

Exhibit A



James S. Blackburn
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James.Blackburn@arnoldporter.com

March 22, 2023

VIA ELECTRONIC AND CERTIFIED MAIL

Valve Corporation
10400 NE 4th Street, Fl. 14,
Bellevue, WA 98004, United States.
dmca@valvesoftware.com

Re: Notice of Copyright Infringement and Misappropriation of Trade
Secrets

To Whom It May Concern:

We represent NEXON Korea Corporation (“Nexon”), a global producer, developer, and operator of video games specializing in online virtual world games for PCs, consoles, and mobile devices. Nexon has produced 150 games that are enjoyed by 1.4 billion users in 110 countries. We write to you to request, pursuant to the Digital Millennium Copyright Act (the “DMCA”), 17 U.S.C. Section 512, and your Steam Subscriber Agreement (“SSA”) and Steam Online Conduct Rules (“SOCR”), that Valve Corporation (“Valve”) remove all versions of the video game *Dark and Darker* from Valve’s Steam Platform (“Steam”).

This letter constitutes a notice of claimed infringement pursuant to the DMCA, better known as a DMCA “Takedown Notice.” A formal DMCA Notice of Copyright Infringement, utilizing the form supplied on Valve’s website,¹ is appended hereto as Exhibit A.

Nexon has learned that IRONMACE Co., Ltd. (“Ironmace”) is making unauthorized use of Nexon’s trade secrets and copyrighted material as detailed below. This letter is to inform you of Ironmace’s misconduct, constituting misappropriation of Nexon’s trade secrets and copyright infringement and to request that Valve take down all versions of *Dark and Darker* from Steam.

Since August 2022, Ironmace has been offering on Steam download demo/test versions of the videogame titled *Dark and Darker*, and Ironmace plans to make the game commercially available later in 2023. To date, Ironmace has conducted play tests of *Dark and Darker* on Steam but plans to move to “Early Access” distribution

¹ Available at <https://steamcommunity.com/dmca/create/>

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of *Dark and Darker* by late April or early May, which will make a near-final version of the video game available to purchasers.

Based on our investigation, *Dark and Darker* appears to have been built and developed using trade secrets as well as copyrighted information copied and stolen from Nexon. Under U.S. law, Ironmace's actions constitute, among other violations, misappropriation of Nexon's trade secrets such as source codes, art resources, build files, and other company intellectual property under the Defend Trade Secret Act (the "DTSA") and infringement of copyrighted materials such as Literary Work (e.g., source codes), Works of Visual Arts (e.g., character designs), and Motion Picture / AV Work (e.g., Playtest video) under the Copyright Act.

Nexon began developing a new first-person shooter role-playing game ("FPS-RPG game") also known as the *P3 Game* under the *P3 Project* in August 2020. For 11 months until July 2021, at least 20 Nexon employees worked exclusively on the *P3 Project* and Nexon invested more than KRW 1.1 billion (USD 815,000, using an exchange rate of USD 1 to KRW 1,350) to develop the *P3 Game*. During this time, Nexon made significant developments to the *P3 Game* and created unique concepts, genre, plot, story line, characters, and plans for the game. Nexon also created large numbers of proprietary source codes, art resources, and build files.

Literary Work, Works of the Visual Art, and Motion Picture / AV Work of the *P3 Game* are registered to Nexon and protected by the U.S. copyright law pursuant to Copyright Registration Nos.:

1. Project P3 Codes (computer program), Registration No. TXu 2-355-124;
2. Project P3 (audiovisual video game material), Registration No. PAu 4-169-661;
3. Project P3 Playtest (audiovisual material and spoken commentary), Registration No. PAu 4-166-909;
4. Project P3 Character – Cleric (2D artwork), Registration No. VAu 1-491-714;
5. Project P3 Character – Ranger (2D artwork), Registration No. VAu 1-491-715;
6. Project P3 Character – Barbarian (2D artwork), Registration No. VAu 1-491-716;
7. Project P3 Character – Tanker (2D artwork), Registration No. VAu 1-491-717;
8. Project P3 Character – Thief (2D artwork), Registration No. VAu 1-491-719; and
9. Project P3 Character – Wizard (2D artwork), Registration No. VAu 1-491-720.

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Among other things, the above copyright registrations confer upon Nexon the exclusive rights to reproduce, prepare derivative works, distribute, perform, display, and transmit the copyrighted material. The certificates of copyright registration are attached as Exhibit B.

In addition, Nexon took reasonable measures to maintain confidentiality of these source codes, art resources, and build files for the *P3 Game*. These measures include Nexon's data protection agreement,² data protection policy, security guidelines, and explicit verbal instruction that prohibited Nexon employees from disclosing confidential company information and Nexon's trade secrets (e.g., source codes, art resources, and build files) to third parties even after leaving Nexon, or using without authorization Nexon's confidential information and trade secrets for any purpose other than assigned work for Nexon.

We have learned that at least one Nexon employee – specifically, Ju-Hyun Choi (former Nexon employee and team leader of the *P3 Project* who had access to all the *P3 Project* files) – acquired and transferred, without authorization, more than 11,000 key build files of the *P3 Project* from Nexon's server to his personal server in 2020 and 2021.³ These 11,000 files include, but are not limited to, the source codes, art resources, and build files of the *P3 Game*. Ju-Hyun Choi's misconduct regarding the unlawful transfer and disclosure of over 11,000 build files related to the *P3 Project* is set out in Exhibit C. Upon discovery of his misconduct, Nexon disciplined and terminated Ju-Hyun Choi in July 2021.

Ju-Hyun Choi approached *P3 Project* members, urging them to leave Nexon and create a game similar to the *P3 Game* outside of Nexon. Additionally, Terence Seungha Park ("Terence Park") was a former director of game development at Nexon and the head of the sub-team for the *P3 Project*. At Nexon, he worked on the *P3 Game* with Ju-Hyun Choi and other Nexon employees who later joined Ironmace. Shortly after Ju-Hyun Choi was dismissed from Nexon, Terence Park left Nexon on August 9, 2021. Less than two months after Terence Park left Nexon and only three

² Terence Park and Ju-Hyun Choi both signed Nexon's Agreement for Commitment to Data Protection on August 5, 2021 and April 18, 2018, respectively.

³ Please note: (i) Choi misappropriated data related to *P3 Game*, which is now copyrighted by Nexon (PAu 4-169-661) and therefore forms the basis for a DMCA takedown notice, and Nexon has a good faith belief that *Dark and Darker* infringes the copyrighted *P3 Game*; (ii) Choi misappropriated *P3 Game* source codes, which have been copyrighted by Nexon (Txu 2-355-124) and therefore form the basis for a DMCA takedown notice, and there is a good faith belief that *Dark and Darker* was built using stolen source codes and infringe the copyrighted *P3 Game* source codes; and (iii) Choi misappropriated art resources from the *P3 Game* including the characters Barbarian, Cleric, Tanker (Fighter), Wizard, Thief (Rogue), and Ranger, which are now copyrighted by Nexon (VAu 1-491-714, VAu 1-491-716, VAu 1-491-715, VAu 1-491-717, VAu 1-491-719, and VAu 1-491-720, respectively), and therefore form the basis for a DMCA takedown notice, and there is a good faith belief that the characters such as barbarian, cleric, tanker (fighter), wizard, thief (rogue), and ranger, as shown in *Dark and Darker*, infringe the copyrighted art images in the *P3 Game*.

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months after Ju-Hyun Choi left Nexon, Terence Park founded Ironmace on October 20, 2021. Ju-Hyun Choi joined Ironmace shortly thereafter as its Managing Director. Choi is widely believed to be the controlling shareholder of Ironmace and has been actively engaged in fundraising efforts for the company. Ten out of twenty-three *P3 Project* team members left Nexon, and most are believed to be currently working at Ironmace.

We have reason to believe that Ju-Hyun Choi stole and misappropriated Nexon's trade secrets and copyrights and used them, along with Terence Park and Ironmace, in the development of the counterfeit game *Dark and Darker*. Moreover, as the founder of Ironmace and a former-*P3 Project* team member, Terence Park knew or should have known that Ju-Hyun Choi illegally stole Nexon's trade secrets and copyrighted materials to develop *Dark and Darker*. Terence Park and Ironmace thus have knowingly benefitted from Ju-Hyun Choi's misappropriation, and will continue to do so once *Dark and Darker* is made commercially available. In light of the aforementioned facts, Ironmace has misappropriated Nexon's trade secrets under the DTSA and infringed Nexon's copyrighted materials under the Copyright Act.⁴

Nexon's *P3 Game* has never been disclosed to a third party and, before the release of the testing version of *Dark and Darker*, no other game had the same concept, genre, and plot as the *P3 Game*. Within a mere ten months of forming Ironmace, its demo/test versions of *Dark and Darker* became publicly available in August 2022. It is impossible for Ironmace to have developed *Dark and Darker* in such a short timeframe without using Nexon's trade secrets and confidential information. Nexon became immediately concerned about the two games' similarities, which are so striking that they cannot be reasonably explained through independent development.

To investigate, Nexon conducted a comparative analysis of *Dark and Darker* and the *P3 Game*. *First*, a preliminary analysis revealed that the resource file names of 2,338 files were identical between the two games. Even if one takes into account that both games were developed using the same program (e.g., Unreal Engine), the number of identical file names is too substantial for mere coincidence. For your reference, the comparison of the file names is appended hereto as Exhibit D.

Second, the character designs and other setting and structural designs of *Dark and Darker* are suspiciously similar to those of the *P3 Game*. Both games showcase the same character class: Barbarian, Cleric, Tanker (Fighter), Wizard, Thief (Rogue), and Ranger. Furthermore, just as the *P3 Game* takes place in a dungeon with dark

⁴ Ironmace's misconduct is the subject of an ongoing criminal investigation in Korea. Recently, on March 7, 2023 the Korean police conducted a search and seizure of Ironmace's office in connection with the ongoing investigation of whether Ironmace unlawfully stole and used Nexon's *P3 Game* data to build *Dark and Darker*.

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brick walls (which is intended to portray a dark and fearful atmosphere) and introduces torch-related game features (which allow users to light up or extinguish the torches installed in the dungeons to increase or decrease visibility), *Dark and Darker* takes place in the same brick-walled dungeon setting with the same torch-related game features. It is no coincidence that the characters and setting of the games are aesthetically so similar; it is clear that Ironmace used Nexon's data to "create" the characters and setting in *Dark and Darker*. Even if, as Ironmace has argued in media statements, the graphic assets (including character designs) were purchased from the "Unreal Marketplace," it does not explain the numerous specific aspects of the characters in *Dark and Darker* characters that are different from that of the graphic assets available for purchase on Unreal Marketplace, but are identical to the aspects of the characters found in the *P3 Game*. The comparison of characters and setting / structural designs between *Dark and Darker* and the *P3 Game* is appended hereto as Exhibit E.

Third, the level and extent of similarities between the two games' key concepts, genre, and storyline make it clear that Ironmace must have used Nexon's trade secrets and copyrighted materials to create *Dark and Darker*. Both *Dark and Darker* and the *P3 Game* have the same story setting and even share an almost identical game description. For example, the premise of both games involves adventurers who delve into dungeons full of monsters and treasures in their quest to seek riches. Moreover, *Dark and Darker* has all the characteristics of the *P3 Game*, including the PvPvE genre; FPS and RPG elements; character class; game starting point; and user interaction with game features. For a more complete comparison, please see Exhibit E.

Based on the aforementioned, and in conjunction with our discovery of Ju-Hyun Choi's unlawful transfer of over 11,000 files related to the *P3 Project* from Nexon's server to his personal server, Nexon has a good faith belief that Ironmace's use of Nexon's trade secrets and copyrights described in this letter is not authorized by Nexon or any agent of Nexon under any applicable law. We, on behalf of Nexon, formally request that Valve immediately take down all versions of *Dark and Darker* from Steam because *Dark and Darker* is a game built on source codes, art resources, and build files unlawfully misappropriated and stolen from Nexon's *P3 Game*.

