

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re DMCA Section 512(h) Subpoena to Discord,
Inc.

Cause No. 3:24-mc-00059-S

**MOTION TO COMPEL DISCORD INC.'S RESPONSES TO SECTION 512(h)
SUBPOENA**

TO THE HONORABLE JUDGE OF SAID COURT:

Nexon Korea Corporation (“Nexon”), by and through its undersigned counsel, hereby submits this Motion to Compel Discord Inc.’s (“Discord”) Responses to the DMCA Subpoena issued pursuant to Section 512(h), and respectfully requests that this Court enter an order requiring Discord to produce responses to the DMCA subpoena. In support, Nexon respectfully shows the Court as follows:

I. RELEVANT FACTS

1. Nexon Korea Corporation is an interactive video game company, which has created several successful video game franchises. Nexon owns valid and subsisting copyrights in popular video games, such as MapleStory, MapleStory2, Sudden Attack, The Kingdom of the Winds, Dungeon & Fighter, Grand Chase, and Elsword.

2. Discord, Inc. is a voice, video, and text communication service, which individuals often use to provide pirated versions of video games, including those created by Nexon.

3. On several occasions, Nexon sent Discord a Digital Millennium Copyright Act (DMCA) Notices, notifying the service provider that several of its users were using its services to

provide access to infringing material, in violation of Discord's terms of service and intellectual property policy.

4. Thereafter, on May 22, 2024, Nexon, through its undersigned counsel, filed a request for issuance of a DMCA Subpoena, pursuant to 17 U.S.C. §512(h), requesting that Discord provide information sufficient to identify the users who violated its intellectual property rights. *See Exhibit A.*

5. This Court issued the subpoena on May 22, 2024, ordering Discord to respond by June 12, 2024.

6. However, to date, Discord has failed to produce any responsive documents or written responses on or before the time for compliance.

7. Rather, on or about July 1, 2024, Discord, through its counsel, issued a correspondence alleging that: (1) the subpoena is overbroad, (2) the subpoena violates Fed. R. Civ. P. 45, and (3) the subpoena is premature, given that there is no underlying litigation. *See Exhibit B.*

8. Discord's failure to cooperate discovery has impeded Nexon's ability to discover relevant, non-privileged information that will support its potential claims against the users who have provided access to the infringing material.

9. Therefore, Nexon files this motion requesting that this Court compel Discord to produce the documents to which Nexon are rightfully entitled.

II. ARGUMENTS AND AUTHORITIES

10. In their refusal to provide responsive documents, Discord has taken the position that that: (1) the subpoena is overbroad, (2) the subpoena violates the 100-mile geographical limit set forth in Fed. R. Civ. P. 45, and (3) the subpoena is premature, given that there is no underlying litigation.

11. As a preliminary matter, Discord failed to raise its objections or timely move to quash the subpoena in accordance with Fed. R. Civ. P. 45.

12. Fed. R. Civ. P. 45(d)(2)(B) provides that “[a] person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served *before the earlier of the time specified for compliance or 14 days after the subpoena is served.*” (emphasis added) Discord has waived these objections by failing to timely assert the same.

13. Additionally, Fed. R. Civ. P. 45(d)(3) provides that “upon timely motion, [...], the court must quash or modify a subpoena that requires a person to comply beyond the geographical limits specified in Rule 45(c).”

14. However, at no point prior to the time for compliance did Discord move to quash or modify the subpoena on the basis that it requests compliance beyond the scope of Rule 45’s geographical limitation.

15. Moreover, the geographical limitation argument is baseless, as the subpoena only seeks production of documents, which could be transmitted through electronic or physical mail, and did not require Discord to enter the forum to provide the same. As noted in Fed. R. Civ. P. 45(d)(2)(A), a person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, *need not appear in person* at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

16. Moreover, in other circuits, courts have held that the 100-mile geographical limitation does not apply to the production of documents, as they can be sent by mail or electronically. *See Security Life Ins. Co. of Am. v. Duncanson & Holt, Inc. (In re Sec. Life Ins. Co.*

of Am.), 228 F.3d 865, 2000 U.S. App. LEXIS 24820 (8th Cir. 2000) (holding that an order for production of documents need not comply with Rule 45(b)(2)'s territorial limits, since the burden of producing documents need not increase appreciably with increase in distance those documents must travel.) see also *Walker v. Ctr. for Food Safety*, 667 F.Supp.2d 133, 138 (D.D.C. 2009) ("the 100 mile limit applies to travel by a subpoenaed person, but a person commanded to produce documents need not appear in person at the place of production or inspection").

17. Discord also claimed that the subpoena was "premature" since there is no pending litigation related to the alleged infringement. However, this argument is meritless, as there is nothing in the DMCA that requires an underlying infringement lawsuit against the unidentified infringers to obtain a DMCA subpoena. Moreover, the very essence of the DMCA is to allow a copyright holder to unmask infringers. In fact, Section 512(h) permits a copyright owner to request a court to issue a subpoena to a service provider for the purpose of identifying an alleged infringer. Therefore, it is anti-thetical to Section 512(h) that an infringement lawsuit be filed prior to the issuance of a DMCA subpoena, as the very purpose of information requested in DMCA subpoenas is critical to identify potential defendants to such a lawsuit.

