

Garry E. Kitchen
SGK Service Inc.
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EDUCATION

Bachelor of Science, Electrical Engineering, 1980
Fairleigh Dickinson University, Teaneck, New Jersey
Eta Kappa Nu Honor Society, 1977-1980
Engineering Merit Scholarship - Matsushita Corp, 1978-1979

AFFILIATIONS

International Game Developers Association (IGDA)
Academy of Interactive Arts and Sciences (AIAS)
Institute of Electrical & Electronics Engineers (IEEE)
Eta Kappa Nu - Honor Society of the IEEE
National Academy of Television Arts & Sciences (NATAS)
Board of Advisors – National Videogame Museum (nvmusa.org)
Board of Advisors – Fairleigh Dickinson University School of the Arts
BOSSLEVEL - The World's Top 100 Game Developers (invitation only)
Elite Expert for IMS Expert Services, Pensacola, Florida
Guidepoint Global (FNA Vista Research - Society of Industrial Leaders)
Coleman Research Group

EXPERIENCE

- Conceived and led development of Nickelodeon's AddictingGames mobile app for iOS, which rose to #1 in the Apple app store within 72 hours of launch, becoming the most downloaded app in Viacom's history.
- 30+ years of technical management experience running game development companies, with an unmatched 17 years of management experience in Internet gaming.
- Hands-on technical and creative experience in all genres of game development, including console, PC retail and download, online, mobile and dedicated electronic.
- Leading Expert Witness for the video game industry, with over 30 years of experience in technical consulting on patent infringement, copyright, software development, and business issues for clients such as Nintendo, Sony Computer Entertainment, Zynga, Activision, Taito, and Hasbro (see **Expert Consulting Experience** section below).

EXPERIENCE

(cont'd)

- Strategic business planning - a history of anticipating and influencing industry trends with pioneering initiatives:
 - 1980** Reverse engineered the Atari 2600 in anticipation of the video game revolution
 - 1986** Established the 1st North American-based Nintendo development studio
 - 1996** Pioneered *Advergaming* with the launch of LifeSavers' Candystand.com
 - 2005** Applied dynamic in-game advertising technology to casual games
 - 2008** Repositioned Skyworks as leading iPhone publisher with over 25M downloads
- Expertise in developing comprehensive business plans, with application toward raising investment capital, through IPO or private equity placement.
- Recognized as an industry expert in video gaming by numerous trade conferences, including Digital Hollywood, iMedia Breakthrough, GDC, CES, Gamer Technology Conference, Casual Game Conference, Advertising in Games conference, VNU Digital Marketing conference, National Cable Show and the Qualcomm QTech conference.
- Experience in dealing with broadcast and print media, including CNBC, ABC Eyewitness News, CNN, Good Morning Atlanta, The Today Show, Business Week and various consumer and trade publications.
- Personally developed video game software products generating career retail sales in excess of \$350 million.
- Co-founded Skyworks Technologies, Inc., an industry pioneer in *Advergames* - sponsorship-supported video games used as advertising vehicles. Skyworks was named a Top 50 Interactive Agency by Advertising Age for the years 2003 and 2004. Skyworks' client list included Nabisco/Kraft Foods, BMW, Toyota, Ford, PepsiCo, Campbell's, Fox Sports, CBS, Mattel, Weather Channel, Microsoft Network, Yahoo!, Miller Brewing Company, GlaxoSmithKline and MTV.
- Developed strategy and business plan for the Casual Games Network (CGN), Skyworks' initiative applying dynamic in-game advertising to online casual games, partnering with Massive Incorporated.

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EXPERIENCE

(cont'd)

- Co-founded Absolute Entertainment, Inc., console game publisher licensed by Nintendo, Sega, Sony, 3DO and Atari and video game developer of over 100 marketed titles from 1986 to 1995, generating product retail sales of over \$300 million. Successfully lead Absolute through oversold IPO, raising \$12 million.
- Consulted for RCA David Sarnoff Research Labs (1986-1987) on entertainment applications of Digital Video Interactive (DVI), the first technology to store digital full-motion video on a CDROM.
- Designed & programmed Atari 2600 adaptation of hit arcade game Donkey Kong, 1982 wholesale revenues in excess of \$100 million on four million units sold.
- Conceived, designed and developed Bank Shot, an innovative electronic pool game marketed by Parker Brothers, named "10 Best Games of 1980", *Omni Magazine*.
- Reverse-engineered Atari 2600 game system in 1980, creating one of the first third party 2600-compatible game cartridges - Space Jockey.

