

HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WIZARDS OF THE COAST LLC, a
Delaware limited liability company,

Plaintiff,

v.

MIKE BECKER, an individual, and
ARTHUR LE, an individual,

Defendants.

No. C09-0461 RSM

**DECLARATION OF JEFFREY M.
HANSON IN SUPPORT OF PLAINTIFF
WIZARDS OF THE COAST LLC'S
MOTION FOR DEFAULT JUDGMENT
AGAINST DEFENDANT MIKE BECKER**

Jeffrey M. Hanson declares:

1. I am one of the attorneys for plaintiff Wizards of the Coast LLC ("Wizards") in the above-captioned action. I make this declaration based on personal knowledge of which I am competent to testify.

2. An Order of Default was entered against Defendant Mike Becker on July 17, 2009. A copy of the Order of Default is attached hereto as Exhibit A.

3. On March 17, 2009, Wizards' published Dungeons & Dragons® *Player's Handbook*® 2 ("*Player's Handbook 2*"). Wizards promptly filed an application for copyright registration of *Player's Handbook 2* with the U.S. Copyright Office. The application was

1 approved with an effective date of registration of March 27, 2009. Attached hereto as Exhibit B
2 is a true and correct copy of the Certificate of Registration for *Player's Handbook 2*.
3

4 4. Attached hereto as Exhibit C is a true and correct copy of screen shots, captured
5 on March 24, 2009, under my direction and supervision, from the Scribd webpage of user
6 "Humble Apostle."
7
8

9
10 5. Attached hereto as Exhibit D is a true and correct copy of a screen shot, captured
11 on September 11 2009, under my direction and supervision, from the Blogger.com profile page
12 of Defendant Becker, with a contact email address of humbleapostle@hotmail.com. The same
13 email address is associated with a Wizards account, with contact information for Defendant
14 Becker.
15
16

17 6. Attached hereto as Exhibit E are true and correct copies of screen shots, captured
18 on September 24, 2009, under my direction and supervision, from an RPTools.net forum, with
19 postings by "Humble Apostle."
20
21

22 7. After infringement by Defendants Becker, Le, and others, Wizards ceased making
23 Dungeons & Dragons® publications available for purchase in electronic PDF format. Postings
24 on public website forums demonstrate that the decision was unpopular with many Dungeons &
25 Dragons® players and Wizards' customers. Attached hereto as Exhibit F is a true and correct
26 copy of a screen shot, captured on September 21, 2009, under my direction and supervision from
27 the website Ars Technica.
28
29

30 8. Attached hereto as Exhibit G is a true and correct copy of the credits page of
31 *Player's Handbook 2*.
32
33

34 9. On three separate occasions, I sent correspondence to Defendant Becker regarding
35 the lawsuit and requesting that he (or his counsel, if represented) contact me: May 18, 2009 (by
36 email); May 20, 2009 (by air courier); and August 12, 2009 (by email and overnight mail). To
37 my knowledge, all such correspondence was properly delivered (I received no failure-to-deliver
38 notifications). Defendant Becker did not respond to any of my communication efforts.
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1 10. Wizards' counsel has incurred a total of \$14,316.75 in attorney fees in connection
2 with the action against Defendant Becker. Attached as Exhibit H is a chart, prepared at my
3 direction, that includes a description, by attorney and date, of all fees associated with the action
4 against Defendant Becker as identified in Perkins Coie LLP's ("Perkins Coie's") timekeeping
5 records. Exhibit H also provides a reference to the page in Exhibit I (Perkins Coie's timekeeping
6 records) where each task and fee entry is itemized.
7
8

9 11. Attached as Exhibit I are true and correct copies of excerpts of Perkins Coie time
10 detail records that reflect the fees referenced in Exhibit H. These records are part of Perkins
11 Coie's electronic accounting and billing system kept in the normal course of business. All entries
12 for tasks unrelated to the action against Defendant Becker have been redacted.
13
14

15 12. The fees reflected in Exhibits H and I were incurred in performing activities in
16 connection with the action against Defendant Becker, including investigation relating to the
17 identification of Defendant Becker as the individual who uploaded the unauthorized copy of
18 *Player's Handbook 2* to the Scribd page of "Humble Apostle," drafting the complaint, efforts to
19 contact and communicate with Defendant Becker, and preparation of the motion for entry of an
20 order of default and instant motion for default judgment.
21
22

23 13. On the same day this action was filed against Defendants Becker and Le, Wizards
24 filed two other actions relating to infringement of *Player's Handbook 2*. The three complaints
25 are similar in nature and were drafted concurrently by Wizards' counsel. Consequently, attorney
26 fees associated with the complaint filed against Defendant Becker in Exhibit H attribute only
27 one-sixth of the total fees for drafting the complaint to Defendant Becker. The one-sixth
28 allocation is determined by assignment of one-third of the fees for preparation of the three
29 concurrent complaints to the complaint against Defendants Becker and Le, and one-half of that
30 amount assigned to Becker as one of the two named defendants in that complaint.
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14. Perkins Coie's activities in connection with the action against Defendant Becker were undertaken in as economical a manner as possible. The chart below lists the time spent by each attorney and that attorney's billing rate throughout 2009:

<i>Attorney</i>	<i>Position</i>	<i>Rate</i>	<i>Hours</i>	<i>Amount</i>
Elizabeth L. McDougall	Partner	\$495	3.38 ¹	\$1,674.75
Jeffrey M. Hanson	Associate	\$360	35.12	\$12,642.00
Total				\$14,316.75

The rates listed above are based on rates normally charged to clients, reflect the experience of the personnel involved in this matter (see paragraphs 15 and 16), and are reasonable and customary in the Seattle legal community. As reflected in the chart, the majority of the work was performed by me, a Perkins Coie associate (i.e., with a lower billing rate).

15. I am an associate attorney in Perkins Coie's Seattle office. I have approximately five years of litigation experience, including intellectual property litigation (plus one year as a clerk at the U.S. Court of Appeals for the Fourth Circuit). A summary of my experience is attached as Exhibit J. I have worked on this case under Ms. McDougall's supervision.

16. Ms. McDougall is a litigation partner in Perkins Coie's Seattle office. She has 15 years of litigation experience and handles commercial litigation (including intellectual property litigation) for clients. She is Chair of Perkins Coie LLP's Intellectual Property Litigation Practice. A summary of Ms. McDougall's experience is attached as Exhibit K.

17. Wizards has incurred expenses totaling \$300.00 in connection with the action against Defendant Becker. The chart below includes a description of these expenses and a reference to the page of Exhibit L (Perkins Coie's disbursement records) that reflect each entry.

¹ Because of the one-sixth allocation discussed in Paragraph 13, attorneys' hours are not in exact one-tenth increments.

<i>Expense Type</i>	<i>Date</i>	<i>Description</i>	<i>Source</i>	<i>Amount</i>
Court Fee	4/2/09	Filing Fee (1/2 of Becker/Le action)	Ex. L, p. 70	\$175.00
Service Fee	4/03/09	Fee for service of subpoena	Ex. L, p. 70	\$125.00
<i>TOTAL</i>				\$300.00

18. Attached as Exhibit L is a true and correct copy of the disbursement report that reflects the expenses referenced in the above chart. This record is part of Perkins Coie's electronic accounting and billing system kept in the normal course of its business. All entries for disbursements unrelated to the action against Defendant Becker have been redacted.

19. The total amount of Wizards' reasonable attorney fees and expenses for the action against Defendant Becker is \$14,616.75.

20. Defendant Becker does not appear to be in active military service. To examine this question, I utilized the Department of Defense Manpower Data Center website ("DMDC Database") and searched the database with the names "Mike Becker" and "Michael Becker" and birth date information. There was no "Mike Becker" or "Michael Becker" in the DMDC Database with a matching date of birth.

21. Defendant Becker is not an infant or incompetent person.

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

EXECUTED this 28th day of September, 2009.

/s/ Jeffrey M. Hanson

Jeffrey M. Hanson

Exhibit A

Exhibit A

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WIZARDS OF THE COAST LLC, a
Delaware limited liability company,

Plaintiff,

v.

MIKE BECKER, an individual, and
ARTHUR LE, an individual,

Defendants.

No. C09-0461 RSM

ORDER OF DEFAULT AGAINST
DEFENDANT MIKE BECKER

The Clerk of the Court, having Plaintiff Wizards of the Coast LLC's Motion for Entry of Default Against Defendant Mike Becker and the supporting papers on file herein, and finding that Defendant Becker was properly served with a copy of Plaintiff's complaint and a summons and that Defendant Becker has neither appeared, answered, nor otherwise responded to Plaintiff's complaint within the time permitted by the Federal Rules of Civil Procedure, does hereby

ORDER that default be, and the same hereby is, entered against Defendant Mike Becker.

DATED this 17th day of July, 2009.



Bruce Rifkin
Clerk, U.S. District Court

ORDER OF DEFAULT
(NO. C09-0461 RSM) – 1

Exhibit B

Exhibit B

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.

