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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	03/30/2015
Attachments	Valhalla Reply Brief in Child Case.pdf(2129136 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
(child case)

VALHALLA MOTION PICTURES, INC.

Applicant.

OPPOSER'S REPLY BRIEF IN CHILD CASE

Opposer Valhalla Game Studios Co. Ltd. ("VGS"), Applicant for the marks VALHALLA GAME STUDIOS (Serial No. 77/948,333) and VALHALLA GAME STUDIOS & Design (Serial No. 77/948,895) hereby submits its reply brief in support of its request that the Board deny the application of Applicant Valhalla Motion Pictures, Inc. ("VMP") to register the mark VALHALLA ENTERTAINMENT & Design on the grounds that the sole purpose of its application is to monopolize the use of the VALHALLA mark over the entire field of entertainment.

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INTRODUCTION

VMP's Responding Brief attempts to muddle the distinction between VGS's position in the parent case and the child case when, in fact, its position is consistent throughout. In both cases, VGS's arguments are similar – VMP has failed to show that its mark enjoys any level of consumer awareness and certainly not "fame," thus, it is not entitled to any greater protection than any other registered mark, and its proposed foray into the limitless category of "transmedia" should not serve to preempt any other use of the VALHALLA name on any kind of intellectual property. In the parent case, VGS argues that the marks VALHALLA GAME STUDIOS and VALHALLA GAME STUDIOS & Viking Ship Design should issue because VGS has actually used its mark in its advertisements and products and its video games are recognized by consumers, and thus there is no likelihood of confusion with VMP's mark, which has not been featured on its products and never appeared on video games, because any plans to expand into that market are merely speculative. In the child case, VGS similarly argues that VMP's application for VALHALLA ENTERTAINMENT & Viking Ship Design should not issue because VMP is seeking to preempt the use of the VALHALLA name across the broad category of "transmedia," which essentially encompasses all intellectual property, despite several marks including the name VALHALLA already registered with the USPTO and despite having no concrete plans to expand into this broad field.

Further, VMP has materially misrepresented its first use of the VALHALLA ENTERTAINMENT mark. As discussed in more detail below, while VMP's trademark application for VALHALLA ENTERTAINMENT & Viking Ship Design cites its first use as October 2010 in the closing credits of the nationally broadcasted television movie *The Wronged Man, the* DVD features the VALHALLA MOTION PICTURES mark on the back of the DVD cover, the DVD itself, and in the closing credits, and not the VALHALLA ENTERTAINMENT mark, as represented by VMP. (*See* Declaration of Denise Moreno attached hereto). While VGS's application contains verifiable facts and its intended use of its mark is consistent with its prior use and consumer knowledge of the mark in the video game industry, VMP's application contains misrepresentations and overreaches by seeking to prevent use

of the VALHALLA mark in classes where its expansion is merely theoretical. This contravenes the entire history of trademark law and the VALHALLA ENTERTAINMENT mark should not issue.

THE FACTS

A. VALHALLA GAME STUDIOS CO. LTD. ("VGS")

VGS was founded in 2008 by Satoshi Kanematsu, Tomonobu Itagaki, and Naoyuki Tsuji, video game industry veterans, to produce video games and video game merchandise. (Doc. #27, Kanematsu, at 7-8). Prior to founding VGS, Itagaki was the head of the Ninja Team at Tecmo, and was involved in the creation of world-renown video games Dead or Alive, games 1 through 4, and Ninja Garden, series 1 to 2. (*Id.* at 10, Exh. 2). Itagaki has sold around 14 million units of game software worldwide. (*Id.*; Doc. #47, Huntley, at 26-27). VGS's first game is the highly anticipated "Devil's Third" video game. (Doc. #27, Kanematsu, at 7-8, Exh. 2). VGS debuted the "Devil's Third" trailer at the widely attended E3 show in 2010 and 2012, and it is available for streaming worldwide on YouTube. (*Id.* at 24; Doc #47, Huntley, at 35-37). VGS's logo is prominently displayed on VGS's website, in the trailers for the "Devil's Third" game, and on various merchandising, including T-shirts, zippo cases, flags, and iPhone cases. (Doc. #27, Kanematsu, at 23-24, Exh. 5). VGS plans to continue developing its video game brand by developing original games. (*Id.* at 9-10).

B. VALHALLA MOTION PICTURES ("VMP")

VMP is a motion picture and television show production company owned by Gale Ann Hurd. (Doc. #22; Doc. #42, Hurd, at 5). VMP has produced various films, including *Armageddon*, *Virus*, *Clockstoppers*, *Hulk*, *The Punisher*, and *Aeon Flux*, and the television show *The Walking Dead*. (Doc. #42). VMP has also published comic books, including *Anti*, *Dead Man's Run*, and *The Scourge*. (Doc. #40, Kobylanski, at 15, Exh. 51; Doc. #42, Hurd, at 15-16). VMP's marks VALHALLA MOTION PICTURES & Design, VALHALLA TELEVISION & Design, and VALHALLA ENTERTAINMENT & Design have appeared in the closing credits of some of VMP's projects. (Doc. #40, Kobylanski, at 31-32).

VMP's factual representations regarding the widespread use of its mark are, at best, misleading exaggerations, and at worst, blatant fabrications. VMP states that it "uses its brands on the transmedia that it produces, which are seen by millions of viewers." (Responding Brief, at 9). However, VGS just recently discovered that VMP's first purported use of its mark VALHALLA ENTERTAINMENT is a misrepresentation. Specifically, VMP's trademark application for VALHALLA ENTERTAINMENT & Viking Ship Design cites its first use as October 2010 in the closing credits of the nationally broadcasted television movie *The Wronged Man*. (Doc. #40, Exh. 51). In fact, *The Wronged Man* DVD features the VALHALLA MOTION PICTURES mark on the back of the DVD cover, on the DVD itself, and in the closing credits, and not the VALHALLA ENTERTAINMENT mark as represented by VMP. (*See* Declaration of Denise Moreno attached hereto). Nowhere on the DVD packaging, the DVD itself, or the closing credits is the VALHALLA ENTERTAINMENT mark featured. (*Id.*) Interestingly enough, VMP states that "it is undisputed that VALHALLA ENTERTAINMENT was used in interstate commerce as early as January 10, 2010, when VALHALLA ENTERTAINMENT & Viking Ship Design appeared in the closing credits of the nationally broadcasted television movie *The Wronged Man*." (Responding Brief, at 12 (citing Doc. #40, Exh. 51)). Not only is the mark featured not the VALHALLA ENTERTAINMENT mark, but it is clear that the mark was not in use at that time, prior to VGS's application. It is unclear what commercial use, if any, the VALHALLA ENTERTAINMENT mark has enjoyed, as VMP repeatedly cited its use of the mark on *The Wronged Man* as its use in commerce, while all other uses were on websites and social media and do not necessarily suggest use in commerce. VMP repeatedly misstated the facts of its first use in a manner favorable for its application. This does not establish that it may be considered a senior user under any circumstances.