EMPLOYMENT HISTORY

President/CEO

SGK Service Inc., Danville, California

March 2007 - Present

Vice President Game Publishing

Viacom Media Networks, San Francisco, California

December 2010 - May 2012

Chief Operating Officer

Skyworks Interactive, Inc., Hackensack, New Jersey

December 2007 - September 2009

Chairman, President & CEO

Skyworks Technologies, Inc., Hackensack, New Jersey

November 1995 - December 2007

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EMPLOYMENT HISTORY

(cont'd)

Chairman, President & CEO

Absolute Entertainment, Inc., Upper Saddle River, New Jersey
March 1986 - November 1995

Senior Designer

Activision, Inc., Mountain View, California
June 1982 - March 1986

President

Imaginative Systems Software, New Milford, New Jersey
November 1981 - May 1982

Engineer/Designer

James Wickstead Design Associates, Cedar Knolls, New Jersey
April 1976 - October 1981

HONORS AND AWARDS

- U.S. Patent #8,407,090
Dynamic reassignment of advertisement placements to maximize impression count
Publication date – March 26, 2013
- 2012 Official *WEBBY AWARD* Honoree - Games (Handheld Devices)
AddictingGames Mobile for iOS platform
International Academy - Digital Arts & Sciences WEBBY AWARDS - 2012
- Nomination to *Board of Advisors*
Video Game History Museum (www.vghmuseum.org) - 2010
- Nomination as an *Elite Expert* by IMS Expert Services
IMS Expert Services (www.ims-expertservices.com) - 2009
- Nomination to the Advisory Committee: "Reinventing Advertising: VOD, PVR, Broadband, Games, PODs & Mobile Consortium"
Digital Hollywood - 2005, 2006

HONORS AND AWARDS

(cont'd)

- 2004 Nominee – *Advergame of the Year*
The BMI X3 Adventure
Billboard Digital Entertainment Awards (DECA)
- Lifetime Achievement Award in Video Games
Classic Gaming Expo – 2003
- New Jersey Entrepreneur of the Year - Finalist
Inc. Magazine, Merrill Lynch and Ernst & Young - 1993
- Best Simulation Game
Super Battletank
Game Informer Magazine - 1992
- Sega Seal of Quality Award Nominee - Best Flying/Driving Genesis
Super Battletank
Sega of America - 1992
- Lifetime Achievement Award in Video Games
The Doctor Fad Show
Syndicated educational television program - 1990
- Video Game Designer of the Year
Computer Entertainer Magazine - 1985
- Best Creativity Product - Nominee
Garry Kitchen's GameMaker
SPA Excellence in Software - 1985
- Video Game of the Year - Certificate of Merit
Keystone Kapers
Electronic Games Magazine - 1983
- U.S. Patent #4,346,892
Electronic Pool Game
Bank Shot – handheld game marketed by Parker Brothers - 1981
- Ten Best Games of 1980
Bank Shot
OMNI Magazine - 1980

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HONORS AND AWARDS

(cont'd)

- The Games 100 - The Top 100 Games of 1980

Bank Shot

Games Magazine – 1980

- Engineering Merit Scholarship
Panasonic / Matsushita Corporation of Japan
Fairleigh Dickinson University - 1978, 1979