18. The Digital Millennium Copyright Act permits copyright owners to obtain subpoenas for information to identify alleged copyright infringers independently of any pre-existing lawsuit. In this context, the subpoena is its own civil case, and the sole issue in such a case is whether the subpoena should be enforced or not. *See In re DMCA Subpoena to Reddit, Inc.*, 441 F. Supp. 3d 875, 880 (N.D. Cal. 2020).

19. Section 512(h)(5) provides that "upon receipt of the issued subpoena [...] the service provider shall expeditiously disclose to the copyright owner or person authorized by the copyright owner the information requested by the subpoena."

20. However, despite receiving a valid subpoena and having substantial time to respond, Discord has failed to satisfy its obligation to timely object and/or produce responsive documentation pursuant to Section 512(h) and Federal Rule of Civil Procedure 45.

21. As such, Discord urges this Court to grant its motion and to order Discord's compliance with the subpoena.

22. If this Court grants Nexon Korea Corporation's Motion, Nexon is entitled to its attorneys' fees and expenses involved in securing the ruling, pursuant to Fed. R. Civ. P. 37.

23. In the event that this Court grants Nexon's Motion, Nexon submits the Singhe Affidavit detailing its attorneys' fees and expenses. *See Exhibit C*. Nexon respectfully requests that the Court award Nexon its attorneys' fees and expenses in connection with its Motion.

CONCLUSION

24. An order compelling Discord's production of responsive documents is appropriate, as Discord's noncompliance has hindered Nexon's ability to identify the infringers and bring claims against them.

PRAYER FOR RELIEF

FOR THESE REASONS, Nexon Korea Corporation respectfully pray that the Court enter an order requiring Discord to produce responsive documents and award Nexon Korea Corporation its attorney's fees related to this motion.

Date: October 07, 2024

SUL LEE LAW FIRM, PLLC

Respectfully submitted,

By: /s/ Dominique Williams
Sul Lee
State Bar No. 24078844

sul@sulleelaw.com

Diren W. Singhe

State Bar No. 24044135

dsinghe@sulleelaw.com

Dominique Williams

State Bar No. 24125458

dwilliams@sulleelaw.com

3030 LBJ Fwy., Suite 220

Dallas, Texas 75234

Tel. (214) 206-4064

Fax. (214) 206-4064

**ATTORNEYS FOR NEXON
KOREA CORPORATION**

CERTIFICATE OF SERVICE

On October 11, 2024, I filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas. I hereby certify that I have served the document on all counsel and/or *pro se* parties of record by a manner authorized by Federal Rules of Civil Procedure 5 (b)(2). *See Exhibit D.*

/s/ Dominique Williams

Dominique Williams

CERTIFICATE OF CONFERENCE

I hereby certify that on or about July 1, 2024, I attempted to confer with Discord's counsel through email. However, they were unwilling to engage in our attempts to confer.

UNITED STATES DISTRICT COURT
 for the
 Northern District of Texas

EXHIBIT
A

In re DMCA Section 512(h) Subpoena to Discord)	
<i>Plaintiff</i>)	
v.)	Civil Action No.
)	
)	
<i>Defendant</i>)	

**SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
 OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION**

To: Discord, Inc. c/o CT Corporation System, 330 N. Brand Blvd, Suite 700
 Glendale, California 91203

(Name of person to whom this subpoena is directed)

Production: **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: See Exhibit A

Place: Sul Lee Law Firm, PLLC 3030 Lyndon B Johnson Fwy, Suite 220 Dallas, Texas 75234	Date and Time: June 12, 2024 12:00PM
--	---

Inspection of Premises: **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 05/22/2024



CLERK OF COURT

S/K. Bacheller

Signature of Clerk or Deputy Clerk

OR

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* _____
 Nexon Korea Corporation _____, who issues or requests this subpoena, are:
 Sul Lee; Sul Lee Law Firm; 3030 LBJ Fwy, Suite 220, Dallas Texas 75234; sul@sulleelaw.com; 214-239-2823

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____

on *(date)* _____ .

I served the subpoena by delivering a copy to the named person as follows: _____

_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ _____ .

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00 .

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) For a Trial, Hearing, or Deposition. A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) For Other Discovery. A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) Command to Produce Materials or Permit Inspection.

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

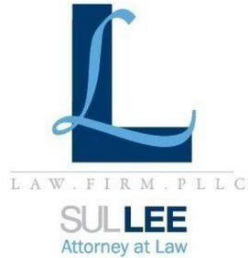
(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A
REQUEST FOR PRODUCTION

1. Produce all information sufficient to identify the operator and/or owner (the “Infringers”) of each of the servers who uploaded, hosted, and/or contracted with other providers to host the infringing content identified in Exhibit 1 to the DMCA Notice issued on behalf of Nexon Korea Corporation (“Nexon”), requesting takedowns of infringing material of several video games copyrighted by Nexon Korea Corporation (the “Copyrighted Material”) attached to this subpoena as Exhibit A-1, from any and all sources, including but not limited to billing or administrative records that prove the following information used by each of the Infringers, along with a time-stamp, from the time of user registration and to date: name(s), last known address(es), last known telephone number(s), any and all email address(es), and mailing and billing address(es) of each of all of the payment methods (including, but not limited to, credit cards, bank accounts, and any online payment systems); hosting provider(s); server(s); any other contact information; and any and all logs of IP address(es).