Setting aside this significant distortion of fact, even on the rare occasion that the VALHALLA MOTION PICTURES mark is featured on products, such as motion picture and television shows, it appears, at most, for a mere couple seconds in the closing credits. (Doc. #40, Kobylanski, at 14-15, 31-32, Doc. #37, Thomson, at 73-74, Exh. 52). Additionally, VMP's mark has never appeared on the

advertisements for its motion pictures and films or packaging for video games it has consulted on. (Doc. #40, Kobylanski, at 31-32; Doc. #42, Hurd, at 14). Clearly, this sporadic use does not lead to the conclusion that VMP's mark is well known. Even if millions of people see the motion picture or television show, it is doubtful that these viewers all viewed VMP's logo, which, as discussed above, appears for a mere couple seconds in the closing credits.

VMP also states that it "promotes itself to tens of thousands of members of the public online via social networks." (Responding Brief, at 9). However, the majority of this self promotion conveniently took place after VGS filed for its marks, suggesting that VMP engaged in the self promotion simply to show use of the mark in these proceedings. (Doc. #43, Exhs. 1-9). VMP also cites news articles mentioning the Valhalla name to show the fame of its mark. A majority of the articles cited that make any mention of the Valhalla name were published in 2014 and do not support VMP's proposition that its mark has been recognized by consumers for years (See Doc. #43, Exhs. 17, 21, 23-24; Doc. #44, Exhs. 6-8, 14). Rather than supporting VMP's proposition that its mark is famous, these articles primarily support the fact that VMP has been hard at work in the last year trying to create a record of the use of its mark and its supposed fame as a result of the instant proceeding.

In order to execute its business plan to exploit intellectual property rights to entertainment properties, VMP states that its "staff members regularly attend and make presentations at worldwide video game and technology conferences and multi-genre entertainment industry events, including Comic-Con, the Consumer Electronics Show in Las Vegas, and E3 in Los Angeles to promote VMP's brand, identify potential new partners, and develop business opportunities." (Responding Brief, at 8). VMP describes alleged discussions with video game manufacturers about developing intellectual property into video games. (*Id.*). However, Hurd testified that VMP has not done anything or taken any steps to actually produce video games itself. (Doc. #42, Hurd, at 47). Though VMP has met with video game companies to discuss partnering on various projects, all plans at this point are merely theoretical, but VMP has not put together a written business plan or budget in order to expand into video game

production. (Doc. #42, Hurd, at 46-47; Doc. #37, Henigman, at 26-27; Doc. #37, Henigman, at 41-43). Kobylanski testified that he attended E3 in 2014 as a representative of VMP and met with companies like Capcom, Konami, Sega, Square Enix, and Telltale "to hear about their available intellectual properties and to tell them a little bit about our company and what we're looking to do, the stories that we're looking to tell, to see if there's any business to be had." (Doc. #50, Kobylanski, at 6-9). He also met with ANEW and has discussed the game Castlevanie with Konami but discussions have stalled. (*Id.*). Simply put, VMP's discussion of the expansion of its brand across transmedia is largely speculative, as it has taken minimal steps to actually expand the brand.

III. ARGUMENT

A. VMP Has Failed to Establish Priority.

Though VMP does not dispute that VGS has standing, it disputes that VGS has priority of use required to oppose VMP's registration. (Responding Brief, at 12). Contrary to VMP's claims that the VALHALLA mark is important for purposes of brand recognition and it has been using the VALHALLA mark and Viking Ship design for "nearly 20 years," the record reflects that it cared little about the mark prior to VGS's applications being filed – VMP's earlier word and design marks lapsed because of its failure to file the Section 8 affidavits, and its mark VALHALLA ENTERTAINMENT was abandoned because it failed to respond to an Office Action. (Doc. #35). The only evidence VMP has presented of use of the VALHALLA ENTERTAINMENT mark was in the closing credits of the television movie *The Wronged Man* in 2010. (Doc. #40, Ex. 51). In fact, the mark used in *The Wronged Man* is the VALHALLA MOTION PICTURES mark, not VALHALL ENTERTAINMENT, as described in the section above. (*See* Declaration of Denise Moreno). Thus, VMP has failed to present evidence that is has actually used the VALHALLA ENTERTAINMENT mark in commerce and has any priority of use over VGS' mark. This alone is fatal to VMP's application.

Further, even if VMP had used the VALHALLA ENTERTAINMENT mark in *The Wronged Man* and websites, it is well established that "[t]rademark rights are not established by sporadic, nominal

shipments of goods bearing the mark, interspersed with long periods of inactivity." *Pet Inc. v. Edmond Bassetti*, 219 U.S.P.Q. 911 (TTAB 1983). Such is the case here. The Lanham Act requires "the bona fide use of a mark in the ordinary course of trade and *not made merely to reserve a right in a mark.*" 15 U.S.C. § 1127 ("Use in Commerce") (emphasis added). This "bona fide use" language was intended to eliminate "token uses," which occurred when applicants used marks for the sole purpose of obtaining registration and with no intention of legitimately using the mark in commerce until a later date. *Aycock Eng'g, Inc. v. Airflite, Inc.*, 560 F.3d 1350, 1357 (Fed. Cir. 2009).