PUBLICATIONS/SOFTWAREOLOGY

<u>TITLE</u>	<u>PLATFORM</u>	<u>YEAR</u>	<u>PUBLISHER/ LICENSEE</u>	<u>ROLE</u>
Wildfire	Electronic Toy	1979	Parker Brothers	Software
Bank Shot	Electronic Toy	1980	Parker Brothers	Design/Software
Space Jockey	Atari 2600	1980	U.S. Games	Design/Software
3D Supergraphics (with P. Lutus)	Apple II	1980	United Software of America	Assembly Language demos
Reversal	Atari 400/800	1981	Hayden Publishing	Atari conversion from Apple II
Bellhop	Apple II	1982	Hayden Publishing	Co-design/Software
Donkey Kong	Atari 2600	1982	Coleco	Software
Keystone Kapers	Atari 2600	1983	Activision	Design/Software
Pressure Cooker	Atari 2600	1983	Activision	Design/Software
Ghostbusters	Atari 2600	1985	Activision	Software
The Designer's Pencil	C64	1984	Activision	Design/Software
Garry Kitchen's GameMaker	C64	1985	Activision	Design/Software
Crossbow	C64	1986	Absolute	Co-design/Software
Stealth ATF	NES	1989	Activision	Co-design/Software
A Boy and His Blob	NES	1990	Absolute	Co-design/Software
Battletank	NES	1990	Absolute	Design/Software
Destination Earthstar	NES	1990	Acclaim	Co-design/Software
The Simpsons: Bart vs the Space Mutants	NES	1991	Acclaim	Co-design/Software
Home Alone	SNES	1992	THQ	Co-design/Software
Super Battletank: War in the Gulf	SNES	1992	Absolute	Design/Software
The Simpsons: Bart vs the World	NES	1992	Acclaim	Co-design/Software
Super Battletank 2	SNES	1993	Absolute	Co-design/Software
LifeSavers Chomp	CDROM	1996	LifeSavers	Co-design/Software
Candystand Yipes Hang Gliding	Web/online	1997	LifeSavers	Design/Software
Candystand Yipes Skate Race	Web/online	1997	LifeSavers	Design/Software
Candystand Video Poker	Web/online	1997	LifeSavers	Design/Software
Candystand Yipes Coloring Book	Web/online	1997	LifeSavers	Design/Software
Candystand Grafitti Contest	Web/online	1997	LifeSavers	Design/Software
Candystand Where in the world...	Web/online	1997	LifeSavers	Design/Software
Bet Your Lifesavers TV Trivia	Web/online	1997	LifeSavers	Design/Software
Candystand Snowboarding	Web/online	1997	LifeSavers	Design/Software
Nabisco Chipulator	Web/online	1997	Nabisco	Design/Software

Bubble Yum Screensaver	Web/online	1998	LifeSavers	Design/Software
Candystand Gummiworks Construction Kit	Web/online	1998	LifeSavers	Design/Software
Ford Basketball Shootout	Web/online	1998	Ford	Design/Software
H.O.R.S.E. Basketball Shootout	Web/online	1998	Sportcut	Design/Software
Bet Your Lifesavers '80s TV Trivia	Web/online	1998	LifeSavers	Design/Software
Fruit Stripe Puzzle game	Web/online	1999	LifeSavers	Design/Software
Ford Fallout	Web/online	1999	Ford	Design/Software
Premium Jigsaw Puzzle Palace	Web/online	1999	Nabisco	Design/Software
Nabiscoworld Ball Toss	Web/online	1999	Nabisco	Design/Software
Nabiscoworld Holiday House	Web/online	1999	Nabisco	Design/Software
Nabiscoworld Greeting Cards	Web/online	1999	Nabisco	Design/Software
S.I. H.O.R.S.E. Basketball Shootout	Web/online	1998	CNN/SI	Design/Software
Candystand Flavor Factory	Web/online	2000	LifeSavers	Design/Software
Candystand 2 Minute Drill	Web/online	2000	LifeSavers	Design/Software
Cornnuts Nuttin' But Net	Web/online	2000	Nabisco	Design/Software
Bell Atlantic Nothing But Net	Web/online	2000	Bell Atlantic	Design/Software
Home Run Derby	Web/online	2001	Century 21	Design/Software
Big League Bash	Web/online	2001	Fox Sports	Design/Software
Kraft Puzzle Maker	Web/online	2001	Kraft	Design/Software
GSK Trivia	CDROM	2001	GSK	Design/Software
Stars Academy Mess of Mass	Web/online	2001	Stars Academy	Design/Software
Stars Academy Space Trivia	Web/online	2001	Stars Academy	Design/Software
GSK Coloring Book	Web/online	2001	GSK	Design/Software
Big Barney Chase board game	Web/online	2001	Kraft/Post	Design/Software
Mission Code Red	Web/online	2001	Pepsi	Design/Software
Trolli Kaboom	Web/online	2002	LifeSavers	Design/Software
Candy Drops	Web/online	2002	LifeSavers	Design/Software
Smack Dab in the Middle	Web/online	2002	Nabisco	Design/Software
Intelsat Satellite game	CDROM	2002	Intelsat	Design/Software
Red & Ned racing	Web/online	2002	Kraft	Design/Software
Tombstone Racer	Web/online	2003	Tombstone Pizza	Design/Software
Barney Spy Caper	Web/online	2005	Kraft/Post	Software
Dandy Drops	Web download	2004	Skyworks	Design/Software
VU Role Playing Game	Web/online	2004	LifeSavers	Design/Software
Acrobats	Web/online	2004	Nabisco	Design/Software
Air Hockey	Web/online	2004	LifeSavers	Design/Software
Poker Puzzle	Web/online	2004	Nabisco	Design/Software
Board Game of Life	Web/online	2004	Fidelity	Design/Software
Swap and Drop	Web/online	2004	Weightwatchers	Design/Software

