

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

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U.S. DISTRICT COURT
CLERK

TECMO, INC., and TECMO, LTD.

Plaintiffs,

v.

MIKE GREILING, WILL GLYNN,
and DOES 1 THROUGH 100,

Defendants.

05C 0394

Civil Action No.

JUDGE KOCORAS

Judge _____

Magistrate _____

MAGISTRATE JUDGE LEVIN

COMPLAINT FOR INJUNCTIVE RELIEF AND DAMAGES

Plaintiffs, Tecmo, Inc. and Tecmo, Ltd. (collectively "Tecmo", or "Plaintiffs"), as and for their Complaint against the above-named defendants, through its undersigned counsel, Kelley Drye & Warren, LLP, alleges, upon knowledge as to its own acts and upon information and belief as to all other matters, as follows:

NATURE OF ACTION

1. This is an action for direct and indirect infringement of a registered copyright in violation of the Copyright Act, as amended, 17 U.S.C. § 501; for direct and indirect circumvention of copyright protection systems in violation of the Copyright Act, as amended, 17 U.S.C. § 1201(a)(1)(A), and for trafficking in technology designed for the purpose of circumventing copyright protection systems in violation of the Copyright Act, as amended, 17 U.S.C. § 1201(a)(2); passing off in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a); for unfair business practices in violation of the Uniform Deceptive Trade Practices Act,

815 ILCS § 510/2, for substantial and related claims of unfair competition under the common law of the State of Illinois.

2. This action is brought to recover damages caused by reason of, and for injunctive relief against, defendants' acts of copyright infringement. Defendants have created, maintained and are members of a message board located at the website "www.ninjahacker.net" (the "Message Board"). Tecmo has suffered, and presently is suffering, damages as a result of defendants posting tools on the Message Board to be used to tunnel into the software used for certain of Tecmo's video games, decompiling Tecmo source code for the purpose of copying the source code and reassembling it on an external hard drive, and posting the modified source code on the Message Board to be downloaded by the public. Plaintiffs have been grievously damaged by defendants' acts and are threatened with continuous and irreparable injury unless a permanent injunction is issued as prayed for hereinafter.

THE PARTIES

3. Plaintiff, Tecmo, Inc., is a corporation organized under the laws of the State of California with its principal place of business at 21235 Hawthorne Blvd, Suite 205, Torrance, California 90503.

4. Plaintiff, Tecmo, Ltd., is a corporation organized under the laws of Japan, with its principal place of business at 4-1-34, Kudan-kita Chiyoda-ku, Tokyo, Japan.

5. Upon information and belief, defendant Mike Greiling is an individual with an address at 9826 Purgatory Rd., Eden Prairie, Minnesota 55347.

6. Upon information and belief, defendant Will Glynn is an individual with an address at 3241 S. Wabash Ave., Box 314, Chicago, Illinois 60616.

7. Upon information and belief, Does 1 through 100 are individuals and/or business entities whose identities and addresses are, as yet, unknown. Messrs. Greiling and Glynn together with Does 1-100 shall be known collectively as "Defendants."

JURISDICTION AND VENUE

8. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331, 1332, and 1338. The parties are citizens of diverse states, and the matter in controversy, exclusive of interest and costs, exceeds in value the sum specified by 28 U.S.C. § 1332.

9. Venue in this jurisdiction is proper under 28 U.S.C. §§ 1391 and 1400.

STATEMENT OF FACTS

Tecmo's Proprietary Rights

10. Tecmo is a leader in the interactive entertainment industry and a premier publisher of entertainment software.

11. Tecmo produces games for use on PlayStation, PlayStation 2, Xbox, Game Boy, and Dreamcast video game consoles.

12. Among the games produced and distributed by Tecmo are Tecmo's popular DEAD OR ALIVE series of video games and NINJA GAIDEN game. The games in the DEAD OR ALIVE series are DEAD OR ALIVE, DEAD OR ALIVE 2, DEAD OR ALIVE XTREME BEACH VOLLEYBALL, DEAD OR ALIVE 3, and DEAD OR ALIVE ULTIMATE. The games of the DEAD OR ALIVE series and the NINJA GAIDEN game are collectively identified herein as the "Tecmo Games").