Determining whether a party's use was a "bona fide use...in the ordinary course of trade" or a "token use" requires an analysis of the industry at issue. Use in the ordinary course of trade varies by industry, and use in certain industries may entail less frequent use than in others. TMEP § 901.02. In determining whether there was bona fide use of a mark in the ordinary course of trade, the Board should consider (1) the amount of use; (2) the nature and quality of the transaction; and (3) what is typical use within the industry. *Id.*

The industry at issue is the motion picture and television industry (the "Industry"). An analysis of the Industry is required to find Applicant's use "token" in nature. An analysis of the ordinary course of trade in the Industry reveals that Applicant's alleged use is not "bona fide use in the ordinary course of trade." The three factors prescribed in the TMEP weigh heavily in favor of VGS, as VMP's use of the mark is *de minimis* and in fact, VMP cannot even cite one commercial use of its mark that predates VGS' application.. Taking VMP's factual assertions as true, it has only used the mark VALHALLA ENTERTAINMENT in the closing credits of one film. All other uses of the mark are on its self-promoting social media websites, which does not establish actual priority rights, because this does not constitute use of the mark on the goods or in association with the services. (1-3 Gilson on Trademarks § 3.02; *Safeway Stores, Inc. v. Safeway Discount Drugs, Inc.*, 675 F.2d 1160 (11th Cir. 1982) (prior trade name use established through purchasing activities in Florida). It is well-established that mere invention,

creation, or discussion of a trademark does not create priority rights, nor does mere sham or token use made for purposes of reserving rights for later use.

In *Walt Disney Productions v. Kusan, Inc.*, 204 U.S.P.Q. (BNA) 284 (C.D. Cal. 1979), Kusan, Inc. claimed priority based on first commercial use of the mark BLACK HOLE IN SPACE. One of its representatives viewing a prototype of the game marketed as BLACK HOLE IN SPACE on April 5, 1978, and then shown to a Sears representative to include in their catalogue on July 21, 1978 and shown to other potential purchasers over the next several months. (*Id.*) Disney had been developing a science fiction screenplay and on October 4, 1978, the final version was prepared and the title was officially designated THE BLACK HOLE. (*Id.*) Disney's pre-release publicity and negotiations for use of the name and characters in children's merchandising began in October, 1978 for a December, 1979 release date. (*Id.*) The parties contended that concurrent use of BLACK HOLE IN SPACE and THE BLACK HOLE would create a likelihood of confusion. (*Id.*) The court determined that a partial preliminary injunction should issue in favor of Disney because "[u]se of the mark must be public in order to establish its source in the public mind [and] confer ownership rights." (*Id.* at 9). Kusan, Inc.'s use of the mark on a shipment of a prototype game and showing to potential buyers did not establish sufficient public use for trademark purposes. (*Id.*) Further, the court noted that the mark displayed on the product was HOLE IN SPACE rather than BLACK HOLE IN SPACE, and "trademark rights arise from use of a mark as affixed to a product" and the label on the product must control. (*Id.* at 10).

Similarly, here, VMP's use of its logo in the closing credits of one film is not sufficient to establish its source in the public mind and confer ownership rights. Additionally, as previously mentioned, the mark used in *The Wronged Man* was the VALHALLA MOTION PICTURES mark versus the VALHALLA ENTERTAINMENT mark. Thus, VMP has failed to establish priority of use of VALHALLA ENTERTAINMENT, as VGS's constructive use as of March 2, 2010 seems to predate VMP's use of the VALHALLA ENTERTAINMENT mark on any commercial products, and VMP's use of the mark on websites does not constitute commercial use.

B. There is a Greater Likelihood of Confusion Where, as Here, the VALHALLA ENTERTAINMENT Could be Interpreted to Encompass Other Registered Marks in the Field of Entertainment.

As discussed earlier, VGS's positions in the parent case and child case are easily reconcilable. VGS argues that the marks VALHALLA GAME STUDIOS and VALHALLA GAME STUDIOS & Viking Ship Design should issue because VGS has actually used its mark in its advertisements and products and its video games are recognized by consumers, and thus there is no likelihood of confusion with VMP's mark, which has not been featured on its products and never appeared on video games, because any plans to expand into that market are merely speculative. VGS similarly argues that VMP's application for VALHALLA ENTERTAINMENT & Viking Ship Design should not issue because the proposed mark could be construed to encompass several previously registered with the USPTO that are related to the field of entertainment. While VGS's intended use of its mark is consistent with its prior use and consumer knowledge of the mark in the video game industry, VMP's application overreaches by seeking to prevent use of the VALHALLA mark in classes where its expansion is merely theoretical.[1]

The relevant question here is whether there is a likelihood of confusion between VGS's marks VALHALLA GAME STUDIOS and VALHALLA GAME STUDIOS & Viking Ship Design and VALHALLA ENTERTAINMENT. Because VALHALLA ENTERTAINMENT may be construed to encompass video game products, the potential for confusion is clear. On the other hand, VALHALLA GAME STUDIOS and VALHALLA MOTION PICTURES are easily distinguishable by the consumer because they obviously refer to video games and motion pictures, respectively.

VMP states that it seeks a registration that will cover motion picture film production, television show production, and writing and editing scripts and screenplays, and does not seek a registration that will cover a "variety" of transmedia properties, including video games and tangible products like play

[1] VGS by no means concedes that VMP has priority with respect to the term "Valhalla" as used in connection with entertainment production services. (See Responding Brief, at 15, fn 8). Rather, VGS points out that if it were determined that VMP has priority in the broad field of entertainment, it has not presented any concrete plans for expansion into the video game industry, and thus there is no likelihood of confusion in the video game industry between VGS's and VMP's marks.

action figures, clothing and children's lunchboxes (Responding Brief, at 16). However, Gale Ann Hurd testified that these are exactly the type of products VMP intends to offer as a "transmedia development and production company." (*See* Doc. #42, at 5-6). Further, she stated that VMP intends to extend its brand into multiple arenas and specifically, that "there's really no limit at this point." (*Id.*) Thus, it is certainly conceivable how the products offered under the mark VALHALLA ENTERTAINMENT could be confused with other products offered under various other "Valhalla" marks, which span a wide range of goods and services, including clothing, gambling machines, cigars, cables, Danish ham, fitness facilities, alcohol, a gun firing range, art gallery, spa services, business consulting services, and real estate brokerage services, (Doc. #33), or products offered under marks incorporating the image of a Viking ship registered with the USPTO, also spanning a wide range of goods and services, including clothing, entertainment services, restaurants, hotels, cruise ships, travel services, machinery, business networking, special event planning, vodka, education, spices, capacitors, lumber, wines, kitchen cabinetry, computer software, magnets, jewelry pins, books, stickers, glassware, toys and sporting goods, automobiles, health spas and business marketing consulting. (Doc. # 34).