Craver Catch	Web/online	2005	Kraft/Post	Design/Software
Acrobats Deluxe	Web download	2005	Skyworks	Design/Software
March of the Penguins	DS	2006	DSI	Design
Grind and Grab	Web/online	2006	LifeSavers	Design/Software
Spiderman City game	Web/online	2007	Kraft/Nabisco	Design/Software
Arcade Hoops	iOS	2008	Skyworks	Co-design/Software
Arcade Bowl	iOS	2008	Skyworks	Software
Air Hockey	iOS	2009	Skyworks	Design
World Cup Table Tennis	iOS	2009	Skyworks	Exec Producer/Design
Match 3 Poker	iOS	2009	Skyworks	Design/Software
Skyscrapers	iOS	2009	Skyworks	Design/Software
Iron Horse	iOS	2010	AppStar Games	Co-design
Fling Pong	iOS	2010	AppStar Games	Design/Software
Leslie West String Benda'	iOS	2010	AppStar Games	Co-design
Jelly Cannon	iOS	2012	Nickelodeon	Executive Producer
Addicting Games	iOS	2012	Nickelodeon	Exec Producer/Design
Scribble Hero	iOS	2012	Nickelodeon	Executive Producer

EXPERT CONSULTING EXPERIENCE (PAST 5 YEARS)

Year	Law Firm	Client	Case	Description	Report/ Declaration	Deposition	Court Testimony
2018-	Quinn Emanuel Urquhart & Sullivan, LLP	AM General LLC	AM General LLC v. Activision Blizzard, Inc., Activision Publishing, Inc., and Major League Gaming Corp.	Video game-related copyright and trademark infringement case			
2018-	Wong & Leow LLC (Associated with Baker & McKenzie)	David Ian Storey	DAVID IAN ANDREW STOREY V PLANET ARKADIA PTE. LTD. & 2 ORS	Video game-related contractual dispute/ copyright infringement case			
2018	n/a	Behaviour Interactive	Bethesda Softworks LLC v. Behaviour Interactive, Inc. and Warner Bros. Entertainment, Inc.	Pre-litigation analysis for game developer re: video game-related copyright infringement case	√		
2018	Erise IP	Ubisoft, Inc.	Ubisoft, Inc. v. Uniloc USA, INC. and Uniloc LUXEMBOURG S.A.,	Video game-related patent IPR			
2018-	Quinn Emanuel Urquhart & Sullivan, LLP	NetEase, Inc., NetEase Information Technology Corporation and Hong Kong NetEase Interactive Entertainment Limited	PUBG Corporation and PUBG Santa Monica, Inc., vs. NetEase, Inc., NetEase Information Technology Corporation and Hong Kong NetEase Interactive Entertainment Limited	Video game-related copyright infringement case			
2018	Perkins Coie	Nintendo Co. Ltd., and Nintendo of America Inc.	Gamevice, Inc. v. Nintendo Co., Ltd., and Nintendo of America Inc.	Video game-related patent infringement case	√		
2018-	Sidley Austin LLP	Riot Games, Inc.	Paltalk Holdings, Inc. v. Riot Games, Inc.	Video game-related patent infringement case			
2018	Latham & Watkins	Harmony Gold U.S.A. Inc.	Harmony Gold U.S.A. Inc. v. Piranha Games Inc.	Copyright infringement case			
2018-	Manatt	Ironburg Inventions Ltd.	Ironburg Inventions Ltd. v. Valve Corporation	Video game controller-related patent infringement case	√	√	
2018	Morrison Foerster	Lego Systems, Inc. and Warner Bros. Interactive Entertainment, Inc.	FigureFun LLC v. Lego Systems, Inc. and Warner Bros. Interactive Entertainment, Inc., Case No. 1:17-cv-01516 (D. Del.)	Video game-related patent IPR	√		

