

EXHIBIT E

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PARAMOUNT PICTURES)
CORPORATION, a Delaware)
corporation; and CBS)
STUDIOS, INC., a Delaware)
corporation,)

Certified Copy

) Case No. 2:15-cv-09938-RGK-E

Plaintiffs,)

vs.)

AXANAR PRODUCTIONS, INC., a)
California corporation; ALEC)
PETERS, an individual, and)
DOES 1-20,)

Defendants.)

VIDEOTAPED DEPOSITION OF TERRY McINTOSH

Date and Time: Friday, October 28, 2016
1:32 p.m. - 4:59 p.m.

Location: 2200 Sixth Avenue, Suite 245
Seattle, Washington

Reporter: Ronald L. Cook
CCR, CRR, RDR, FAPR

Job No. 8140

01:53 1 some gaming videos of that Axanar mod for Sins of a
2 Solar Empire and instead I found like dozens of empty
3 videos claiming to be 'Axanar full movie,' all of them
4 created minutes or hours ago. I'm just bringing it to
01:54 5 attention."

6 Is this post familiar to you?

7 A. The concept behind it is quite familiar
8 to me, yes.

9 Q. Do you see there's a post that says
01:54 10 "Terry McIntosh" on July 28th at 1:58 p.m., and it has
11 a red box around it?

12 A. Yes.

13 Q. And it says, "Terry McIntosh If we knew
14 who is making them then we'd have them taken out,
01:54 15 Adam. In the meantime, when our registered trademark
16 for Axanar is back from the feds then we'll be
17 enrolled in YouTube's program that will automatically
18 filter them out."

19 A. Yes.

01:54 20 Q. Did you write that?

21 A. Yes. I remember writing this one
22 specifically.

23 Q. Were there discussions at Axanar
24 regarding trademarking Axanar?

01:54 25 A. Yes.

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Q. What were those discussions?

A. It came about specifically for this type of matter. One thing I've noticed is those who pirate movies and charge folks to be able to screen them online, say a movie that is still in the theaters or a televisions series that is popular, those who don't wish to buy it on Amazon.com or somewhere else, they'll post it through a fraudster streaming service. Some movies that haven't even come out yet, in order to lure people in by polluting search engine results, will put "Axanar full movie" on a fake video clip on these fraudster sites to lure people to click on them. They'll be redirected to a place where they can enter their PayPal information and give actual money to these typically overseas fraudsters, and find out that, A, what they're looking for doesn't actually exist, B, they're now out the money, and, C, they might find some pirated movies of some kind they can watch but not specifically this.

That was an irritant because it made Axanar look bad. You know, someone could go there, be pilfered out of cash, and then come back and complain to us, you know, how -- "us" meaning Axanar Productions when I was a part of it, that they weren't able to watch the Axanar full movie.

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So there was talk of a way to -- rather than one at a time go to YouTube and shoot them down as fake videos that were luring people into some sort of scam, that a trademark application could be made

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for the word "Axanar," which I remember specifically going to the trademark website for the government and seeing that it was not currently protected. That we could do that and engage in YouTube's program that would scan for the word "Axanar" automatically,

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flag -- at least bring it to our attention that videos exist like that, and then potentially pull them out or knock them off of YouTube as a scam or a fake

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automatically, which would lower the burden of myself or other people who were forced to waste time to deal

01:57 15

with that issue.

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Q. You mentioned potentially trademarking the word "Axanar." Was there anything else that was discussed in terms of something that would be trademarked relating to Axanar?

01:57 20

A. I specifically remember the word "Axanar." I don't remember anything else.

22

Certainly they couldn't trademark "Star Trek," and that was one of the things that Alec was concerned about shortly after Prelude to Axanar's release, was getting "Star Trek" off of it, off of

01:57 25

02:47 1 who worked on Axanar?

2 A. I was never paid. Not so much as a
3 penny.

4 Oh. Tobias Richter was paid for his
02:48 5 contributions, but he's in Germany. He just did the
6 visual effects, purely as a arm's length business
7 transaction. So for him it was more of a work for
8 hire rather than, Hey, here's a salary kind of thing.

9 And then there were other proper
02:48 10 expenses, arm's length expenses, utilities, things of
11 that nature, that were paid.

12 Q. Why were some people paid while others
13 were not?

14 A. Good question. I have no idea.

02:48 15 Q. Who was responsible for deciding who
16 would be paid?

17 A. Alec, exclusively.

18 Q. And who was responsible for deciding how
19 much people were paid?

02:48 20 A. Alec, exclusively.

21 Q. Do you know whether there was an Axanar
22 Productions bank account?

23 A. To my knowledge, there was, yes. A
24 proper business bank account, yes.

02:49 25 Q. What do you know about that bank account?

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PENALTY OF PERJURY

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, TERRY McINTOSH, hereby declare under penalty of perjury that I have read the foregoing deposition and that the testimony contained herein is a true and correct transcript of my testimony, noting the corrections attached.

TERRY McINTOSH

Date: _____

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C E R T I F I C A T E

STATE OF WASHINGTON)
) ss.
COUNTY OF KING)

I, the undersigned Washington Certified Court Reporter, pursuant to RCW 5.28.010, authorized to administer oaths and affirmations in and for the State of Washington, do hereby certify:

That the foregoing deposition of the witness named herein was taken stenographically before me and reduced to a typed format under my direction;

That, according to CR 30(e), the witness was given the opportunity to examine, read and sign the deposition after same was transcribed, unless indicated in the record that the review was waived;

That all objections made at the time of said examination have been noted by me;

That I am not a relative or employee of any attorney or counsel or participant and that I am not financially or otherwise interested in the action or the outcome herein;

That the witness coming before me was duly sworn or did affirm to tell the truth;

That the deposition as transcribed is a full, true and correct transcript of the testimony, including questions and answers and all objections, motions and exceptions of counsel made at the time of the foregoing examination;

That as a matter of firm policy, the stenographic notes of this transcript will be destroyed three years from the date appearing on this transcript, unless notice is received otherwise from any party or counsel hereto on or before said date.

RONALD L. COOK, CCR, RMR, CRR
State of Washington CCR #2523