

EXHIBIT

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

- - - - -
GAMES WORKSHOP LIMITED,
Plaintiff,
Civil Action No. 1:10-cv-08103
v.
CHAPTERHOUSE STUDIOS LLC,
Defendants.
- - - - -

Videotaped Deposition of ROBERT NAISMITH,
taken at the Crowne Plaza Hotel, Nottingham,
UK, Monday, 25 February, 2013, 12:07 pm,
before Ailsa Williams, Accredited Court Reporter

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2

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19 Also Present:

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21 COURT REPORTER: AILSA WILLIAMS

22 VIDEOGRAPHER: LUIS GUISBERT

23

24

25

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1 fiction milieu, the appreciation that people had. 12:42:22

2 We were just as much fans as the buyers, as 12:42:29

3 the punters out there, so we were trying to make stuff 12:42:32

4 that we would like and we knew therefore that they 12:42:35

5 would like. So we would draw on these little 12:42:37

6 snippets, you know, from all of these different 12:42:43

7 places, from comics, from film, from books. Books are 12:42:48

8 difficult because of course there is different images 12:42:54

9 in different people's minds, but it is certainly the 12:42:57

10 case that the idea of like science fiction and science 12:43:02

11 fiction battles and stuff like that had already been 12:43:06

12 invested in, you know, Doc Smith's Linesman series of 12:43:12

13 books, the Heinlein books, they all show or not show 12:43:17

14 but they describe battles between men in armor and 12:43:23

15 aliens of various shapes. 12:43:30

16 Q You mentioned the word "logical 12:43:32

17 progression" earlier? 12:43:34

18 A Yes. 12:43:35

19 Q What do you mean by that? 12:43:36

20 A What I mean is that when we are making a 12:43:39

21 model, especially a science fiction model, the logic 12:43:41

22 of it is that it is nonsense. It doesn't exist. So 12:43:47

23 you have to give it a sense of reality, and therefore 12:43:50

24 you imbue that, you get that reality into the model by 12:43:56

25 taking elements of things which you already know work,

1 like the way a set of webbing might work on an 12:44:05
2 infantry man or where his pouches might be located on 12:44:08
3 his body, so that he can access them easily. And you 12:44:13
4 take that information and you apply it to your science 12:44:17
5 fiction figure so that it still looks believable. You 12:44:19
6 know, when you are making a gun, you make sure that it 12:44:23
7 is clear, you can see where the ammunition is held, 12:44:27
8 you can see where the projectile or the energy, 12:44:30
9 whatever it is that comes out of the weapon comes out, 12:44:33
10 you know. So you try to use what you have got in your 12:44:36
11 historical image archive, if you like, and apply it to 12:44:41
12 the models to make them convincing. 12:44:45

13 Q I would like to talk about some of the 12:44:56
14 first models you made at Games Workshop. What are 12:44:58
15 some of the first models you made at Games Workshop? 12:45:03

16 A As I said already, I remember making 12:45:06
17 those early Car Wars models, the plastic stuff. In 12:45:10
18 terms of whole figures, I remember making Chaos 12:45:14
19 Warriors, I think, which were frankly not very good, 12:45:18
20 but again because the brief was so loose we had no 12:45:24
21 artistic direction as such. 12:45:31

22 Q Could you tell me about what -- strike 12:45:33
23 that. What are the names of the first Warhammer 40K 12:45:37
24 models you made? 12:45:49

25 A The names, oh, gee. There was a code,

1 what were they called, I think they were just called 12:45:54
2 Adventurers or something. Again there was about 20 12:45:56
3 figures in there, and I remember there was the first 12:46:00
4 attempt at making a space elf, which had not been 12:46:03
5 called Eldar at that point, carrying a thing called a 12:46:07
6 Shurican, which was written at that point by Rick into 12:46:12
7 the rules. I remember there being a dwarf in there 12:46:17
8 that we had converted from a fantasy dwarf, maybe a 12:46:23
9 couple. There were some models that I had made which 12:46:28
10 really were almost fantasy models, were like a Chaos 12:46:30
11 Warriors with a gun in his hand. It was that simple. 12:46:34
12 And those were the figures that I made going back to 12:46:37
13 it when we were talking about play testing. Those 12:46:41
14 were the first kind of figures we put on the table so 12:46:43
15 that people could start testing the game system. 12:46:47
16 Q Have you heard of the product "Space 12:46:53
17 Marine"? 12:46:55
18 A There was a product Space Marine, which 12:46:58
19 was a box of epic stuff, but that was the whole 12:46:59
20 product. The idea of the term "Space Marine" was -- 12:47:04
21 we didn't generate it, we, the sculptors. It was a 12:47:07
22 Games Workshop/Citadel thing at that point. 12:47:15
23 I now know that the term "Space Marine" kind 12:47:22
24 of predates that, but at that point my first knowledge 12:47:25
25 of the word "Space Marine" was as given to me by Games