SUL LEE LAW FIRM, PLLC
3030 Lyndon B Johnson Fwy
Ste 220, Dallas TX 75234
Tel 214-206-4064
Fax 214-206-4068
Website www.sulleelaw.com

May 9, 2024

Discord
ATTN: DMCA Agent
444 De Haro Street, Suite 200
San Francisco, California 94107

Via CMRRR:
Via email: copyright@discord.com

RE: Digital Millenium Copyright Act (DMCA) Takedown Request

Dear Discord,

The undersigned firm represents Nexon Korea Corporation (“**Nexon**” or the “**Copyright Owner**”), the developer of MapleStory, a two-dimensional, side-scrolling multiplayer online role-playing game. We hereby provide notice of copyright infringement pursuant to the terms of the Digital Millenium Copyright Act (the “**DMCA**”) and Discord’s Copyright and IP Policy.

Nexon is the owner of the copyright in the following work(s) (the “**Work**”):

1. MapleStory, <https://maplestory.nexon.com/>

It has come to the Copyright Owner’s attention that your service located at the URLs as listed in Exhibit 1 (the “**Service**”) provides access to materials that infringe Copyright Owner’s copyright in the Work. Exhibit 1, as attached hereto, provides a list of the infringing material at issue and the URLs at which the infringing material is accessible on the Service.

The use of the Work in any manner described in this letter is **not authorized** by the Copyright Owner, any agent of the Owner, or any applicable law. As the duly authorized attorneys for the Copyright Owner, we have a good faith basis to believe that all information contained in this notification is accurate. This letter shall serve as a request that you remove or disable access to the infringing materials as set forth in Section 512(c)(1)(C) and Section 512(d)(3) of the DMCA and pursuant to your Copyright and IP Policy.

Please contact the undersigned no later than **ten days from the date of this letter** to confirm that the infringing materials have been removed or access disabled. The undersigned may be contacted at the mailing address, telephone number, and email address set forth as follows:

Name: Sul Lee Law Firm, PLLC
Address: 3030 LBJ Fwy Ste. 220, Dallas, Texas 75234
Telephone: (214) 206-4064
Email: jdejesus@sulleelaw.com
CC: sul@sulleelaw.com and kkim@sulleelaw.com

Sincerely,
AGENT FOR NEXON KOREA CORPORATION
Sul Lee Law Firm, PLLC

/s/ Jian De Jesus
Jian De Jesus
Associate Attorney

Exhibit 1

1. Infringed Work – MapleStory

Server Name	Category	Description
나나스 토리	Website (if applicable)	
	Discord Server ID	1131827395104616561
	Infringer UID	1125676006502584330
	Invite Code	http://discord.gg/cFvMbhfVq4
	Example message link of infringing activity	https://discord.com/channels/1131827395104616561/1131851269758255155/1134363931884920892
라퓨타	Website (if applicable)	
	Discord Server ID	1144653296582279278
	Infringer UID	1144651337448038591
	Invite Code	https://discord.com/invite/ZjDt3WJ8bc
	Example message link of infringing activity	https://discord.com/channels/1144653296582279278/1152146049553678347/1152146049553678347
멜로디	Website (if applicable)	
	Discord Server ID	1167414439348281354
	Infringer UID	1167410172554129475
	Invite Code	https://discord.gg/mYTRbpS2mY
	Example message link of infringing activity	https://discord.com/channels/1167414439348281354/1172384579986927747/1179067706327191650
니르바 나	Website (if applicable)	
	Discord Server ID	1109426846015164416
	Infringer UID	1033704371348852848, 434092344581816330
	Invite Code	https://discord.gg/9tBpPUpMYX
	Example message link of infringing activity	https://discord.com/channels/1109426846015164416/1109428605487956069/1159593905973645372
토이스 토리	Website (if applicable)	
	Discord Server ID	1171080157210103808
	Infringer UID	1184303439065382922
	Invite Code	https://discord.gg/RGdwnbH28E
	Example message link of infringing activity	https://discord.com/channels/1171080157210103808/1171084695879037060/1184770165209038878
레드문	Website (if applicable)	
	Discord Server ID	1133391293612044479
	Infringer UID	1133582126474870836, 709441980161196043, 913299175762980945
	Invite Code	https://discord.gg/vGVJjH27hf
	Example message link of infringing activity	https://discord.com/channels/1133391293612044479/1133399598434627756/1134377691768950825
코인	Website (if applicable)	
	Discord Server ID	1181037526249639936
	Infringer UID	1181016465651007582, 402773028137861132,