Please be advised that if Valve does not take down all versions of *Dark and Darker* on Steam, then Valve may be liable for direct and indirect copyright infringement, as the DMCA requires Valve to "respond[] expeditiously to remove, or disable access to, the material that is claimed to be infringing or to be the subject of infringing activity" upon proper notice in order to avoid liability itself for the infringing acts of its customers. 17 U.S.C. § 512(c)(1)(C).

Please note that the DMCA offers a defense, available only to copyright claims and not to claims of trade secret misappropriation. As described above,

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Ironmace misappropriated Nexon's trade secret information in the creation and development of *Dark and Darker*. Valve's SSA and SOCR prohibit the "use [of] any material or information . . . via Steam in any manner that infringes any copyright, trademark, patent, trade secret, or other proprietary right of any party." Nexon further requests that Valve remove *Dark and Darker* from Steam due to Ironmace's flagrant breach of the SSA and SOCR through its violation of Nexon's intellectual property rights in the creation and development of *Dark and Darker*.

Nothing in this letter should be construed as a waiver, relinquishment, modification or election of rights or remedies by Nexon. This letter is not an exhaustive statement of the relevant facts or law. Nexon expressly reserves all rights and remedies, including the right to seek injunctive relief and recover monetary damages, under all applicable federal and state laws.

Sincerely,



James S. Blackburn

Exhibit A

DMCA NOTICE OF COPYRIGHT INFRINGEMENT

Valve respects the intellectual property rights of others, and we ask that everyone using our internet sites and services do the same. Anyone who believes that their work has been reproduced in one of our internet sites or services in a way that constitutes copyright infringement may notify Valve's copyright agent using the form below.

Submitting a claim of copyright infringement is a serious legal matter. Before you proceed, you might consider contacting the individual directly to address the complaint. It might be a simple misunderstanding and possible to address without involving proper legal process.

Be aware that under Section 512(f) of the Digital Millennium Copyright Act, any person who knowingly materially misrepresents that material or activity is infringing may be liable for damages.

Please also note that the information provided in this legal notice may be shared with third-parties or made public.

1. Identify Content

Provide a URL on Valve's systems where the content that you say is infringing can be found:

https://store.steampowered.com/app/2016590/Dark_and_Darker/

Please describe the specific content on Valve's systems you say is infringing:

Pursuant to Section 512(c)(3) of the DMCA, the undersigned hereby places Valve Corporation ("Valve") on notice that:

I, James S. Blackburn, am authorized by NEXON Korea Corporation ("Nexon") to submit this notice of copyright infringement to Valve. Under the penalty of perjury, I certify that the information in this notification is accurate.

Nexon's trade secrets and copyrights are being infringed by the testing version of the video game *Dark and Darker*, which may be found on Steam at this URL: https://store.steampowered.com/app/2016590/Dark_and_Darker/

Nexon has a good faith belief that *Dark and Darker* is infringing Nexon's copyrights in the *P3 Game*. Nexon also has good faith belief that *Dark and Darker* was developed by (1) stealing the source codes, art resources, and build files of the *P3 Game* and (2) using without authorization the stolen source codes, art resources, and build files as the foundation for *Dark and Darker*. Key employees, including the Managing Director as well as the Founder and Representative Director of Ironmace, were key team members that worked on and had access to Nexon's *P3 Game*. At least one person (notably, the current Managing Director of Ironmace) was dismissed from Nexon for transferring proprietary company files related to the *P3 Project* to his private server prior to leaving Nexon.

Identify the copyrighted work that you claim is being infringed.

(Please include any relevant information such as urls, dates, account names involved, and where the original content can be found. If you have access to the original work, it would be helpful to add a note to that page identifying the owner. It can make the process much quicker by simply adding a note to the bottom of the original content page such as “Copyright 201X [Owner’s Name.] This item is not authorized for posting on Steam, except under the Steam account named _____”

Nexon owns registered copyrights to the source codes, art resources, and build files of the *P3 Game*, which have been registered with the U.S. Copyright Office:

- (1) Project P3 Codes (computer program), Registration No. TXu 2-355-124;
- (2) Project P3 (audiovisual video game material), Registration No. PAu 4-169-661;
- (3) Project P3 Playtest (audiovisual material and spoken commentary), Registration No. PAu 4-166-909;
- (4) Project P3 Character – Cleric (2D artwork), Registration No. VAu 1-491-714;
- (5) Project P3 Character – Ranger (2D artwork), Registration No. VAu 1-491-715;
- (6) Project P3 Character – Barbarian (2D artwork), Registration No. VAu 1-491-716;
- (7) Project P3 Character – Tanker (2D artwork), Registration No. VAu 1-491-717;
- (8) Project P3 Character – Thief (2D artwork), Registration No. VAu 1-491-719; and
- (9) Project P3 Character – Wizard (2D artwork), Registration No. VAu 1-491-720.

2. *Your Contact Information*

Full Legal Name: James S. Blackburn
Address 1: Arnold & Porter LLP
Address 2: 777 South Figueroa Street, 44th Floor
City, State: Los Angeles, CA
Postal Code: 90017-5844
Country: United States of America
Phone: (213) 243-4063
Email Address: James.Blackburn@arnoldporter.com

3. *Authorization & Signature*

By checking the following boxes and submitting this claim, I state UNDER PENALTY OF PERJURY that:

- I am the copyright owner.
- I am authorized to act on the copyright owner's behalf in this situation.
- I have a good faith belief that the use of the material noted in this claim is not authorized by the copyright owner, its agent, or the law.
- I acknowledge that under Section 512(f) of the DMCA any person who knowingly materially misrepresent the material or activity is infringing may be liable for damages.

Type your full name into this box, acting as your digital signature.

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.

Shira Perlmutter
United States Register of Copyrights and Director

Registration Number
TXu 2-355-124
Effective Date of Registration:
February 09, 2023
Registration Decision Date:
February 09, 2023

Title

Title of Work: Project P3 Codes

Completion/Publication

Year of Completion: 2021

Author

- **Author:** NEXON KOREA CORPORATION
Author Created: computer program
Work made for hire: Yes
Citizen of: Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
7, Pangyo-ro 256 beon-gil, Bundang-gu, Seongnam-si, Gyeonggi-do, 13487,
Korea, South

Rights and Permissions

Organization Name: Downs Rachlin Martin PLLC
Name: Cathleen E. Stadecker
Email: tmip@drm.com
Telephone: (802)863-2375
Address: 199 Main Street, PO Box 190
Burlington, VT 05402-0190 United States

Certification

Name: Cathleen E. Stadecker

Date: February 09, 2023
Applicant's Tracking Number: 12938-254USY1 /GET23-0003-US10

Correspondence: Yes

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.

Shirley Perlmutter

United States Register of Copyrights and Director

Registration Number

PAu 4-169-661

Effective Date of Registration:

February 21, 2023

Registration Decision Date:

March 02, 2023

Title

Title of Work: Project P3

Completion/Publication

Year of Completion: 2021

Author

- Author:** NEXON KOREA CORPORATION
Author Created: audiovisual material
Work made for hire: Yes
Citizen of: Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
7, Pangyo-ro 256 beon-gil, Bundang-gu, Seongnam-si, Gyeonggi-do, 13487, Korea, South

Limitation of copyright claim

Material excluded from this claim: source code
Previous registration and year: TXu002355124, 2023
New material included in claim: all other video game material

Rights and Permissions

Organization Name: Downs Rachlin Martin PLLC
Name: Cathleen E. Stadecker
Email: tmip@drm.com
Telephone: (802)863-2375
Address: 199 Main Street, PO Box 190
Burlington, VT 05402-0190 United States

Certification

Name: Cathleen E. Stadecker
Date: February 21, 2023
Applicant's Tracking Number: 12938-254USY1 / GET23-0004-US

Correspondence: Yes

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.



United States Register of Copyrights and Director

Registration Number

PAu 4-166-909

Effective Date of Registration:

February 09, 2023

Registration Decision Date:

March 02, 2023

Title

Title of Work: Project P3 Playtest

Completion/Publication

Year of Completion: 2021

Author

- **Author:** NEXON KOREA CORPORATION
- Author Created:** audiovisual material and spoken commentary
- Work made for hire:** Yes
- Citizen of:** Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
7, Pangyo-ro 256 beon-gil, Bundang-gu, Seongnam-si, Gyeonggi-do, 13487, Korea, South

Rights and Permissions

Organization Name: Downs Rachlin Martin PLLC
Name: Cathleen E. Stadecker
Email: tmip@drm.com
Telephone: (802)863-2375
Address: 199 Main Street, PO Box 190
Burlington, VT 05402-0190 United States

Certification

Name: Cathleen E. Stadecker

Date: February 09, 2023
Applicant's Tracking Number: 12938-254USY1 / GET23-0003-US9

Correspondence: Yes

Certificate of Registration



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Shirley Perlmutter
United States Register of Copyrights and Director

Registration Number
VAu 1-491-714
Effective Date of Registration:
February 09, 2023
Registration Decision Date:
March 03, 2023

Title

Title of Work: Project P3 Character - Cleric

Completion/Publication

Year of Completion: 2021

Author

- **Author:** NEXON KOREA CORPORATION
- Author Created:** 2-D artwork
- Work made for hire:** Yes
- Citizen of:** Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
7, Pangyo-ro 256 beon-gil, Bundang-gu, Seongnam-si, Gyeonggi-do, 13487, Korea, South

Rights and Permissions

Organization Name: Downs Rachlin Martin PLLC
Name: Cathleen E. Stadecker
Email: tmip@drm.com
Telephone: (802)863-2375
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Burlington, VT 05402-0190 United States

Certification

Name: Cathleen E. Stadecker

Date: February 09, 2023
Applicant's Tracking Number: 12938-254USY1 / GET23-0003-US

Correspondence: Yes
Copyright Office notes: Basis for Registration: Registration based on deposited pictorial authorship describing, depicting, or embodying character(s). Compendium 313.4(H).

Certificate of Registration



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Shira Perlmutter
United States Register of Copyrights and Director

Registration Number
VAu 1-491-715
Effective Date of Registration:
February 09, 2023
Registration Decision Date:
March 03, 2023

Title

Title of Work: Project P3 Character - Ranger

Completion/Publication

Year of Completion: 2021

Author

- **Author:** NEXON KOREA CORPORATION
- Author Created:** 2-D artwork
- Work made for hire:** Yes
- Citizen of:** Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
7, Pangyo-ro 256 beon-gil, Bundang-gu, Seongnam-si, Gyeonggi-do, 13487, Korea, South

Rights and Permissions

Organization Name: Downs Rachlin Martin PLLC
Name: Cathleen E. Stadecker
Email: tmip@drm.com
Telephone: (802)863-2375
Address: 199 Main Street, PO Box 190
Burlington, VT 05402-0190 United States

Certification

Name: Cathleen E. Stadecker

Date: February 09, 2023
Applicant's Tracking Number: 12938-254USY1 / GET23-0003-US3

Correspondence: Yes
Copyright Office notes: Basis for Registration: Registration based on deposited pictorial authorship describing, depicting, or embodying character(s). Compendium 313.4(H).

Certificate of Registration



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United States Register of Copyrights and Director

Registration Number

VAu 1-491-716

Effective Date of Registration:

February 09, 2023

Registration Decision Date:

March 03, 2023

Title

Title of Work: Project P3 Character - Barbarian

Completion/Publication

Year of Completion: 2021

Author

- Author:** NEXON KOREA CORPORATION
Author Created: 2-D artwork
Work made for hire: Yes
Citizen of: Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
7, Pangyo-ro 256 beon-gil, Bundang-gu, Seongnam-si, Gyeonggi-do, 13487, Korea, South

Rights and Permissions

Organization Name: Downs Rachlin Martin PLLC
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Alt. Telephone: (802)862-7512
Address: 199 Main Street, PO Box 190
Burlington, VT 05402-0190 United States

Certification

Name: Cathleen E. Stadecker
Date: February 09, 2023
Applicant's Tracking Number: 12938-254USY1 / GET23-0003-US2

Correspondence: Yes
Copyright Office notes: Basis for Registration: Registration based on deposited pictorial authorship describing, depicting, or embodying character. Compendium 313.4(H).