13. The Tecmo Games are created by source code and software models that are original material, copyrightable under the laws of the United States. The rights to this original material rest in Tecmo and its successors in interest. Tecmo has fully complied with the

Copyright Act of 1976, 17 U.S.C. §101, *et. seq.*, and all other laws governing copyright, including holding the following certificates of registration granted by the Copyright Office to Tecmo, Ltd. for the Tecmo Games:

<u>Registration</u>	<u>Date</u>	<u>Title</u>
PA 1-086-536	12/26/2001	Dead or Alive 3
PA 1-195-863	04/07/2003	Dead or Alive Xtreme Beach Volleyball
PA 1-232-223	05/28/2004	Ninja Gaiden

True and correct copies of these certificates are annexed to this complaint as Exhibits 1-3.

14. Tecmo has always placed copyright notices on all copies of any materials created or released by Tecmo, and all such materials have been created in conformity with the Copyright Act of 1976, and all other laws governing copyright.

15. Tecmo's games are developed through tremendous effort and at great expense to the company. Tecmo employs numerous game designers, artists, producers and programmers who conceive and create games.

16. Tecmo complies with the ratings of the Entertainment Software Ratings Board ("ESRB"), the computer game industry's self-regulatory ratings body. Each Tecmo Game is submitted to the ESRB to be rated for age appropriateness.

17. Tecmo explicitly does not allow the alteration of any Tecmo Game.

18. Tecmo places a copyright warning on every copy of the Tecmo Games (the "Copyright Warning").

19. The Copyright Warning provides, in part:

Except as expressly authorized, it is strictly prohibited to reproduce, distribute, exhibit or modify this software and any of its contents, including audio and visual contents. By way of example, to capture, copy or download any of the contents in this software,

including audio and visual contents, onto any hardware or other software source media for any purpose, by the Internet or any other source, is strictly prohibited.

Reversed engineering, decompiling or disassembly of this software is also strictly prohibited.

20. The Tecmo Games are written using real-time 3-D animation software.

Within such software for the Tecmo Games, Tecmo expends significant time and resources developing the computer models of the various characters (the "Tecmo Characters") appearing in the Tecmo Games, including the appearance, personalities, characteristics, dialogue, physics and costumes of the Tecmo Characters.

21. Plaintiff has been careful, skillful and meticulous in the creation of the Tecmo Characters.

22. As a consequence, and as a result of the substantial sales and extensive advertising and promotion of the Tecmo Games, the Tecmo Characters have acquired a fine reputation, and are famous among prospective purchasers of video games in the United States, including the State of Illinois. The public has used and now uses the Tecmo Characters to identify Tecmo and its video games and to distinguish Tecmo and its video games from the video games offered by others, and the Tecmo Characters symbolize and embody the goodwill rightfully belonging exclusively to Tecmo.

Xbox Modifications and Xbox Live

23. The software for the Tecmo Games created for use with the Xbox video game console is designed to be read by and played on an Xbox game console.

24. The Xbox game console, created and distributed by Microsoft, permits users to play video games found on CD-ROMs. The CD-ROM containing the game must be inserted into the Xbox before the game can be played.

25. The hardware of the Xbox does not allow for any type of user programming or permanent modification to the code of the game.

26. Certain users of the Xbox have apparently modified the Xbox console by adding an additional microchip to increase the memory and power of the Xbox. This practice is apparently known as creating a "Modified Xbox."

27. Once an Xbox has been modified, it has the ability to remember all of the programming information for multiple games, even if the CD-ROM containing the game has been physically removed from the Xbox.

28. A Modified Xbox can be connected to a personal computer, allowing the programming information previously contained only on the CD-ROM containing the game to be viewed and downloaded onto the computer.

29. Once the programming information has been downloaded onto a computer, the source code of the video games can be altered, re-loaded onto the Modified Xbox console, and played in its altered state.

30. Microsoft offers an "Xbox Live" subscription service. For either a monthly or yearly fee, Xbox owners can connect through their Xbox machines to other Xbox users in order to communicate with and compete against other players around the world on Xbox platform games.

31. Xbox Live's Use Agreement states: "Unless expressly allowed, you may not modify, copy, distribute, transmit, display, perform, reproduce, publish, license, create derivative works from, transfer, or sell any information, software, or services obtained from or through the Service."

Defendants' Acts

32. Upon information and belief, the primary purpose of the Message Board is to provide a forum in which users of Modified Xbox consoles can post various modifications to the source code for the Tecmo Games.

33. One of the most popular modifications to Tecmo Games on the Message Board is to create a new "skin" for a given Tecmo Character.

34. Defendants' actions in creating a "skin" necessarily involve capturing, copying or downloading the contents of the Tecmo Games software and, in turn, modifying Tecmo's proprietary software for the Tecmo Games.

35. "Posting" a skin means the act of placing a file containing the necessary code to alter a Tecmo Character's appearance on the Message Board, which allows any person accessing the Message Board to copy the file on to their PC's hard drive.