One aspect of the likelihood of confusion analysis is the proximity of the products. Specifically, market proximity "asks whether the two products are in related areas of commerce" and "seek[s] to determine whether the two products have an overlapping client base that creates a potential for confusion." (*Brennan's, Inc. v. Brennan's Rest., L.L.C.*, 360 F.3d 125, 134 (2d Cir. 2004)). Because the "transmedia" VMP proposes to offer under the VALHALLA ENTERTAINMENT mark overlaps with the products VGS sells under its mark, there is a strong likelihood of confusion between the VALHALLA ENTERTAINMENT mark and marks used by the existing "Valhalla" companies, including VGS. Unlike VALHALLA MOTION PICTURES and VALHALLA GAME STUDIOS, which indicate the products offered under those marks, VALHALLA ENTERTAINMENT does not identify and distinguish the specific products sought to be offered under the mark and instead casts a broad net encompassing products such as video games, which VGS already offers under its mark. VMP's attempt to monopolize

the VALHALLA name across classes in which marks incorporating VALHALLA are already registered runs afoul of its existing use, which has been confined to motion pictures and television shows and related products, and runs afoul of trademark law precedent, which does not permit protection of the a trademark across a myriad of classes based on the mere potential to expand.

CONCLUSION

VMP seeks to register VALHALLA ENTERTAINMENT despite presenting no evidence of use of the mark on its commercial products, presenting no concrete plans for expansion, and likelihood of confusion with previously registered marks in related classes. This should not be permitted. VMP's mark is not famous, and it is not entitled to greater protection than other registered VALHALLA marks. VMP's first cited use of VALHALLA ENTERTAINMENT in *The Wronged Man* is nonexistent, and it has not established priority over VGS's mark. VMP's application for VALHALLA ENTERTAINMENT should be denied.

Dated: March 25, 2015

Respectfully submitted,

Valhalla Game Studios Co. Ltd.

/MG/
Marvin Gelfand, Attorney for Applicant

weintraub tobin chediak coleman grodin law corporation
9665 Wilshire Boulevard, Ninth Floor
Beverly Hills, California 90212

CERTIFICATE OF SERVICE

I hereby certify that this **OPPOSER'S TRIAL BRIEF IN CHILD CASE** 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 on March 30, 2015, a true and complete copy of the foregoing **OPPOSER'S REPLY BRIEF IN CHILD CASE** has been served on Opposer by electronic mail addressed to:

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Pamela D. Deitchle
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790 East Colorado Blvd., Suite 797
Pasadena, CA 91101-2113

Dated: March 30, 2015

Denise Moreno

Declaration

DECLARATION OF DENISE MORENO

I, Denise Moreno, declare as follows:

1. I am a paralegal at Weintraub Tobin Chediak Coleman Grodin. I have personal knowledge of the facts set forth herein, except as to those stated on information and belief and, as to those, I am informed and believe them to be true. If called as a witness, I could and would competently testify to the matters stated herein.

2. On March 19, 2015 I placed an order at Amazon.com for the DVD of *The Wronged Man.* Attached hereto as Exhibit "A" is a true and correct copy of the invoice.

3. On March 21, 2015 I received the order from Amazon.com, and after using a magnifying glass, noticed that the back of the DVD cover and DVD itself both had the VALHALLA MOTION PICTURES mark on them, and not the VALHALLA ENTERTAINMENT mark as has been represented by Opposer. The marks were approximately 3/8" by 3/8" and the wording was barely discernible to the naked eye. Attached hereto as Exhibit "B" are true and correct copies of the DVD Cover and DVD and reproductions of the marks enlarged to 150% .

4. On March 27, 2015, I viewed the entire video and found that the VALHALLA MOTION PICTURES mark was used at the end of the video for approximately one second. Attached as Exhibit "C" are true and correct copies of the screen shots indicating that the credit to being photographed on location in Georgia was located at 01:28:34 in the movie, the VALHALLA MOTION PICTURES credit was located at 01:28:35 of the movie, and the Sony Pictures Television credit was located at 01:28:37 of the movie.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed March 30, 2015, at Beverly Hills, California.

Denise Moreno

Exhibit "A"

amazon.com

Final Details for Order #108-0064906-4858621

Print this page for your records.

Order Placed: March 19, 2015
Amazon.com order number: 108-0064906-4858621
Order Total: $9.66

Shipped on March 20, 2015

Items Ordered	Price
1 of: *The Wronged Man*, Julia Ormond Sold by: Amazon.com LLC Condition: New	$8.99

Shipping Address:
Denise Moreno
11547 NORTHDALE DR
MOORPARK, CA 93021-3710
United States

Shipping Speed:
Two-Day Shipping

Item(s) Subtotal: $8.99
Shipping & Handling: $0.00

Total before tax: $8.99
Sales Tax: $0.67

Total for This Shipment: $9.66

Payment information

Payment Method:
Visa | Last digits: 5691

Billing address
Marvin Gelfand
11141 Cashmere Street
Los Angeles, California 90049
United States

Item(s) Subtotal: $8.99
Shipping & Handling: $0.00

Total before tax: $8.99
Estimated tax to be collected: $0.67

Grand Total: $9.66

To view the status of your order, return to Order Summary.

Please note: This is not a VAT invoice.

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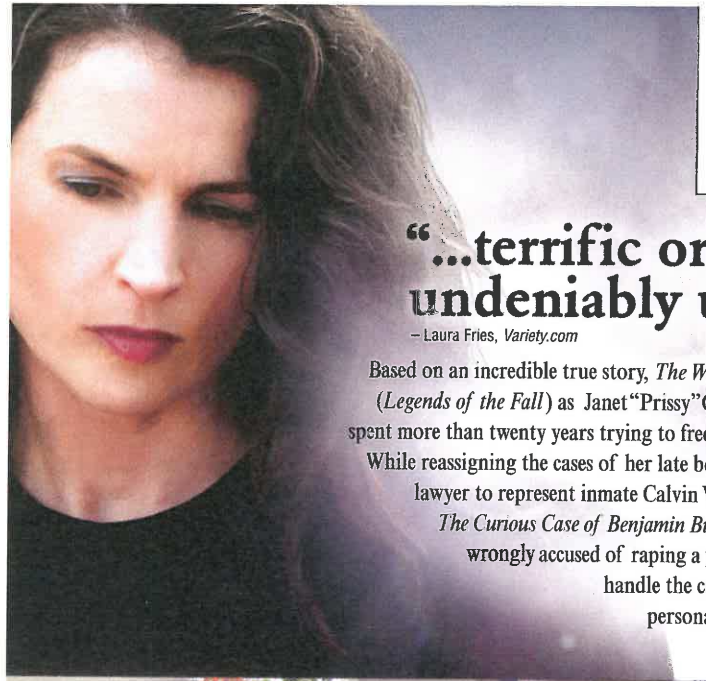
Exhibit "A"

Exhibit "B"



0 43396 34644 4
PROOF-OF-PURCHASE

"...terrific original... undeniably uplifting..."