Certificate of Registration



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Shirley P. Weimer
United States Register of Copyrights and Director

Registration Number
VAu 1-491-717
Effective Date of Registration:
February 09, 2023
Registration Decision Date:
March 03, 2023

Title

Title of Work: Project P3 Character - Tanker

Completion/Publication

Year of Completion: 2020

Author

- **Author:** NEXON KOREA CORPORATION
- Author Created:** 2-D artwork
- Work made for hire:** Yes
- Citizen of:** Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
7, Pangyo-ro 256 beon-gil, Bundang-gu, Seongnam-si, Gyeonggi-do, 13487, Korea, South

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Burlington, VT 05402-0190 United States

Certification

Name: Cathleen E. Stadecker

Date: February 09, 2023
Applicant's Tracking Number: 12938-254USY1 / GET23-0003-US4

Correspondence: Yes
Copyright Office notes: Basis for Registration: Registration based on deposited pictorial authorship describing, depicting, or embodying character. Compendium 313.4(H).

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Shirley P. Weimer
United States Register of Copyrights and Director

Registration Number
VAu 1-491-719
Effective Date of Registration:
February 09, 2023
Registration Decision Date:
March 03, 2023

Title

Title of Work: Project P3 Character - Thief

Completion/Publication

Year of Completion: 2021

Author

- **Author:** NEXON KOREA CORPORATION
- Author Created:** 2-D artwork
- Work made for hire:** Yes
- Citizen of:** Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
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Certification

Name: Cathleen E. Stadecker

Date: February 09, 2023
Applicant's Tracking Number: 12938-254USY1 / GET23-0003-US5

Correspondence: Yes
Copyright Office notes: Basis for Registration: Registration based on deposited pictorial authorship describing, depicting, or embodying character. Compendium 313.4(H).

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.

Shirley Perlmutter
United States Register of Copyrights and Director

Registration Number
VAu 1-491-720
Effective Date of Registration:
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Registration Decision Date:
March 03, 2023

Title

Title of Work: Project P3 Character - Wizard

Completion/Publication

Year of Completion: 2020

Author

- **Author:** NEXON KOREA CORPORATION
- Author Created:** 2-D artwork
- Work made for hire:** Yes
- Citizen of:** Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
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Rights and Permissions

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Certification

Name: Cathleen E. Stadecker

Date: February 09, 2023
Applicant's Tracking Number: 12938-254USY1 / GET23-0003-US6

Correspondence: Yes
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Exhibit C

Misconduct of Ju-Hyun Choi
Regarding Unauthorized Disclosure of the *P3 Project* Data

Ju-Hyun Choi unlawfully transferred and disclosed approximately 11,602 files of the data related to the P3 Project

- From April 2021 to June 18, 2021, 2,747 build files for the P3 Project were unlawfully transferred from the Nexon's Jenkins server to Ju-Hyun Choi's ("Choi") private server located in Seosan without obtaining authorization.
- From April 7, 2021 to May 11, 2021, 1,719 build files for the P3 Project were unlawfully transferred to Choi's private server built on a home PC without obtaining authorization.
- From May 31, 2021 to June 23, 2021, the data related to the P3 Project, including source code and art resources, were unlawfully transferred to Choi's private server in Seosan without obtaining authorization over 20 instances.

Exhibit D

Comparison of Resource File Names Between *P3 Game* and *Dark and Darker*

- The comparison of resources in the folder created when installing “Dark and Darker” to those when installing the P3 Game shows that the two games had 2,338 files with the same names.
- Even if we exclude the number of files essentially included in the Unreal Engine itself from the above, more than 1,000 files had the same file names.
- Below is the list of resource file names that are identical in “Dark and Darker” and the P3 Game.

AK_Acoustic_Portal.uasset	AkRtpc.ubulk
AK_Acoustic_Portal.ubulk	AkRtpc.uexp
AK_Acoustic_Portal.uexp	AkStateValue.uasset
AK_Acoustic_Portal_Explorer.uasset	AkStateValue.ubulk
AK_Acoustic_Portal_Explorer.uexp	AkStateValue.uexp
AK_Reverb_Volume.uasset	AkSwitchValue.uasset
AK_Reverb_Volume.ubulk	AkSwitchValue.ubulk
AK_Reverb_Volume.uexp	AkSwitchValue.uexp
AK_Reverb_Volume_Explorer.uasset	AkTrigger.uasset
AK_Reverb_Volume_Explorer.uexp	AkTrigger.ubulk
AK_Spatial_Audio_Volume.uasset	AkTrigger.uexp
AK_Spatial_Audio_Volume.ubulk	Anechoic.uasset
AK_Spatial_Audio_Volume.uexp	Anechoic.uexp
AK_Spatial_Audio_Volume_Explorer.uasset	AnimNotify_AkEvent.uasset
AK_Spatial_Audio_Volume_Explorer.uexp	AnimNotify_AkEvent.uexp
Acoustic_Banner.uasset	AssetRegistry.bin
Acoustic_Banner.uexp	BP_Arrow.uasset
AkAcousticTexture.uasset	BP_Arrow.uexp
AkAcousticTexture.ubulk	BP_Footprint.uasset
AkAcousticTexture.uexp	BP_Footprint.uexp
AkAudioBank.uasset	BP_FranciscaAxeProjectile.uasset
AkAudioBank.ubulk	BP_FranciscaAxeProjectile.uexp
AkAudioBank.uexp	BP_ItemActor.uasset
AkAudioEvent.uasset	BP_ItemActor.uexp
AkAudioEvent.ubulk	BP_PlayerController.uasset
AkAudioEvent.uexp	BP_PlayerController.uexp
AkAuxBus.uasset	BP_ThrowingKnifeProjectile.uasset
AkAuxBus.ubulk	BP_ThrowingKnifeProjectile.uexp
AkAuxBus.uexp	BP_TorchProjectile.uasset
AkExternalMediaAsset.uasset	BP_TorchProjectile.uexp
AkExternalMediaAsset.ubulk	Backstab.uasset
AkExternalMediaAsset.uexp	Backstab.uexp
AkLocalizedMediaAsset.uasset	BlockoutToolsFunctions.uasset
AkLocalizedMediaAsset.ubulk	BlockoutToolsFunctions.uexp
AkLocalizedMediaAsset.uexp	BlockoutToolsPlugin.uplugin
AkMediaAsset.uasset	Blockout_Box.uasset
AkMediaAsset.ubulk	Blockout_Box.uexp
AkMediaAsset.uexp	Blockout_Cone.uasset
AkRtpc.uasset	Blockout_Cone.uexp

Blockout_Corner_Curved.uasset	Events_FOLDER.uasset
Blockout_Corner_Curved.uexp	Events_FOLDER.uexp
Blockout_Corner_Ramp.uasset	FX_fire.uasset
Blockout_Corner_Ramp.uexp	FX_fire.uexp
Blockout_Cylinder.uasset	Fabric.uasset
Blockout_Cylinder.uexp	Fabric.uexp
Blockout_Doorway.uasset	Fireball.uasset
Blockout_Doorway.uexp	Fireball.uexp
Blockout_Railing.uasset	FranciscaAxe.uasset
Blockout_Railing.uexp	FranciscaAxe.uexp
Blockout_Ramp.uasset	Fx_Smoke.uasset
Blockout_Ramp.uexp	Fx_Smoke.uexp
Blockout_Skewbox.uasset	GA_Crouch.uasset
Blockout_Skewbox.uexp	GA_Crouch.uexp
Blockout_Sphere.uasset	GA_Interact.uasset
Blockout_Sphere.uexp	GA_Interact.uexp
Blockout_Stairs_Curved.uasset	GA_InteractPassive.uasset
Blockout_Stairs_Curved.uexp	GA_InteractPassive.uexp
Blockout_Stairs_Linear.uasset	GA_Rest.uasset
Blockout_Stairs_Linear.uexp	GA_Rest.uexp
Blockout_Stairs_Linear_Manual.uasset	GA_Walk.uasset
Blockout_Stairs_Linear_Manual.uexp	GA_Walk.uexp
Blockout_Tube.uasset	GC_Explosion.uasset
Blockout_Tube.uexp	GC_Explosion.uexp
Blockout_Window.uasset	GC_SpellCastReady.uasset
Blockout_Window.uexp	GC_SpellCastReady.uexp
Brick.uasset	GC_SpellCastStart.uasset
Brick.uexp	GC_SpellCastStart.uexp
Candle.uasset	GE_Backstab.uasset
Candle.uexp	GE_Backstab.uexp
Carpet.uasset	GE_InvisibilitySpell.uasset
Carpet.uexp	GE_InvisibilitySpell.uexp
Concrete.uasset	GE_ShieldExpert.uasset
Concrete.uexp	GE_ShieldExpert.uexp
Cork_Tiles.uasset	GE_Smash.uasset
Cork_Tiles.uexp	GE_Smash.uexp
Curtains.uasset	GE_Toughness.uasset
Curtains.uexp	GE_Toughness.uexp
DefaultEngine.ini	GE_Tracking.uasset
DefaultGame.ini	GE_Tracking.uexp
DefaultGameUserSettings.ini	GE_TrapExpert.uasset
DefaultGameplayTags.ini	GE_TrapExpert.uexp
DefaultInput.ini	GE_TwoHandedWeaponExpert.uasset
Default_Work_Unit_FOLDER.uasset	GE_TwoHandedWeaponExpert.uexp
Default_Work_Unit_FOLDER.uexp	GameLiftServerSDK.uplugin
Door1.uasset	Game_Parameters_FOLDER.uasset
Door1.uexp	Game_Parameters_FOLDER.uexp
Drywall.uasset	InitBank.uasset
Drywall.uexp	InitBank.uexp
EBlockoutAlignment.uasset	Lockpick.uasset
EBlockoutAlignment.uexp	Lockpick.uexp
EBlockoutRailingType.uasset	MF_Blockout_Grid.uasset
EBlockoutRailingType.uexp	MF_Blockout_Grid.uexp
EBlockoutStairsType.uasset	MF_Blockout_Triplanar.uasset
EBlockoutStairsType.uexp	MF_Blockout_Triplanar.uexp