		863066127188754493, 926752939090014228
	Invite Code	https://discord.gg/pFw33fw4
	Example message link of infringing activity	https://discord.com/channels/1181037526249639936/1181060778091085894/1186620510432399401
엘리트	Website (if applicable)	
	Discord Server ID	1032262304387059754
	Infringer UID	311386662015860736
	Invite Code	https://discord.com/invite/sWSnfG5PxX
	Example message link of infringing activity	https://discord.com/channels/1032262304387059754/1117670153774170203/1138489999008993370
오리진	Website (if applicable)	
	Discord Server ID	1128292662034825288
	Infringer UID	947979138667540511
	Invite Code	https://discord.gg/HHYDzTb3JF
	Example message link of infringing activity	https://discord.com/channels/1128292662034825288/1138728294406180875/1138728698900643840
세리아	Website (if applicable)	
	Discord Server ID	1191268241058836590
	Infringer UID	1115994186307620895, 364450192373710859
	Invite Code	https://discord.com/invite/futjGZ2A4z
	Example message link of infringing activity	https://discord.com/channels/1191268241058836590/1191268868493160580/1209125975397371994
메데르	Website (if applicable)	
	Discord Server ID	1195242607811494008
	Infringer UID	1021308395833266176
	Invite Code	https://discord.gg/2Rv7n3jZjB
	Example message link of infringing activity	https://discord.com/channels/1195242607811494008/1197501328516194304/1207676558429528064
리플렉스	Website (if applicable)	https://t.me/reflex_maple
	Discord Server ID	1204381847165997096
	Infringer UID	854092951911137291, 344509299998982159
	Invite Code	https://discord.com/invite/MzkaNC387h
	Example message link of infringing activity	https://discord.com/channels/1204381847165997096/1204398549165408317/1207178255820394537
랩소디	Website (if applicable)	
	Discord Server ID	1207671464652967957
	Infringer UID	1207667864711200860
	Invite Code	https://discord.gg/Fp wz7bAJMb
	Example message link of infringing activity	https://discord.com/channels/1207671464652967957/1207688900328300574/1211597377031372800
블루	Website (if applicable)	
	Discord Server ID	1178486469892001842
	Infringer UID	1172863073464360987
	Invite Code	https://discord.gg/tvPweZPCNa

	Example message link of infringing activity	https://discord.com/channels/1178486469892001842/1179591718614609930/1206198091192078366
플로라	Website (if applicable)	
	Discord Server ID	1199669780177752145
	Infringer UID	1196981501976387594
	Invite Code	https://discord.gg/rbF336mFqs
	Example message link of infringing activity	https://discord.com/channels/1199669780177752145/1207624871660625972/1207624871660625972
하인즈	Website (if applicable)	
	Discord Server ID	1200017801524559904
	Infringer UID	833228823582605343, 189003694250000384,1203602252883951 696
	Invite Code	https://discord.gg/BCYg7kn5TA
	Example message link of infringing activity	https://discord.com/channels/1200017801524559904/1200220053312897085/1214581407955820564
아오지	Website (if applicable)	
	Discord Server ID	1216326709217857576
	Infringer UID	1216326035583270994
	Invite Code	https://discord.com/invite/9hfkm8mQU3
	Example message link of infringing activity	https://discord.com/channels/1216326709217857576/1216352241485877258/1218525789600088164
히라	Website (if applicable)	
	Discord Server ID	1217786672465576007
	Infringer UID	711304489356754954
	Invite Code	https://discord.gg/Bd9YgkbegJ
	Example message link of infringing activity	https://discord.com/channels/1217786672465576007/1218154868330463262/1218169566169927741

2. Wanted Infringer -Infringing Material is a Server itself

Server Name	Category	Description
메이플 루시	Website (if applicable)	
	Discord Server ID	1172898019482542152
	Infringer UID	1172880880163885116
	Invite Code	https://discord.com/invite/DSE29HAx6X
	Bot	
메이플 올드	Website (if applicable)	
	Discord Server ID	1051859768676974623
	Infringer UID	982990103657988146, 1191333391119958069, 544774873126535178
	Invite Code	https://discord.com/invite/TpGh4NMSTm
	Bot	1057664099904933918
라즐리	Website (if applicable)	
	Discord Server ID	1232912081112662046

	Infringer UID	1752866798390607934
	Invite Code	
	Bot	1233584587658104953
메이플 로얄	Website (if applicable)	
	Discord Server ID	964822228724244530
	Infringer UID	871229837380034601
	Invite Code	https://discord.com/invite/2TzgNx3sGY
	Bot	1017093401474252881, 966200811464036373
메모리	Website (if applicable)	
	Discord Server ID	1187057937550688286
	Infringer UID	953101791267024956
	Invite Code	https://discord.com/invite/rWtYRaz3aW
	Bot	

HALTOM & DOAN
TRIAL & APPELLATE COUNSEL
TEXARKANA | TYLER | PLANO | MARSHALL

**EXHIBIT
B**

Mariah L. Hornok
Of Counsel

Direct Dial: 903-255-1010
mhornok@haltomdoan.com

July 1, 2024

VIA Electronic and Certified Mail
Ms. Jian De Jesus
Sul Lee Law Firm PLLC
3030 Lyndon B. Johnson Fwy, Suite 220
Dallas, Texas
Email: jdejesus@sulleelaw.com