36. Most of the skins posted on the Message Board by Defendants show Tecmo Characters with appearances that are different from the original Tecmo designs. Several skins posted on the Message Board by Defendants are designed to make Tecmo Characters appear naked (the "Modified Characters").

37. Additionally, Defendants have posted instructions and tools to enable other users to circumvent Tecmo's copyright protection systems, illegally access Tecmo software, and decompile Tecmo source code.

38. Despite having no permission from Tecmo to modify, copy, distribute, transmit, display, perform, reproduce, publish, license, create derivative works from, or transfer any part of any Tecmo Game, Defendants have posted hundreds of Modified Characters on the Message Board for download and use on Modified Xbox consoles.

39. By posting these Modified Characters on the Message Board, Defendants have made integral parts of Tecmo's source code, including the computer models for the Tecmo Characters, available for public download.

COUNT ONE

Direct Copyright Infringement

40. Tecmo repeats and realleges each and every allegation contained in paragraphs 1 through 39, inclusive, as though fully set forth herein.

41. Defendants' actions, as stated above, constitute copyright infringement under the Copyright Act, as amended, 17 U.S.C. § 101 *et seq.* and particularly § 501(a) thereof.

42. Defendants' actions, as stated above, constitute a direct infringement of Tecmo's exclusive right under copyright to reproduce and distribute copies of copyrighted works, as defined under 17 U.S.C. § 106(1) and (3).

43. Defendants' actions, as stated above, constitute a direct infringement of Tecmo's exclusive right under copyright to prepare derivative works based upon copyrighted works, as defined under 17 U.S.C. § 106(2).

44. Upon information and belief, the infringement of Tecmo's rights in the Tecmo Games by defendants as alleged above was undertaken willfully, as that term is defined in 17 U.S.C. § 504(c)(2).

45. The aforesaid acts of defendants have caused and, unless said acts are restrained by this Court, will continue to cause Tecmo to suffer immediate and irreparable injury.

46. Tecmo has no adequate remedy at law.

COUNT TWO

Contributory Copyright Infringement

47. Tecmo repeats and realleges each and every allegation contained in paragraphs 1 through 46, inclusive, as though fully set forth herein.

48. By its very nature, the Message Board created, maintained and contributed to by Defendants induces, causes and materially contributes to the direct infringement of Tecmo's copyrights in and to the Tecmo Games and the Tecmo Characters.

49. Defendants knew or should have known that a significant number of the users of the Message Board are circumventing Tecmo's copyright protection systems, illegally accessing Tecmo software, decompiling Tecmo source code, and modifying Tecmo's source code in direct infringement of Tecmo's copyrights in and to the Tecmo Games and the Tecmo Characters.

50. Defendants' actions, as stated above, constitute a direct infringement of Tecmo's exclusive rights under copyright as defined under 17 U.S.C. § 106 by contributing to the infringing activity of end users so substantially as to be directly liable for the end-user's infringing activity.

51. Defendants' actions, as stated above, constitute contributory copyright infringement of Tecmo's exclusive rights under copyright as defined under 17 U.S.C. § 106.

52. Defendants' actions, as stated above, constitute vicarious infringement of Tecmo's exclusive rights under copyright as defined under 17 U.S.C. § 106.

53. Defendants' actions, as stated above, constitute active inducement of infringement of Tecmo's exclusive rights under copyright as defined under 17 U.S.C. § 106.

54. Upon information and belief, the aiding, abetting, contributing to and participating in the infringement of Tecmo's rights in the Tecmo Games by defendants as alleged above was undertaken willfully, as that term is defined in 17 U.S.C. §504(c)(2).

55. The aforesaid acts of defendants have caused and, unless said acts are restrained by this Court, will continue to cause Tecmo to suffer immediate and irreparable injury.

56. Tecmo has no adequate remedy at law.

COUNT THREE

Circumvention of Copyright Protection Systems and Trafficking in Circumvention Technology

57. Tecmo repeats and realleges each and every allegation contained in paragraphs 1 through 56, inclusive, as though fully set forth herein.

58. Defendants' actions, as stated above, constitute direct circumvention of a technological measure that effectively controls access to a copyright work in violation of Section 1201(a)(1)(A) of the Copyright Act, as amended, 17 U.S.C. § 1201(a)(1)(A).