2017	Gerard Fox Law, P.C.	Just Games Interactive Entertainment, LLC, D/B/A, King Fu Factory	JUST GAMES INTERACTIVE ENTERTAINMENT, LLC, d/b/a, KING FU FACTORY, vs. SCOPELY, INC., Respondent and Counterclaimant., JAMS Arbitration Proceeding	Video game-related contract dispute	√	√	
2017	Gerard Fox Law, P.C.	CI Games S.A.	Original Force, Inc. v. CI Games S.A. and DOES 1 through 10, JAMS Arbitration Proceeding, Los Angeles Division	Video game-related contract dispute	√		√ (arbitration hearing)
2017	Brownstein Hyatt Farber Schreck	BWIN.PARTY Digital Entertainment, PLC	CG Technology Development, LLC. Patent re-examination	Pre-litigation, online game-related IPR	√	√	
2017	Baker Botts LLP	Wargaming Group Limited.	Game and Technology Co. Ltd. Patent re-examination	Pre-litigation, video game-related IPR	√	√	
2017	Duane Morris LLP	Deported Games	n/a	Pre-litigation, video game-related contract dispute	√		
2017	Gilbert's LLP	Confidential	Confidential Arbitration Proceeding, Toronto, Canada	Software contract dispute	√	√	
2016	Erise IP	FanDuel Inc.	CG Technology Development, LLC. Patent re-examination	Video game-related litigation and IPR	√	√	
2016	N/A	United States Department of the Treasury	Confidential	Confidential	√		
2016-	Gilbert's LLP	Ceridian Dayforce Inc.	Ceridian Dayforce Inc. v. Daniel Wright, The Ultimate Software Group Of Canada, Inc. and The Ultimate Software Group, Inc. Ontario Superior Court of Justice, Canada	Trade Secret case involving HCM software	√	√	
2016	The Paynter Law Firm, PLLC	Bubble Pony, Inc. and Patrick Glynn	Bubble Pony, Inc., et al v. FacePunch Studios Ltd., et al	Contractual dispute regarding software development for video games.	√	√	
2016-	Gilbert's LLP	AmTote International	AmTote International Inc. v. Kentucky Downs, LLC, et al. U.S. District Court, Western District of Kentucky, Bowling Green Division	Trade Secret case regarding historical horse racing wagering and totalisator technology.	√		
2015	Cooley LLP	Oculus VR, LLC, Palmer Luckey and Facebook, Inc.	ZeniMax Media Inc. and Id Software LLC v. Oculus VR, LLC, Palmer Luckey and Facebook, Inc. (Case No. 3:14-cv-01849-P, N.D. Tex.)	Contractual dispute regarding video game and virtual reality software.			