MF_Blockout_Triplanar_Grid.uasset	MI_Wall_01.uexp
MF_Blockout_Triplanar_Grid.uexp	MI_Wall_02.uasset
MF_Blockout_Triplanar_Normal.uasset	MI_Wall_02.uexp
MF_Blockout_Triplanar_Normal.uexp	MI_Wall_03.uasset
MF_DitheredRefraction.uasset	MI_Wall_03.uexp
MF_DitheredRefraction.uexp	MI_Wood_01.uasset
MF_Fresnel_01a.uasset	MI_Wood_01.uexp
MF_Fresnel_01a.uexp	MM_Master_Material_01a.uasset
MF_ParticleRandomSize.uasset	MM_Master_Material_01a.uexp
MF_ParticleRandomSize.uexp	M_Base.uasset
MF_RGBA_Multiplier.uasset	M_Base.uexp
MF_RGBA_Multiplier.uexp	M_Base_GlobalTint.uasset
MF_RGBA_Tint.uasset	M_Base_GlobalTint.uexp
MF_RGBA_Tint.uexp	M_BlockoutTools_Custom.uasset
MF_Sand_01a.uasset	M_BlockoutTools_Custom.uexp
MF_Sand_01a.uexp	M_BlockoutTools_Grid.uasset
MI_Arch_01.uasset	M_BlockoutTools_Grid.uexp
MI_Arch_01.uexp	M_Distortion.uasset
MI_Arch_02.uasset	M_Distortion.uexp
MI_Arch_02.uexp	M_Outline.uasset
MI_Ballustrade_01.uasset	M_Outline.uexp
MI_Ballustrade_01.uexp	M_Radial_Gradient.uasset
MI_Barrel.uasset	M_Radial_Gradient.uexp
MI_Barrel.uexp	M_SKMage_Clothes01_Dark.uasset
MI_BlockoutTools_Custom.uasset	M_SKMage_Clothes01_Dark.uexp
MI_BlockoutTools_Custom.uexp	M_SKMage_Clothes02_Dark.uasset
MI_BlockoutTools_Grid.uasset	M_SKMage_Clothes02_Dark.uexp
MI_BlockoutTools_Grid.uexp	M_SKMage_Clothes03_Dark.uasset
MI_Brick_Rubble_01.uasset	M_SKMage_Clothes03_Dark.uexp
MI_Brick_Rubble_01.uexp	M_SKMage_Staff_Dark.uasset
MI_Bricks_01.uasset	M_SKMage_Staff_Dark.uexp
MI_Bricks_01.uexp	M_SK_Skeleton_Sand.uasset
MI_Column_01.uasset	M_SK_Skeleton_Sand.uexp
MI_Column_01.uexp	M_SK_Skull_Sand.uasset
MI_Column_02.uasset	M_SK_Skull_Sand.uexp
MI_Column_02.uexp	Master-Mixer_Hierarchy_FOLDER.uasset
MI_Floor_01.uasset	Master-Mixer_Hierarchy_FOLDER.uexp
MI_Floor_01.uexp	Master_Audio_Bus_FOLDER.uasset
MI_Floor_Bricks_01.uasset	Master_Audio_Bus_FOLDER.uexp
MI_Floor_Bricks_01.uexp	Mountain.uasset
MI_Lockpick.uasset	Mountain.uexp
MI_Lockpick.uexp	RGBA_Mask_NoTint.uasset
MI_Metal_01.uasset	RGBA_Mask_NoTint.uexp
MI_Metal_01.uexp	SM_Arch_8m_01.uasset
MI_Stair_01.uasset	SM_Arch_8m_01.uexp
MI_Stair_01.uexp	SM_Arch_8m_06.uasset
MI_Stone_Damaged_01.uasset	SM_Arch_8m_06.uexp
MI_Stone_Damaged_01.uexp	SM_Arch_Top_01.uasset
MI_Trim_01.uasset	SM_Arch_Top_01.uexp
MI_Trim_01.uexp	SM_Arch_Top_02.uasset
MI_Trim_02.uasset	SM_Arch_Top_02.uexp
MI_Trim_02.uexp	SM_Arch_Top_03.uasset
MI_Trim_07.uasset	SM_Arch_Top_03.uexp
MI_Trim_07.uexp	SM_Arch_Top_04.uasset
MI_Wall_01.uasset	SM_Arch_Top_04.uexp

SM_Archway_01.uasset	SM_Blockout_Curved_Corner_Outer_Q4.uexp
SM_Archway_01.uexp	SM_Blockout_Cylinder_Q1.uasset
SM_Archway_02.uasset	SM_Blockout_Cylinder_Q1.uexp
SM_Archway_02.uexp	SM_Blockout_Cylinder_Q2.uasset
SM_Archway_03.uasset	SM_Blockout_Cylinder_Q2.uexp
SM_Archway_03.uexp	SM_Blockout_Cylinder_Q3.uasset
SM_Archway_Ruined_03.uasset	SM_Blockout_Cylinder_Q3.uexp
SM_Archway_Ruined_03.uexp	SM_Blockout_Cylinder_Q4.uasset
SM_Ballustrade_01.uasset	SM_Blockout_Cylinder_Q4.uexp
SM_Ballustrade_01.uexp	SM_Blockout_Hemisphere_Q1.uasset
SM_Ballustrade_Ruined_04.uasset	SM_Blockout_Hemisphere_Q1.uexp
SM_Ballustrade_Ruined_04.uexp	SM_Blockout_Hemisphere_Q2.uasset
SM_Ballustrade_Ruined_05.uasset	SM_Blockout_Hemisphere_Q2.uexp
SM_Ballustrade_Ruined_05.uexp	SM_Blockout_Hemisphere_Q3.uasset
SM_Ballustrade_Ruined_06.uasset	SM_Blockout_Hemisphere_Q3.uexp
SM_Ballustrade_Ruined_06.uexp	SM_Blockout_Hemisphere_Q4.uasset
SM_Ballustrade_Ruined_07.uasset	SM_Blockout_Hemisphere_Q4.uexp
SM_Ballustrade_Ruined_07.uexp	SM_Blockout_Railing_Closed.uasset
SM_Barrel_Ceiling_01.uasset	SM_Blockout_Railing_Closed.uexp
SM_Barrel_Ceiling_01.uexp	SM_Blockout_Railing_Open.uasset
SM_Bars_Doorway_01.uasset	SM_Blockout_Railing_Open.uexp
SM_Bars_Doorway_01.uexp	SM_Blockout_Railing_Pole.uasset
SM_Blind_Arch_02.uasset	SM_Blockout_Railing_Pole.uexp
SM_Blind_Arch_02.uexp	SM_Blockout_Ramp.uasset
SM_Blockout_Box.uasset	SM_Blockout_Ramp.uexp
SM_Blockout_Box.uexp	SM_Blockout_Sphere_Q1.uasset
SM_Blockout_Box_Centered.uasset	SM_Blockout_Sphere_Q1.uexp
SM_Blockout_Box_Centered.uexp	SM_Blockout_Sphere_Q2.uasset
SM_Blockout_Box_Right.uasset	SM_Blockout_Sphere_Q2.uexp
SM_Blockout_Box_Right.uexp	SM_Blockout_Sphere_Q3.uasset
SM_Blockout_Cone_Q1.uasset	SM_Blockout_Sphere_Q3.uexp
SM_Blockout_Cone_Q1.uexp	SM_Blockout_Sphere_Q4.uasset
SM_Blockout_Cone_Q2.uasset	SM_Blockout_Sphere_Q4.uexp
SM_Blockout_Cone_Q2.uexp	SM_Blockout_Step_Box.uasset
SM_Blockout_Cone_Q3.uasset	SM_Blockout_Step_Box.uexp
SM_Blockout_Cone_Q3.uexp	SM_Blockout_Step_Box_Centered.uasset
SM_Blockout_Cone_Q4.uasset	SM_Blockout_Step_Box_Centered.uexp
SM_Blockout_Cone_Q4.uexp	SM_Blockout_Step_Sloped_Centered.uasset
SM_Blockout_Corner_Ramp.uasset	SM_Blockout_Step_Sloped_Centered.uexp
SM_Blockout_Corner_Ramp.uexp	SM_Blockout_Step_Sloped_Linear.uasset
SM_Blockout_Curved_Corner_Inner_Q1.uasset	SM_Blockout_Step_Sloped_Linear.uexp
SM_Blockout_Curved_Corner_Inner_Q1.uexp	SM_BonesPile01.uasset
SM_Blockout_Curved_Corner_Inner_Q2.uasset	SM_BonesPile01.uexp
SM_Blockout_Curved_Corner_Inner_Q2.uexp	SM_BonesPile02.uasset
SM_Blockout_Curved_Corner_Inner_Q3.uasset	SM_BonesPile02.uexp
SM_Blockout_Curved_Corner_Inner_Q3.uexp	SM_BonesPile03.uasset
SM_Blockout_Curved_Corner_Inner_Q4.uasset	SM_BonesPile03.uexp
SM_Blockout_Curved_Corner_Inner_Q4.uexp	SM_BonesPile05.uasset
SM_Blockout_Curved_Corner_Outer_Q1.uasset	SM_BonesPile05.uexp
SM_Blockout_Curved_Corner_Outer_Q1.uexp	SM_Brick_Column_Ruined_02.uasset
SM_Blockout_Curved_Corner_Outer_Q2.uasset	SM_Brick_Column_Ruined_02.uexp
SM_Blockout_Curved_Corner_Outer_Q2.uexp	SM_Brick_Column_Ruined_03.uasset
SM_Blockout_Curved_Corner_Outer_Q3.uasset	SM_Brick_Column_Ruined_03.uexp
SM_Blockout_Curved_Corner_Outer_Q3.uexp	SM_ClayPot_11.uasset
SM_Blockout_Curved_Corner_Outer_Q4.uasset	SM_ClayPot_11.uexp

SM_ClayPot_13.uasset	SM_Metal_Door_01.uexp
SM_ClayPot_13.uexp	SM_Niche2_1.uasset
SM_Column1_01.uasset	SM_Niche2_1.uexp
SM_Column1_01.uexp	SM_Pier_02.uasset
SM_Column1_02.uasset	SM_Pier_02.uexp
SM_Column1_02.uexp	SM_Pilaster_01.uasset
SM_Column_01.uasset	SM_Pilaster_01.uexp
SM_Column_01.uexp	SM_Pilaster_02.uasset
SM_Column_01b.uasset	SM_Pilaster_02.uexp
SM_Column_01b.uexp	SM_Pilaster_02a.uasset
SM_Column_02.uasset	SM_Pilaster_02a.uexp
SM_Column_02.uexp	SM_Pilaster_03.uasset
SM_Column_03.uasset	SM_Pilaster_03.uexp
SM_Column_03.uexp	SM_Pilaster_03a.uasset
SM_Column_05.uasset	SM_Pilaster_03a.uexp
SM_Column_05.uexp	SM_Plank_01.uasset
SM_Column_05a.uasset	SM_Plank_01.uexp
SM_Column_05a.uexp	SM_Planks_02.uasset
SM_Column_07.uasset	SM_Planks_02.uexp
SM_Column_07.uexp	SM_Pylon2_01.uasset
SM_Column_Ruined_02.uasset	SM_Pylon2_01.uexp
SM_Column_Ruined_02.uexp	SM_Pylon6_02.uasset
SM_Column_Ruined_04.uasset	SM_Pylon6_02.uexp
SM_Column_Ruined_04.uexp	SM_Scaffolding_04.uasset
SM_Column_Ruined_05.uasset	SM_Scaffolding_04.uexp
SM_Column_Ruined_05.uexp	SM_Scaffolding_07.uasset
SM_Debris_01.uasset	SM_Scaffolding_07.uexp
SM_Debris_01.uexp	SM_Scull1_02.uasset
SM_Debris_02.uasset	SM_Scull1_02.uexp
SM_Debris_02.uexp	SM_SkeletonPose02.uasset
SM_Debris_Floor_01.uasset	SM_SkeletonPose02.uexp
SM_Debris_Floor_01.uexp	SM_Sphere.uasset
SM_Debris_Floor_02.uasset	SM_Sphere.uexp
SM_Debris_Floor_02.uexp	SM_Stair_02.uasset
SM_Debris_Floor_03.uasset	SM_Stair_02.uexp
SM_Debris_Floor_03.uexp	SM_Stair_Tileable_02.uasset
SM_Debris_Floor_04.uasset	SM_Stair_Tileable_02.uexp
SM_Debris_Floor_04.uexp	SM_Stair_Tileable_03.uasset
SM_Debris_Floor_05.uasset	SM_Stair_Tileable_03.uexp
SM_Debris_Floor_05.uexp	SM_Wall_01.uasset
SM_Floor_01.uasset	SM_Wall_01.uexp
SM_Floor_01.uexp	SM_Wall_Corner_02.uasset
SM_Floor_Half_01.uasset	SM_Wall_Corner_02.uexp
SM_Floor_Half_01.uexp	SM_Wall_Corner_03.uasset
SM_Floor_Half_02.uasset	SM_Wall_Corner_03.uexp
SM_Floor_Half_02.uexp	SM_Wall_Corner_Half_02.uasset
SM_Floor_Ruined_01.uasset	SM_Wall_Corner_Half_02.uexp
SM_Floor_Ruined_01.uexp	SM_Wall_Corner_Half_03.uasset
SM_Floor_Ruined_04.uasset	SM_Wall_Corner_Half_03.uexp
SM_Floor_Ruined_04.uexp	SM_Wall_Low_04.uasset
SM_Floor_Ruined_06.uasset	SM_Wall_Low_04.uexp
SM_Floor_Ruined_06.uexp	SM_Wall_Low_05.uasset
SM_Floor_Ruined_08.uasset	SM_Wall_Low_05.uexp
SM_Floor_Ruined_08.uexp	SM_Wall_Low_06.uasset
SM_Metal_Door_01.uasset	SM_Wall_Low_06.uexp