59. Defendants' actions, as stated above, constitute direct offering to the public, providing or otherwise trafficking in technology that is primarily designed or produced for the purpose of circumventing a technological measure that effectively controls access to a copyrighted work, or has only limited commercially significant purpose or use other than to circumvent such a technological measure, or is marketed by some or all defendants with their knowledge for use in circumventing such a technological measure, in violation of Section 1201(a)(2) of the Copyright Act, as amended, 17 U.S.C. § 1201(a)(2)(A), (B) and/or (C).

60. Defendants' actions, as stated above, constitute contributory violations of the prohibitions against circumvention of copyright protection systems and against trafficking in such circumvention technology under 17 U.S.C. § 1201(a).

61. Defendants' actions, as stated above, constitute vicarious violations of the prohibitions against circumvention of copyright protection systems and against trafficking in such circumvention technology under 17 U.S.C. § 1201(a).

62. Defendants' actions, as stated above, constitute active inducement of violations of the prohibitions against circumvention of copyright protection systems and against trafficking in such circumvention technology under 17 U.S.C. § 1201(a).

63. The aforesaid acts of defendants have caused and, unless said acts are restrained by this Court, will continue to cause Tecmo to suffer immediate and irreparable injury.

64. Tecmo has no adequate remedy at law.

COUNT FOUR

Lanham Act – Passing Off

65. Tecmo repeats and realleges each and every allegation contained in paragraphs 1 through 64, inclusive, as though fully set forth herein.

66. Use by defendants of the Modified Characters on and in connection with the Tecmo Games conveys the misleading commercial impression to the public that defendant's Modified Characters are created by, approved by, sponsored by or are somehow affiliated or connected with Tecmo.

67. Upon information and belief, defendants' acts have been and are being committed with the purpose and intent of appropriating and trading upon the goodwill and reputation of the Tecmo Characters and of passing off defendants' Modified Characters as and for the Tecmo Characters.

68. The aforesaid acts of defendants, namely, the use of the Modified Characters in connection with Tecmo Games, constitutes passing off in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

69. The aforesaid acts of defendants have caused and, unless said acts are restrained by this Court, will continue to cause Tecmo to suffer irreparable injury.

70. Tecmo has no adequate remedy at law.

COUNT FIVE

Illinois Unfair Competition

71. Tecmo repeats and realleges each and every allegation contained in paragraphs 1 through 70, inclusive, as though fully set forth herein.

72. The aforesaid acts of defendants constitute unfair competition and unfair business practices in violation of the Uniform Deceptive Trade Practices Act, 815 ILCS § 510/2.

73. The aforesaid acts of defendants have caused and, unless said acts are restrained by this Court, will continue to cause Tecmo to suffer irreparable injury.

74. Tecmo has no adequate remedy at law.

COUNT SIX

Common Law Unfair Competition

75. Tecmo repeats and realleges each and every allegation contained in paragraphs 1 through 74, inclusive, as though fully set forth herein.

76. The aforesaid acts of defendants constitute unfair competition in violation of Tecmo's rights under the common law of the State of Illinois.

77. The aforesaid acts of defendants have caused and, unless said acts are restrained by this Court, will continue to cause Tecmo to suffer irreparable injury.

78. Tecmo has no adequate remedy at law.

WHEREFORE, Tecmo respectfully prays that this Court enter an Order:

(a) That defendants Greiling, Glynn and Does 1 through 100 and their directors, officers, agents, servants, employees, attorneys, successors and assigns, and all persons

in active concert or participation with them, or any of them, be preliminarily and permanently enjoined and restrained from: (i) infringing Tecmo's copyrights listed above; (ii) violating the prohibitions on circumvention of copyright protection systems and trafficking in circumvention technology; (iii) competing unfairly with Tecmo; and (iv) misappropriating Tecmo's good will.

(b) Requiring Defendants to cease operating the Message Board, as well as any colorable imitation thereof, preliminarily and permanently, whether at the <www.ninjahacker.net> website or at any other domain, address, location or ISP within the jurisdiction of this Court;

(c) Requiring Defendants Greiling and Glynn to divulge any and all information in their possession or control relating to the Message Board or to the identity of the registered users at the message Board;

(d) Requiring defendants to deliver to Tecmo all copies of materials that infringe or violate any of Tecmo's rights described herein;

(e) Restraining Greiling, Glynn and Does 1 through 100 from engaging in infringing or violative activity relating to the Tecmo Games;

(f) Requiring that defendants file with the Court and serve upon Tecmo within thirty (30) days after service of the injunction upon defendants, a report in writing, under oath setting forth in detail the manner and form in which defendants have complied with the injunction entered herein;

(g) Requiring defendants to provide Tecmo with an accounting of any and sales of products or services that infringe or violate any of Tecmo's rights described herein;

(h) Awarding Tecmo monetary relief including damages sustained by Tecmo in an amount not yet determined;

- (i) Awarding Tecmo treble damages pursuant to 15 U.S.C. § 1117.
- (j) Awarding Tecmo actual or statutory damages for infringement and willful infringement under U.S.C. §§ 504 and 1203, as appropriate;
- (k) Awarding Tecmo its costs and attorneys' fees; and
- (l) For such other and further relief as this Court may deem just and proper.