Re: In re DMCA Section 512(h) Subpoena to Discord on behalf of Nexon Korea

Dear Jian,

As an initial matter, our law firm represents Discord Inc. (“Discord”) in matters originating in the Northern District of Texas, including the subpoena(s) served¹ in May and June 2024. As you may know, our law firm worked with your firm to resolve matter 3:23-mc-00062-S and the related subpoenas, protective order, and motions. Please direct all future communications on matters pertaining to any subpoenas (old or new) or cases involving the Northern District of Texas to:

Mariah L. Hornok
Haltom & Doan
6500 Summerhill Rd., Suite 100
Texarkana, Texas 75503
mhornok@haltomdoan.com
(903) 255-1010

Next, your recent subpoenas, which request the same information, issued in May and June 2024 (the “May/June Subpoenas”) are improper. For one, they violate the geographical limitations of Fed. R. Civ. P. 45(c). For another, Fed. R. Civ. P. 45(a)(2) states that “[a] subpoena must issue from the court where the action is pending,” but you have not initiated a case or moved the Northern District of Texas—or any court for that matter—to issue the subpoenas properly under 17 U.S.C. §512. *See Hunter Killer Productions, Inc. v. Boylan*, No. EP-20-CV-00306-FM, 2021 WL 2878558, at *2-4 (W.D. Tex. Jan. 28, 2021) (describing the detailed showing and analysis required prior to the proper issuance of a subpoena for ISP subscriber identities pursuant to 17 U.S.C. §512(h)). Accordingly, as there is no action currently pending, the May/June Subpoenas you have served are invalid and premature.

¹ Discord reserves and does not waive any objection pertaining to the propriety of these subpoenas including but not limited to whether the subpoenas were properly issued, served and received.

Jian De Jesus

July 1, 2024

Page 2

Discord has already cooperated with your firm to compromise on providing Basic Subscriber Information for a distinct set of 64 User IDs in response to an overly broad and unduly burdensome subpoena issued by your firm in October 2023 containing infringement allegations for six Nexon copyrights. We produced that information to your firm on June 13, 2024. Now, you appear to be demanding additional information for yet more User IDs, which you allege infringe one of the same copyrights you have already asserted. You are attempting to renegotiate a deal that has already been struck and fulfilled. Your actions are improper.

Discord is committed to fulfilling its obligations under the law, but acting as your copyright assertion partner is not one of them. Your firm continues to make improper and overly burdensome demands in a manner inconsistent with Fed. R. Civ. P. 45, including immediate threats of motion practice in non-existent legal matters. This approach is not in line with the rules of procedure or professional conduct. Therefore, Discord is prepared to file a motion to quash your May/June Subpoenas and any future improper subpoenas issued by your firm on behalf of Nexon for the six copyrights asserted in your October 2023 subpoena. We ask that you immediately withdraw your May/June Subpoenas and cease issuance of further defective subpoenas, service, and processes.

Finally, pursuant to Fed. R. Civ. P. 45(d), Discord is attaching general objections and reservations to the May/June Subpoenas to this letter.² Discord reserves and does not waive any objections to the May/June Subpoenas, including without limitation, objections based on improper venue and the lack of subject matter jurisdiction of the U.S. District Court for the Northern District of Texas.

Kindly respond by July 8, 2024, 5pm central time regarding your intent to withdraw your May/June Subpoenas. I am happy to discuss this matter if you need any further information.

Best,

A handwritten signature in black ink, appearing to read 'Mariah L. Hornok', written in a cursive style.

Mariah L. Hornok

MH:cb

² Discord attaches these objections to this correspondence because there is no pending action. Discord reserves and does not waive the right to file these and additional objections with a court of competent jurisdiction over these matters.

GENERAL OBJECTIONS AND RESERVATIONS

Alleged service provider Discord Inc. (“Discord” or “Operator”), pursuant to Rules 26 and 45 of the Federal Rules of Civil Procedure and 17 U.S.C. §512, the Digital Millennium Copyright Act (“DMCA”), hereby responds and objects to In re DMCA Section 512(h) Subpoena to Discord (“Subpoena” or “Requests”) service dated May 23, 2024 and/or June 3, 2024³ and propounded on behalf of alleged copyright holder Nexon Korea (“Nexon” or “Owner”), stating as follows:

1. Discord objects to the Requests in their entirety to the extent that they seek documents or information prepared in anticipation of litigation or protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable claim of privilege or protection from or restriction against disclosure under federal, state, or any other applicable or relevant law, regulation, case authority, or principle. Discord asserts all such applicable privileges, protections, and immunities, and any inadvertent disclosure, identification, or production of such documents or information shall not waive those privileges, protections, or immunities.

2. Discord objects to the Requests as seeking the disclosure of electronic communications; the federal Stored Communications Act (“SCA”), 18 U.S.C. § 2701 et seq., strictly prohibits Discord, a service provider within the meaning of the SCA, from disclosing the contents of communications to third parties. A civil subpoena or court order is not sufficient under the SCA to compel production of contents of communications from a provider.