1 Workshop, and that was the descriptor for what our 12:47:33
2 kind of core military figure was going to be, and it 12:47:38
3 was going to be the main protagonist in the game. 12:47:43
4 Q What do you mean, you now know Space 12:47:47
5 Marine predated that? 12:47:48
6 A Because with all this hoo-ha that we are 12:47:51
7 sitting here talking about, you can see that the term 12:47:55
8 "Space Marine" predates Games Workshop's use of it. 12:47:58
9 It is mentioned -- I think it is mentioned in Heinlein 12:48:05
10 or it is mentioned in Doc Smith in his Linesman 12:48:08
11 series, as a passing reference, not as a core thing. 12:48:13
12 It is not all about the Space Marines, but it did 12:48:18
13 mention "Space Marines". Of course the term "marine" 12:48:21
14 is common military parlance. 12:48:23
15 Q Did you design the first Space Marine? 12:48:27
16 A Yes. 12:48:31
17 Q Is it fair to call a Space Marine -- 12:48:50
18 strike that. Is it fair to call a Space Marine a type 12:48:52
19 of futuristic soldier? 12:49:01
20 A Yes, a marine in military terms is kind 12:49:06
21 of like the shock troops. They are people who are put 12:49:12
22 into threatening positions, tend to be the first wave 12:49:15
23 of an attack. So these are -- the term "marine" 12:49:21
24 describes people who are there to get into trouble, as 12:49:26
25 it were, you know, to fight.

1 Q Was the concept of a futuristic soldier 12:49:32
2 original in the 1980s? 12:49:34

3 A No, it is not, no. It was predated, 12:49:38
4 like by the books and so on. 12:49:41

5 Q Could you generally describe the 12:49:46
6 development process of your first Space Marine 12:49:49
7 product? 12:49:52

8 A Again it was pretty much along the same 12:49:55
9 lines as everything else, in the sense that we didn't 12:49:57
10 have any art direction as such. I had a conversation 12:49:59
11 with Rick Priestley, and Rick described what a Space 12:50:02
12 Marine was. He was like an augmented human being. He 12:50:08
13 was wearing a fully enclosed suit of powered armor 12:50:13
14 which would give him superhuman strength and enable 12:50:16
15 him to work in a hostile environment and take damage 12:50:21
16 that a normal human being couldn't do. We talked 12:50:26
17 about the gun that he would use, and that was pretty 12:50:31
18 much it I think. 12:50:42

19 Then I just went off and started making this 12:50:44
20 model in the same way that I had made all the other 12:50:47
21 models. I didn't realize it was going to be the core 12:50:50
22 piece. It was a single -- just a model, like any 12:50:53
23 other. 12:50:57

24 Q How did you go about determining what 12:50:58
25 artistic design elements went into the Space Marine?

1 A I already had Rick's brief. I already 12:51:04
2 knew that what we wanted was this model which would 12:51:08
3 have presence on the table. It had to have an aspect 12:51:12
4 to it which was obviously human but more than human. 12:51:17
5 It was going to be big and strong and tough and 12:51:20
6 intimidating, and one of the things that we were aware 12:51:23
7 of as war gamers is that when you put a model on the 12:51:28
8 table and you stand 3 feet away from it, any signals 12:51:33
9 that it has have to be strong signals. You have to be 12:51:36
10 able to instantly understand that this is a powerful 12:51:41
11 figure or a weak figure or an active figure or slow or 12:51:45
12 fast. So you have to make sure that those design 12:51:47
13 elements are in there. So the idea of making that 12:51:50
14 figure imposing was important. 12:51:54

15 The all enclosing armor was really a 12:52:03
16 development of again my historical information, you 12:52:07
17 know, the idea of like Medieval armor with knee armor 12:52:12
18 that had to articulate, you know that the feet would 12:52:18
19 have to articulate but still be armored. These are 12:52:21
20 common elements in Medieval play armor, full play 12:52:26
21 armor. The helmet, again, we knew it was fully 12:52:31
22 enclosed. We knew that these guys were going to be I 12:52:39
23 suppose kind of like Roman soldiers. So they were 12:52:45
24 like legions. There were going to be loads of these 12:52:48
25 guys, loads of them. So the helmet was loosely based

1 on I suppose like a Roman legionary's helmet with 12:52:55
2 neck, neck protector, ear protectors that roll-over 12:53:01
3 the ear, and sometimes you would have a heavy 12:53:04
4 browband. 12:53:06