– Laura Fries, *Variety.com*

Based on an incredible true story, *The Wronged Man* stars Julia Ormond (*Legends of the Fall*) as Janet "Prissy" Gregory, the legal secretary who spent more than twenty years trying to free an innocent man from prison. While reassigning the cases of her late boss, Prissy has trouble getting a lawyer to represent inmate Calvin Willis (Mahershalalhashbaz Ali, *The Curious Case of Benjamin Button*), an African-American man wrongly accused of raping a young girl. So Prissy decides to handle the case herself, not anticipating the personal struggles she must face in her courageous quest for justice.

SPECIAL FEATURES

Cast and crew reveal all the behind the scenes secrets in Discovering the Truth: The Making of *The Wronged Man*

JULIA ORMOND MAHERSHALALHASHBAZ ALI LISA ARRINDELL ANDERSON TONEA STEWART
BRUCE McKINNON RUSS COMEGYS EXECUTIVE PRODUCER GALE ANNE HURD CO-EXECUTIVE PRODUCER GARY VENTIMIGLIA
PRODUCED BY ROBERT J. WILSON WRITTEN BY TEENA BOOTH BASED UPON THE MAGAZINE ARTICLE BY ANDREW CORSELLO
DIRECTED BY TOM McLOUGHLIN VALHALLA MOTION PICTURES SONY PICTURES TELEVISION

SOME OF THE INFORMATION IN THE GRID BELOW MAY NOT APPLY TO SPECIAL FEATURES

LANGUAGES	English, Portuguese 5.1 Dolby Digital			1.78:1 ANAMORPHIC WIDESCREEN
SUBTITLES	English, English SDH, Portuguese			
DOLBY DIGITAL	SDH	1	Approx. 89 Minutes	COLOR

34644LIT
www.SonyPictures.com
NOT RATED
SPECIAL FEATURES ARE NOT RATED AND MAY NOT BE SUBTITLED.