SM_Wall_Ruined_01.uasset	ShaderArchive-Global-
SM_Wall_Ruined_01.uexp	PCD3D_SM5.usheaderbytecode
SM_Wall_Ruined_09.uasset	ShieldExpert.uasset
SM_Wall_Ruined_09.uexp	ShieldExpert.uexp
SM_Wall_Ruined_10.uasset	Smash.uasset
SM_Wall_Ruined_10.uexp	Smash.uexp
SM_Wall_Ruined_11.uasset	SmokeBomb.uasset
SM_Wall_Ruined_11.uexp	SmokeBomb.uexp
SM_Wall_Ruined_14.uasset	States_FOLDER.uasset
SM_Wall_Ruined_14.uexp	States_FOLDER.uexp
SM_Wall_Ruined_31.uasset	Switches_FOLDER.uasset
SM_Wall_Ruined_31.uexp	Switches_FOLDER.uexp
SM_Wall_Thick_01.uasset	TX_Cube_01a_CUBE.uasset
SM_Wall_Thick_01.uexp	TX_Cube_01a_CUBE.uexp
SM_Wall_Thick_Ruined_01.uasset	T_Arch_01_BC.uasset
SM_Wall_Thick_Ruined_01.uexp	T_Arch_01_BC.ubulk
SM_Wall_Thick_Ruined_010.uasset	T_Arch_01_BC.uexp
SM_Wall_Thick_Ruined_010.uexp	T_Arch_01_N.uasset
SM_Wall_Thick_Ruined_03.uasset	T_Arch_01_N.ubulk
SM_Wall_Thick_Ruined_03.uexp	T_Arch_01_N.uexp
SM_Wall_Thick_Ruined_07.uasset	T_Arch_02_BC.uasset
SM_Wall_Thick_Ruined_07.uexp	T_Arch_02_BC.ubulk
SM_Wall_Thick_Ruined_08.uasset	T_Arch_02_BC.uexp
SM_Wall_Thick_Ruined_08.uexp	T_Arch_02_N.uasset
SM_Window_02.uasset	T_Arch_02_N.ubulk
SM_Window_02.uexp	T_Arch_02_N.uexp
SM_Wooden_Beam_01.uasset	T_Ballustrade_01_BC.uasset
SM_Wooden_Beam_01.uexp	T_Ballustrade_01_BC.ubulk
SM_Wooden_Beam_03.uasset	T_Ballustrade_01_BC.uexp
SM_Wooden_Beam_03.uexp	T_Ballustrade_01_N.uasset
SM_Wooden_Floor_01.uasset	T_Ballustrade_01_N.ubulk
SM_Wooden_Floor_01.uexp	T_Ballustrade_01_N.uexp
SM_Wooden_Floor_Ruined_01.uasset	T_Blank_N.uasset
SM_Wooden_Floor_Ruined_01.uexp	T_Blank_N.uexp
SM_Wooden_Floor_Ruined_09.uasset	T_Blockout_Actor_Icon.uasset
SM_Wooden_Floor_Ruined_09.uexp	T_Blockout_Actor_Icon.ubulk
SM_Wooden_Stair_01.uasset	T_Blockout_Actor_Icon.uexp
SM_Wooden_Stair_01.uexp	T_Blockout_Grid.uasset
SM_Wooden_Support_01.uasset	T_Blockout_Grid.ubulk
SM_Wooden_Support_01.uexp	T_Blockout_Grid.uexp
SM_Wooden_Support_07.uasset	T_BonesPile_D.uasset
SM_Wooden_Support_07.uexp	T_BonesPile_D.ubulk
SM_Wooden_Support_08.uasset	T_BonesPile_D.uexp
SM_Wooden_Support_08.uexp	T_BonesPile_N.uasset
SM_Wooden_Support_09.uasset	T_BonesPile_N.ubulk
SM_Wooden_Support_09.uexp	T_BonesPile_N.uexp
SM_Wooden_Support_11.uasset	T_Brick_Rubble_01_BC.uasset
SM_Wooden_Support_11.uexp	T_Brick_Rubble_01_BC.ubulk
SSP_caucasian.uasset	T_Brick_Rubble_01_BC.uexp
SSP_caucasian.uexp	T_Brick_Rubble_01_N.uasset
S_AkComponent.uasset	T_Brick_Rubble_01_N.ubulk
S_AkComponent.uexp	T_Brick_Rubble_01_N.uexp
S_AkSpotReflector.uasset	T_Brick_Rubble_02_BC.uasset
S_AkSpotReflector.uexp	T_Brick_Rubble_02_BC.ubulk
	T_Brick_Rubble_02_BC.uexp

T_Brick_Rubble_02_N.uasset
 T_Brick_Rubble_02_N.ubulk
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base_gray_d.uexp	switchgroup_nor.uexp
base_white_d.uasset	trigger_nor.uasset
base_white_d.uexp	trigger_nor.uexp
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bus_nor.uexp	workunit_nor.uexp
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container_switch_nor.uexp	wwise_icon_16.uexp
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fx_fire_D.ubulk	

Exhibit E

Similarities between the *P3 Game* and *Dark and Darker*

1. Character Design

- The P3 Game and Dark and Darker have the same types of character classes: Barbarian, Cleric, Tanker (Fighter), Wizard, Thief (Rogue), and Ranger.
- As shown below, the character designs for each class are very similar.
 - ✓ The Barbarian



- ✓ The Cleric



✓ The Tanker (Fighter)



✓ The Wizard



✓ The Thief (Rogue)



✓ The Ranger



2. **Setting / Structural Design**

- The P3 Game is intended to demonstrate a fearful and dark atmosphere by using dungeons with dark brick walls as a background setting of the game and introduced torch-related in-game features (i.e. features that allow users

to use their torches to improve vision and light up or extinguish the torches already installed in dungeons) to maximize such atmosphere. However, these setting and features are also implemented as is in *Dark and Darker*.



3. Key Concept (Genre, Storyline, Detailed Elements of the Games)

- The *P3 Game* and *Dark and Darker* have similar story setting that “many adventurers who heard a rumor that they can become rich gather around to form a party and delve into dungeons full of monsters and treasures.”
- The game description of *Dark and Darker* is very similar to P3’s game description (which has never been disclosed outside Nexon).

<p>The <i>P3 Game</i>'s Description in Korean (with English Translation)</p>	<ul style="list-style-type: none"> ◆ 아주 위험하지만, 큰 부를 얻을 수 있다는 소문을 듣고 미지의 던전을 향해 수많은 모험가들이 모여듭니다. [English trans.: Despite the danger, many adventurers venture into the unknown dungeon after hearing rumors of great fortune in the dungeon.] ◆ 모험가들은 믿을 수 있는 멤버들과 파티를 구성하여 어둡고, 위험한 던전으로 모험을 떠납니다. [English trans.: Adventurers form a party with other trusted members and venture into the dark and dangerous dungeon.] ◆ 그들은 그곳에서 거대한 몬스터를 만나 위험에 처하거나, 값 비싼 전리품들을 발견할 수 있습니다. [English trans.: They may find themselves in danger upon encountering giant monsters or discover valuable loot / treasure.] ◆ 함정, 몬스터, 다른 플레이어 등 무수한 위험에서 벗어나 던전을 무사히 탈출하면 획득한 모든 것을 가질 수 있습니다. [English trans.: You can keep everything you have plundered if you escape the dungeon safely and avoid countless dangers such as traps, monsters, and other players.]
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<i>Dark and Darker's Game Description in English</i>	<ul style="list-style-type: none"> ◆ Unfathomable fortunes await the brave and the foolish willing to delve into the devastated depths of an ancient citadel. ◆ Band together with your friends and use your courage, wits, and cunning to uncover mythical treasures, defeat gruesome monsters, while staying one step ahead of the other devious treasure-hunters. ◆ Once you've plundered your riches, now comes the hard part, getting out alive.
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– *Dark and Darker* has all characteristics of the *P3 Game*.

Category	Detail
Belong to PvPvE genre	This genre of game requires users to basically compete with each other (Player vs Player), but also to fight the in-game environment (<i>e.g.</i> , monsters).
Has both the FPS and RPG elements	Users cannot defeat other users only with a simple attack sign, and have to aim and shoot other users to defeat them (FPS genre). Moreover, users grow stronger as they obtain various items, and go on adventures (element of an RPG).
Game's starting point, etc.	16 users participate in one game. The game starts from selecting characters at the tavern where a user can communicate with other users.
Character Class	Consists of "the Tanker (Fighter), the Barbarian, the Cleric, the Thief (Rogue), the Wizard and the Ranger"
Other	The background setting of the both games is a dungeon made up of dark bricks. The games have torch-related features, and they offer a fixed attack pattern for each type of weapons. In the both games, user interaction with in-game objects such as boxes and doors are available in the form of casting, and certain amount of time is required to equip or replace equipment.

Exhibit B



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March 23, 2023

VIA ELECTRONIC MAIL AND COURIER

Terence (Seungha) Park
IRONMACE CO., Ltd.
401, 16, Pangyoyeok-ro 192beon-gil, Bundang-gu
Seongnam-si, Gyeonggi-do, Republic of Korea 13524
contact@ironmace.com

Re: Misappropriation of Nexon's Trade Secrets and Copyright
Infringement

Dear Mr. Park,

We represent NEXON Korea Corporation (“Nexon”), a global producer, developer, and operator of video games specializing in online virtual world games for PCs, consoles, and mobile devices. Nexon has produced 150 video games which are enjoyed by 1.4 billion users in 110 countries.

Nexon has learned that you and your company IRONMACE Co., Ltd. (“Ironmace”), together with Ju-Hyun Choi, and you are making unauthorized use of Nexon’s trade secrets and copyrighted material as detailed below. This letter is to inform you that Ironmace’s activities constitute misappropriation of Nexon’s trade secrets and copyright infringement. On behalf of Nexon, we demand that you and Ironmace immediately take all of the steps detailed in this letter to cease the misappropriation of Nexon’s trade secrets and infringement of Nexon’s copyrights.

Since August 2022, Ironmace has been offering for download demo/test versions of the videogame titled *Dark and Darker* on Valve Corporation’s (“Valve”) Steam Platform (“Steam”), and Ironmace plans to make the game commercially available later in 2023. To date, Ironmace has conducted play tests of *Dark and Darker* on Steam but plans to move to “Early Access” distribution of *Dark and Darker* by late April or early May, which will make a near-final version of the video game available to purchasers.

Based on our investigation, *Dark and Darker* appears to have been built and developed using trade secret as well as copyrighted information copied and stolen from Nexon. Under U.S. law, Ironmace’s actions constitute, among other violations, misappropriation of Nexon’s trade secrets such as source codes, art resources, build

Arnold & Porter

files, and other company intellectual property under the Defend Trade Secret Act (the “DTSA”) and infringement of copyrighted materials such as Literary Work (e.g., source codes), Works of Visual Arts (e.g., character designs), and Motion Picture / AV Work (e.g., Playtest video) under the Copyright Act.

As you are fully aware, Nexon began developing a new first-person shooter role-playing game (“FPS-RPG game”) also known as the *P3 Game* under the *P3 Project* in August 2020. For 11 months until July 2021, at least 20 Nexon employees worked exclusively on the *P3 Project* and Nexon invested more than KRW 1.1 billion (USD 815,000, using an exchange rate of USD 1 to KRW 1,350) to develop the *P3 Game*. During this time, Nexon made significant developments to the *P3 Game*, and created unique concepts, genre, plot, story line, characters, and plans for the game. Nexon also created large numbers of proprietary source codes, art resources, and build files.

