

EXHIBIT

155

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GAMES WORKSHOP LIMITED,

Plaintiff,

v.

CHAPTERHOUSE STUDIOS LLC and JON
PAULSON d/b/a PAULSON GAMES,

Defendants.

Civil Action No. 1:10-cv-8103

Hon. Matthew F. Kennelly

Hon. Jeffrey T. Gilbert

SECOND SUPPLEMENTAL DECLARATION OF JONATHAN MOSKIN

I, Jonathan Moskin, hereby declare:

1. I am attorney at law and member in good standing of the State Bar of New York and am admitted pro hac vice in this action. I am a partner at Foley & Lardner LP, counsel of record for Plaintiff Games Workshop, Limited (“Games Workshop”). I have personal knowledge of the facts set forth herein and, if called to testify, I could and would testify competently thereto.

Games Workshop’s Sales Documents

2. As explained in the Supplemental Jones Declaration (Ex. 146), Exhibit 145 contains two spreadsheets summarizing the highly detailed sales data that was produced to Chapterhouse. The detailed sales data provides no doubt that each of the accused products was sold in commerce in the United States prior to Chapterhouse's sales of its products. The detailed sales data was produced at GW0011004-GW0011044.

3. The detailed sales data consisted of 41 separate files, each produced in raw excel format to allow for Chapterhouse's easy searching for the various products by name and date. Further, the spreadsheets are set up with various macros that allow easy sorting and filtering by year, month, product id, and product description.

4. The detailed sales data was subdivided into six main categories based on Games Workshop's various sales channels in the United States: US Retail, US Direct, US Trade, Global Web, Black Library, and Forge World. For each of these channels detailed sales spreadsheets were provided that detail for each month of each year, the total number of sales of each Games Workshop product number (including product description) on both a quantity level and a dollar level. For example, the excel spreadsheet for US Direct sales indicates that in February of 2007 the Tyranid Codex (product number 60030106002) was sold seven times at an MSRP of \$22 for a total of \$154.

5. Due to the large size of each of these spreadsheets (many over 50,000 lines each), Games Workshop has not included these spreadsheets as exhibits in its motion; however, if necessary, Games Workshop is willing to submit these spreadsheets under seal to the Court. Nonetheless, Chapterhouse has never contested any of the information contained therein, or explained any difficulty they have had in understanding the information. The headers on the spreadsheets are self explanatory (Year, Period, Product, Description, Quantity, MSRP, and Total).

Games Workshop's Copyright Registrations

6. The copyright office has now issued copyright registrations on 45 of the works at issue in this case:

Copyright Application	Registration Number	Registration Date
Codex: Dark Angels	TX 7-538-588	3/5/2012

Copyright Application	Registration Number	Registration Date
How to Paint Space Marines	TX 7-538-607	3/5/2012
Codex: Tyranids	TX 7-538-598	3/5/2012
Codex: Space Wolves (2009)	TX 7-549-698	3/5/2012
Horus Heresy: Collected Visions	TX 7-538-569	3/5/2012
Codex: Eldar	TX 7-549-696	3/5/2012
Necromunda – Battle for Survival in the Nightmare Undercity	TX 7-536-772	3/9/2012
Codex: Space Marines (2004)	TX 7-505-931	3/7/2012
Codex: Space Wolves (1999)	TX 7-508-934	3/7/2012
Codex: Orks	TX 7-507-116	3/7/2012
Index Astartes	TX 7-505-945	3/7/2012
Index Astartes III	TX 7-505-940	3/7/2012
Space Marine Collectors' Guide	TX 7-507-128	3/7/2012
Warhammer 40,000 Wargear	TX 7-508-949	3/7/2012
The Art of Warhammer 40,000	TX 7-505-926	3/7/2012
How to Paint Space Marines	TX 7-538-607	3/5/2012
Brothers of the Snake	TX 7-508-982	3/7/2012
Legion of the Damned	TX 7-513-642	3/2/2012
Alpha Legion Land Raider Doors Set	VA 1-819-306	3/7/2012
Blood Raven Transfer Sheet	VA 1-819-307	3/7/2012
Contemptor Heavy Conversion Beamer	VA 1-824-754	3/7/2012
Mark V Heresy Armour	VA 1-824-755	3/7/2012
Space Marine Character Conversion Kit	VA 1-824-622	3/7/2012
Salamanders Land Raider Doors	VA 1-824-753	3/7/2012
Salamanders Terminator Shoulder Pads	VA 1-824-496	3/7/2012
Space Wolves Door Set for Rhino	VA 1-824-497	3/7/2012
Valthex Astral Claws of the Master Forge	VA 1-824-495	3/7/2012
Eldar Farseer with Spear	VA 1-814-847	3/7/2012
Eldar Farseer and Warlocks	VA 1-814-841	3/7/2012
Space Marine Drop Pod	VA 1-814-902	3/7/2012
Legion of the Damned	VA 1-824-653	3/9/2012
Eldar Guardians	VA 1-814-857	3/7/2012
Tau Piranha	VA 1-814-858	3/7/2012
Space Marine Predator Tank	VA 1-824-621	3/8/2012
Eldar Farseer	VA 1-824-646	3/9/2012
Space Marine Chaplain with Jump Pack	VA 1-824-666	3/9/2012
Land Raider	VA 1-824-602	3/8/2012
Armour through the Ages	VA 1-824-732	3/8/2012
Imperial Guard Cadian Shock Troops	VA 1-824-586	3/8/2012
Imperial Fists Conversion Pack	VA 1-824-739	3/8/2012
Grey Knights	VA 1-824-604	3/8/2012
Flesh Tearers Shoulder Pads	VA 1-824-668	3/8/2012
Eldar Jetbike	VA 1-824-904	3/8/2012
Basilica Administratum	VA 1-824-629	3/8/2012
Website Content From 2000 to 2011	TXu 1-788-290	12/28/2011