SONY PICTURES TELEVISION
VALHALLA MOTION PICTURES
SONY make.believe

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DVD VIDEO

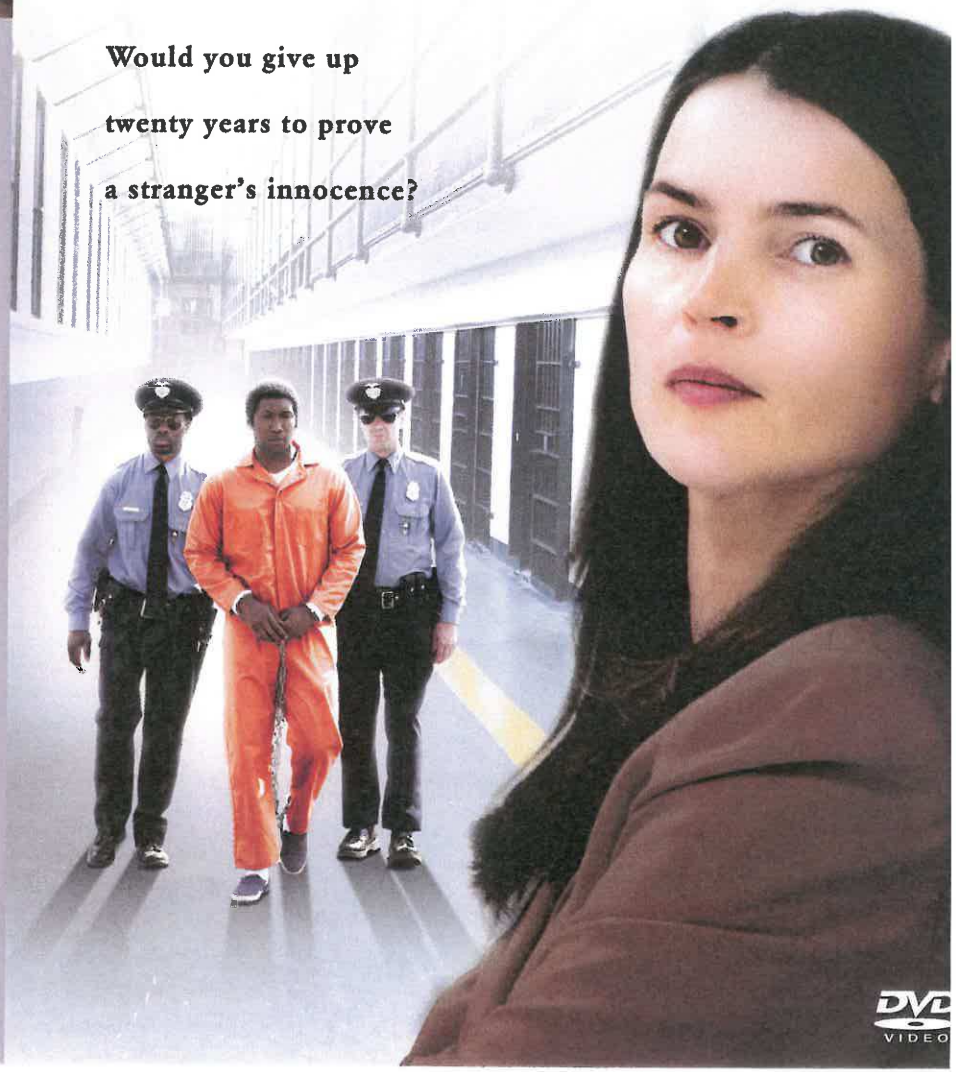
THE WRONGED MAN

JULIA ORMOND

BASED ON A TRUE STORY

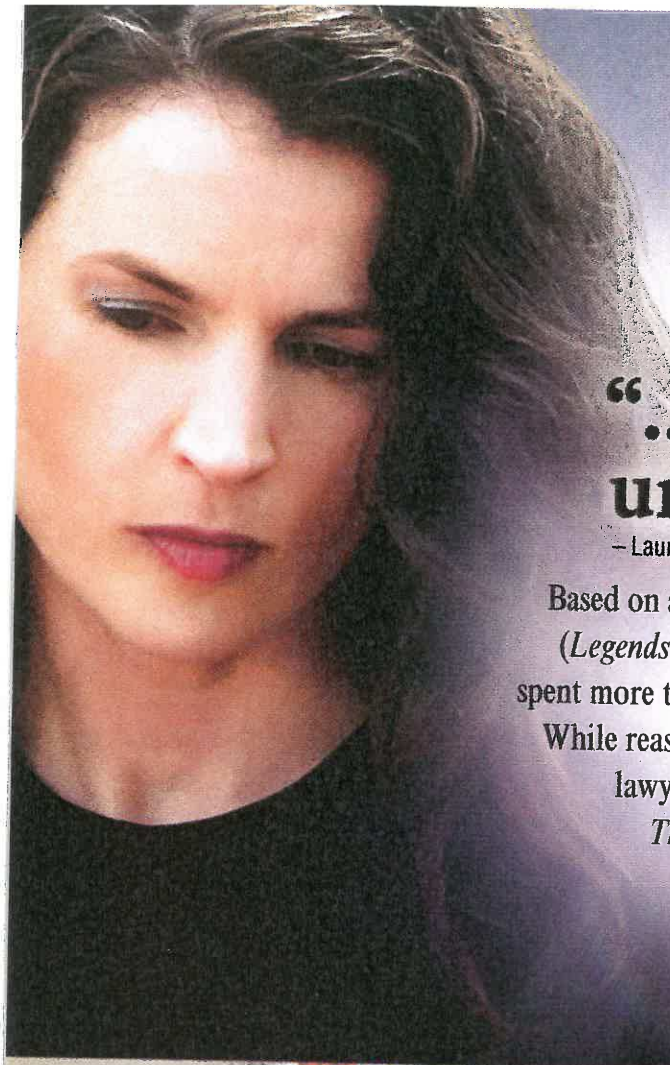
THE WRONGED MAN

Would you give up twenty years to prove a stranger's innocence?



DVD VIDEO

Exhibit "B"



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PROOF-OF-PURCHASE

"...terrific original... undeniably uplifting..."

– Laura Fries, *Variety.com*

Based on an incredible true story, *The Wronged Man* stars Julia Ormond (*Legends of the Fall*) as Janet "Prissy" Gregory, the legal secretary who spent more than twenty years trying to free an innocent man from prison. While reassigning the cases of her late boss, Prissy has trouble getting a lawyer to represent inmate Calvin Willis (Mahershalalhashbaz Ali, *The Curious Case of Benjamin Button*), an African-American man wrongly accused of raping a young girl. So Prissy decides to handle the case herself, not anticipating the personal struggles she must face in her courageous quest for justice.

SPECIAL FEATURES

Cast and crew reveal all the behind the scenes secrets in Discovering the Truth: The Making of *The Wronged Man*

JULIA ORMOND MAHERSHALALHASHBAZ ALI LISA ARRINDELL ANDERSON TONEA STEWART
BRUCE McKINNON RUSS COMEGYS EXECUTIVE PRODUCER GALE ANNE HURD CO-EXECUTIVE PRODUCER GARY VENTIMIGLIA
PRODUCED BY ROBERT J. WILSON WRITTEN BY TEENA BOOTH BASED UPON THE MAGAZINE ARTICLE BY ANDREW CORSELLO
DIRECTED BY TOM McLOUGHLIN VALHALLA MOTION PICTURES SONY PICTURES TELEVISION

SOME OF THE INFORMATION IN THE GRID BELOW MAY NOT APPLY TO SPECIAL FEATURES

LANGUAGES	English, Portuguese 5.1 Dolby Digital			1.78:1 ANAMORPHIC WIDESCREEN
SUBTITLES	English, English SDH, Portuguese			
DOLBY DIGITAL	SDH	1	Approx. 89 Minutes	COLOR