3. Discord objects to the Requests because as a matter of internal policy, Discord respects the right of its users to anonymity and privacy regarding, among other things, personal identifying information (e.g. usernames, passwords, emails, phone numbers, and personal data (e.g. DOB)) and commercial information (e.g. billing information) as reflected in Discord’s Terms of Service, Community Guidelines and Privacy Policy, and consistent with our user’s legal rights to privacy. Discord objects to the Requests as seeking disclosure of user information that does not align with these rules, policies and laws, and objects to producing this information except as otherwise required by law or compelled by court order or regulatory body.

4. Discord objects to the Requests because the Requests have no temporal limitation and are therefore overbroad and unduly burdensome. Unless stated otherwise, Discord objects to providing information that is not limited to the six month period leading up to the date of the Subpoena.

5. Discord objects to the Requests, including the definitions and instructions contained therein, to the extent that they seek to impose obligations on Discord that are different from, or in addition to, the obligations imposed by the Federal Rules of Civil Procedure, the Local Rules of the relevant United States District Courts, or any other rule, law, or order applicable to this action.

6. Discord objects to the Requests to the extent that they seek documents or information not material or necessary to the present action, which there is none. No response by

³ Discord reserves and does not waive any objection pertaining to the propriety of receipt of these subpoenas including but not limited to whether the subpoenas were properly issued, served and received.

Discord should be deemed to constitute an agreement or concession that the subject matter thereof is relevant to any related action.

7. Discord objects to the Requests to the extent that they seek documents or information already in a party's possession, custody, or control, outside Discord's possession, custody, or control, as equally available to Discord as to Owner, a matter of public record, already known to Owner, or obtainable from some other source that is more convenient, less burdensome, or less expensive than obtaining the documents or information from Discord.

8. Discord objects to the Requests to the extent that they are vague, ambiguous, duplicative, overbroad, unduly burdensome, intended solely to harass and delay, lacking in specificity, not proportional to the needs of the case, and/or seeking irrelevant information.

9. Discord objects to the Requests to the extent that they assume or imply facts or contentions not established by the record or that are otherwise contradicted. In responding or objecting to the Requests, Discord does not concede, and should not be understood as conceding, the accuracy of any such fact or contention.

10. Discord objects to the terms "Discord Inc" "You," or "Copyright Agent" as undefined, overly broad and as seeking documents or things that are outside Discord's possession, custody or control. Absent a clear definition and specific identification of entities and persons, Discord shall interpret the defined terms "Discord Inc" "You" and "Copyright Agent" to mean Discord, Inc., its officers, directors, employees and any person or entity from whom Discord has the legal right to obtain documents or things on demand.

11. Discord objects to the Requests, including the definitions and instructions contained therein, to the extent that they seek to impose obligations on Discord that are different from, or in addition to, the obligations imposed by the Federal Rules of Civil Procedure or any other rule, law, or order applicable to this action.

12. Discord objects to the Requests to the extent that they seek documents or information not material or necessary to the present action. No response by Discord should be deemed to constitute an agreement or concession that the subject matter thereof is relevant to this action.

13. Discord objects to the Requests as infringing its users' decisions to remain anonymous, an aspect of their freedom of speech protected by the First Amendment. The Requests improperly seek to unmask anonymous speakers and consequently compel disclosure of material protected by the First Amendment.

14. Discord objects to the compliance timing of the Requests. It is Discord's policy to notify users when we receive legal process requesting their data. Users are entitled to object to the disclosure of their information and the compliance timing does not provide sufficient time for this to occur.

15. Discord objects to the Requests to the extent they seek documents or things that Discord is under an obligation to third parties not to disclose, or information otherwise subject to confidentiality restrictions of a third party.

16. Discord objects to the Requests as requiring more of Discord than making such inquiry as is practical under the circumstances and seeking information beyond what is reasonably available to Discord. Without regard to objections made or not made in these General Objections, Discord reserves the right to make any appropriate objections concerning any documents or information that may be provided in response to the Requests, or otherwise, at any hearing or trial in this matter.

17. Discord objects that the fees, expenses and costs of compliance with the Subpoena are significant and should therefore be shifted to Owner because Owner and their counsel have failed to take reasonable steps to avoid imposing undue burden or expense on Discord, as required under Rule 45(d)(1).

18. Discord objects to the Subpoena as commanding production of documents and things at a place that does not comply with Rule 45(c)(2).

19. Discord objects to the Subpoena because Owner has failed to allege a prima facie case of copyright infringement and failed to seek the detailed showing and analysis required prior to the proper issuance of a subpoena pursuant to 17 U.S.C. §512(h). Accordingly, Discord objects because the Subpoena is not enforceable in each such instance where Owner has failed to plead or otherwise establish a prima facie claim of copyright infringement.

20. Discord objects because the subpoenas are invalid because they were issued from a court that lacks proper venue and personal jurisdiction over a named service provider.

21. Discord objects because the subpoenas were not properly issued and served pursuant to the requirements of 17 U.S.C. §512.

