

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

GAMES WORKSHOP LIMITED,	)	
)	)	
Plaintiff,	)	Case No. 1:10-cv-08103
v.	)	
)	)	
CHAPTERHOUSE STUDIOS LLC,	)	Judge Matthew F. Kennelly
)	)	
Defendant.	)	
_____	)	

DECLARATION OF NICHOLAS VILLACCI

I, Nicholas Villacci, declare as follows:

1. I am the founder and only member of Chapterhouse Studios LLC (“Chapterhouse”), a Texas Limited Liability Corporation, and in charge of all of its operations. I have personal knowledge of the facts set forth herein, and if called to testify could and would do so competently.

2. I have been an avid gamer for more than twenty years. I am a longtime enthusiast of Games Workshop’s Warhammer 40,000 game, “the Hobby” as it is commonly referred to by gamers. I have participated in many tournaments at which hundreds of players meet to play Warhammer 40,000.

3. In my experience, purchasers of war gaming miniatures and accessories are aficionados and tend to exercise care in their purchases. While single individual bits and small accessories may be relatively inexpensive, gamers typically purchase such products in quantity to use them in constructing large “armies” of toy soldiers. Therefore, gamers tend to be very knowledgeable about their hobby and are careful in purchasing models and accessories.

4. Chapterhouse's products are cast from pewter or gray resin. All Chapterhouse products are sold and shipped unpainted, so that players may paint the products themselves.

5. Where CHS's products are shown painted on its website, it is to show the products to their best advantage, and to enable customers to see fine details that might not otherwise be clearly visible were they not shown in contrasting colors. Some color choices are dictated by the subject matter of the CHS products: for instance, skulls are often painted bone-white; flames may be painted predominantly red and orange; dragons may be painted in green; insignia are often painted in primary colors for visibility.

6. In April, 2009, Chapterhouse launched its website at [www.chapterhousestudios.com](http://www.chapterhousestudios.com). Since its launch, Chapterhouse's website has featured a prominent notice on every page disclaiming any affiliation with GW.

7. Chapterhouse manufactures and distributes a product called "SXV-141 Super Heavy Walker" (the "Walker Model"). The Walker Model has never been named a "'Tau' Super Heavy Walker," and was not "launched" as a "'Tau' Super Heavy Walker."

8. I have reviewed Exhibit A to Games Workshop's Answer to Interrogatory No. 1 (the "Second Rev. Copyright Claims Chart"). The product Games Workshop refers to in its Second Rev. Copyright Claims Chart as product no. 110 has not yet been received from the casting company that is manufacturing the finished products, and has never been sold or offered for sale.

9. I have reviewed GW's Motion for Summary Judgment and supporting papers, including GW's Statement of Undisputed Facts. GW's Exhibit 126, which is depicted at GW's Statement of Undisputed Facts No. 59, is not a picture of a Chapterhouse product.

10. GW misleadingly claims in its Statement of Undisputed Facts No. 50 that Chapterhouse’s “Tervigon Conversion Kit for Carnifex Model” (the “Kit”) “contains the same unique characteristics as Games Workshop’s depiction of a Tervigon, including two small hind legs, four large pointed legs that each have a small horn extending off the ‘elbow’ of the leg, several bony protrusions that extend off the back of the creature, and the overall stance of the creature.” This claim is inaccurate and very misleading. The features GW describes are not part of Chapterhouse’s accused product. Rather, they are features of GW’s own pre-existing “Carnifex” figure. GW reproduces an image of Chapterhouse’s Kit from the Chapterhouse website, that shows the Kit assembled on top of a GW model (for purposes of showing fit and compatibility). The features GW describes are parts of the GW “Carnifex” model, not the Chapterhouse Kit. In addition, GW misleadingly shows an assembled version of its own “Carnifex” model that omits the relevant features – even though GW’s “Carnifex” model as sold does include those features. **Exhibit A** is a true and correct copy of the image from Chapterhouse’s website showing the entire “Tervigon Conversion Kit for Carnifex Model” unassembled and unpainted.

11. I have reviewed GW’s Exhibit 67, part of which reproduces this image of Chapterhouse’s “Mycetic Spore Pod” product from the Chapterhouse website:

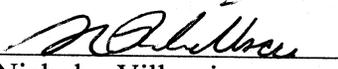


The painted figures in this image are not Chapterhouse products, and are presented only to give customers a sense of scale and show compatibility of Chapterhouse's "Mycetic Spore Pod" product with other 28mm scale miniature figures.

12. I am familiar with the websites Belloflostsouls.net; Dakkadakka.com; Heresy-online.net; Warseer.com; and invasionkenosha.com. Each of the sites Belloflostsouls.net, Dakkadakka.com, Heresy-online.net, and Warseer.com is devoted to news and discussion about wargaming in general, including numerous games other than Warhammer 40,000, non-Games Workshop wargames, independent miniatures companies, and other aspects of the miniature wargaming hobby. The website at www.invasionkenosha.com is not a "public internet forum" but a site devoted to an annual wargaming tournament held in Wisconsin.

I declare under the penalty of perjury that the foregoing is true and accurate.

Dated: September 6, 2012

By:   
Nicholas Villacci

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