of that. I -- I wasn't privy to a lot of
18 the business conversations there.

19 Q I understand.

10:45:10

20 My question was to your knowledge, did
21 anyone do any specific research that you're aware of
22 at Valhalla with respect to the possible entry into
23 the video game publishing industry?

24 A I can't speculate on it.

10:45:37

25 Q I'm asking what you know. I'm not asking

10:45:39

1 you about anything about speculation of what other
2 people did.

3 I'm only asking whether or not you're aware
4 as to whether anybody did any specific research in
5 order to determine what it would take to get into
6 the video game publishing industry?

10:45:48

7 A To my knowledge, no.

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10:46:22

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Q At any point in time, and this is since you left or from the beginning of time to now, has anyone ever questioned you about the relationship between Valhalla Game Studios and Valhalla Motion Pictures?

35

10:52:39

1 A Not until this case.

2 Q When you say "not until this case," I'm
3 referring up to the present time.

4 Other than counsel --

10:52:51

5 MR. GELFAND: Are you representing
6 Mr. Roberts?

7 MS. DEITCHLE: Yes.

8 MR. GELFAND: Including as a witness since
9 he is no longer with the company?

10:52:58

10 MS. DEITCHLE: Yes.

11 BY MR. GELFAND:

12 Q Other than any conversations that you may
13 have had with counsel, with Mr. Grace's office, have
14 you had any conversations with anybody where anyone
15 questioned the relationship between Valhalla Game
16 Studios and Valhalla Motion Pictures?

10:53:14

17 A No.

18 Q Again, the same preface: other than
19 conversations with counsel, has anyone ever raised
20 any question to you about the relationship between
21 Valhalla Game Studios and Valhalla Entertainment?

10:53:32

22 A Not that -- not that I recall.

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10:53:51

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Q Are you aware of any motion picture production companies that also are video game production companies?

That's a bad question. Let me rephrase that.

Are you aware of any other motion picture production companies that have a video game publishing company under their roof?

A I'd be -- I'd be speculating on the answer without being able to do the proper research.

10:57:03

1 Q Have you ever done the research into that?

2 A I have. I mean, I -- you know, many
3 companies now are -- are, you know -- are more than
4 just a motion picture company and more than just a
5 video game publisher.

10:57:19

6 Many video game publishers are now
7 producing their own motion pictures and television
8 series like Electronic Arts.

10:57:36

9 Ubisoft is, you know, producing their own
10 motion pictures; so a lot of the traditional lines
11 and divisions that existed in previous years are
12 blurred together.

13 Q Okay. You mentioned two that you're aware
14 of: Electronic Arts and Ubisoft?

10:57:48

15 A Yes.

16 Q And those companies are producing their own
17 television shows or motion pictures?

18 A Yes.

10:57:59

19 Q For EA, what projects are you aware of that
20 it has produced with respect to its video games
21 translating to a motion picture/television show?

22 A They just produced a film called "Need For
23 Speed" with Dreamworks.

24 Q Okay.

10:58:16

25 A That is a produced film that will be

10:58:19

1 released, I believe, next year.

2 Q How about Ubisoft? What has it done?

3 A They are -- they are about to go into
4 production on a motion picture called

10:58:35

5 "Assassin's Creed."

6 Q Was that a game that was Ubisoft's
7 property?

8 A Yes.

9 Q And they are producing it themselves?

10:58:43

10 A They are producing it with New Regency and
11 Frank Marshall.

12 Q Okay. Are you aware of the contractual
13 relationship between Ubisoft and the other
14 production companies?

10:58:57

15 A No.

16 Q How were you aware that they are producing
17 it themselves in conjunction with these other
18 companies?

10:59:08

19 A They are -- they are listed at -- they are
20 accredited producers on the film.

21 Q Okay. Is that the same with EA as well?

22 A Yes.

23 Q Anything other than Ubisoft and EA, that
24 you're aware of, for video game producing companies
10:59:23 25 that are now producing either motion pictures or

10:59:28

1 television?

2 A Not that I'm aware of. There are not --
3 there are many companies that have set up deals
4 around town and -- and those deals are numerous

10:59:43

5 where the video game creator or the publisher will
6 have some element of -- of produciorial capacity in
7 the game itself -- in the motion picture itself or
8 the television series.