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NOT RATED

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DVD VIDEO

Canadian Home Video 14A Rating

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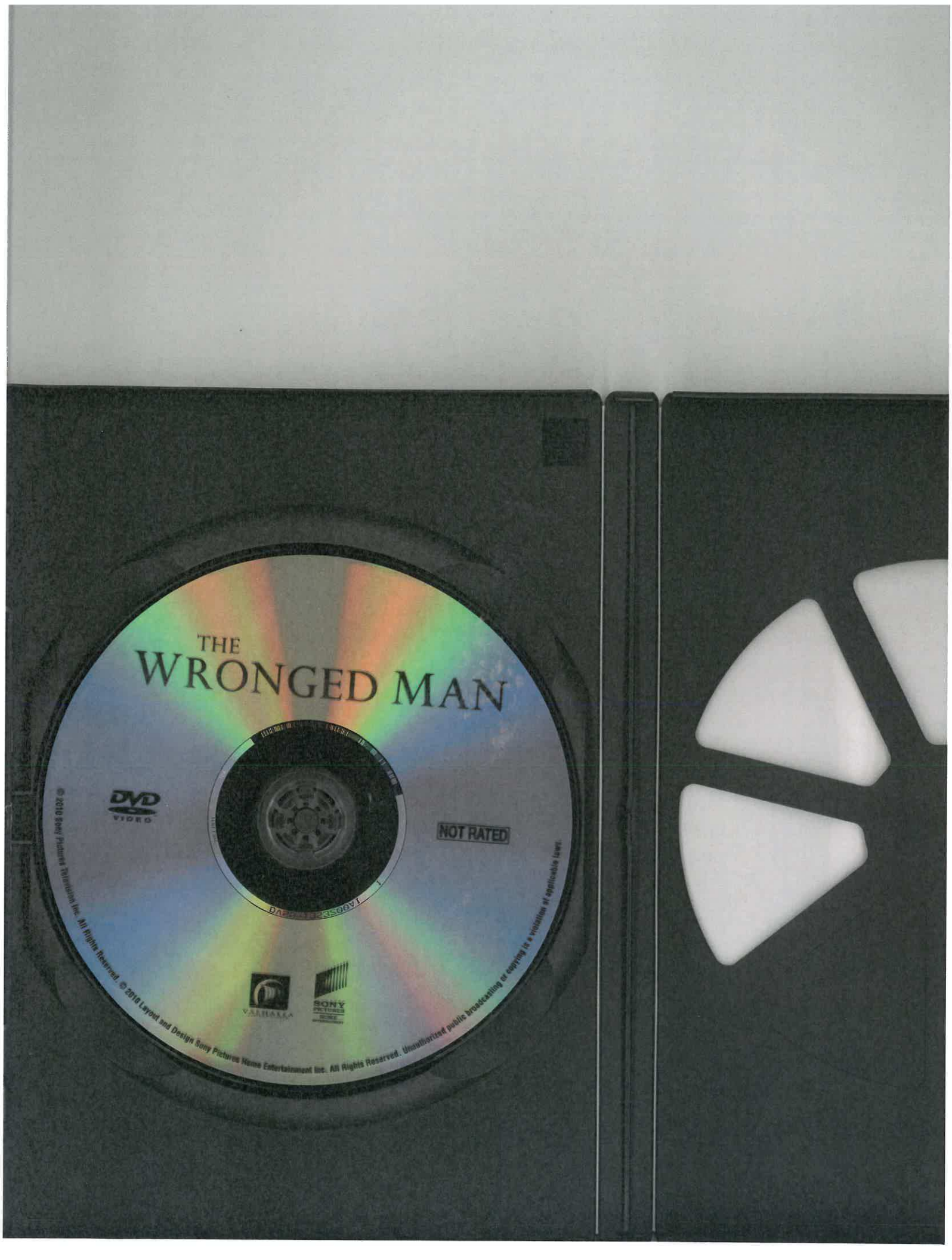
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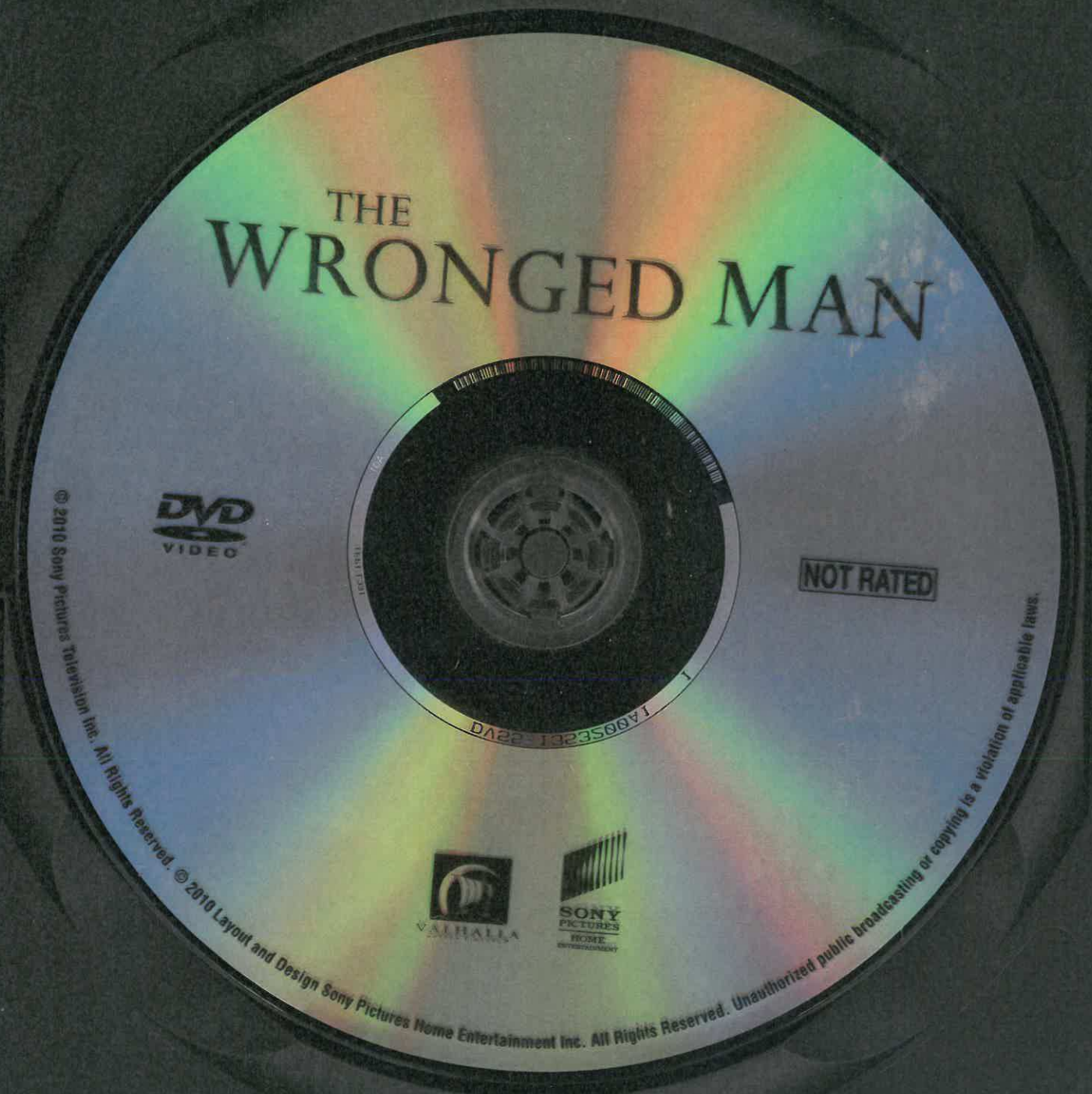