JURY TRIAL DEMAND

Plaintiffs demand a trial by jury on all issues as triable as a matter of right.

Dated: January 21, 2005



One of the Attorneys for Plaintiffs,
TECMO, INC. and TECMO, LTD.

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Facsimile (212) 808-7897

CASE NO. 05CV 394

ATTACHMENT NO. PDF

TAB DESCRIPTION _____

EXHIBIT #1

CERTIFICATE OF REGISTRATION



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters
REGISTER OF COPYRIGHTS
United States of America

FORM PA
For a Work of the Performing Arts
UNITED STATES COPYRIGHT OFFICE
REGISTRATION NUMBER

PA 1-086-636
REGISTRATION NUMBER

EPTEL
12-26-01
Month Day Year

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

1

TITLE OF THIS WORK DEAD OR ALIVE 3

PREVIOUS OR ALTERNATIVE TITLES

NATURE OF THIS WORK See instruction
Entire computer program including visual material, audiovisual material, and printed material

2

a NAME OF AUTHOR TECMO, LTD. **DATE OF BIRTH AND DEATH**
Year Born Year Died

Was this contribution to the work a "work made for hire"? Yes No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country Japan
OR Citizen of Japan
OR Decided in Japan

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymously? Yes No
Pseudonymously? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of the material covered by this author in which copyright is claimed.
Author of game software, printed material, visual content and audiovisual content

NOTE
Under the law, the author of a "work made for hire" is generally the employer or the person for whom the work was prepared, when the work was prepared by an individual who was acting within the scope of his or her employment. This information is required for the purpose of determining the author of the work for the purpose of copyright registration. If the work was prepared by an individual who was acting within the scope of his or her employment, the name of the employer or the person for whom the work was prepared should be given in space 2a, and the name of the individual who prepared the work should be given in space 2b.

b NAME OF AUTHOR **DATE OF BIRTH AND DEATH**
Year Born Year Died

Was this contribution to the work a "work made for hire"? Yes No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR Citizen of
OR Decided in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymously? Yes No
Pseudonymously? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of the material covered by this author in which copyright is claimed.

c NAME OF AUTHOR **DATE OF BIRTH AND DEATH**
Year Born Year Died

Was this contribution to the work a "work made for hire"? Yes No

AUTHOR'S NATIONALITY OR DOMICILE
Name of Country
OR Citizen of
OR Decided in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK
Anonymously? Yes No
Pseudonymously? Yes No

NATURE OF AUTHORSHIP Briefly describe nature of the material covered by this author in which copyright is claimed.

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED This information must be given in all cases. 2001

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK Complete this information only if the work has been published. Month November Day 15 Year 2001 Nation USA

4

4 COPYRIGHT CLAIMANT'S Name and address must be given even if the claimant is the same as the author given in space 2a.
TECMO, INC.
4-1-34, Kudankita
Chiyoda-ku, Tokyo 102-8230, Japan

SEARCHER If the claimant(s) named here in space 4 are different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

APPLICATION RECEIVED DEC 26 2001
DEPOSIT RECEIVED APR 9 2002
PRODUCTION RECEIVED DEC 26 2001
REGISTRATION NUMBER AND DATE

EXAMINED BY *gjk* FORM PA

CHECKED BY *JD*

CORRESPONDENCE

FOR COPYRIGHT OFFICE USE ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made at the Copyright Office?

Yes No If your answer is "Yes," why is another registration being sought? (Check appropriate box(es))

a. This is a later published edition of a work previously registered in unpublished form.

b. This is the first application submitted by this author or copyright claimant.

c. This is an amended version of the work, as shown by space 8 on this application.

If your answer is "Yes," give Previous Registration Number

Title of Registration

5

DERIVATIVE WORK OR COMPILATION Complete each space by its title for a derivative work, complete only one for a compilation.

a. Source Material Identify any preceding work or works that this work is based on or incorporates.