2015	Law Offices of Gerard Fox, Inc.	Min Productions Pte. Ltd.	Min Productions Pte. Ltd. v. FireForge, Inc., et al. California Central District Court, Case No. 8:14-cv-00941, Filed 06/18/2014	Contractual dispute regarding software development for video games.	√	√	
2015	Arnold & Porter, LLP	Machine Zone, Inc.	Machine Zone, Inc. v. Ember Entertainment, Inc. U.S. District Court Northern District of California San Jose Division, Case No. 5:15-cv-01554, Filed 04/03/2015	Video game related copyright infringement case.			
2015	Quinn Emanuel	uCool, Inc.	Lilith Games (Shanghai) Co. Ltd. v. uCool, Inc. U.S. District Court Northern District of California, Case No. 3:15-cv-1267, Filed 03/18/2015	Video game related copyright infringement case.	√		
2015	Quarles & Brady	Sony Computer Entertainment America Inc.	RDMI LLC v. SCEA LLC, U.S. District Court Northern District of California San Jose Division, Case No. 5:14-cv-03928-PSG, Filed 8/29/2014	Video game related patent infringement case.	√		
2015	Reed Smith	Nintendo of America, Inc.	Motion Games, LLC v Nintendo Co., LTD; Nintendo of America, Inc.; Retro Studios, Inc.; Rent-A-Center; and Gamestop Corp. U.S. District Court for the Eastern District of Texas Tyler Division, Cause No. 6:12-cv-878-RWS-JDL, filed 11/16/2012	Video game related patent infringement case.	√	√	
2015	Munck Wilson Mandala	Cinsay, Inc.	Cinsay, Inc. v. Joyus, Inc.; In the United States District Court for the Northern District of Texas, Dallas Division, Civil Action No. 3:13-cv-3628-K, Filed 9/10/2013	Patent infringement case involving the placement of interactive advertising within video productions.	√		
2014	Lerner, David, Littenberg, Krumholz & Mentlik	Sony Computer Entertainment America Inc. and Sony Computer Entertainment Inc.	Immersion Corporation v. Sony Computer Entertainment America Inc. and Sony Computer Entertainment Inc. Case No: 1100078791, JAMS Arbitration, City and County of San Francisco	Patent infringement case involving haptic feedback on video game controllers.	√		√ (arbitration hearing)
2014	Winston & Strawn	RPX Corporation	n/a	Technical consulting re: video game patent	√		

2014	Standley Law Group LLP	Bob's Space Racers, Inc.	Marvin W. Wimberly Jr. v. Bob's Space Racers, Inc. Case No: 2013 31999 CICI (32), 7 th Judicial Circuit in and for Volusia County Florida, Filed 9/10/2013	Contractual dispute regarding software development for Redemption Arcade video games.	√	√	
2014	Law Offices of Gerard Fox, Inc.	Suhail Calis, Tocali, Inc., ASCII Media, Inc.	Samir Abu-Lughod v. Suhail Calis, et al. No.: CV13-02792-DMG (RZx) U.S. District Court for the Central District of California, Filed 06/05/2013	Video game-related contractual dispute	√	√	√
2014	Erise IP	Ubisoft, Inc.	Guitar Apprentice, Inc. vs. Ubisoft, Inc. No: 2:13-cv-02903 U.S. District Court for the Western District of Tennessee, Filed 11/19/2013	Patent infringement case involving a media system and method for guitar instruction	√		√ (claim construction hearing)
2014	Klarquist Sparkman, LLP, Erise IP	Microsoft Corporation, Sony Computer Entertainment of America, Inc.	ADC Technology, Inc. v. Microsoft Corporation et al. U.S. District Court for the Western District of Washington, Case No. 2:08-cv-01579-RSM, Filed 10/27/2008	Patent infringement case involving an interactive communication system for the rental of digital media	√		
2014	Susman Godfrey/ Heim, Payne & Chorush, LLP	Micrografx LLC	Micrografx LLC, v. Google, Inc., Samsung Telecommunications America, Llc; Samsung Electronics America, Inc.; Samsung Electronics Co., Ltd., U.S. District Court for the Northern District of Texas Dallas Division, Civil Action No. 3:13-cv-03599-D, Filed 9/9/2013	Online graphics technology-related IPR	√	√	