

January 10, 2022

Bart H. Williams
Member of the Firm



Via Email



SCRT Labs
Attn: Guy Zyskind, CEO & Founder

Via Email & Federal Express



Oded Har-Even, Esq.
SULLIVAN & WORCESTER LLP
1633 Broadway
New York, New York 10019

Re: Miramax, LLC / *Pulp Fiction* NFTs

Please Take Notice:

Our firm represents Miramax, LLC and its affiliates (“Miramax”). Miramax holds “all rights (including all copyrights and trademarks) in and to the Film [*Pulp Fiction*] (and all elements thereof in all stages of development and production) now or hereafter known including without limitation the right to distribute the Film in all media now or hereafter known (theatrical, non-theatrical, all forms of television, home video, etc.),” except for certain limited “Reserved Rights” held by Quentin Tarantino.

The recently-announced “NFT auction of fan-favorite moments” from *Pulp Fiction*, with each of the seven indicated NFTs “in the collection” consisting “of a single iconic scene” from *Pulp Fiction*, infringes Miramax’s rights in and to *Pulp Fiction*. This is a problem of which you are undoubtedly aware, not only from Brian Wolf’s November 4, 2021 cease and desist letter to you (to which you did not respond), but also from your own conduct. You had previously used a number of unauthorized images from *Pulp Fiction* and *Kill Bill: Vol. 2* to promote this auction, and only following their identification in Miramax’s complaint against Mr. Tarantino for breach of contract, copyright infringement, trademark infringement, and unfair competition did you remove many of those images.

Your apparent reliance on Mr. Tarantino’s position about his rights to *Pulp Fiction* is misguided. Whatever limited rights Mr. Tarantino has to screenplay publication, they do not permit the minting of unique NFTs associated with Miramax’s intellectual property, and his contrary position is the subject of a pending lawsuit. What your press release calls Mr. Tarantino’s “never-before-seen handwritten screenplay” cannot yet be “iconic” or a “fan favorite,” so it is transparent that you and Mr. Tarantino are trying to capitalize on Miramax’s content, intellectual property rights, and brand.



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Your latest press release notes that the auction is now set to take place “on Secret Network,” which represents a change from the previously announced plans to hold the auction on OpenSea. Presumably OpenSea did not want to aid and abet your willful copyright and other infringements, and your sale would have violated OpenSea’s “Terms of Service,” which require sellers to warrant that their “content does not contain material subject to copyright, trademark, publicity rights, or other intellectual property rights, unless you have necessary permission or are otherwise legally entitled to post the material.” You can make no such representation, and tellingly, Secret Network’s “Terms of Service” and “Privacy Policy” (at <https://scrt.network>) are broken links. Your hosting this auction adds to an already-long list of infringing acts for which you remain liable to Miramax.

Contrary to what you assert you are being told by Mr. Tarantino and his team,

- You do not have the necessary rights to mint the *Pulp Fiction* NFTs described in your press releases and other promotional materials;
- You do not have the necessary rights to market or promote those NFTs; and
- Despite your now having assumed the role of auctioneer, you do not have the necessary rights to promote and sell those NFTs.

Assuming that you (like Mr. Tarantino) plan on going forward with the auction, please be on notice that you are doing so at your own risk, including the risk that you will later owe the proceeds of any sales to Miramax along with other potential damages. We would hope that you also inform prospective purchasers of the risks of purchasing these unauthorized NFTs, including that purchasers may have to return the NFTs to Miramax and forfeit the price they paid for such NFTs, and that purchasers may incur additional liability in the event they later sell the unauthorized NFTs (including the potential for statutory damages).

Nothing stated herein is intended to be, nor should it be construed as, a waiver of any rights or remedies, all of which are hereby expressly reserved. In the meantime, should you have any questions, you may contact me directly.

Sincerely,

Bart H. Williams

cc: Bryan Freedman, David Nimmer