Photo of Chapterhouse Shoulder Pad

7. Exhibit 154 consists of true and correct copies of Exhibits 51 and 51A to the 30(b)(6) Deposition of Nicholas Villacci dated April 11, 2012.

Breadth of Discovery

8. Throughout discovery, Games Workshop has focused its discovery, serving Chapterhouse with only 35 document requests. Additionally, Games Workshop has conducted only two and one half days of depositions of Chapterhouse's witnesses (one full day deposing each of Chapterhouse's witnesses, Mr. Villacci and Mr. Fiertek – the latter by videoconference - and two very short videoconferenced depositions of Mr. Villacci as document custodian and the independent designer, Wyatt Traina.

9. In contrast, Chapterhouse has sought very broad discovery in this case, including on many issues that are irrelevant to the claims and defenses in this case. For instance, Chapterhouse has served 86 document requests and 734 requests for admission. Further, Chapterhouse has deposed Games Workshop for ten full days of fact depositions (including Alan Merrett, Andrew Jones, Gillian Stevenson; Dave Gallagher; Jeremy Goodwin, John Blanche, Neil Hodgson, Ed Spettigue, Sandra Casey and the 30(b)(6) witness for the licensee, THQ, which produces the computer game, Dawn of War).

Comparison Chart

10. As explained in my prior declaration (Ex. 133, Sup. Moskin Decl.), Exhibit 135 is a copy of Games Workshop's Second Revised Copyright Claim Chart for which representative images of Chapterhouse's and Games Workshop's products have been inserted. The product titles and descriptions under the Chapterhouse column were pulled directly from the

Chapterhouse website and have been present in the claim chart since the first version we served in July 2011.

Super Heavy Tau Walker

11. Exhibit 156 is a true and correct copy of Chapterhouse's announcement on its website for the "Super Heavy Tau Walker" that can be found at the internet's WayBackMachine located at

<http://web.archive.org/web/20100623021001/http://chapterhousestudios.com/webshop/>

12. Exhibit 157 is a true and correct copy of Chapterhouse's historic product page for the "Super Heavy Tau Walker" that can be found at the internet's WayBackMachine located at http://web.archive.org/web/20100926110106/http://chapterhousestudios.com/webshop/component/virtuemart/?page=shop.product_details&flypage=flypage.tpl&product_id=81&category_id=3

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Horus Heresy: Collected Visions Assignments

13. Exhibits 158-165 are the assignment documents for the various authors involved with the Horus Heresy: Collected Visions work. Exhibit 158 is a true and correct copy of the assignments related to Ralph Horsley, produced at GW006046-116. Exhibit 158 is a true and correct copy of the assignments related to Ralph Horsley, produced at GW006046-116. Exhibit 159 is a true and correct copy of the assignments related to Jim Brady, produced at GW005963-6041. Exhibit 160 is a true and correct copy of the assignments related to Kenson Low, produced at GW006117-87. Exhibit 161 is a true and correct copy of the assignments related to Justin Norman, produced at GW006188-246. Exhibit 162 is a true and correct copy of the assignments related to Eric Ren, produced at GW006247-331. Exhibit 163 is a true and correct copy of the assignments related to Franz Vohwinkel, produced at GW006407-88. Exhibit 164 is a true and correct copy of the assignments related to Sam Wood, produced at GW006489-569.

Exhibit 165 is a true and correct copy of the assignments related to Chris Trevas, produced at GW006334-406.

I hereby declare under penalty of perjury this 20th day of September, 2012, under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

s/Jonathan E. Moskin
Jonathan E. Moskin

CERTIFICATE OF SERVICE

I, Jason J. Keener, an attorney, hereby certify that on September 20, 2012, I caused to be filed electronically the foregoing SECOND SUPPLEMENTAL DECLARATION OF JONATHAN MOSKIN with the Clerk of the Court using the CM/ECF system, which will send an electronic copy of the foregoing to counsel of record and constitutes service under Federal Rule of Civil Procedure 5(b)(2)(D) pursuant to Local Rule 5.9 of the Northern District of Illinois.

/s/ Jason J. Keener

Jason J. Keener