Literary Work, Works of the Visual Art, and Motion Picture / AV Work of the *P3 Game* are registered to Nexon and protected by the U.S. copyright law pursuant to Copyright Registration Nos.:

1. Project P3 Codes (computer program), Registration No. TXu 2-355-124;
2. Project P3 (audiovisual video game material), Registration No. PAu 4-169-661;
3. Project P3 Playtest (audiovisual material and spoken commentary), Registration No. PAu 4-166-909;
4. Project P3 Character – Cleric (2D artwork), Registration No. VAu 1-491-714;
5. Project P3 Character – Ranger (2D artwork), Registration No. VAu 1-491-715;
6. Project P3 Character – Barbarian (2D artwork), Registration No. VAu 1-491-716;
7. Project P3 Character – Tanker (2D artwork), Registration No. VAu 1-491-717;
8. Project P3 Character – Thief (2D artwork), Registration No. VAu 1-491-719; and
9. Project P3 Character – Wizard (2D artwork), Registration No. VAu 1-491-720.

Among other things, the above copyright registrations confer upon Nexon the exclusive rights to reproduce, prepare derivative works, distribute, perform, display, and transmit the copyrighted material. The certificates of copyright registration are attached as Exhibit A.

In addition, Nexon took reasonable measures to maintain confidentiality of its trade secrets for the *P3 Game*. These measures include Nexon’s data protection agreement (which you signed on August 5, 2021), data protection policy, security guidelines, and explicit verbal instruction that prohibited Nexon employees from



disclosing confidential company information and Nexon's trade secrets (e.g., source codes, art resources, and build files) to third parties even after leaving Nexon, or using without authorization Nexon's confidential information and trade secrets for any purpose other than assigned work for Nexon.

As you are also undoubtedly well aware, at least one Nexon employee – specifically, Ju-Hyun Choi (a former Nexon employee and team leader of the *P3 Project* who had access to all the *P3 Project* files) – acquired and transferred, without authorization, more than 11,000 key files of the *P3 Project* from Nexon's server to his personal server in 2020 and 2021. These 11,000 files include, but are not limited to, the source codes, art resources, and build files of the *P3 Game*. Ju-Hyun Choi's misconduct regarding the unlawful transfer and disclosure of over 11,000 build files related to the *P3 Project* is set out in Exhibit B. Following the investigation of Ju-Hyun Choi's misconduct, he was disciplined and terminated by Nexon in July 2021. Ju-Hyun Choi approached *P3 Project* members and urged them to leave Nexon and create a game similar to the *P3 Game* outside of Nexon.

Like Ju-Hyun Choi, you are also a former Nexon employee. As a former director of game development at Nexon and the head of the sub-team for the *P3 Project* at Nexon, you worked on the *P3 Game* with Ju-Hyun Choi and other Nexon employees who later joined Ironmace. Shortly after Ju-Hyun Choi was dismissed from Nexon, you left Nexon on August 9, 2021. Less than two months after you left Nexon, and only three months after Ju-Hyun Choi left Nexon, you founded Ironmace on October 20, 2021. Ju-Hyun Choi joined Ironmace shortly thereafter as its Managing Director. There is reason to believe he is the controlling shareholder of Nexon and he has been actively engaged in fundraising efforts for the company. Moreover, ten out of twenty-three *P3 Project* team members left Nexon, and most are believed to be currently working at Ironmace.

We have reason to believe that he stole and misappropriated Nexon's trade secrets and copyrights and used them, along with you and Ironmace, in the development of the counterfeit game, *Dark and Darker*. As the founder of Ironmace and a former-*P3 Project* team member, you knew or should have known that Ju-Hyun Choi illegally stole Nexon's trade secrets and copyrighted materials. Despite your knowledge, you permitted Ironmace to use the stolen trade secrets and Nexon's copyrighted materials to develop *Dark and Darker*. Ironmace has thus knowingly benefitted from your misappropriation, and will continue to do so once *Dark and Darker* is made commercially available. In light of the aforementioned facts, Ironmace has misappropriated Nexon's trade secrets under the DTSA and infringed on Nexon's copyrighted materials under the Copyright Act.

Nexon's *P3 Game* has never been disclosed to a third party and before the release of the testing version of *Dark and Darker*, no other game had the same concept, genre, and plot as the *P3 Game*. Within a mere ten months of forming Ironmace, its demo/test version of *Dark and Darker* became publicly available in August 2022. It is impossible for Ironmace to have developed *Dark and Darker* in such a short time frame without using Nexon's trade secrets and confidential

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information. Nexon became immediately concerned about the two games' similarities, which are so striking that they cannot be reasonably explained through independent development.

To investigate, Nexon conducted a comparative analysis of *Dark and Darker* with the *P3 Game*. A preliminary analysis revealed that the resource file names of 2,338 files were identical between the two games. Even if one takes into account that both games were developed using the same program (e.g., Unreal Engine), the number of identical file names is too substantial for mere coincidence. For your reference, the comparison of the file names is appended hereto as Exhibit C. Additionally, the character designs and other setting and structural designs of *Dark and Darker* are suspiciously similar to those of the *P3 Game*. Our preliminary comparison of the two games' character and setting / structural designs is attached as Exhibit D.

The level and extent of similarities between the two games' key concepts, genre, and story line make it clear that Ironmace must have used Nexon's trade secrets and copyrighted materials to create *Dark and Darker*. Both *Dark and Darker* and the *P3 Game* have the same story setting and even share an almost identical game description. For example, the premise of both games involves adventurers who delve into dungeons full of monsters and treasures in their quest to seek riches. Moreover, *Dark and Darker* has all the characteristics of the *P3 Game*, including the PvPvE genre; FPS and RPG elements; character class; game starting point; and user interaction with game features. For a more complete comparison, please see Exhibit D.

Ironmace's unlawful conduct make it liable to Nexon for substantial damages, including statutory damages of up to \$150,000 for willful copyright infringement, in addition to attorney's fees and other costs incurred by Nexon to enforce its rights. Nexon is also entitled to injunctive relief to stop Ironmace's ongoing unlawful misuse of Nexon's trade secrets and copyrighted materials.

Nexon, therefore, demands that you and Ironmace:

1. Immediately cease and desist all further development, testing, production, reproduction, publishing, provision, distribution, transmission, display, performance, advertising, licensing, and sale of the materials and the game created from the misappropriation and infringement, including the removal of all test version from Steam;
2. Preserve all evidence related to *Dark and Darker* and to all related acts that Ironmace has done for the creation of *Dark and Darker*, as described above;
3. Explain how you and Ironmace intend to return and/or dispose of any confidential and proprietary information of Nexon that you have in your possession; and

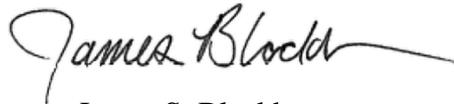
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4. Provide a written assurance, within one week of receipt of this letter, that Ironmace has taken the requested steps.

Ironmace's failure to immediately comply with our demands will likely compound the damages for which Ironmace may be liable. Furthermore, if we do not receive all the requested evidence and written assurance or a satisfactory response by the aforementioned dates, Nexon is prepared to take all steps necessary to protect its valuable trade secrets and intellectual property rights without further notice to Ironmace.

Nothing in this letter should be construed as a waiver, relinquishment, modification or election of rights or remedies by Nexon. This letter is not an exhaustive statement of all the relevant facts and law. Nexon expressly reserves all rights and remedies, including the right to seek injunctive relief and recover monetary damages, under all applicable federal and state laws.

Sincerely,

A handwritten signature in black ink that reads "James S. Blackburn". The signature is written in a cursive style with a long horizontal flourish extending to the right.

James S. Blackburn

Exhibit A

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.

Shirley Perlmutter
United States Register of Copyrights and Director

Registration Number
TXu 2-355-124
Effective Date of Registration:
February 09, 2023
Registration Decision Date:
February 09, 2023

Title

Title of Work: Project P3 Codes

Completion/Publication

Year of Completion: 2021

Author

- **Author:** NEXON KOREA CORPORATION
- Author Created:** computer program
- Work made for hire:** Yes
- Citizen of:** Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
7, Pangyo-ro 256 beon-gil, Bundang-gu, Seongnam-si, Gyeonggi-do, 13487,
Korea, South

Rights and Permissions

Organization Name: Downs Rachlin Martin PLLC
Name: Cathleen E. Stadecker
Email: tmip@drm.com
Telephone: (802)863-2375
Address: 199 Main Street, PO Box 190
Burlington, VT 05402-0190 United States

Certification

Name: Cathleen E. Stadecker

Date: February 09, 2023
Applicant's Tracking Number: 12938-254USY1 /GET23-0003-US10

Correspondence: Yes

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.

United States Register of Copyrights and Director

Registration Number

PAu 4-169-661

Effective Date of Registration:

February 21, 2023

Registration Decision Date:

March 02, 2023

Title

Title of Work: Project P3

Completion/Publication

Year of Completion: 2021

Author

- Author:** NEXON KOREA CORPORATION
Author Created: audiovisual material
Work made for hire: Yes
Citizen of: Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
7, Pangyo-ro 256 beon-gil, Bundang-gu, Seongnam-si, Gyeonggi-do, 13487, Korea, South

Limitation of copyright claim

Material excluded from this claim: source code
Previous registration and year: TXu002355124, 2023
New material included in claim: all other video game material

Rights and Permissions

Organization Name: Downs Rachlin Martin PLLC
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Email: tmip@drm.com
Telephone: (802)863-2375
Address: 199 Main Street, PO Box 190
 Burlington, VT 05402-0190 United States

Certification

Name: Cathleen E. Stadecker
Date: February 21, 2023
Applicant's Tracking Number: 12938-254USY1 / GET23-0004-US

Correspondence: Yes

Certificate of Registration



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Shirley Perlmutter
United States Register of Copyrights and Director

Registration Number
PAu 4-166-909
Effective Date of Registration:
February 09, 2023
Registration Decision Date:
March 02, 2023

Title

Title of Work: Project P3 Playtest

Completion/Publication

Year of Completion: 2021

Author

- **Author:** NEXON KOREA CORPORATION
Author Created: audiovisual material and spoken commentary
Work made for hire: Yes
Citizen of: Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
7, Pangyo-ro 256 beon-gil, Bundang-gu, Seongnam-si, Gyeonggi-do, 13487, Korea, South

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Applicant's Tracking Number: 12938-254USY1 / GET23-0003-US9

Correspondence: Yes

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Shirley Perlmutter
United States Register of Copyrights and Director

Registration Number
VAu 1-491-714
Effective Date of Registration:
February 09, 2023
Registration Decision Date:
March 03, 2023

Title

Title of Work: Project P3 Character - Cleric

Completion/Publication

Year of Completion: 2021

Author

- **Author:** NEXON KOREA CORPORATION
- Author Created:** 2-D artwork
- Work made for hire:** Yes
- Citizen of:** Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
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Certification

Name: Cathleen E. Stadecker

Date: February 09, 2023
Applicant's Tracking Number: 12938-254USY1 / GET23-0003-US

Correspondence: Yes
Copyright Office notes: Basis for Registration: Registration based on deposited pictorial authorship describing, depicting, or embodying character(s). Compendium 313.4(H).

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Shira Perlmutter
United States Register of Copyrights and Director

Registration Number
VAu 1-491-715
Effective Date of Registration:
February 09, 2023
Registration Decision Date:
March 03, 2023

Title

Title of Work: Project P3 Character - Ranger

Completion/Publication

Year of Completion: 2021

Author

- **Author:** NEXON KOREA CORPORATION
- Author Created:** 2-D artwork
- Work made for hire:** Yes
- Citizen of:** Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
7, Pangyo-ro 256 beon-gil, Bundang-gu, Seongnam-si, Gyeonggi-do, 13487, Korea, South

Rights and Permissions

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Burlington, VT 05402-0190 United States

Certification

Name: Cathleen E. Stadecker

Date: February 09, 2023
Applicant's Tracking Number: 12938-254USY1 / GET23-0003-US3

Correspondence: Yes
Copyright Office notes: Basis for Registration: Registration based on deposited pictorial authorship describing, depicting, or embodying character(s). Compendium 313.4(H).