22. These general objections are incorporated by reference to any future specific responses and objections, which are made subject to and without waiving these general objections. Any specific objections are intended to amplify the general objections, and neither limit the applicability of any of the general objections nor waive any objections that may be applicable to each request.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re DMCA Section 512(h) Subpoena to
Cloudflare

DECLARATION OF DIREN W. SINGHE CONCERNING ATTORNEYS' FEES

STATE OF TEXAS §

COUNTY OF DALLAS §

1. “My name is Diren W. Singhe. I am over the age of 18, of sound mind, capable of making this declaration, and personally acquainted with the facts stated therein. The facts stated herein are within my personal knowledge and are true and correct. I have a physical and mailing address of Sul Lee Firm, PLLC, 3030 Lyndon B Johnson Fwy, Ste 220, Dallas, TX 75234, (the “Firm”). The Firm is located in Dallas County, Texas.
2. I have been licensed to practice law in Texas since 2004 and have done so continuously since, having received my JD from Cornell Law School in Ithaca, New York in 1997, and my BA from the University of California in Irvine, California in 1994. Since 2010, my practice has consisted of a broad commercial practice, with particular emphasis on startups, professional liability, construction law, international investors, and closely held businesses. Since March 2021, I have served as the managing attorney at the Firm, the law firm that was retained by Nexon Korea Corporation (“Nexon”) in the above-referenced action. I submit this Affidavit in support of Nexon’s Motion to Compel Cloudflare, Inc’s responses to the DMCA Section 512(h) Subpoena.
3. It was necessary for Nexon to retain the Firm to bring this cause of action. I have personal knowledge of this case and the work performed. I am familiar with the types of fees usually and customarily charged in cases of this type throughout Texas, and, in Dallas County.
4. As managing attorney with more than 20 years’ experience, I bill on this file at a rate of \$575.00 per hour. The Firm’s associate Attorney Dominique Williams bills at an hourly rate of \$325.00, the Firm’s associate Attorney Jian Micah de Jesus bills at an hourly rate

of \$310.00, and the Firm's paralegals bills at an hourly rate of \$100-\$200 per hour depending on experience. It is my testimony that these rates are reasonable and necessary rates in Dallas County, Texas, for the corresponding legal professionals, considering the skill, experience, and qualifications of each.

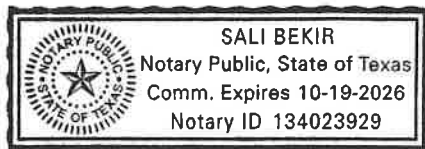
5. To date I have spent .44 hours on this reviewing and finalizing the Motion to Compel and this affidavit.
6. Associate Dominique Williams spent a total of 2.5 hours and Associate Attorney Jian Micah de Jesus has spent a total of 2.7 hours in preparing the Motion to Compel Discord's Responses to the DMCA Subpoena
7. Under the direction of the above attorneys, the Firm's paralegals spent 2.9 hours assisting in preparing supporting evidence for the above-referenced Motion.
8. The hours expended reflected in the totals above are after review and cuts for reasonableness under the circumstances including the procedural posture of the case and the rules, standards, and norms of this jurisdiction, with which I am familiar.
9. Based on the foregoing reasonable rates and hours, the reasonable and necessary fees for prosecution of Plaintiff's Motion to Compel Discovery Responses are \$ 2,506.00 to date, not inclusive of time needed to prepare for and attend a hearing on such motion, which I reasonably expect to not exceed \$1000 to cover the attorney and staff needed to attend to same. As such, it is my opinion that a total of **\$3,506.00** would be a reasonable sanction for Discord, Inc.'s failure to cooperate in discovery or to substantively address issues raised in written detail on numerous occasions.
10. The amount for work performed are taken from the Firm's original billing records, of which I am a custodian, and these records are kept in the usual course of business. These records are entered at or near the time of the events they describe by a person with knowledge of those events. It is part of the normal course of business of the Firm, to make such records. I have reviewed the fees and expenses of the Firm, in this case and find that the work performed in this case has been reasonable and necessary.
11. Pursuant to 28 U.S.C. § 1746, I swear under penalty of perjury that the foregoing is true and correct."

EXECUTED on this 7th day of October, 2024

BY: 

Diren W. Singhe
Managing Attorney
SUL LEE FIRM, PLLC
Counsel for Nexon Korea Corporation

SWORN AND SUBSCRIBED to before me on this 7th day of October 2024.



Sali Bekir
NOTARY PUBLIC, State of Texas

UNITED STATES DISTRICT COURT

for the
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

**EXHIBIT
D**

**In re DMCA Section 512(h) Subpoena to Discord,
Inc.**

Civil Action No. 3:24-mc-00059-S

)
)
)
)
)
)
)
)
)
)
)

AFFIDAVIT OF SERVICE

I, Daniel Benavides, state:

I am not a party to or interested in the outcome of this suit.

I received the following documents on October 7, 2024, at 4:05 pm. I delivered these documents to Discord, Inc. in Los Angeles County, CA on October 8, 2024 at 11:37 am at 330 North Brand Boulevard, Suite. 700, Glendale, CA 91203 by leaving the following documents with Dasiy D "Refused Last Name" who as Agent of service is authorized by appointment or by law to receive service of process for Discord, Inc.