6

b. Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

See Publishers' Guide Copyright Form PA 1982B

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name

Account Number

7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address Age Copyright Form PA

Charles E. Bruzga

11 Broadway, Suite 400

New York, NY 10004

Area Code & Telephone Number 212-269-1114

Be sure to use your daytime phone number

CERTIFICATION I, the undersigned, hereby certify that I am the

Check only one

author

other copyright claimant

owner of exclusive right(s)

authorized agent of **TECMO, LTD.**

Insert address of other copyright claimant or owner of exclusive right(s)

DEPOSITED ITEMS:

1) CD and packaging, etc. (unopened).

2) Videotape of representative portions of visual and audiovisual content.

3) First 25 and last 25 pages of object code and full list of source code.

8

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

Charles E. Bruzga

Date 24-Dec-01

Handwritten signature

Charles E. Bruzga

MAIL CENTER CARE 30

Name <input type="checkbox"/>
Charles E. Bruzga
Address <input type="checkbox"/>
11 Broadway, Suite 400
City, State ZIP <input type="checkbox"/>
New York, NY 10004

Copyright Office
Library of Congress
Washington, DC 20540

9

See Publishers' Guide Copyright Form PA 1982B

U.S. GOVERNMENT PRINTING OFFICE: 1982-30-008-000

CASE NO. 05 CV 394

ATTACHMENT NO. PDF

TAB DESCRIPTION _____

EXHIBIT # 2

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

FORM PA

For a Work of the Performing Arts
UNITED STATES COPYRIGHT OFFICE

PA 1-195-863



EFFECTIVE DATE OF REGISTRATION

4 - 7 - 03

Month Day Year

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE USE A SEPARATE CONTINUATION SHEET

1

TITLE OF THIS WORK ▼

DEAD OR ALIVE EXTREME BEACH VOLLEYBALL

PREVIOUS OR ALTERNATIVE TITLES ▼

NATURE OF THIS WORK ▼ See instructions

Entire computer program including visual material audiovisual material and printed material

2

NAME OF AUTHOR ▼

a Tecmo Ltd

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a work made for hire ?

Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country
OR Citizen of Japan
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? Yes No
Pseudonymous? Yes No

If the answer to either of these questions is "Yes" see detailed instructions

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed ▼

Author of game software, printed material, visual content and audiovisual content

NOTE

Under the law the author of a "work made for hire" is generally the employer not the employee (see inside back) For any part of this work that was made for hire check "Yes" in the space provided give the employer (or other person for whom the work was prepared) as author of that part and leave the space for dates of birth and death blank.

b

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a work made for hire ?

Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country
OR Citizen of
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? Yes No
Pseudonymous? Yes No

If the answer to either of these questions is "Yes" see detailed instructions

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed ▼

c

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a work made for hire ?

Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country
OR Citizen of
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? Yes No
Pseudonymous? Yes No

If the answer to either of these questions is "Yes" see detailed instructions

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed ▼

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

2003

This information must be given in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Month January Day 22 Year 2003

Complete this information only if this work has been published. U.S.A.

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2 ▼

TECMO INC
4 1 34 Kudankita
Chiyoda ku Tokyo 102 8230 Japan

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright ▼

APR 07 2003

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

APR 07 2003

FUNDS RECEIVED

MORE ON BACK ▶

Complete all applicable spaces (numbers 5-9) on the reverse side of this page. See detailed instructions. Sign the form at line 4.

DO NOT WRITE HERE

Page 1 of 2 pages

EXAMINED BY	US	FORM PA
CHECKED BY		
<input checked="" type="checkbox"/> CORRESPONDENCE		FOR COPYRIGHT OFFICE USE ONLY
Yes		

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE USE A SEPARATE CONTINUATION SHEET

PREVIOUS REGISTRATION Has registration for this work or for an earlier version of this work, already been made in the Copyright Office?
 Yes No If your answer is "Yes" why is another registration being sought? (Check appropriate box) If your answer is "No" do not check box A, B or C
 a This is the first published edition of a work previously registered in unpublished form
 b This is the first application submitted by this author as copyright claimant
 c This is a changed version of the work, as shown by spaces on this application
 If your answer is "Yes" give Previous Registration Number Year of Registration

5

DERIVATIVE WORK OR COMPILATION Complete both spaces 6a and 6b for a derivative work, complete only 6b for a compilation
 Preexisting Material Identify any preexisting work or works that this work is based on or incorporates

a 6

See instructions before completing this space

Material Added to This Work Give a brief general statement of the material that has been added to this work and in which copyright is claimed

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established on the Copyright Office give name and number of Account
 Name Account Number

a 7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent Name / Address / Apt / City / State / ZIP