11:00:06

9 Q Again, I'm just asking for your knowledge
10 based on your sitting here right now.

11 A Uh-huh.

12 Q Can you point me to any others that you're
13 aware of other than just your general knowledge that
14 they exist?

11:00:24

15 A Right now, no.

16 Q Let's do the reverse.

11:00:36

17 Again, let's deal, first, with motion
18 picture production companies. Are you aware of any
19 motion picture production companies that also are
20 directly involved in the video game production
21 industry?

22 A Yes. Susan Todd is a motion picture
23 producer who has produced video games, notably the
24 "Call of Duty" video game series.

11:01:03

25 Q All right.

11:01:09

1 A Steven Spielberg has produced video games.

2 Q Let's go back to Susan Todd. Does
3 Susan Todd have a video game production company?

11:01:25

4 A She is a -- she is a -- she -- works for
5 hire for Activision.

6 Q I'm sorry?

7 A She works for -- as a consultant for
8 Activision.

11:01:33

9 Q So Activision is the company that produced
10 the video game?

11 A Yes.

12 Q And what was the company that produced the
13 motion picture?

14 A Which motion picture are you referring to?

11:01:43

15 Q "Call of Duty."

16 A There is no motion picture.

17 Q So Susan Todd is a motion picture producer?

18 A Yes.

19 Q Has a motion picture production company?

11:01:52

20 A Yes.

21 Q Okay. And she worked for Activision on
22 producing "Call of Duty"?

23 A Yes.

11:02:02

24 Q You said Steven Spielberg as well. Does he
25 have a -- does he have a video production company --

11:02:08

1 video game production company?

2 A He -- he -- to my knowledge, he has -- he
3 has. I -- I can't speculate -- I can't speculate on
4 what it's called now, but I know that -- that he's
5 had enterprises that veer into this world.

11:02:22

6 Q Okay. Anybody else that you can think of?

7 A Strauss Zelnick who is the former chairman
8 of 20th Century Fox has Zelnick Media who has a --
9 Take-Two Interactive, Rockstar Interactive Games.

11:03:26

10 It is a big investment firm and publishing
11 company --

12 Q Okay.

13 A -- and is someone with, you know, extensive
14 experience in the motion picture space.

11:03:35

15 Q So someone who is experienced in motion
16 picture industry is also an investor in video game
17 production companies?

18 A And is the owner of, you know -- is the
19 owner of Take-Two Interactive and Rockstar Games,
20 which are two of the biggest video game publishers
21 and developers out there.

11:03:50

22 Q Okay. Anything else?

23 A Beyond creatives that have veered into
24 video games like James Cameron and Zack Snyder who
25 have been hired by companies to produce games and

11:04:16

11:04:19

1 produce games based on their -- on their motion
2 pictures, you know, no.

11:04:36

3 Q Are you aware of any television production
4 companies that also are video game production
5 companies?

6 A No. I mean, you know, I've dealt with --
7 you know, Warner Brothers Interactive, which is
8 obviously a division of Warner Brothers, and
9 Disney Interactive, which is a division of Disney.

11:05:03

10 Most of the big companies have divisions
11 formed to -- to produce game content.

12 Q So the big companies like Warner Brothers
13 and Disney --

11:05:24

14 A 20th Century Fox, Paramount, Universal, and
15 they all have divisions that -- that develop and --
16 and, you know, create IP based on their library of
17 titles but also occasionally original IP.

11:05:50

18 Q Okay. Can you think of any other smaller
19 production companies that just do the production
20 work that aren't full studios, like Disney and
21 Warner Brothers, that are also video game production
22 companies?

23 A Off the top of my head, no.

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11:06:27

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I, BEN ROBERTS, declare under
penalty of perjury that the foregoing
is true and correct, to the best of
my ability.

Dated this 16 day of
AUGUST, 2013, at
LOS ANGELES,
California.



BEN ROBERTS

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I, ALTHEA L. MILLER, CSR No. 3353, certify:

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BEN ROBERTS was taken before me at the time and
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declared under penalty of perjury to tell the truth;

That the testimony of the witness and all
objections made at the time of the deposition were
recorded stenographically by me and were reduced to
a computerized transcript under my direction;

That this transcript is a true record of
the testimony of the witness and of all objections
and colloquy made at the time of the deposition.

I further certify that I am neither counsel
for nor related to any party to said action nor
interested in the outcome.

The certification of this transcript does
not apply to any reproduction of the same by any
means unless under the direct control and/or
direction of the certifying deposition reporter.

IN WITNESS WHEREOF, I have subscribed my
name this 30th day of July, 2013.



ALTHEA L. MILLER, CSR No. 3353, RPR, CCRR