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United States Register of Copyrights and Director

Registration Number

VAu 1-491-716

Effective Date of Registration:

February 09, 2023

Registration Decision Date:

March 03, 2023

Title

Title of Work: Project P3 Character - Barbarian

Completion/Publication

Year of Completion: 2021

Author

- **Author:** NEXON KOREA CORPORATION
- Author Created:** 2-D artwork
- Work made for hire:** Yes
- Citizen of:** Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
7, Pangyo-ro 256 beon-gil, Bundang-gu, Seongnam-si, Gyeonggi-do, 13487, Korea, South

Rights and Permissions

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Burlington, VT 05402-0190 United States

Certification

Name: Cathleen E. Stadecker
Date: February 09, 2023
Applicant's Tracking Number: 12938-254USY1 / GET23-0003-US2

Correspondence: Yes
Copyright Office notes: Basis for Registration: Registration based on deposited pictorial authorship describing, depicting, or embodying character. Compendium 313.4(H).

Certificate of Registration



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United States Register of Copyrights and Director

Registration Number
VAu 1-491-717
Effective Date of Registration:
February 09, 2023
Registration Decision Date:
March 03, 2023

Title

Title of Work: Project P3 Character - Tanker

Completion/Publication

Year of Completion: 2020

Author

- **Author:** NEXON KOREA CORPORATION
- Author Created:** 2-D artwork
- Work made for hire:** Yes
- Citizen of:** Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
7, Pangyo-ro 256 beon-gil, Bundang-gu, Seongnam-si, Gyeonggi-do, 13487, Korea, South

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Burlington, VT 05402-0190 United States

Certification

Name: Cathleen E. Stadecker

Date: February 09, 2023
Applicant's Tracking Number: 12938-254USY1 / GET23-0003-US4

Correspondence: Yes
Copyright Office notes: Basis for Registration: Registration based on deposited pictorial authorship describing, depicting, or embodying character. Compendium 313.4(H).

Certificate of Registration



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Shirley P. Matthews
United States Register of Copyrights and Director

Registration Number
VAu 1-491-719
Effective Date of Registration:
February 09, 2023
Registration Decision Date:
March 03, 2023

Title

Title of Work: Project P3 Character - Thief

Completion/Publication

Year of Completion: 2021

Author

- **Author:** NEXON KOREA CORPORATION
Author Created: 2-D artwork
Work made for hire: Yes
Citizen of: Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
7, Pangyo-ro 256 beon-gil, Bundang-gu, Seongnam-si, Gyeonggi-do, 13487, Korea, South

Rights and Permissions

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Certification

Name: Cathleen E. Stadecker

Date: February 09, 2023
Applicant's Tracking Number: 12938-254USY1 / GET23-0003-US5

Correspondence: Yes
Copyright Office notes: Basis for Registration: Registration based on deposited pictorial authorship describing, depicting, or embodying character. Compendium 313.4(H).

Certificate of Registration



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Shirley Perlmutter
United States Register of Copyrights and Director

Registration Number
VAu 1-491-720
Effective Date of Registration:
February 09, 2023
Registration Decision Date:
March 03, 2023

Title

Title of Work: Project P3 Character - Wizard

Completion/Publication

Year of Completion: 2020

Author

- **Author:** NEXON KOREA CORPORATION
- Author Created:** 2-D artwork
- Work made for hire:** Yes
- Citizen of:** Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
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Name: Cathleen E. Stadecker

Date: February 09, 2023
Applicant's Tracking Number: 12938-254USY1 / GET23-0003-US6

Correspondence: Yes
Copyright Office notes: Basis for Registration: Registration based on deposited pictorial authorship describing, depicting, or embodying character. Compendium 313.4(H).

Exhibit B

**Misconduct of Ju-Hyun Choi
Regarding Unauthorized Disclosure of the *P3 Project* Data**

Ju-Hyun Choi unlawfully transferred and disclosed approximately 11,602 files of the data related to the P3 Project

- From April 2021 to June 18, 2021, 2,747 build files for the P3 Project were unlawfully transferred from the Nexon's Jenkins server to Ju-Hyun Choi's ("Choi") private server located in Seosan without obtaining authorization.
- From April 7, 2021 to May 11, 2021, 1,719 build files for the P3 Project were unlawfully transferred to Choi's private server built on a home PC without obtaining authorization.
- From May 31, 2021 to June 23, 2021, the data related to the P3 Project, including source code and art resources, were unlawfully transferred to Choi's private server in Seosan without obtaining authorization on over 20 instances.

Exhibit C

Comparison of Resource File Names Between *P3 Game* and *Dark and Darker*

- The comparison of resources in the folder created when installing “Dark and Darker” to those when installing the P3 Game shows that the two games had 2,338 files with the same names.
- Even if we exclude the number of files essentially included in the Unreal Engine itself from the above, more than 1,000 files had the same file names.
- Below is the list of resource file names that are identical in “Dark and Darker” and the P3 Game.

AK_Acoustic_Portal.uasset	AkSwitchValue.uexp
AK_Acoustic_Portal.ubulk	AkTrigger.uasset
AK_Acoustic_Portal.uexp	AkTrigger.ubulk
AK_Acoustic_Portal_Explorer.uasset	AkTrigger.uexp
AK_Acoustic_Portal_Explorer.uexp	Anechoic.uasset
AK_Reverb_Volume.uasset	Anechoic.uexp
AK_Reverb_Volume.ubulk	AnimNotify_AkEvent.uasset
AK_Reverb_Volume.uexp	AnimNotify_AkEvent.uexp
AK_Reverb_Volume_Explorer.uasset	AssetRegistry.bin
AK_Reverb_Volume_Explorer.uexp	BP_Arrow.uasset
AK_Spatial_Audio_Volume.uasset	BP_Arrow.uexp
AK_Spatial_Audio_Volume.ubulk	BP_Footprint.uasset
AK_Spatial_Audio_Volume.uexp	BP_Footprint.uexp
AK_Spatial_Audio_Volume_Explorer.uasset	BP_FranciscaAxeProjectile.uasset
AK_Spatial_Audio_Volume_Explorer.uexp	BP_FranciscaAxeProjectile.uexp
Acoustic_Banner.uasset	BP_ItemActor.uasset
Acoustic_Banner.uexp	BP_ItemActor.uexp
AkAcousticTexture.uasset	BP_PlayerController.uasset
AkAcousticTexture.ubulk	BP_PlayerController.uexp
AkAcousticTexture.uexp	BP_ThrowingKnifeProjectile.uasset
AkAudioBank.uasset	BP_ThrowingKnifeProjectile.uexp
AkAudioBank.ubulk	BP_TorchProjectile.uasset
AkAudioBank.uexp	BP_TorchProjectile.uexp
AkAudioEvent.uasset	Backstab.uasset
AkAudioEvent.ubulk	Backstab.uexp
AkAudioEvent.uexp	BlockoutToolsFunctions.uasset
AkAuxBus.uasset	BlockoutToolsFunctions.uexp
AkAuxBus.ubulk	BlockoutToolsPlugin.uplugin
AkAuxBus.uexp	Blockout_Box.uasset
AkExternalMediaAsset.uasset	Blockout_Box.uexp
AkExternalMediaAsset.ubulk	Blockout_Cone.uasset
AkExternalMediaAsset.uexp	Blockout_Cone.uexp
AkLocalizedMediaAsset.uasset	Blockout_Corner_Curved.uasset
AkLocalizedMediaAsset.ubulk	Blockout_Corner_Curved.uexp
AkLocalizedMediaAsset.uexp	Blockout_Corner_Ramp.uasset
AkMediaAsset.uasset	Blockout_Corner_Ramp.uexp
AkMediaAsset.ubulk	Blockout_Cylinder.uasset
AkMediaAsset.uexp	Blockout_Cylinder.uexp
AkRtpc.uasset	Blockout_Doorway.uasset
AkRtpc.ubulk	Blockout_Doorway.uexp
AkRtpc.uexp	Blockout_Railing.uasset
AkStateValue.uasset	Blockout_Railing.uexp
AkStateValue.ubulk	Blockout_Ramp.uasset
AkStateValue.uexp	Blockout_Ramp.uexp
AkSwitchValue.uasset	Blockout_Skewbox.uasset
AkSwitchValue.ubulk	Blockout_Skewbox.uexp

Blockout_Sphere.uasset	GA_Rest.uexp
Blockout_Sphere.uexp	GA_Walk.uasset
Blockout_Stairs_Curved.uasset	GA_Walk.uexp
Blockout_Stairs_Curved.uexp	GC_Explosion.uasset
Blockout_Stairs_Linear.uasset	GC_Explosion.uexp
Blockout_Stairs_Linear.uexp	GC_SpellCastReady.uasset
Blockout_Stairs_Linear_Manual.uasset	GC_SpellCastReady.uexp
Blockout_Stairs_Linear_Manual.uexp	GC_SpellCastStart.uasset
Blockout_Tube.uasset	GC_SpellCastStart.uexp
Blockout_Tube.uexp	GE_Backstab.uasset
Blockout_Window.uasset	GE_Backstab.uexp
Blockout_Window.uexp	GE_InvisibilitySpell.uasset
Brick.uasset	GE_InvisibilitySpell.uexp
Brick.uexp	GE_ShieldExpert.uasset
Candle.uasset	GE_ShieldExpert.uexp
Candle.uexp	GE_Smash.uasset
Carpet.uasset	GE_Smash.uexp
Carpet.uexp	GE_Toughness.uasset
Concrete.uasset	GE_Toughness.uexp
Concrete.uexp	GE_Tracking.uasset
Cork_Tiles.uasset	GE_Tracking.uexp
Cork_Tiles.uexp	GE_TrapExpert.uasset
Curtains.uasset	GE_TrapExpert.uexp
Curtains.uexp	GE_TwoHandedWeaponExpert.uasset
DefaultEngine.ini	GE_TwoHandedWeaponExpert.uexp
DefaultGame.ini	GameLiftServerSDK.uplugin
DefaultGameUserSettings.ini	Game_Parameters_FOLDER.uasset
DefaultGameplayTags.ini	Game_Parameters_FOLDER.uexp
DefaultInput.ini	InitBank.uasset
Default_Work_Unit_FOLDER.uasset	InitBank.uexp
Default_Work_Unit_FOLDER.uexp	Lockpick.uasset
Door1.uasset	Lockpick.uexp
Door1.uexp	MF_Blockout_Grid.uasset
Drywall.uasset	MF_Blockout_Grid.uexp
Drywall.uexp	MF_Blockout_Triplanar.uasset
EBlockoutAlignment.uasset	MF_Blockout_Triplanar.uexp
EBlockoutAlignment.uexp	MF_Blockout_Triplanar_Grid.uasset
EBlockoutRailingType.uasset	MF_Blockout_Triplanar_Grid.uexp
EBlockoutRailingType.uexp	MF_Blockout_Triplanar_Normal.uasset
EBlockoutStairsType.uasset	MF_Blockout_Triplanar_Normal.uexp
EBlockoutStairsType.uexp	MF_DitheredRefraction.uasset
Events_FOLDER.uasset	MF_DitheredRefraction.uexp
Events_FOLDER.uexp	MF_Fresnel_01a.uasset
FX_fire.uasset	MF_Fresnel_01a.uexp
FX_fire.uexp	MF_ParticleRandomSize.uasset
Fabric.uasset	MF_ParticleRandomSize.uexp
Fabric.uexp	MF_RGBA_Multiplier.uasset
Fireball.uasset	MF_RGBA_Multiplier.uexp
Fireball.uexp	MF_RGBA_Tint.uasset
FranciscaAxe.uasset	MF_RGBA_Tint.uexp
FranciscaAxe.uexp	MF_Sand_01a.uasset
Fx_Smoke.uasset	MF_Sand_01a.uexp
Fx_Smoke.uexp	MI_Arch_01.uasset
GA_Crouch.uasset	MI_Arch_01.uexp
GA_Crouch.uexp	MI_Arch_02.uasset
GA_Interact.uasset	MI_Arch_02.uexp
GA_Interact.uexp	MI_Ballustrade_01.uasset
GA_InteractPassive.uasset	MI_Ballustrade_01.uexp
GA_InteractPassive.uexp	MI_Barrel.uasset
GA_Rest.uasset	MI_Barrel.uexp