Charles E Bruzga Deposited Items a) CD and packaging b) Videotape of representative portions of visual and audiovisual content c) A written synopsis of the content of the audiovisual work and d) First 10 and last 10 pages of source code with no blocked out portions

Area code and daytime telephone number () (212) 259 1114 Fax Number () (212) 480 3008

CERTIFICATION I the undersigned hereby certify that I am the

- Check only one author
 other copyright claimant
 owner of exclusive right(s)
 authorized agent of TEGMO LTD

8

Name of author or other copyright claimant, or owner of exclusive right(s)
 of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge

Typed or printed name and date If this application gives a date of publication in space 3 do not sign and submit it before that date

Charles E Bruzga

Date 3 April 2003

Handwritten signature (s)



Certificates will be mailed in window envelope to this address

Name <input type="checkbox"/>	Charles E Bruzga
Number/Street/Apt <input type="checkbox"/>	11 Broadway Suite 400
City/State/ZIP <input type="checkbox"/>	New York, NY 10004

Complete all necessary items. Sign your application in space 8

- 1 Application form
 2. International filing fee in check or money order payable to Register of Copyrights
 3. Deposit material

Library of Congress
 Copyright Office
 101 Independence Avenue S E
 Washington D C 20540-8000

Form added to this envelope. To return this envelope to the Copyright Office, please attach this form to the back of the envelope.

9

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

Form CA
For Supplementary Registration
UNITED STATES COPYRIGHT OFFICE

REGISTRATION NUMBER

PA 1-214-592



EFFECTIVE DATE OF SUPPLEMENTARY REGISTRATION

Feb 12 2004

Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

A

Title of Work ▼

DEAD OR ALIVE XTREME BEACH VOLLEYBALL

Registration Number of the Basic Registration ▼

PA 1-168-683

Year of Basic Registration ▼

2003

Name(s) of Author(s) ▼

Teamo, Ltd.

Name(s) of Copyright Claimant(s) ▼

Teamo, Ltd.

B

Location and Nature of Incorrect Information in Basic Registration ▼

Line Number 1 Line Heading or Description "Title of this work"

Incorrect Information as It Appears in Basic Registration ▼

DEAD OR ALIVE EXTREME BEACH VOLLEYBALL

Corrected Information ▼

DEAD OR ALIVE XTREME BEACH VOLLEYBALL

Explanation of Correction ▼

Typographical correction of the term "EXTREME" to "XTREME" in the title of the work.

C

Location and Nature of Information in Basic Registration to be Amplified ▼

Line Number _____ Line Heading or Description _____

Amplified Information and Explanation of Information ▼

ツクリのミズ指箱
修正品致

MORE ON BACK ▶

• Complete all applicable spaces (D-G) on the reverse side of the page
• See detailed instructions. • Sign the form at Space F.

DO NOT WRITE HERE

Page 1 of 2 pages

FORM CA RECEIVED

FORM CA

FEB 12 2004

FUNDS RECEIVED DATE

EXAMINED BY *[Signature]*
CORRESPONDENCE

FOR
COPYRIGHT
OFFICE
USE
ONLY

REFERENCE TO THIS REGISTRATION ADDED TO
BASIC REGISTRATION YES NO

DO NOT WRITE ABOVE THIS LINE IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

Continuation of: Part B or Part C

D

Correspondence: Give name and address to which correspondence about this application should be sent.

E

Phone 612 268-1114 Fax 212 480-3008 Email

Deposit Account: If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name

Account Number

Certification: I, the undersigned, hereby certify that I am the: (Check only one)

- author
- owner of exclusive right(s)
- other copyright claimant
- duly authorized agent of Tegmo, Ltd.

Name of author or other copyright claimant, or owner of exclusive right(s) A of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name Charles E. Bruzza

Date February 8, 2004

Handwritten signature (X) *[Signature]*

Certificate will be mailed in window envelope to this address:

Name <input type="checkbox"/>	Charles E. Bruzza
Number/Street <input type="checkbox"/>	11 Broadway, Suite 400
City/State/Zip <input type="checkbox"/>	New York, NY 10004

1. Application form
2. Mailable fee in cash, check or money order payable to Registrar of Copyrights

Library of Congress
Copyright Office
101 Independence Avenue, S.E.
Washington, D.C. 20540-0008

G

Fee or subject to check, by mail fee, and the Copyright Office will be notified by mail of the copyright fee.

17 U.S.C. § 506(e) Any person who knowingly makes a false representation of a matter of fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,000.