Margbeth Peters

Register of Copyrights, United States of America

Registration Number:

TX 6-908-841

Effective date of registration:

March 27, 2009

Title _____

Title of Work: Dungeons & Dragons Player's Handbook 2

Completion/ Publication _____

Year of Completion: 2009

Date of 1st Publication: March 17, 2009

Nation of 1st Publication: United States

Author _____

■ Author: Wizards of the Coast LLC

Author Created: text, artwork

Work made for hire: Yes

Citizen of: United States

Domiciled in: United States

Copyright claimant _____

Copyright Claimant: Wizards of the Coast LLC

1600 Lind Ave SW, Suite 400, Legal Department, Renton, WA, 98057,
United States

Limitation of copyright claim _____

Material excluded from this claim: text, artwork

Previous registration and year: VA0001054911 2000

New material included in claim: text, artwork

Rights and Permissions _____

Organization Name: Wizards of the Coast LLC

Name: To Whom it May Concern

Address: 1600 Lind Ave SW Suite 400

Legal Department

Renton, WA 98057 United States

IPN#:

Registration #: TX0006908841

Service Request #: 1-174258491

Perkins Coie LLP
Matthew Schneller
1201 Third Avenue
Suite 4800
Seattle, WA 98101 United States

Exhibit C



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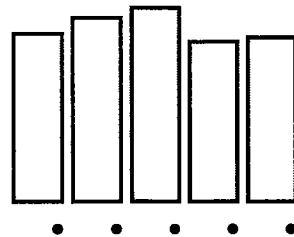
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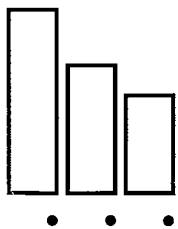


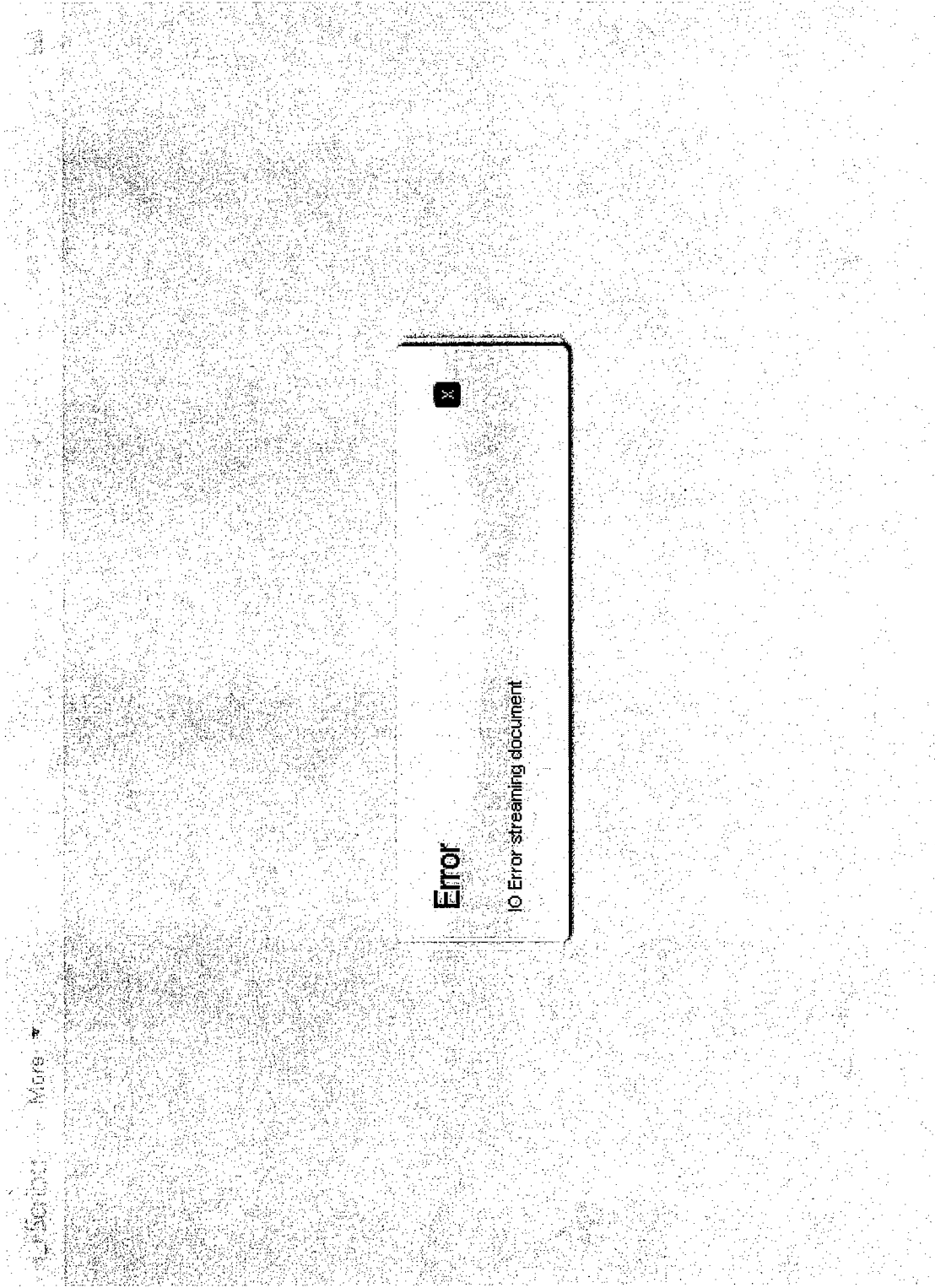
Players Handbook 2 - 4e

The 2nd player's handbook for 4th edition. Enjoy!

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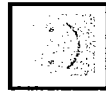
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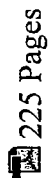
[Humble Apostle \(4,344\)](#)

Description

The 2nd player's handbook for 4th edition. Enjoy!


<http://www.scribd.com/doc/13377788/Players-Handbook-2-4e>

3/24/2009



225 Pages

Date Added 5 days ago

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Comments

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No prob man, lemme know if something interesting happens in your new campaigns with it! So far my new sorc has been really lucky with chaos bolt :)

[irphoenix](#) 1 day ago

As I am in currently in Afghanistan I have had my wife pick up a copy for me. But I cant wait 3 weeks for it to get to me. thanks for the PDF file, I can use it for my campaigns I have going on here.

[Humble Apostle](#) 2 days ago

I would like to encourage everyone to please purchase a copy of this book when possible to help support Wizards. They do spend money to make this stuff you know. I just wanted to post this so people can maybe avoid the early rush, or who can't buy it right now but plan on it. I know I am.



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Exhibit D

Exhibit D

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Back Forward Stop Search Favorites

Address http://www.blogger.com/profile/00364712791895814038

Mike Becker

Age 19
Gender Male
Industry Religion
Occupation Pastor (Someday...)
Location Bartlesville OK United States

Contact

Email

User Stats

Do Blogger Since	October 2008
Profile Views (admin: white)	54

About Me

Not sure what to say about me I'm your fairly typical teen I spouse I have friends a good idea for college and hopes and dreams Thats all I can think of for now)

Interests

Ministry Video Games Books Some TV shows Talking

Favorite Movies

Lord of the Rings Amazing Grace Luther Matrix

Favorite Music

Newboys E-Nomine Masterplan

Favorite Books

The Belgariad Legend of Drizzt Bible Erenis Gale

My Blogs

Humble Apostle

Team Members

mailto:mikebecker@noimail.com

Exhibit E

Exhibit E


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It is currently Thu Sep 24, 2009 1:57 pm

All times are UTC - 6 hours

PHB2: I'm in trouble and worried

Moderators: trevor, Azhrei, dorpond

new topic

post reply

Page 1 of 2 [29 posts]

Go to page 1, 2 Next

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Author

Message

Humble Apostle

Post subject: PHB2: I'm in trouble and worried

Giant

I'm in a bit of legal trouble.

Joined: Sun Nov 23, 2008
9:13 pm

I've been served a legal notice that WOTC is pretty much mad at me. They are mad about a copy of PHB2 uploaded to Scribd.

Posts: 117

So now I'm in a bit of a panic, since my record is thus far clean, and I'm not really in a position to hire an attorney and pay exorbitant fees for court.

Does anyone have some kind advice on how I should approach this situation, and how it might be resolved in a manner as "bloodless" as possible?

"A Knight is sworn to Valour"
 "His Heart knows only Virtue"
 "His Blade defends the Helpless"
 "His Might upholds the Weak"
 "His Words speak only Truth"
 "His Wrath undoes the Wicked"

Last edited by Humble Apostle on Sat Apr 11, 2009 8:22 pm, edited 1 time in total.

offline

profile

e-mail

↑

Paradox  **Post subject:** Re: PHB2: I'm in trouble and worried □ **Posted:** Sat Apr 11, 2009 5:34 pm

Humble Apostle wrote:

As some of you might know, I uploaded a copy of PHB2 on to Scribd after finding it on an out of the way torrent site. Unfortunately, I was both dumb enough to use an account with my true name and address attached, my true email attached, etc. and to make it available for download. For view only perhaps, but not download.

Now I've been served a legal notice that WOTC is pretty much mad at me. (I was naive to think that they would pull it and let it go unless it happened again.)




So now I'm in a bit of a panic, since my record is thus far clean, and I'm not really in a position to hire an attorney and pay exorbitant fees for court.

Does anyone have some kind advice on how I should approach this situation, and how it might be resolved in a manner as "bloodless" as possible?

Seek legal consul. Don't talk about it on a public messageboard.

I'm sorry. I'd like to make you feel better, but I think this is the most sensible thing you could do.

I no longer believe that MapTools is usable or intended just for programmers. MapTools is for everyone.

offline   e-mail 



Joined: Fri Feb 27, 2009 3:01 pm

Posts: 378

Humble Apostle  **Post subject:** Re: PHB2: I'm in trouble and worried □ **Posted:** Sat Apr 11, 2009 5:39 pm

Giant

Joined: Sun Nov 23, 2008 9:13 pm

Posts: 117

If I may ask, is there a reason to not discuss it on a public board? As far as I'm aware, any legal issues are already there.

First court problems you see ☹

"A Knight is sworn to Valour"
"His Heart knows only Virtue"
"His Blade defends the Helpless"
"His Might upholds the Weak"

"His Words speak only Truth"
 "His Wrath undoes the Wicked"

offline

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Paradox

Dragon



Joined: Fri Feb 27, 2009
 3:01 pm

Posts: 378

Post subject: Re: PHB2: I'm in trouble and worried

Posted: Sat Apr 11, 2009 6:10 pm

Humble Apostle wrote:

If I may ask, is there a reason to not discuss it on a public board? As far as I'm aware, any legal issues are already there.

First court problems you see ☹

First of all, its your problem. I don't say that to make you feel lonely or abandoned, but it's your business. No one else's. There are some people who would judge you stupid, or blame you for the reason they can't buy PDFs any longer. You don't need that kind of grief now.