5 The fact that it was enclosed meant that it 12:53:09
6 then needed to have goggles, and because it had to 12:53:10
7 survive in a hostile environment he had to have a 12:53:15
8 breathing mask, which was loosely based on like a jet 12:53:19
9 pilot's breathing mask, so that would sit on his face 12:53:25
10 and that would enclose the whole face, and that really 12:53:28
11 describes the helmet design. We did have a sighting 12:53:31
12 mechanism which we put on the helmet which would tie 12:53:36
13 in with the weaponry and would help augment the look 12:53:39
14 of the model, but it was placed asymmetrically, it was 12:53:45
15 off to the side, as I remember. 12:53:49

16 The equipment around him, again the design 12:53:51
17 called for this breathing apparatus so that he could 12:53:55
18 survive in hostile environment, so we had hosing which 12:53:59
19 went round to his backpack. Now, the backpack was 12:54:02
20 kind of, in design terms, again it was almost kind of 12:54:08
21 like it had a historical root in my mind, in the sense 12:54:14
22 that it is a cylindrical form at the top which was -- 12:54:19
23 you could say it was like based on a rolled blanket 12:54:23
24 from historical periods, like the Napoleonics. There 12:54:30
25 was a backpack type shape in the center, which if

1 anything probably resembles like a Second World War 12:54:39
2 American GI's backpack. Then the nozzles at the 12:54:44
3 bottom were surrogates for some of the equipment packs 12:54:49
4 that I referred to earlier on. So that the guy looked 12:54:54
5 like he always had equipment with him. 12:54:57

6 At that point we -- and by "we" I mean 12:54:59
7 Citadel designers and Rick, we decided that the Space 12:55:07
8 Marines would always have these backpacks on. They 12:55:10
9 would always have them, part of the look, and it added 12:55:14
10 to their bulk, their presence on the table. The 12:55:16
11 shoulder pads again also were there to add presence 12:55:23
12 and give the model charisma on the table. 12:55:27

13 Q Thank you. What about the shoulder pads 12:55:34
14 do you believe added presence on the table? 12:56:14

15 A Very much so, yes. I suppose the 12:56:16
16 simplest thing to imagine is a Space Marine without 12:56:20
17 shoulder pads. It then goes back to being just a man. 12:56:26
18 So it is part of the signal. If you look at American 12:56:29
19 football jocks with their shoulder protectors, they 12:56:35
20 look really imposing, you know, by the time they have 12:56:41
21 got their helmet on and they are all 6-foot something 12:56:43
22 tall, so they are big men with big shoulders, and in 12:56:47
23 the real world they are intimidating. So the tie with 12:56:51
24 the Space Marines was to use shoulder pads to give 12:56:57
25 some of that feeling to the design, so that any normal

1 human being standing next to a Space Marine looked 12:57:05
2 like a lesser being. 12:57:09

3 Q So is the size and shape of the shoulder 12:57:10
4 pad related to that desire to add strength and 12:57:13
5 presence? 12:57:17

6 A The size certainly is. The shape is a 12:57:18
7 function of the area that they are covering was the 12:57:22
8 upper arm, so it is really an extension of the upper 12:57:28
9 arm. It is like taking the section of the arm and 12:57:31
10 just expanding it. 12:57:34

11 Q I want to ask you about a couple of 12:57:52
12 other things you mentioned in your previous answer, 12:57:53
13 breaking them up a little bit. You mentioned that one 12:57:56
14 design element of the Space Marine was that the knee 12:58:14
15 armor and the foot armor had to articulate. Is that 12:58:19
16 right? 12:58:22

17 A Yes. 12:58:23

18 Q And that was because they needed to be 12:58:26
19 able to move? 12:58:29

20 A Yes. Again, it takes you back to the 12:58:31
21 idea of the model being convincing, by having some 12:58:33
22 elements of reality or basic laws applied to it. 12:58:37

23 Q Was the idea of articulating the knee 12:58:43
24 armor or foot armor original at that time? 12:58:47

25 A No, because it is present in all play

1 armor. It is a mimic of the human form that is inside 12:58:55
2 it. 12:59:00

3 Q Did you mention that the Space Marine 12:59:18
4 helmet was loosely based on the Roman legionary 12:59:20
5 helmet. 12:59:25

6 A Um hum. 12:59:28

7 (Exhibit 19 marked for identification)

8 Q The court reporter has handed you what 12:59:58
9 has been marked as Exhibit 19. Do you see that there 13:00:00
10 are a number of images in that exhibit? 13:00:04