CASE NO. 05 CV 394

ATTACHMENT NO. PDF

TAB DESCRIPTION _____

EXHIBIT # 3

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

Form PA
For a Work of Performing Arts
UNITED STATES COPYRIGHT OFFICE

PA 1-232-223



Effective DATE OF REGISTRATION

5 28 04
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

1

TITLE OF THIS WORK

NINJA GAIDEN

PREVIOUS OR ALTERNATIVE TITLES

NATURE OF THIS WORK See Instructions

Entire computer program including visual material and audiovisual material of game software, and printed material thereof.

2

NAME OF AUTHOR

a Tecmo Ltd.

DATES OF BIRTH AND DEATH
Year Born Year Died

Was this contribution to the work a "work made for hire"?

Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country
Citizen of Japan
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? Yes No
Pseudonymous? Yes No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

Author of game software, printed material, visual content and audiovisual content

NOTE

Under the law, the "author" of a "work made for hire" is normally the employer, not the employee (see instructions). For any part of this work that was "made for hire," check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "author" of that part, and leave the space for dates of birth and death blank.

NAME OF AUTHOR

b

Was this contribution to the work a "work made for hire"?

Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country
Citizen of
Domiciled in

DATES OF BIRTH AND DEATH
Year Born Year Died

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? Yes No
Pseudonymous? Yes No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

NAME OF AUTHOR

c

Was this contribution to the work a "work made for hire"?

Yes
 No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country
Citizen of
Domiciled in

DATES OF BIRTH AND DEATH
Year Born Year Died

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? Yes No
Pseudonymous? Yes No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

2004

This information may be given in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published. Month MARCH Day 5 Year 2004

USA

Nation

4

COPYRIGHT CLAIMANT(S) Name and address must be given, even if the claimant is the same as the author given in space 1.

Tecmo, Inc.
4-1-34 Kudankita
Chiyoda-ku Tokyo 102-8230, Japan

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 1, give a brief statement of how the claimant(s) obtained ownership of the copyright.

APPLICANT RECEIVED
MAY 28 2004
ONE DEPOSIT RECEIVED
MAY 28 2004
TWO DEPOSITS RECEIVED
FUNDS RECEIVED

DO NOT WRITE HERE
CHECK THESE SPACES

MORE ON BACK ▶ • Complete all applicable spaces (numbers 1-4) on the reverse side of this page.
• See detailed instructions. • Sign the form at line 5.

DO NOT WRITE HERE
Page 1 of 2 pages

EXAMINED BY JA-1 FORM PA
 CHECKED BY _____
 CORRESPONDENCE
 Yes _____
 FOR COPYRIGHT OFFICE USE ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

Yes No. If your answer is "Yes," why is another registration being sought? (Check appropriate box.) If your answer is No, do not check box A, B, or C.

a. This is the first published edition of a work previously registered in unpublished form.

b. This is the first application submitted by the author as copyright claimant.

c. This is a changed version of the work, as shown by space 4 on this application.

If your answer is "Yes," give Previous Registration Number

Year of Registration

5

DERIVATIVE WORK OR COMPILATION Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates.

a 6

See instructions before completing this space.

Material Added to This Work Give a brief, general statement of the material that has been added to this work said in which copyright is claimed.

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name Account Number

a 7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/ZIP

Charles E. Bruzga
11 Broadway, Suite 400
New York, NY 10004

Deposited Items: a) CD and packaging, b) videotape of representative portions of visual and audiovisual content c) a written synopsis of the content of the audiovisual work, and d) first 10 and last 10 pages of source code with no blocked out portions.

Area code and daytime telephone number (212) 259-1114

Fax number (212) 480-3008

Email _____

CERTIFICATION I, the undersigned, hereby certify that I am the

- Check only one author
 other copyright claimant
 owner of exclusive right(s)
 authorized agent of Tecmo, Ltd.

Name of author or other copyright owner, as owner of exclusive right(s) in the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

8

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

Charles E. Bruzga

Date 27-May-2004

Handwritten signature (X)



Certificate will be mailed in window envelope to this address:

Name Charles E. Bruzga
 Number/Street/Apt. 11 Broadway, Suite 400
 City/State/ZIP New York, NY 10004

1. Application form
 2. Deposit envelope (bring fee in greater money order payable to Register of Copyrights)
 3. Deposit material
 Library of Congress Copyright Office
 101 Independence Avenue, S.E.
 Washington, D.C. 20540-4000

See instructions before completing this space.

9

17 U.S.C. § 506(a): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408, or in any written statement filed in connection with the application, shall be fined not more than \$2,500.