An aside: There's one defendant in a lawsuit who posted on EnWorld. Countless posters told him to shut up and seek legal consul. Some asked the moderators to close the thread. They didn't. You see, EnWorld has a close relationship with WOTC, so as long as the rules aren't violated.. they let that sucker continue to dig himself a hole as much as he wanted. Hell, they even called him unwise for admitting his identity BUT LINKED TO IT ON THE FRONT FRIGGAN PAGE OF THEIR NEWS PAGE. Stop him from posting? Hell no. They gave him all the rope he wanted to hang himself. Don't be a chump. Don't be that guy.

Second, anything you say *might* be found and used against you. Like an admission.

Third, there's very few qualified people to be found on messageboards to give you good and knowledgeable advice. They few that are, wouldn't give you advice on a messageboard anyway. They'd do it in a private communication. That's what responsible professionals do.

Finally.. I might be wrong. You might talk about this all you want and no harm will come of it. But what good is going to come of it? If you're lucky somebody might say they feel sorry for you, but that's all. Nothing else. There's a lot to risk for little gain.

I no longer believe that MapTools is usable or intended just for programmers. MapTools is for everyone.

offline  profile  e-mail 

Humble Apostle **Post subject:** Re: PHB2: I'm in trouble and worried ☐ **Posted:** Sat Apr 11, 2009 6:14 pm

Well thank you very much for the advice. It helps to know things just like this so I can avoid mistakes.

Giant

Joined: Sun Nov 23, 2008
9:13 pm

Posts: 117

"A Knight is sworn to Valour"
"His Heart knows only Virtue"
"His Blade defends the Helpless"
"His Might upholds the Weak"
"His Words speak only Truth"
"His Wrath undoes the Wicked"

offline  profile  e-mail 

zEal **Post subject:** Re: PHB2: I'm in trouble and worried ☐ **Posted:** Sat Apr 11, 2009 6:43 pm

Dragon



Joined: Sun Mar 22, 2009
12:25 am

Posts: 924

Location: Holy Terra

Is this for real? From everything I've read(including the court documents) the three scribd.com uploaders were all unknown individuals. If you are in fact who you claim to be, take Paradox's advice and don't speak about this with anyone except for your lawyer. If you can't afford a lawyer try local universities to see if you can pick one up looking to do the work pro bono publico.



• (private alpha)
• (in progress)

offline  profile 

logopolis **Post subject:** Re: PHB2: I'm in trouble and worried ☐ **Posted:** Sat Apr 11, 2009 6:57 pm

Dragon

And while you're at it, edit the OP to avoid mentioning anything you may or may not have done.



Joined: Tue Dec 16, 2008
9:52 am

Posts: 450

Location: Alkanol

online profile e-mail

IMarvinTPA

Post subject: Re: PHB2: I'm in trouble and worried

☐ Posted: Sat Apr 11, 2009 6:58 pm

Dragon



Joined: Mon Sep 11, 2006
8:12 am

Posts: 438

Good luck,
IMarv

offline

profile

zEal

Post subject: Re: PHB2: I'm in trouble and worried

☐ Posted: Sat Apr 11, 2009 7:47 pm

Dragon



IMarvinTPA wrote:

I don't think you're in a position to try this, but:
You could attempt to invalidate current copyright law by arguing that because the current code allows for copyrights to last longer than 100 years and that legally qualifies as perpetual and the constitution only allows congress to legislate limited/temporary copyright.

Joined: Sun Mar 22, 2009
12:25 am

Posts: 924

IMarv

Interesting idea, regrettably the only people that might ever be in the position to try such a thing would

RPTools.net Forums • View topic - PHB2: I'm in trouble and worried

Location: Holy Terra

probably have to be violating a 100 year copyright.



- (private alpha)
- (in progress)

offline

profile

Brigand

Post subject: Re: PHB2: I'm in trouble and worried

Great Wyrn

Yeah, you're pretty much screwed. Good luck.



Joined: Thu Feb 14, 2008
7:57 am

Posts: 1678

Location: On board STS-119...

Fear accompanies the possibility of death. Calm shepherds its certainty.
MapTool Tileset - The Crypt - Completed
Background Textures - **UPDATED WITH NEW LINK 6/19/09**
Ecology of the Silver

DREAM

offline

profile

Orchard

Post subject: Re: PHB2: I'm in trouble and worried

Great Wyrn



Joined: Fri May 09, 2008
8:45 am

Posts: 1807

Location: Doylestown PA

Brigand wrote:

Yeah, you're pretty much screwed. Good luck.

Yeah, I'm gonna have to agree with you on this one. There's a couple things you never want to do: first off, admit that you've done something. Second, continue to talk about it.

But that's only if you've actually done something. Folks, the upshot of this, and the real lesson here, is that you need to be very careful with how you handle intellectual property. It's one thing to seed network broadcasts of a tv show (even though you can get in trouble for that, and I don't recommend it) from your home computer, but to take a pdf that almost certainly has a watermark of some sort and upload it to any

<http://forums.rptools.net/viewtopic.php?f=6&t=8117&start=0>

9/24/2009

website that is publicly available is going to get you in trouble. Why do you think that most of the pdfs of D&D source material that you see are scans from the books rather than the original electronic documents? Because its easier for those doing the upload to protect themselves from this sort of thing. You would never upload a purchased pdf to ANY public download service without first running it through some VERY heavy sanitizing software. Software which I personally do not have, nor do I know how to obtain other than 'google'--and I don't care to acquire such tools. Why? Because if I purchase a pdf, it's for me, not for you. Sorry, that's just the way it is.

My advice, and I'm certainly not a lawyer, but this is good advice, I think, is for anyone who is tempted to purchase something like this then upload it to a torrent or other download service, then you need to be VERY careful that you know exactly how to remove any digital watermarks that might even remotely link you to the file. Unless you know how to do that, I'd stay the heck away from being a pirate. Because that's where the real piracy is. It's not the downloaders, it's the ones who make it available.

Again, I haven't even touched on the morality of this, because that's not my place in this forum. If you want to discuss ethical concerns, that's very different from legal concerns. From a legal perspective though, those who make available are treated much more harshly than those who simply download and use the items (although the RIAA has repeatedly tried to argue that bittorrent's model means that all downloaders are also 'making available' copyrighted material and are thus software pirates--I disagree on the basis that most torrent users simply lack the knowledge and ability not only to create a torrent, but to also create a file which would be worth torrenting. Sure you can easily rip you cd collection to a ginormous zip file, then upload that as a torrent, but that's hardly worth downloading. The RIAA is going after low-hanging fruit and trying to dry up the market for pirated digital content, which is simply not going to work. iTunes and similar services have done more to reduce the desire for pirated music than any number of lawsuits.)

Oh well, I'm rambling.

0+0=1, for very unstable CPUs.

offline

profile

Veggiesama

Dragon

Post subject: Re: PHB2: I'm in trouble and worried

☐ Posted: Fri May 01, 2009 9:51 am

It probably had less to do with a watermark in this case, and more to do with being traced through the Scribd account (or the associated email account), logging the IP used to upload the PDF, followed by an inquiry sent to the ISP, etc. (EDIT: It probably didn't get that far, though. The fewer hurdles the infringed have to jump through to get the perp, the better for them, I guess.) My guess is the watermark is stripped out by whoever does the initial leak, and AFAIK, D&D books aren't sold digitally anymore, so the pretty OCR'd pdfs tend to be inside jobs and jerks working at the printers with too much time on their hands.



Joined: Tue Aug 28, 2007
11:18 pm

Posts: 644

offline

profile

So the real lesson is... um... I don't know, use Tor? No! I mean, uhm, leave it to the professionals. NO!
Argh, I mean: **don't pirate!** (or at least don't tell anyone about it if you do...)

There, my conscience is clear.

My D&D 4e Campaign Framework — My Shadowrun 4th Campaign Framework — Fear the ferret.

tektonik

Dragon



Joined: Mon Jul 21, 2008
11:21 am

Posts: 607

offline

profile

Post subject: Re: PHB2: I'm in trouble and worried

Posted: Fri May 01, 2009 10:59 am

Veggiesama wrote:

My guess is the watermark is stripped out by whoever does the initial leak, and AFAIK, D&D books aren't sold digitally anymore, so the pretty OCR'd pdfs tend to be inside jobs and jerks working at the printers with too much time on their hands.

Nah nothing that heinous. AP was released by people who bought and scanned it themselves. It is the movie/music industry that you see inside jobs though most of movie ones tend to be from the former Soviet Bloc (which is why you see them released as R5, region 5 is the former SB).

logopolis

Dragon



Joined: Tue Dec 16, 2008
9:52 am

Post subject: Re: PHB2: I'm in trouble and worried

Posted: Fri May 01, 2009 11:16 am

Veggiesama wrote:

It probably had less to do with a watermark in this case...

I'm not a lawyer either, but just out curiosity, I looked over the legal docs that were posted up on EN World.

WotC claims that the initial distribution of the PH2 did *not* have the watermark removed, which is how they tracked it to a guy in Poland. That same copy later appeared on Scribd, so the most likely theory is that the Polish guy's version of the PH2 was downloaded using BitTorrent and then redistributed using Scribd.

Posts: 450

Location: Atandl

It seems a bit weird that they want to go after whoever posted it on Scribd. The BitTorrent copies were already out by then, and far more widely distributed.

online

[profile](#) [e-mail](#)

Veggiesama

Post subject: Re: PHB2: I'm in trouble and worried

☐ Posted: Fri May 01, 2009 11:43 am

Dragon



logopolis wrote:

It seems a bit weird that they want to go after whoever posted it on Scribd. The BitTorrent copies were already out by then, and far more widely distributed.

Like Orchard said: low-hanging fruit.