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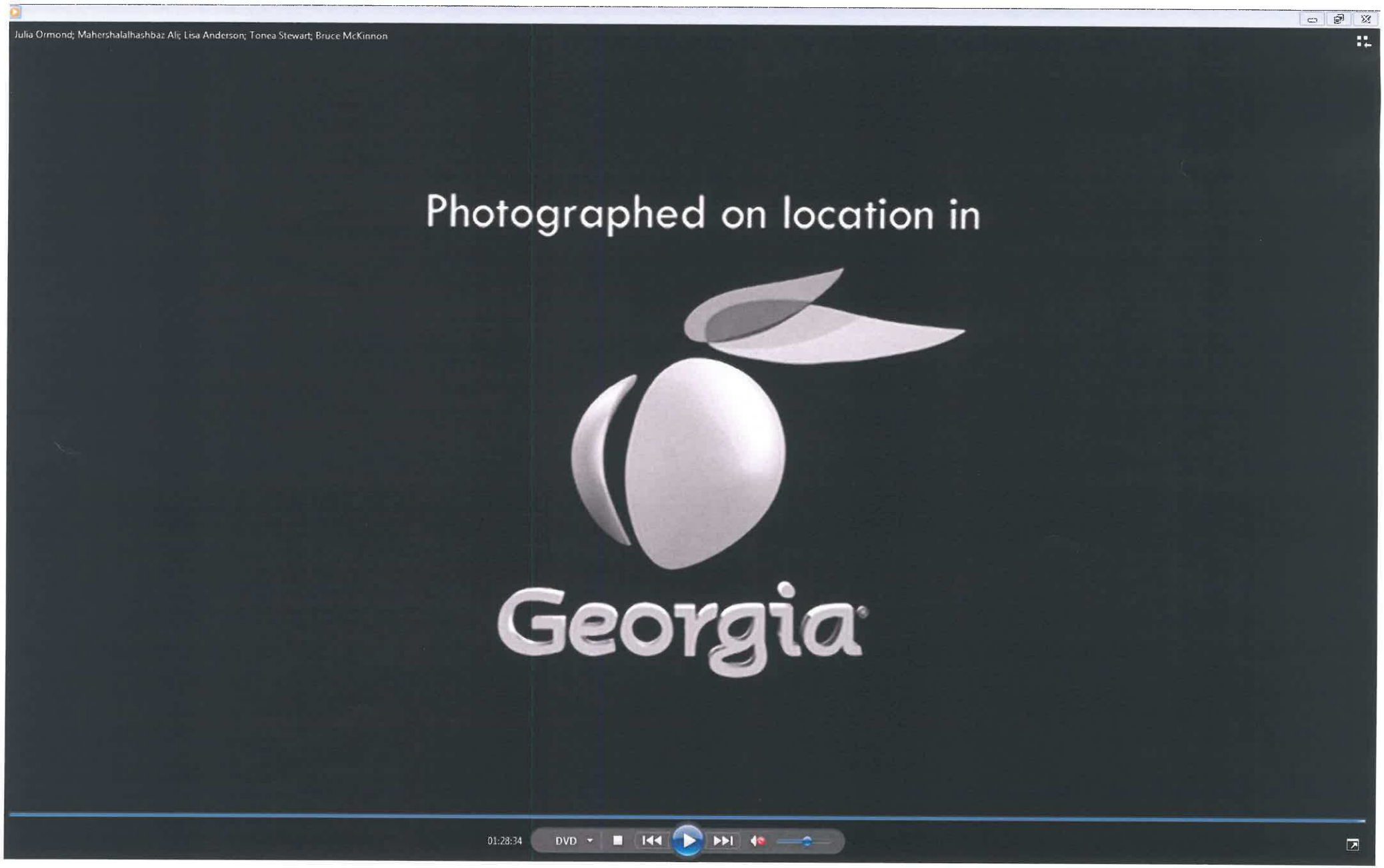
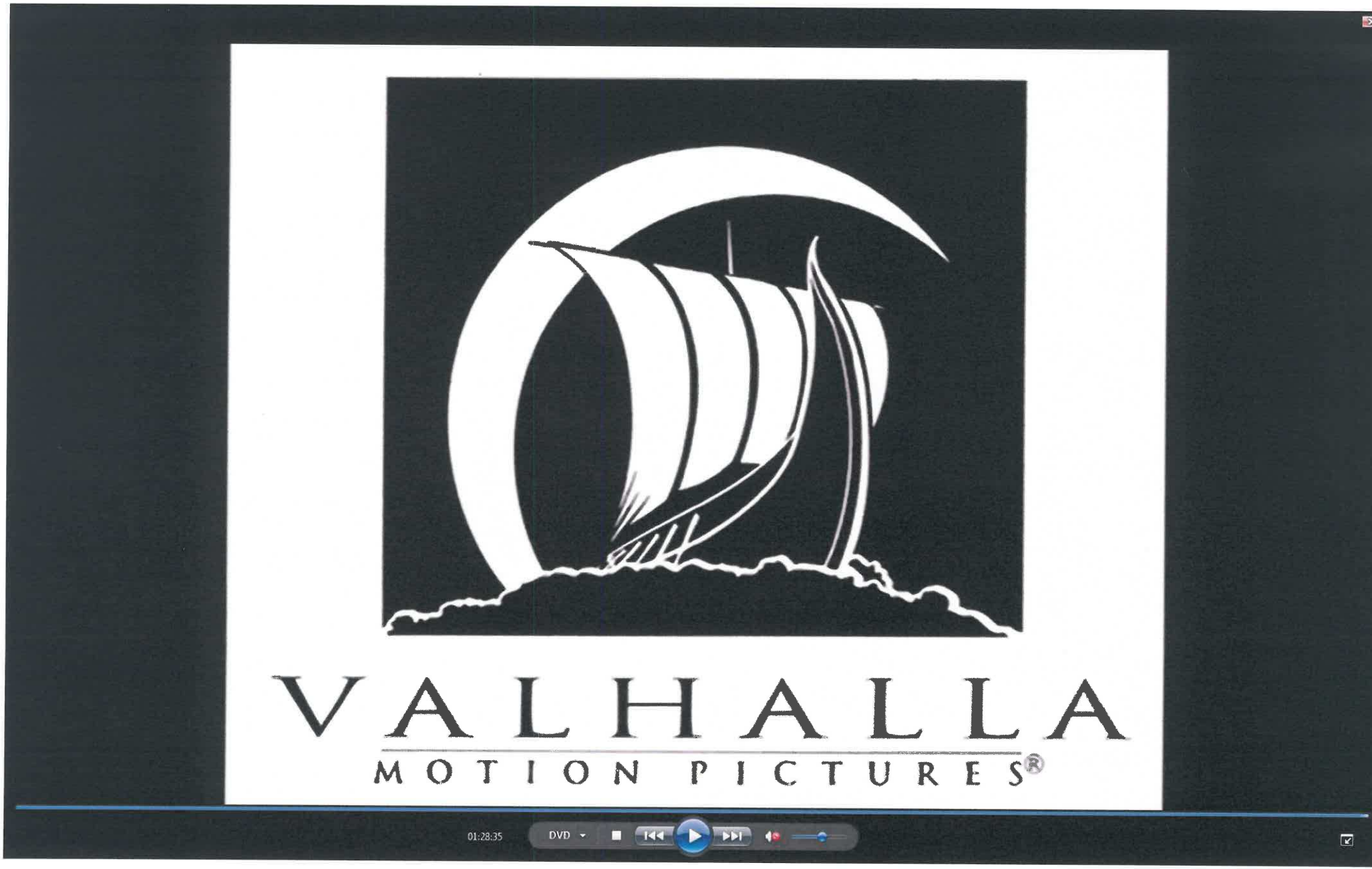

Julia Ormond; Mahershalalhashbaz Ali; Lisa Anderson; Tonea Stewart; Bruce McKinnon
Photographed on location in
Georgia
01:28:34
DVD

Exhibit "C"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The Wronged Man
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