MOTION TO COMPEL DISCORD INC.'S RESPONSES TO SECTION 512(h) SUBPOENA and Exhibits

Additional Description:

Successfully served documents

Hispanic or Latino Female, est. age 25-34, glasses: N, Black hair, 160 lbs to 180 lbs, 5' 3" to 5' 6".

Geolocation of Serve: <https://google.com/maps?q=34.1515445,-118.2535657>

Photograph: See Exhibit 1

Total Cost: \$85.00

My name is Daniel Benavides, my date of birth is 2/22/1997, and my address is 5933 Echo St, Los Angeles, CA 90042, and USA.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FACTS HEREIN ARE TRUE AND CORRECT.

Executed in

Los Angeles County,

CA on 10/10/2024.

/s/ Daniel Benavides

Daniel Benavides

+1 (323) 910-5708

Certification Number: 2020026215

Expiration Date: 1/2/2026

Exhibit 1a)



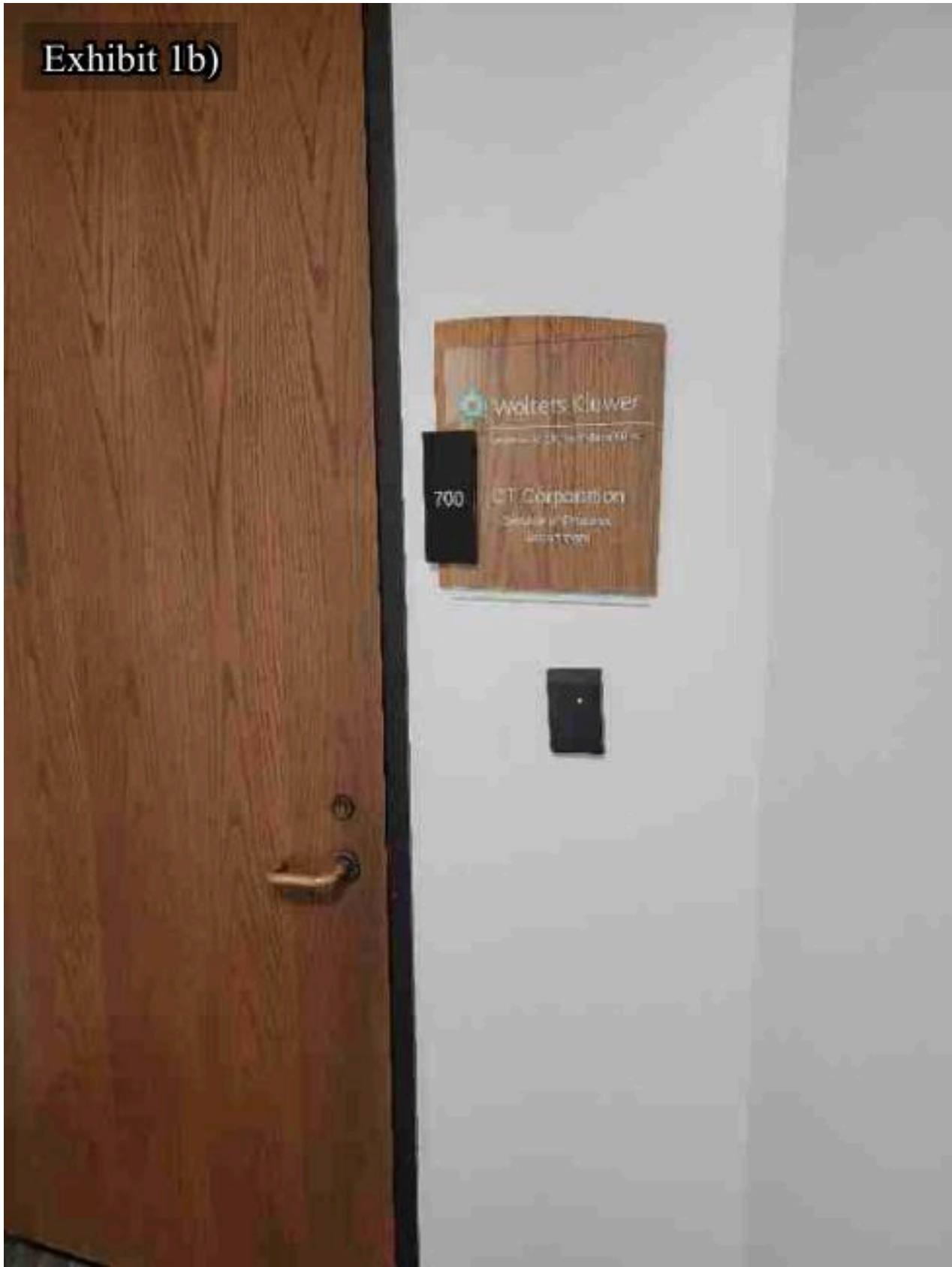


Exhibit 1b)

wolters Kluwer
www.wolterskluwer.com
700
ET Corporation
Seattle, Oregon
20230201