Joined: Tue Aug 28, 2007
11:18 pm

Posts: 644

My D&D 4e Campaign Framework — My Shadowrun 4th Campaign Framework — *Fear the ferret.*

offline

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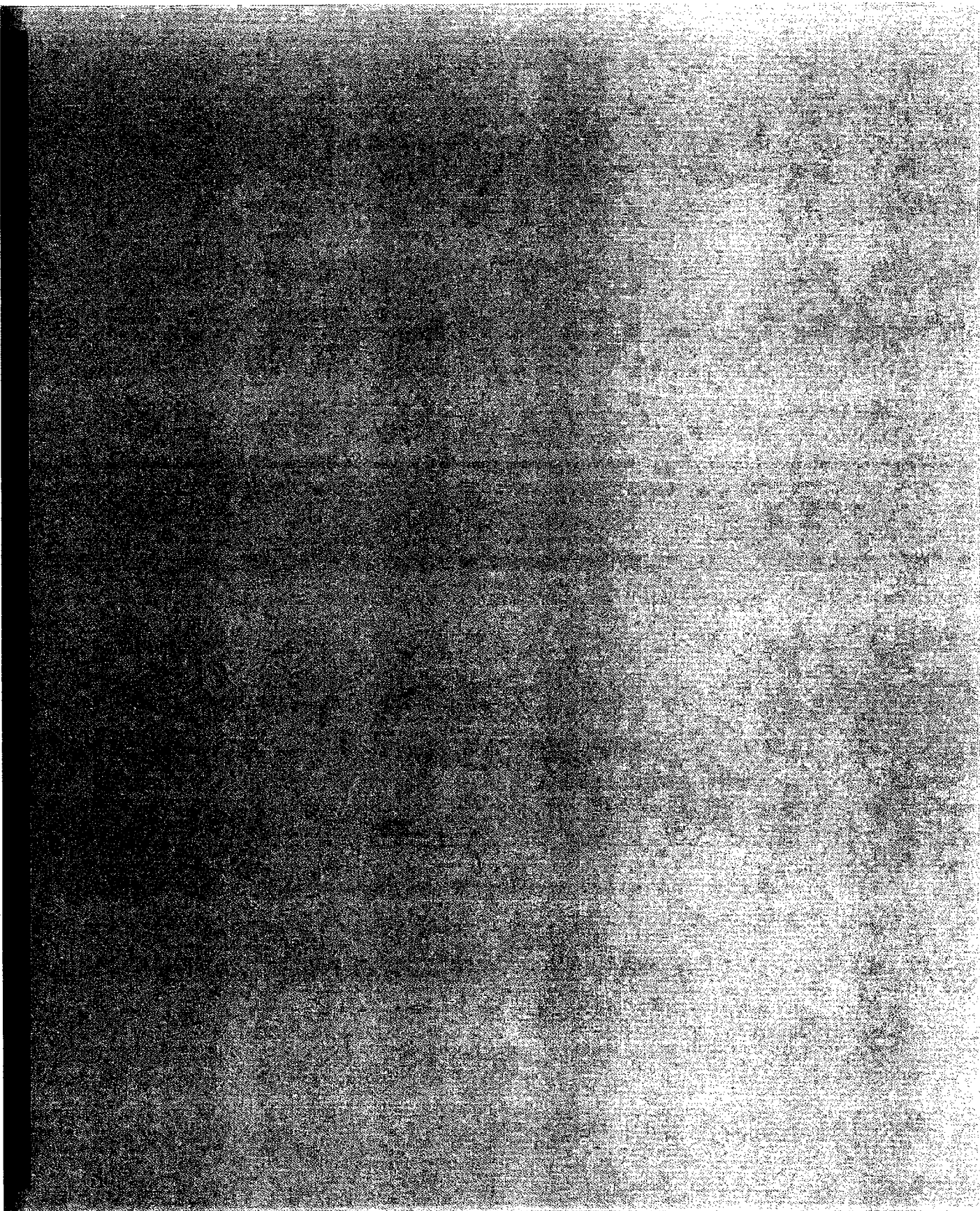
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It is currently Thu Sep 24, 2009 1:54 pm

All times are UTC - 6 hours

PHB2: I'm in trouble and worried

Moderators: trevor, Azhrei, dorpond

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Author

Message

Orchard

Post subject: Re: PHB2: I'm in trouble and worried

☐ Posted: Fri May 01, 2009 11:47 am

Great Wyrn


 Joined: Fri May 09, 2008
 8:45 am

Posts: 1807

Location: Doylestown PA

Veggiesama wrote:

logopolis wrote:

It seems a bit weird that they want to go after whoever posted it on Scribd. The BitTorrent copies were already out by then, and far more widely distributed.

Like Orchard said: low-hanging fruit.

It's MUCH easier to go after some downloader/poor sap that redistributed here in the US than to deal with an INTERNATIONAL civil suit like what the RIAA/MPAA keeps pushing. When WotC is pushing a case against someone, and it's a civil suit, they can try to go after a foreigner, but it's GOING TO BE HARD. On the other hand, going after someone here in the USA, that's easy, not as costly and perceived to have some benefit.

We could debate all day as to whether or not it does...

0+0=1, for very unstable CPUs.

offline

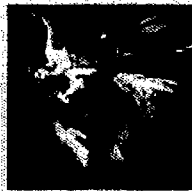
profile

Full Bleed

Post subject: Re: PHB2: I'm in trouble and worried

Posted: Fri May 01, 2009 10:57 pm

Great Wyrn



Joined: Sun Feb 25, 2007 10:53 am

Posts: 1749

Location: West Palm Beach, FL

This gray area on the copy from the "guy from poland" is that he says that he just lent his copy to a friend and they distributed it. So you'll probably end up with a circle of people indiscriminately pointing fingers at each other and shrugging their shoulders. Prosecution is going to be a mess, and their best bet will be to get people to capitulate in some fear-filled public fashion.

The EFF may very well be interesting in this case, not to "defend piracy" but to defend the indefensible gray areas...

Since when are people not allowed to lend friends their books? If a book is digital, does it somehow incur some additional protections above and beyond a traditional book? And since when does buying a digital format book make you the eternal guardian and protector of it's copyright, so help you god? There are a million ways that files off someone's computer could be raped and distributed, not the least of which may be a stupid friend sharing it with others. Does "intent" play any role in all of this? And the list of questions goes on and on... So, "guilty" or not, the EFF may very well have an interest in how all of this plays out.

offline

profile

tektonik

Post subject: Re: PHB2: I'm in trouble and worried

Posted: Fri May 01, 2009 11:41 pm

Dragon



Joined: Mon Jul 21, 2008 11:21 am

Posts: 607

Full Bleed wrote:

Since when are people not allowed to lend friends their books? If a book is digital, does it somehow incur some additional protections above and beyond a traditional book?

Yes. If you own a VHS of a movie you have the right to make a copy for personal use. If you own a DVD you are not.

offline

profile

aku

Post subject: Re: PHB2: I'm in trouble and worried

Posted: Sat May 02, 2009 5:37 am

<http://forums.rptools.net/viewtopic.php?f=6&t=8117&sid=dc544aae9e1401cb3cf7bc284a3e3929&start=15>

9/24/2009

Dragon

Joined: Wed Nov 15, 2006
8:03 am

Posts: 343

tektonik wrote:

Full Bleed wrote:

Since when are people not allowed to lend friends their books? If a book is digital, does it somehow incur some additional protections above and beyond a traditional book?

Yes. If you own a VHS of a movie you have the right to make a copy for personal use. If you own a DVD you are not.

And thats not REALLY true either, however, the recording industries let it slide (music and film) because there is an OBVIOUS degradation of quality between a master VHS or cassette if it's a straight analog to analog copy. If you digitize it first however....

offline

profile

Veggiesama

Dragon

Joined: Tue Aug 28, 2007
11:18 pm

Posts: 644

offline

profile

Post subject: Re: PHB2: I'm in trouble and worried

Posted: Sat May 02, 2009 5:54 am

That's the beauty of the digital revolution. Information can flow freely and unimpeded through the world. Too bad that it throws all our classic ideals about physical property out the window, though. We're still trying to figure out a good way to deal with that: legally, financially, philosophically, etc.

My D&D 4e Campaign Framework — My Shadowrun 4th Campaign Framework — Fear the ferret.

tektonik

Dragon

Post subject: Re: PHB2: I'm in trouble and worried

Posted: Sat May 02, 2009 6:44 am

aku wrote:



Joined: Mon Jul 21, 2008
11:21 am

Posts: 607

And thats not REALLY true either, however, the recording industries let it slide (music and film) because there is an OBVIOUS degradation of quality between a master VHS or cassette if it's a straight analog to analog copy. If you digitize it first however....

and google decides to slightly beat my donkey down.

Quote:

Okay, a couple of quick points . . .

1. Sony v. Universal found that recording broadcasts for later viewing came within fair use, i.e. was a complete defense to copyright infringement. However, that decision was predicated on a belief by the courts that (a) no one would compile a library of copyright-protected material in this fashion, and (b) under traditional fair-use analysis, air checks not only didn't negatively impact the market for the protected broadcast work, but actually facilitated it, because more people would be exposed to the advertisers' messages.

Of course, (a), above, turned out to be wrong -- I know lots of people who have such libraries. Now, with respect to making back-up copies, that does not come within Sony v. Universal. The Copyright Act permits making a backup of a _computer program_, which might or might not be, for example, a DVD or D-VHS recording. It wouldn't permit copying of a VHS tape under the statute. That leaves only fair use. I don't think the rationale of Sony v. Universal would apply to backups -- unlike an ephemeral broadcast, tape and DVD producers, whether the studios or event videographers, depend, in part, on multiple sales to their customers. Think of the parent whose kid wears out the Barney tape from multiple replaying. Accordingly, the fair use argument which prevailed in Sony v. Universal is not completely on point with backups.

Finally, remember that the makeup of the Supreme Court which decided Sony v. Universal is quite different from the present court, which is much more conservative, and much less likely to find a strong First Amendment interest in an activity which is perceived as having a negative economic impact.

Accordingly, (and I haven't researched this), I'd be inclined to say that

backups probably are not permitted under existing law.

2. Now, on to the more interesting point. There are, without question, contexts in which making a copy of copy-protected video material would fall fairly within fair use. However, the DMCA makes illegal use of copy-protection-defeating devices (actually, it makes the devices, themselves, illegal). Now, there are fairly easy ways to defeat Macrovision -- any good TBC (which has substantial non-infringing uses and wouldn't, therefore, be precluded by the DMCA) can copy Macrovision-protected material. The question, then, isn't can it be done, but would doing it violate the DMCA? The answer is: I don't know, and I don't think anyone else does at this point. The DMCA provides that it does not limit existing fair use doctrine. However, it is, nonetheless, squarely at odds with existing provisions of the Copyright Act. For example, the Audio Home Recording Act (AHRA) defines as non-prosecutable making personal copies of sound recordings. However, a lot of CD-producers have introduced CDs which can't be "ripped" by conventional computer software. If I write and use a program which can rip one of these non-copyable CDs, I've violated the DMCA, even though that specific activity is authorized by the AHRA.

The DMCA is a very badly drafted piece of legislation (reflecting, no doubt, the input of entertainment industry lobbyists). Fortunately, it will probably be revised by Congress within the year to correct some of its more onerous and contradictory flaws.

Okay, that wasn't that quick. But you and Andy's Cam have correctly identified one of the inherent contradictions in the DMCA. You're both right about that one, and it will have to be remedied by Congress.

Oh how optimistic that guy was.... lawl

offline

profile

Full Bleed

Great Wym

Post subject: Re: PHB2: I'm in trouble and worried

Posted: Sun May 03, 2009 9:28 pm

tektonik wrote:

Yes. If you own a VHS of a movie you have the right to make a copy for personal use. If you own a DVD you are not.



Joined: Sun Feb 25, 2007
10:53 am

Posts: 1749

Location: West Palm
Beach, FL

offline

profile

tektonik

Post subject: Re: PHB2: I'm in trouble and worried

☐ Posted: Mon May 04, 2009 9:17 am

Dragon



Joined: Mon Jul 21, 2008
11:21 am

Posts: 607

offline

profile

Humble Apostle

Post subject: Re: PHB2: I'm in trouble and worried

☐ Posted: Mon May 04, 2009 1:22 pm

And if I own either, I can lend either to friend without fear of prosecution... and *they* would be held responsible for their actions with regard to the property. (Though that's not the crust of the issue I was talking about.)

Are laws regarding PDF's actually in place to bar friends from "lending" their books to friends? If so, is the future of PDF DRM going to go so far as to require thumbprints, dna samples, retinal scans, or ID cards? How else can you enforce absolute exclusivity to the purchaser when such expectations have never been anticipated or expected in legacy products?

The point you responded to was regarding what protections a PDF has that a traditional book does not... Not the intricacies of VHS vs DVD copyright law. And, ultimately, any laws regarding PDF's that differentiate them from traditional books are primed for an organization like the EFF to challenge on the grounds of how reasonable, enforceable, constitutional, etc., they are.

My point was that the EFF does have horses in the race and that much of this case is probably going to end up boiling down to "intent" in order to prove guilt, or public "capitulation" in order to make examples of a few. I'll refrain from putting forth any knowledge of copyright laws regarding PDF's as I don't see how conjecture and interpretation will be particularly constructive to the OP's issue.

Quote:

I'll refrain from putting forth any knowledge of copyright laws regarding PDF's as I don't see how conjecture and interpretation will be particularly constructive to the OP's issue.

Please continue this thread is de-railed already and HA has been spooked enough to either not post here anymore or change his forum name.

Actually I've just ceased to worry about it. While I'm sure as heck going to be more careful about what I do on the net, I'm not as worried as I was before about the current consequences. I've come up with some ways to deal with them and the whole thing is not the looming spectre it was.

However, if people wish to continue to discuss it, please be my guest.

"A Knight is sworn to Valour"
 "His Heart knows only Virtue"
 "His Blade defends the Helpless"
 "His Might upholds the Weak"
 "His Words speak only Truth"
 "His Wrath undoes the Wicked"

offline

profile e-mail

dorpond

RPTools Team



Joined: Thu Jun 01, 2006
 12:05 pm

Posts: 4710

Location: Buffalo, NY

Post subject: Re: PHB2: I'm in trouble and worried

I saw this and thought I would post it here in this thread.
[http://www.msnbc.msn.com/id/31428092/ns ... nce-games/](http://www.msnbc.msn.com/id/31428092/ns...nce-games/)

☐ Posted: Thu Jun 18, 2009 2:06 pm

online

profile

Orchard

Great Wyrn

Post subject: Re: PHB2: I'm in trouble and worried

☐ Posted: Thu Jun 18, 2009 2:11 pm

dorpond wrote:

I saw this and thought I would post it here in this thread.
[http://www.msnbc.msn.com/id/31428092/ns ... nce-games/](http://www.msnbc.msn.com/id/31428092/ns...nce-games/)



Joined: Fri May 09, 2008
8:45 am

Posts: 1807

Location: Doylestown PA

offline

profile

Hm....

Well...isn't that interesting.

0+0=1, for very unstable CPUs.

tektonik

Dragon



Joined: Mon Jul 21, 2008
11:21 am

Posts: 607

offline

profile

Post subject: Re: PHB2: I'm in trouble and worried

Im chuckling. Is that okay?

Posted: Thu Jun 18, 2009 2:37 pm

RPTroll

Great Wyrn



Joined: Tue Mar 21, 2006
6:26 pm

Posts: 2368

Post subject: Re: PHB2: I'm in trouble and worried

I'm more in the "Well that's interesting" camp. On the up side people can do a web search on HA and find maptool.

Sort of the "Any publicity is good publicity" thing.

Why I Play Savage Worlds

The cult of individual personalities is always, in my view, unjustified. - Einstein

Posted: Thu Jun 18, 2009 2:51 pm

Location: Austin, Tx

offline

profile

Orchard

Post subject: Re: PHB2: I'm in trouble and worried

Posted: Thu Jun 18, 2009 4:39 pm

Great Wyrn



RPTroll wrote:

I'm more in the "Well that's interesting" camp. On the up side people can do a web search on HA and find maptool.
Sort of the "Any publicity is good publicity" thing.

Joined: Fri May 09, 2008
8:45 am

I suppose.

Posts: 1807

Location: Doylestown PA

0+0=1, for very unstable CPUs.

offline

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Exhibit F

Exhibit F

Wizards of the Coast fails saving throw against pirates

Wizards of the Coast has been hit by piracy of its source books, and promptly began suing file-sharers. Taking the PDF files of the books out of virtual stores has enraged fans, although the company may put the files back. How will it protect its intellectual property? That's a good question.

By Ben Kuchera | Last updated April 8, 2009 11:05 AM CT

In the days of MMO gaming and online play, the idea of sitting around a card table and actually playing with people in the room must seem almost quaint to some. There is still much joy to be had in playing table-top *Dungeons and Dragons* however, although *Wizards of the Coast* is now dealing with some modern problems. Rampant piracy of its products has led the company to sue a number of individuals and to yank all the for-pay PDF files from the Internet.

Wizards of the Coast has filed three lawsuits against eight defendants (via TechDirt) from the US, Poland, and the Philippines. The complaint? That the defendants allegedly bought digital copies of the Player's Handbook 2, and then uploaded them to certain file-sharing sites. As of yesterday, the PDF files were not available for purchase legally.

Ars called *Wizards of the Coast* PR Manager Tolena Thorburn to talk about the situation. She denied that the company took down the files themselves. "We have relationships, contracts with those companies," she explained to Ars. "What we did is we terminated our contracts. When we terminated the contracts, the files come down. The reason? The severe increase of piracy of the products."

Wizards of the Coast products have long been easily available online... if you know where to look. At what point does the problem get bad enough for a move this drastic? "There wasn't a specific number for us," Thorburn said. "In these lawsuits, which are public information, you would see that this specifically revolves around the players handbooks. They were released and, the same day, there were thousands of copies being downloaded illegally. It's very frustrating for us."

We asked if, at the moment, there was any way to download the PDF files legally. "There should not be," she told Ars. "You can buy the books online, but not the pdfs." This has frustrated many fans, and some blogs are pointing out that now the only way to get these books digitally is to pirate them. Thorburn wouldn't say whether or not the files will be coming back, or when, but she did say *Wizards* is "actively exploring other avenues for digital distribution."

How do you stop these books from finding their way on to BitTorrent trackers? It's a tough question, one that software companies haven't yet found a good answer for. It's even harder for companies selling information in physical form: copying the content is as easy as brewing a pot of coffee and connecting a scanner to your computer. You can add DRM to the files to protect your intellectual property, but that again simply makes the pirated product more appealing. Having no legal way to buy the files is a damaging strategy in a time when a dungeon master is almost as likely to have a laptop as he is to have a pad of paper.

"It's a difficult problem to have, and it's one that plagues our industry," Thorburn said. "We didn't do this lightly, and we understand our fans enjoy that format. Most of the fans who have legally purchased PDFs are also customers who have the physical product. Until we have another digital solution, I think our fans at least are not being deprived of the product, and I think that's really important, that they have the product that they know and love."

Wizards of the Coast fails saving throw against pirates - Ars Technica

Serving the technologist for 1.1214×10^{-1} centuries

Exhibit G

Exhibit G



CREDITS

Design Logan Bonner, Jesse Decker, Mike Mearls, Robert J. Schwalb, Stephen Schubert, Stephen Radney-MacFarland, Peter Schaefer	Graphic Designer Soe Murayama
Development Richard Baker, Andy Collins, Jeremy Crawford, Mike Donals, Andrew Finch, David Noonan, Matthew Sernett	Cover Illustration Daniel Scott
Writing James Wyatt	Interior Illustrations Steve Argyle, Eric Bellsle, Michael Bierck, Devon Caddy-Lee, Mitch Cotie, Thomas Denmark, Eric Deschamps, Brian Despain, Vincent Dutrait, Steve Ellis, Wayne England, Howard Lyon, Mike May, Raven Mimura, William O'Connor, Hector Ortiz, Wayne Reynolds, Chris Seaman, John Stanko, Matias Tapla, Franz Vohwinkel, Eva Widermann, James Zhang
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Editing Jeremy Crawford (lead), Michele Carter, Greg Bilsland	Publishing Production Specialist Angelika Lokotz
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Director of D&D R&D and Book Publishing Bill Slavicsek	Imaging Technician Carmen Cheung
D&D Creative Manager Christopher Perkins	Production Manager Cynda Callaway
D&D Design Manager James Wyatt	Game rules based on the original DUNGEONS & DRAGONS® rules created by E. Gary Gygax and Dave Arneson, and the later editions by David "Zeb" Cook (2nd Edition); Jonathan Tweet, Monte Cook, Skip Williams, Richard Baker, and Peter Adkison (3rd Edition); and Rob Heinsoo, Andy Collins, and James Wyatt (4th Edition).
D&D Development and Editing Manager Andy Collins	
Art Director Jon Schindehette	

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DUNGEONS & DRAGONS, D&D, d20, d20 System, WIZARDS OF THE COAST, FORGOTTEN REALMS, *Player's Handbook*, *Dungeon Master's Guide*, *Monster Manual*, *D&D Insider*, *Dungeon Tiles*, *Adventurer's Vault*, *Martial Power*, all other Wizards of the Coast product names, and their respective logos are trademarks of Wizards of the Coast in the U.S.A. and other countries. All Wizards characters, character names, and the distinctive likenesses thereof are property of Wizards of the Coast LLC. This material is protected under the copyright laws of the United States of America. Any reproduction or unauthorized use of the material or artwork contained herein is prohibited without the express written permission of Wizards of the Coast LLC. Any similarity to actual people, organizations, places, or events included herein is purely coincidental. Printed in the U.S.A. ©2009 Wizards of the Coast LLC.

VISIT OUR WEBSITE AT WWW.WIZARDS.COM/DND

Exhibit H

Exhibit H

EXHIBIT H**Wizards of the Coast's Attorneys' Fees for Action Against Defendant Becker**

<i>Name</i>	<i>Date</i>	<i>Description</i>	<i>Hours</i>	<i>Source</i>	<i>Amount</i>
Hanson, Jeffrey M.	03/23/2009	Conference with E. McDougall regarding potential copyright infringement actions; review email correspondence and background documents; research potential defendants and personal jurisdiction;	6.2/6 ¹	Ex. I p. 57	\$372.00
Hanson, Jeffrey M.	03/24/2009	Review additional background documents and information; exchange email correspondence with K. Ross and E. McDougall regarding potential actions; conferences with E. McDougall regarding personal jurisdiction and potential claims; research regarding additional potential defendants and connections between defendants;	10.5/6	Ex. I p. 57	\$630.00
McDougall, Elizabeth L.	03/24/2009	Conference with J. Hanson regarding jurisdiction and litigation issues; telephone conference with K. Ross regarding strategic issues; research and conference with J. Hanson regarding draft complaint;	2.7/6	Ex. I p. 57	\$222.75
Hanson, Jeffrey M.	03/25/2009	Conference with E. McDougall regarding research and potential claims; telephone conference with K. Ross, C. Pemberton, M. Allen, and E. McDougall regarding strategy; review additional background documents from client; review complaint and motion from Rutter litigation; exchange email correspondence regarding potential actions; draft template complaint versus infringing users;	8.6/6	Ex. I p. 57	\$516.00

¹ See Hanson Declaration ¶ 13 for explanation of one-sixth allocation to action against Defendant Becker.

EXHIBIT H
Wizards of the Coast's Attorneys' Fees for Action Against Defendant Becker

<i>Name</i>	<i>Date</i>	<i>Description</i>	<i>Hours</i>	<i>Source</i>	<i>Amount</i>
McDougall, Elizabeth L.	03/25/2009	Review background materials and litigation plan; conference with J. Hanson regarding additional targets; telephone conference with client regarding user litigation options and strategies; communications with M. Schneller regarding expedited copyright registration; communications with J. Hanson regarding draft complaint; review and investigate information regarding infringer identities;	2.7/6	Ex. I p. 57	\$222.75
Hanson, Jeffrey M.	03/26/2009	Revise draft complaint; research issues related to same;	4.6/6	Ex. I p. 57	\$276.00
Hanson, Jeffrey M.	03/27/2009	Revise draft complaint per E. McDougall; draft additional complaints; research issues and facts relevant to same; review additional client documents and correspondence from C. Pemberton regarding same; conference with E. McDougall regarding same; exchange email correspondence with K. Ross and C. Pemberton regarding status;	7.9/6	Ex. I p. 58	\$474.00
McDougall, Elizabeth L.	03/27/2009	Conference with J. Hanson regarding draft complaint and factual issues;	.4/6	Ex. I p. 58	\$33.00
Hanson, Jeffrey M.	03/28/2009	Draft additional complaints; review additional documents and correspondence from client relevant to same;	5.6/6	Ex. I p. 58	\$336.00

EXHIBIT H**Wizards of the Coast's Attorneys' Fees for Action Against Defendant Becker**

<i>Name</i>	<i>Date</i>	<i>Description</i>	<i>Hours</i>	<i>Source</i>	<i>Amount</i>
Hanson, Jeffrey M.	03/30/2009	Review E. McDougall edits to complaint against M. Becker and A. Le; revise same; conference with E. McDougall regarding same; exchange email correspondence with C. Pemberton regarding complaints and additional facts; revise complaint against T. Nolan; telephone conference with E. McDougall regarding cases and potential additional complaints;	7.0/6	Ex. I p. 58	\$420.00
McDougall, Elizabeth L.	03/30/2009	Review and revise draft template complaint; communications with J. Hanson regarding defendant identification issues;	1.3/6	Ex. I p. 58	\$107.25
Hanson, Jeffrey M.	03/31/2009	Review additional evidentiary documents and information forwarded by C. Pemberton; telephone conference and email correspondence with C. Pemberton regarding same; exchange email correspondence with K. Ross and E. McDougall regarding potential defendants;	4.3/6	Ex. I p. 58	\$258.00
Hanson, Jeffrey M.	07/15/2009	Draft motion for default against M. Becker and supporting documents; research regarding M. Becker's military status; research regarding default judgments and active military service members; compose email correspondence to E. McDougall regarding default papers with respect to M. Becker;	1.5 ²	Ex. I p. 59	\$540.00

² The entry for Jeffrey M. Hanson on 7/15/09 reflects 3.0 hours, but approximately 1.5 hours of that time was spent on tasks unrelated to the action against Defendant Becker.

EXHIBIT H**Wizards of the Coast's Attorneys' Fees for Action Against Defendant Becker**

<i>Name</i>	<i>Date</i>	<i>Description</i>	<i>Hours</i>	<i>Source</i>	<i>Amount</i>
Hanson, Jeffrey M.	07/16/2009	Research regarding Becker's potential military status; exchange email correspondence with E. McDougall regarding motion for default against M. Becker; finalize same;	.7 ³	Ex. I p. 59	\$252.00
Hanson, Jeffrey M.	07/17/2009	Exchange email correspondence with C. Pemberton regarding M. Becker's postings on forum; communicate with E. McDougall regarding same;	.4 ⁴	Ex. I p. 59	\$144.00
McDougall, Elizabeth L.	07/17/2009	Communications with J. Hanson regarding Becker forum post and default order;	.2	Ex. I p. 59	\$99.00
Hanson, Jeffrey M.	08/24/2009	Review documents relevant to motion for default judgment against M. Becker; draft same;	1.2	Ex. I p. 60	\$432.00
Hanson, Jeffrey M.	08/25/2009	Research regarding motion for default judgment;	.2	Ex. I p. 60-61	\$72.00
Hanson, Jeffrey M.	08/28/2009	Conference with E. McDougall regarding motion for default judgment against M. Becker;	.1	Ex. I p. 61	\$36.00
McDougall, Elizabeth L.	08/28/2009	Conference with J. Hanson regarding Becker default judgment issues;	.1	Ex. I p. 61	\$49.50
Hanson, Jeffrey M.	09/01/2009	Draft motion for default judgment against M. Becker; review documents and pleadings relevant to same;	1.9	Ex. I p. 61	\$684.00
Hanson, Jeffrey M.	09/02/2009	Continue drafting motion for default judgment against M. Becker;	.7	Ex. I p. 61	\$252.00

³ The entry for Jeffrey M. Hanson on 7/16/09 reflects 1.6 hours, but approximately .9 hours of that time was spent on tasks unrelated to the action against Defendant Becker.

⁴ The entry for Jeffrey M. Hanson on 7/17/09 reflects 5.6 hours, but approximately 5.2 hours of that time was spent on tasks unrelated to the action against Defendant Becker.

EXHIBIT H**Wizards of the Coast's Attorneys' Fees for Action Against Defendant Becker**

<i>Name</i>	<i>Date</i>	<i>Description</i>	<i>Hours</i>	<i>Source</i>	<i>Amount</i>
Hanson, Jeffrey M.	09/04/2009	Continue drafting motion for default judgment against M. Becker;	2.4 ⁵	Ex. I p. 61	\$864.00
Hanson, Jeffrey M.	09/08/2009	Continue drafting motion for default judgment; research regarding personal jurisdiction;	.3	Ex. I p. 61	\$108.00
Hanson, Jeffrey M.	09/09/2009	Continue drafting motion for default judgment against M. Becker and supporting papers;	.5 ⁶	Ex. I p. 61	\$180.00
Hanson, Jeffrey M.	09/10/2009	Continue drafting motion for default judgment and supporting papers against M. Becker; research regarding military status of M. Becker;	3.0 ⁷	Ex. I p. 61	\$1,080.00
Hanson, Jeffrey M.	09/11/2009	Research regarding M. Becker's military status; exchange email correspondence with reference librarians regarding same; conference with P. Marino regarding M. Becker Internet postings; continue drafting motion for default judgment and supporting papers against M. Becker;	2.0 ⁸	Ex. I p. 61-62	\$720.00
Hanson, Jeffrey M.	09/14/2009	Continue drafting motion for default judgment against M. Becker and supporting papers; research regarding statutory damages;	1.5 ⁹	Ex. I p. 62	\$540.00

⁵ The entry for Jeffrey M. Hanson on 9/4/09 reflects 5.0 hours, but approximately 2.6 hours of that time was spent on tasks unrelated to the action against Defendant Becker.

⁶ The entry for Jeffrey M. Hanson on 9/9/09 reflects 4.1 hours, but approximately 3.6 hours of that time was spent on tasks unrelated to the action against Defendant Becker.

⁷ The entry for Jeffrey M. Hanson on 9/10/09 reflects 3.8 hours, but approximately .8 hours of that time was spent on tasks unrelated to the action against Defendant Becker.

⁸ The entry for Jeffrey M. Hanson on 9/11/09 reflects 3.9 hours, but approximately 1.9 hours of that time was spent on tasks unrelated to the action against Defendant Becker.

⁹ The entry for Jeffrey M. Hanson on 9/14/09 reflects 2.1 hours, but approximately .6 hours of that time was spent on tasks unrelated to the action against Defendant Becker.

EXHIBIT H**Wizards of the Coast's Attorneys' Fees for Action Against Defendant Becker**

<i>Name</i>	<i>Date</i>	<i>Description</i>	<i>Hours</i>	<i>Source</i>	<i>Amount</i>
Hanson, Jeffrey M.	09/15/2009	Research regarding statutory damages; compose email correspondence to K. Ross and C. Pemberton regarding request for statutory damages against M. Becker;	1.3 ¹⁰	Ex. I p. 62	\$468.00
Hanson, Jeffrey M.	09/16/2009	Continue drafting motion for default judgment against M. Becker and supporting papers; exchange email correspondence with E. McDougall regarding same; exchange email correspondence with K. Ross and C. Pemberton regarding same;	2.0 ¹¹	Ex. I p. 62	\$720.00
Hanson, Jeffrey M.	09/17/2009	Continue drafting motion for default judgment against M. Becker and supporting papers; research issue relevant to same;	1.7	Ex. I p. 62	\$612.00
McDougall, Elizabeth L.	09/18/2009	Review and revise draft motion for default judgment and supporting documents;	1.1	Ex. I p. 62	\$544.50
Hanson, Jeffrey M.	09/18/2009	Continue drafting motion for default judgment against M. Becker and supporting papers; exchange email correspondence with E. McDougall regarding same;	1.4	Ex. I p. 62	\$504.00
McDougall, Elizabeth L.	09/19/2009	Review and revise draft motion for default judgment;	.3	Ex. I p. 62	\$148.50
McDougall, Elizabeth L.	09/20/2009	Review and revise draft motion for default judgment;	.5	Ex. I p. 62	\$247.50

¹⁰ The entry for Jeffrey M. Hanson on 9/15/09 reflects 1.8 hours, but approximately .5 hours of that time was spent on tasks unrelated to the action against Defendant Becker.

¹¹ The entry for Jeffrey M. Hanson on 9/16/09 reflects 3.2 hours, but approximately 1.2 hours of that time was spent on tasks unrelated to the action against Defendant Becker.

EXHIBIT H**Wizards of the Coast's Attorneys' Fees for Action Against Defendant Becker**

<i>Name</i>	<i>Date</i>	<i>Description</i>	<i>Hours</i>	<i>Source</i>	<i>Amount</i>
Hanson, Jeffrey M.	09/21/2009	Review E. McDougall's edits to motion for default judgment against M. Becker and supporting papers; revise same;	1.9	Ex. I p. 62-63	\$684.00
Hanson, Jeffrey M.	09/23/2009	Review E. McDougall's edits to motion for default judgment against M. Becker; revise same; revise supporting declaration;	1.3	Ex. I p. 63	\$468.00

Exhibit I

Exhibit I



Time Detail

additional search criteria: Beginning Date: **Inception** Ending Date: **9/28/2009** Status: 'W','P','B'

PCL: Daley-Watson, Christopher J.

Client/Matter: 23652 Wizards of the Coast, Inc. 0037 D&D PHB2

Time ID	Tkpr ID	Tkpr Name	Date	Base Hours	Billed Hours	Status	Invoice	Base Amount	Billed Amount	Phase/ Task
17656388	09918	Hanson, Jeffrey M.	3/23/2009	6.20	6.20	B	3953840	\$2,232.00	\$2,232.00	

Narrative: Conference with E. McDougall regarding potential copyright infringement actions; review email correspondence and background documents; research potential defendants and personal jurisdiction;

REDACTED RELATED TO OTHER TASKS

17656390	09918	Hanson, Jeffrey M.	3/24/2009	10.50	10.50	B	3953840	\$3,780.00	\$3,780.00	
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Narrative: Review additional background documents and information; exchange email correspondence with K. Ross and E. McDougall regarding potential actions; conferences with E. McDougall regarding personal jurisdiction and potential claims; research regarding additional potential defendants and connections between defendants;

17668479	08591	McDougall, Elizabeth L.	3/24/2009	2.70	2.70	B	3953840	\$1,336.50	\$1,336.50	
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Narrative: Conference with J. Hanson regarding jurisdiction and litigation issues; telephone conference with K. Ross regarding strategic issues; research and conference with J. Hanson regarding draft complaint;

REDACTED RELATED TO OTHER TASKS

17656387	09918	Hanson, Jeffrey M.	3/25/2009	8.60	8.60	B	3953840	\$3,096.00	\$3,096.00	
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Narrative: Conference with E. McDougall regarding research and potential claims; telephone conference with K. Ross, C. Pemberton, M. Allen, and E. McDougall regarding strategy; review additional background documents from client; review complaint and motion from Rutter litigation; exchange email correspondence regarding potential actions; draft template complaint versus infringing users;

17668476	08591	McDougall, Elizabeth L.	3/25/2009	2.70	2.70	B	3953840	\$1,336.50	\$1,336.50	
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Narrative: Review background materials and litigation plan; conference with J. Hanson regarding additional targets; telephone conference with client regarding user litigation options and strategies; communications with M. Schneller regarding expedited copyright registration; communications with J. Hanson regarding draft complaint; review and investigate information regarding infringer identities;

17656386	09918	Hanson, Jeffrey M.	3/26/2009	4.60	4.60	B	3953840	\$1,656.00	\$1,656.00	
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Narrative: Revise draft complaint; research issues related to same;

REDACTED
RELATED TO OTHER TASKS

17656389 09918 Hanson, 3/27/2009 7.90 7.90 B 3953840 \$2,844.00 \$2,844.00
Jeffrey M.

Narrative: Revise draft complaint per E. McDougall; draft additional complaints; research issues and facts relevant to same; review additional client documents and correspondence from C. Pemberton regarding same; conference with E. McDougall regarding same; exchange email correspondence with K. Ross and C. Pemberton regarding status;

17668480 08591 McDougall, 3/27/2009 0.40 0.40 B 3953840 \$198.00 \$198.00
Elizabeth L.

Narrative: Conference with J. Hanson regarding draft complaint and factual issues;

17656391 09918 Hanson, 3/28/2009 5.60 5.60 B 3953840 \$2,016.00 \$2,016.00
Jeffrey M.

Narrative: Draft additional complaints; review additional documents and correspondence from client relevant to same;

17669261 09918 Hanson, 3/30/2009 7.00 7.00 B 3953840 \$2,520.00 \$2,520.00
Jeffrey M.

Narrative: Review E. McDougall edits to complaint against M. Becker and A. Le; revise same; conference with E. McDougall regarding same; exchange email correspondence with C. Pemberton regarding complaints and additional facts; revise complaint against T. Nolan; telephone conference with E. McDougall regarding cases and potential additional complaints;

REDACTED
RELATED TO OTHER TASKS

17686711 08591 McDougall, 3/30/2009 1.30 1.30 B 3953840 \$643.50 \$643.50
Elizabeth L.

Narrative: Review and revise draft template complaint; communications with J. Hanson regarding defendant identification issues;

17676439 09918 Hanson, 3/31/2009 5.50 4.30 B 3953840 \$1,980.00 \$1,548.00
Jeffrey M.

Narrative: Review additional evidentiary documents and information forwarded by C. Pemberton; telephone conference and email correspondence with C. Pemberton regarding same; exchange email correspondence with K. Ross and E. McDougall regarding potential defendants;

REDACTED
RELATED TO OTHER TASKS

18070060 09918 Hanson, 7/15/2009 3.00 3.00 B 4032795 \$1,080.00 \$1,080.00
Jeffrey M.

Narrative: Draft motion for default against M. Becker and supporting documents; research regarding M. Becker's military status; research regarding default judgments and active military service members; compose email correspondence to E. McDougall regarding default papers with respect to M. Becker;

REDACTED
RELATED TO OTHER TASKS

REDACTED
RELATED TO OTHER TASKS

18070062 09918 Hanson, 7/16/2009 1.60 1.60 B 4032795 \$576.00 \$576.00
Jeffrey M.

Narrative: Research regarding Becker's potential military status; exchange email correspondence with E. McDougall regarding motion for default against M. Becker; finalize same;

REDACTED
RELATED TO OTHER TASKS

REDACTED
RELATED TO OTHER TASKS

18070063 09918 Hanson, 7/17/2009 5.60 5.60 B 4032795 \$2,016.00 \$2,016.00
Jeffrey M.

Narrative: Exchange email correspondence with C. Pemberton regarding M. Becker's postings on forum; communicate with E. McDougall regarding same;

REDACTED
RELATED TO OTHER TASKS

18124220 08591 McDougall, 7/17/2009 0.20 0.20 B 4032795 \$99.00 \$99.00
Elizabeth L.