11 A Yes. 13:00:08

12 Q Do you recognize what those images are 13:00:09
13 of? 13:00:11

14 A Yes, they are what looks like a Roman 13:00:11
15 legionary's helmet. Oh, different helmets. 13:00:13

16 Q Can you describe what design elements 13:00:41
17 are in the Space Marine helmet that are also found in 13:00:43
18 the Roman Legionary helmet? 13:00:47

19 A The Roman Legionary is again a 13:00:50
20 functional object. So its first function is to 13:00:52
21 protect the skull. So you have a helmet bowl, which 13:00:55
22 is common to all helmets, and a Space Marine has that 13:00:58
23 too. It has a neckguard to protect any attacks that 13:01:02
24 the soldier or Space Marine might receive. Our Space 13:01:09
25 Marine had such a thing. The cheek guards are the

1 front of you when you made the Space Marine model? 13:53:09

2 A No, none. 13:53:12

3 Q You say there was a function to a 13:53:22

4 helmet. In the Space Marine, does the helmet have any 13:53:24

5 actual function? 13:53:29

6 MR. COOPER: Objection to form. 13:53:31

7 A Well, it has to protect the head. It 13:53:32

8 has to make sure that the individual inside can 13:53:34

9 survive in hazardous environments. So it has to be 13:53:38

10 sealed, it has to be all one, you know. I think that 13:53:41

11 is probably where that idea of the Space Marine helmet 13:53:49

12 is kind of unique, I suppose, because we borrowed from 13:53:53

13 the Roman soldier to make the bowled helmet and we 13:53:58

14 took the goggles and we took the mask but we made it 13:54:03

15 all into one piece, so it was a kind of consistent 13:54:06

16 whole. I don't recall a design which was like that. 13:54:11

17 There are other designs of all enclosing helmets, like 13:54:16

18 a Star Wars Storm Trooper helmet, but it is not a 13:54:20

19 Space Marine helmet. 13:54:24

20 Q My question was a little different. 13:54:25

21 Maybe it was not clear. There is nothing inside the 13:54:27

22 head of a Space Marine figure that actually needs to 13:54:31

23 be protected, is there? 13:54:33

24 A Yes, there will be a human man's head. 13:54:35

25 Q In the models that actually get made,

1 the figures, they are made out of plastic. People are 13:54:43
2 not firing projectiles, there are not actually brains 13:54:47
3 inside the figures, the model heads. They are toys, 13:54:50
4 effectively? 13:54:53

5 MR. COOPER: Objection to form. 13:54:54

6 A Yes, the model that sits on the table, 13:54:56
7 there is no model of a head inside, but the premise is 13:54:57
8 that. 13:55:02

9 Q So it is a fictional premise? 13:55:02

10 A Yes. 13:55:04

11 Q So in that sense does the Space Marine 13:55:04
12 helmet on a fictional character have any real 13:55:06
13 function? 13:55:10

14 MR. COOPER: Objection, leading. 13:55:12

15 A I am still not sure I understand your 13:55:14
16 question. 13:55:16

17 Q Were the dimensions of the helmet for 13:55:18
18 the Space Marine or features made to serve any actual 13:55:20
19 protective function for a real human? 13:55:26

20 A Well, this is about us convincing people 13:55:31
21 that we are in a kind of semi-real world, you know, 13:55:35
22 that they were in it, so from that point of view the 13:55:38
23 dimensions are real. We do allude to the fact that 13:55:43
24 you could have a human being inside, even although in 13:55:48
25 fact there is not.

1 reference. 13:59:11

2 Q You may have said this, I just want to 13:59:24

3 clarify. At what point in time did you create your 13:59:28

4 first model of a Space Marine? 13:59:31

5 A If I joined them in 83/84, we started, I 13:59:36

6 moved down to Nottingham, because originally I was 13:59:40

7 still staying in Edinburgh when I started employment 13:59:43

8 with them. We moved down in May 85 and I made it I 13:59:46

9 think when I was down in Nottingham, so it would have 13:59:54

10 been in the early summer, summer 85, I believe. 14:00:00

11 Q In the same way I asked you the question 14:00:14

12 about the function of the helmet, does the shoulder 14:00:15

13 pad on a Space Marine have any actual function? 14:00:21

14 A Its main function is this idea of 14:00:29

15 communicating the presence and power of the Space 14:00:31

16 Marine in his armor. That is the story that we are 14:00:37

17 trying to tell. 14:00:41

18 Q Does that have anything to do with the 14:00:42

19 size of the shoulder pad in relation to the figure 14:00:44

20 itself? 14:00:48

21 A Only insofar as because it is larger 14:00:49

22 than is if you like required, it adds a presence to 14:00:52

23 the model. 14:00:58

24 MR. MOSKIN: I have no further questions. 14:01:07

25 RE-DIRECT EXAMINATION BY MR. COOPER: