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Attorneys for Petitioner Take-Two Interactive Software, Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re DMCA Subpoena to Discord, inc.	Case No. 1:26-mc-422 ECF Case

PETITIONER TAKE-TWO INTERACTIVE SOFTWARE, INC.'S REQUEST TO THE CLERK FOR ISSUANCE OF A SUBPOENA TO DISCORD, INC.

Petitioner Take-Two Interactive Software, Inc. ("Take-Two") through its undersigned counsel of record, hereby requests that the Clerk of this Court issue a subpoena to Discord, Inc. to identify alleged infringers at issue, pursuant to the Digital Millennium Copyright Act ("DMCA"), 17 U.S.C. § 512(h) (hereinafter the "DMCA Subpoena").[1] The proposed DMCA Subpoena is attached hereto as Exhibit A.

The DMCA Subpoena is directed to Discord, Inc., the service provider of certain accounts and servers on which infringing content is posted. Take-Two has identified one

[1] This is Take-Two's second request for a DMCA subpoena to Discord. The Court granted Take-Two's first request on August 21, 2026, the Clerk of this Court issued the subpoena that same day, and the subpoena was promptly served on Discord. (Dkt. 5). Take-Two's investigation of the infringement at issue is rapidly evolving and ongoing. This second DMCA Subpoena request seeks different information than that sought from Take-Two's first subpoena and provides additional clarifying information regarding one of the user IDs specified in the first subpoena.

additional Discord user and obtained additional identifying information for a previously identified Discord user, as well as additional information concerning the community servers identified in its prior subpoena for which it now seeks more targeted information. These additional accounts and server are believed to be involved in the same infringing activity as that described in Take-Two's first request. (Dkt. 1).

This content infringes copyrights held by Take-Two for GRAND THEFT AUTO VI, proprietary software owned by Take-Two. *See* Decl. of D. Cendali ¶ 3. (hereinafter "Cendali Decl."). The copyrighted material includes but is not limited to audiovisual content, artwork, images, dialogue, or other creative elements.

Take-Two has satisfied the requirements for issuance of a subpoena pursuant to 17 U.S.C. § 512(h), namely:

1. Take-Two has submitted a copy of the notification sent pursuant to 17 U.S.C. § 512(c)(3)(A) as **Exhibit 1** to Cendali Decl.
2. Take-Two has submitted the proposed DMCA Subpoena attached hereto as **Exhibit A** and a Proposed Order attached hereto as **Exhibit B**; and
3. Take-Two, through its counsel of record, has submitted a sworn declaration confirming that the purpose for which the DMCA subpoena is sought is to obtain the identity of an alleged infringer or infringers, and that such information will only be used for the purpose of protecting Take-Two's rights under Title 17 U.S.C. §§ 100, *et. seq*. *See* Cendali Decl. ¶ 5.

Having complied with the statutory requirements, Take-Two respectfully requests that the Clerk expeditiously issue and sign the proposed DMCA Subpoena pursuant to 17 U.S.C. § 512(h)(4).

Dated: New York, New York
August 28, 2026

KIRKLAND & ELLIS LLP

/s/ Dale M. Cendali

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