Narrative: Communications with J. Hanson regarding Becker forum post and default order;

REDACTED
RELATED TO OTHER TASKS

REDACTED
RELATED TO OTHER TASKS

18214868	09918 Hanson, Jeffrey M.	8/24/2009	1.20	1.20	P	4049849	\$432.00	\$432.00
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Narrative: Review documents relevant to motion for default judgment against M. Becker; draft same;

18214866	09918 Hanson, Jeffrey M.	8/25/2009	0.20	0.20	P	4049849	\$72.00	\$72.00
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Time Entries Report

Narrative: Research regarding motion for default judgment;

18214867	09918 Hanson, Jeffrey M.	8/28/2009	0.20	0.20	P	4049849	\$72.00	\$72.00
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Narrative: Conference with E. McDougall regarding motion for default judgment against M. Becker;

18221127	08591 McDougall, Elizabeth L.	8/28/2009	0.10	0.10	P	4049849	\$49.50	\$49.50
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Narrative: Conference with J. Hanson regarding Becker default judgment issues;

REDACTED
RELATED TO OTHER TASKS

18250461	09918 Hanson, Jeffrey M.	9/1/2009	1.90	0.00	W		\$684.00	\$0.00
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Narrative: Draft motion for default judgment against M. Becker; review documents and pleadings relevant to same;

18250459	09918 Hanson, Jeffrey M.	9/2/2009	0.70	0.00	W		\$252.00	\$0.00
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Narrative: Continue drafting motion for default judgment against M. Becker;

18250460	09918 Hanson, Jeffrey M.	9/4/2009	5.00	0.00	W		\$1,800.00	\$0.00
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Narrative: **REDACTED** continue drafting motion for default judgment against M. Becker; review documents relevant to same;

18269192	09918 Hanson, Jeffrey M.	9/8/2009	0.50	0.00	W		\$180.00	\$0.00
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Narrative: Continue drafting motion for default judgment; research regarding personal jurisdiction;

18269190	09918 Hanson, Jeffrey M.	9/9/2009	4.10	0.00	W		\$1,476.00	\$0.00
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Narrative: **REDACTED**
RELATED TO OTHER TASKS

continue drafting motion for default judgment against M. Becker and supporting papers;

18269193	09918 Hanson, Jeffrey M.	9/10/2009	3.80	0.00	W		\$1,368.00	\$0.00
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Narrative: Continue drafting motion for default judgment and supporting papers against M. Becker; telephone conference with C. Pemberton regarding status of cases and

REDACTED research regarding military status of M. Becker;
REDACTED
RELATED TO OTHER TASKS

18269191	09918 Hanson, Jeffrey M.	9/11/2009	3.90	0.00	W		\$1,404.00	\$0.00
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Narrative: Research regarding M. Becker's military status; exchange email correspondence with reference librarians regarding same;

REDACTED
RELATED TO OTHER TASKS

REDACTED**RELATED TO OTHER TASKS**

conference with P. Marino regarding M. Becker Internet postings; continue drafting motion for default judgment and supporting papers against M. Becker;

REDACTED
RELATED TO OTHER TASKS

18304676 09918 Hanson, 9/14/2009 2.10 0.00 W \$756.00 \$0.00
 Jeffrey M.

Narrative: Continue drafting motion for default judgment against M. Becker and supporting papers; research regarding statutory damages;

REDACTED
RELATED TO OTHER TASKS

REDACTED
RELATED TO OTHER TASKS

18304678 09918 Hanson, 9/15/2009 1.80 0.00 W \$648.00 \$0.00
 Jeffrey M.

Narrative: Conference with E. McDougall regarding : research regarding statutory damages; compose email correspondence to K. Ross and C. Pemberton regarding request for statutory damages against M. Becker;

REDACTED**RELATED TO OTHER TASKS**

18304680 09918 Hanson, 9/16/2009 3.20 0.00 W \$1,152.00 \$0.00
 Jeffrey M.

Narrative: Continue drafting motion for default judgment against M. Becker and supporting papers; exchange email correspondence with E. McDougall regarding same; exchange email correspondence with K. Ross and C. Pemberton regarding same and

REDACTED
RELATED TO OTHER TASKS

18304681 09918 Hanson, 9/17/2009 1.70 0.00 W \$612.00 \$0.00
 Jeffrey M.

Narrative: Continue drafting motion for default judgment against M. Becker and supporting papers; research issue relevant to same;

18304682 09918 Hanson, 9/18/2009 1.40 0.00 W \$504.00 \$0.00
 Jeffrey M.

Narrative: Continue drafting motion for default judgment against M. Becker and supporting papers; exchange email correspondence with E. McDougall regarding same;

18292228 08591 McDougall, 9/18/2009 1.10 0.00 W \$544.50 \$0.00
 Elizabeth L.

Narrative: Review and revise draft motion for default judgment and supporting documents;

18292226 08591 McDougall, 9/19/2009 0.30 0.00 W \$148.50 \$0.00
 Elizabeth L.

Narrative: Review and revise draft motion for default judgment;

18292227 08591 McDougall, 9/20/2009 0.50 0.00 W \$247.50 \$0.00
 Elizabeth L.

Narrative: Review and revise draft motion for default judgment;

18304679 09918 Hanson, 9/21/2009 1.90 0.00 W \$684.00 \$0.00
 Jeffrey M.

Narrative: Review E. McDougall's edits to motion for default judgment against M. Becker and supporting papers; revise same;

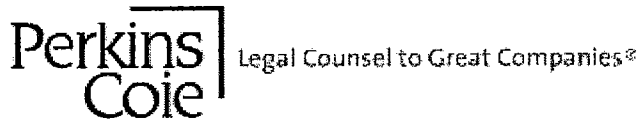
18304677	09918 Hanson, Jeffrey M.	9/23/2009	1.30	0.00	W	\$468.00	\$0.00
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Narrative: Review E. McDougall's edits to motion for default judgment against M. Becker; revise same; revise supporting declaration;

REDACTED
RELATED TO OTHER TASKS

Exhibit J

Exhibit J



Jeffrey M. Hanson | Associate

Jeff Hanson is an associate in the commercial litigation group, specializing in intellectual property and contract law. In addition to representing clients in breach-of-contract litigation, Jeff has significant experience counseling clients on contract issues, including on damages, under the common law and Uniform Commercial Code. Jeff's experience in intellectual property litigation includes cases involving copyright infringement, trademark infringement, and trade secrets misappropriation.

Seattle

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FAX: 206.359.4206

JHanson@perkinscoie.com

Practices

Litigation
Intellectual Property Litigation
Copyright Litigation
Trademark Litigation
Intellectual Property

Professional Recognition

- Listed in *Washington Law & Politics*, "Rising Stars of Washington Law," 2009

Clerkships

- Hon. Paul Niemeyer, U.S. Court of Appeals for the Fourth Circuit, 2003 - 2004

Education

- Cornell Law School, J.D., cum laude, 2003
Articles Editor, *Cornell Law Review*
- Claremont Graduate University, M.A., International Studies, 1996
- Linfield College, B.A., Political Science, Mathematics, magna cum laude, 1992

Bar Admissions

- Washington

Court Admissions

- U.S. Court of Appeals for the Fourth Circuit
 - U.S. Court of Appeals for the Ninth Circuit
 - U.S. District Court for the Western District of Washington
-

Exhibit K



Elizabeth L. McDougall | Partner

Co-Chair, Intellectual Property Litigation Practice

Liz McDougall, a partner in the firm's Litigation practice, focuses on Internet-related litigation, intellectual property litigation, online privacy and security issues, and complex litigation including class actions. She handles litigation and appellate cases in federal and state courts around the country as well as before administrative bodies. In addition to her appointment as co-chair of the national Intellectual Property Litigation practice group within the firm, Liz serves on the firm's Partner Compensation Committee and Lateral Partner Hiring Committee.

Seattle

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Practices

Litigation
Intellectual Property Litigation
Privacy & Security
Communications
Copyright Litigation
Trademark Litigation
IP Enforcement Programs
Appellate
Intellectual Property

Professional Recognition

- ▣ Listed in *Washington Law & Politics*, "Washington's Super Lawyers"

Professional Leadership

- ▣ Washington Appleseed, Director, 2005 - Present
- ▣ King County Bar Association, Judicial Screening Committee, 2006 - 2007
- ▣ Journal of Maritime Law and Commerce, New York, Editorial Board, 1995 - 1996
- ▣ Federal Bar Association, Member
- ▣ Washington State Bar Association, Member
- ▣ King County Bar Association, Member

Related Employment

- ▣ Bogle & Gates P.L.L.C., Seattle, 1997 - 1999
- ▣ Legal Services of the Blue Ridge, Inc., Volunteer, 1996 - 1997
- ▣ Curtis, Mallet-Prevost, Colt & Mosle, New York, 1993 - 1996

Education

- ▣ New York University School of Law, J.D., 1993
- ▣ University of Ottawa, B.S.S., magna cum laude, 1989

Bar Admissions

- ▣ Washington
- ▣ New York

Court Admissions

- ▣ U.S. Supreme Court
- ▣ U.S. Court of Appeals for the Ninth Circuit
- ▣ U.S. District Court for the Western District of Washington
- ▣ U.S. District Court for the Southern District of New York
- ▣ U.S. District Court for the Eastern District of New York

Exhibit L

Exhibit L



Disbursement Detail

additional search criteria: Beginning Date: **Inception** Ending Date: **9/28/2009** Status: **'W','P','B'**

Client/Matter: **23652 Wizards of the Coast, Inc. 0037 D&D PHB2**

Disb ID	Date	Status	Narrative	Code Description	Base Amount	Billed Hard/ Amount Soft
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REDACTED
RELATED TO OTHER TASKS

12511836	4/2/2009	B	3504 Filing fees	\$350.00	\$350.00	H
12512989	4/3/2009	B	3510 Service of subpoena fees	\$125.00	\$125.00	H

REDACTED
RELATED TO OTHER TASKS