MI_BlockoutTools_Custom.uasset
MI_BlockoutTools_Custom.uexp
MI_BlockoutTools_Grid.uasset
MI_BlockoutTools_Grid.uexp
MI_Brick_Rubble_01.uasset
MI_Brick_Rubble_01.uexp
MI_Bricks_01.uasset
MI_Bricks_01.uexp
MI_Column_01.uasset
MI_Column_01.uexp
MI_Column_02.uasset
MI_Column_02.uexp
MI_Floor_01.uasset
MI_Floor_01.uexp
MI_Floor_Bricks_01.uasset
MI_Floor_Bricks_01.uexp
MI_Lockpick.uasset
MI_Lockpick.uexp
MI_Metal_01.uasset
MI_Metal_01.uexp
MI_Stair_01.uasset
MI_Stair_01.uexp
MI_Stone_Damaged_01.uasset
MI_Stone_Damaged_01.uexp
MI_Trim_01.uasset
MI_Trim_01.uexp
MI_Trim_02.uasset
MI_Trim_02.uexp
MI_Trim_07.uasset
MI_Trim_07.uexp
MI_Wall_01.uasset
MI_Wall_01.uexp
MI_Wall_02.uasset
MI_Wall_02.uexp
MI_Wall_03.uasset
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MI_Wood_01.uasset
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MM_Master_Material_01a.uasset
MM_Master_Material_01a.uexp
M_Base.uasset
M_Base.uexp
M_Base_GlobalTint.uasset
M_Base_GlobalTint.uexp
M_BlockoutTools_Custom.uasset
M_BlockoutTools_Custom.uexp
M_BlockoutTools_Grid.uasset
M_BlockoutTools_Grid.uexp
M_Distortion.uasset
M_Distortion.uexp
M_Outline.uasset
M_Outline.uexp
M_Radial_Gradient.uasset
M_Radial_Gradient.uexp
M_SKMage_Clothes01_Dark.uasset
M_SKMage_Clothes01_Dark.uexp
M_SKMage_Clothes02_Dark.uasset
M_SKMage_Clothes02_Dark.uexp
M_SKMage_Clothes03_Dark.uasset
M_SKMage_Clothes03_Dark.uexp
M_SKMage_Staff_Dark.uasset
M_SKMage_Staff_Dark.uexp
M_SK_Skeleton_Sand.uasset
M_SK_Skeleton_Sand.uexp
M_SK_Skull_Sand.uasset
M_SK_Skull_Sand.uexp
Master-Mixer_Hierarchy_FOLDER.uasset
Master-Mixer_Hierarchy_FOLDER.uexp
Master_Audio_Bus_FOLDER.uasset
Master_Audio_Bus_FOLDER.uexp
Mountain.uasset
Mountain.uexp
RGBA_Mask_NoTint.uasset
RGBA_Mask_NoTint.uexp
SM_Arch_8m_01.uasset
SM_Arch_8m_01.uexp
SM_Arch_8m_06.uasset
SM_Arch_8m_06.uexp
SM_Arch_Top_01.uasset
SM_Arch_Top_01.uexp
SM_Arch_Top_02.uasset
SM_Arch_Top_02.uexp
SM_Arch_Top_03.uasset
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SM_Arch_Top_04.uasset
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SM_Archway_01.uexp
SM_Archway_02.uasset
SM_Archway_02.uexp
SM_Archway_03.uasset
SM_Archway_03.uexp
SM_Archway_Ruined_03.uasset
SM_Archway_Ruined_03.uexp
SM_Ballustrade_01.uasset
SM_Ballustrade_01.uexp
SM_Ballustrade_Ruined_04.uasset
SM_Ballustrade_Ruined_04.uexp
SM_Ballustrade_Ruined_05.uasset
SM_Ballustrade_Ruined_05.uexp
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SM_Ballustrade_Ruined_07.uexp
SM_Barrel_Ceiling_01.uasset
SM_Barrel_Ceiling_01.uexp
SM_Bars_Doorway_01.uasset
SM_Bars_Doorway_01.uexp
SM_Blind_Arch_02.uasset
SM_Blind_Arch_02.uexp
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SM_Blockout_Box.uexp
SM_Blockout_Box_Centered.uasset
SM_Blockout_Box_Centered.uexp
SM_Blockout_Box_Right.uasset
SM_Blockout_Box_Right.uexp
SM_Blockout_Cone_Q1.uasset
SM_Blockout_Cone_Q1.uexp
SM_Blockout_Cone_Q2.uasset
SM_Blockout_Cone_Q2.uexp

SM_Blockout_Cone_Q3.uasset	SM_Blockout_Step_Sloped_Linear.uasset
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SM_Blockout_Cone_Q4.uasset	SM_BonesPile01.uasset
SM_Blockout_Cone_Q4.uexp	SM_BonesPile01.uexp
SM_Blockout_Corner_Ramp.uasset	SM_BonesPile02.uasset
SM_Blockout_Corner_Ramp.uexp	SM_BonesPile02.uexp
SM_Blockout_Curved_Corner_Inner_Q1.uasset	SM_BonesPile03.uasset
SM_Blockout_Curved_Corner_Inner_Q1.uexp	SM_BonesPile03.uexp
SM_Blockout_Curved_Corner_Inner_Q2.uasset	SM_BonesPile05.uasset
SM_Blockout_Curved_Corner_Inner_Q2.uexp	SM_BonesPile05.uexp
SM_Blockout_Curved_Corner_Inner_Q3.uasset	SM_Brick_Column_Ruined_02.uasset
SM_Blockout_Curved_Corner_Inner_Q3.uexp	SM_Brick_Column_Ruined_02.uexp
SM_Blockout_Curved_Corner_Inner_Q4.uasset	SM_Brick_Column_Ruined_03.uasset
SM_Blockout_Curved_Corner_Inner_Q4.uexp	SM_Brick_Column_Ruined_03.uexp
SM_Blockout_Curved_Corner_Outer_Q1.uasset	SM_ClayPot_11.uasset
SM_Blockout_Curved_Corner_Outer_Q1.uexp	SM_ClayPot_11.uexp
SM_Blockout_Curved_Corner_Outer_Q2.uasset	SM_ClayPot_13.uasset
SM_Blockout_Curved_Corner_Outer_Q2.uexp	SM_ClayPot_13.uexp
SM_Blockout_Curved_Corner_Outer_Q3.uasset	SM_Column1_01.uasset
SM_Blockout_Curved_Corner_Outer_Q3.uexp	SM_Column1_01.uexp
SM_Blockout_Curved_Corner_Outer_Q4.uasset	SM_Column1_02.uasset
SM_Blockout_Curved_Corner_Outer_Q4.uexp	SM_Column1_02.uexp
SM_Blockout_Cylinder_Q1.uasset	SM_Column_01.uasset
SM_Blockout_Cylinder_Q1.uexp	SM_Column_01.uexp
SM_Blockout_Cylinder_Q2.uasset	SM_Column_01b.uasset
SM_Blockout_Cylinder_Q2.uexp	SM_Column_01b.uexp
SM_Blockout_Cylinder_Q3.uasset	SM_Column_02.uasset
SM_Blockout_Cylinder_Q3.uexp	SM_Column_02.uexp
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SM_Blockout_Cylinder_Q4.uexp	SM_Column_03.uexp
SM_Blockout_Hemisphere_Q1.uasset	SM_Column_05.uasset
SM_Blockout_Hemisphere_Q1.uexp	SM_Column_05.uexp
SM_Blockout_Hemisphere_Q2.uasset	SM_Column_05a.uasset
SM_Blockout_Hemisphere_Q2.uexp	SM_Column_05a.uexp
SM_Blockout_Hemisphere_Q3.uasset	SM_Column_07.uasset
SM_Blockout_Hemisphere_Q3.uexp	SM_Column_07.uexp
SM_Blockout_Hemisphere_Q4.uasset	SM_Column_Ruined_02.uasset
SM_Blockout_Hemisphere_Q4.uexp	SM_Column_Ruined_02.uexp
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SM_Blockout_Railing_Open.uasset	SM_Column_Ruined_05.uasset
SM_Blockout_Railing_Open.uexp	SM_Column_Ruined_05.uexp
SM_Blockout_Railing_Pole.uasset	SM_Debris_01.uasset
SM_Blockout_Railing_Pole.uexp	SM_Debris_01.uexp
SM_Blockout_Ramp.uasset	SM_Debris_02.uasset
SM_Blockout_Ramp.uexp	SM_Debris_02.uexp
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SM_Blockout_Sphere_Q2.uasset	SM_Debris_Floor_02.uasset
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SM_Blockout_Sphere_Q3.uasset	SM_Debris_Floor_03.uasset
SM_Blockout_Sphere_Q3.uexp	SM_Debris_Floor_03.uexp
SM_Blockout_Sphere_Q4.uasset	SM_Debris_Floor_04.uasset
SM_Blockout_Sphere_Q4.uexp	SM_Debris_Floor_04.uexp
SM_Blockout_Step_Box.uasset	SM_Debris_Floor_05.uasset
SM_Blockout_Step_Box.uexp	SM_Debris_Floor_05.uexp
SM_Blockout_Step_Box_Centered.uasset	SM_Floor_01.uasset
SM_Blockout_Step_Box_Centered.uexp	SM_Floor_01.uexp
SM_Blockout_Step_Sloped_Centered.uasset	SM_Floor_Half_01.uasset
SM_Blockout_Step_Sloped_Centered.uexp	SM_Floor_Half_01.uexp

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SM_Floor_Half_02.uexp	SM_Wall_Low_04.uexp
SM_Floor_Ruined_01.uasset	SM_Wall_Low_05.uasset
SM_Floor_Ruined_01.uexp	SM_Wall_Low_05.uexp
SM_Floor_Ruined_04.uasset	SM_Wall_Low_06.uasset
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SM_Floor_Ruined_06.uasset	SM_Wall_Ruined_01.uasset
SM_Floor_Ruined_06.uexp	SM_Wall_Ruined_01.uexp
SM_Floor_Ruined_08.uasset	SM_Wall_Ruined_09.uasset
SM_Floor_Ruined_08.uexp	SM_Wall_Ruined_09.uexp
SM_Metal_Door_01.uasset	SM_Wall_Ruined_10.uasset
SM_Metal_Door_01.uexp	SM_Wall_Ruined_10.uexp
SM_Niche2_1.uasset	SM_Wall_Ruined_11.uasset
SM_Niche2_1.uexp	SM_Wall_Ruined_11.uexp
SM_Pier_02.uasset	SM_Wall_Ruined_14.uasset
SM_Pier_02.uexp	SM_Wall_Ruined_14.uexp
SM_Pilaster_01.uasset	SM_Wall_Ruined_31.uasset
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SM_Pilaster_02a.uasset	SM_Wall_Thick_Ruined_01.uasset
SM_Pilaster_02a.uexp	SM_Wall_Thick_Ruined_01.uexp
SM_Pilaster_03.uasset	SM_Wall_Thick_Ruined_010.uasset
SM_Pilaster_03.uexp	SM_Wall_Thick_Ruined_010.uexp
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SM_Planks_02.uasset	SM_Wall_Thick_Ruined_08.uasset
SM_Planks_02.uexp	SM_Wall_Thick_Ruined_08.uexp
SM_Pylon2_01.uasset	SM_Window_02.uasset
SM_Pylon2_01.uexp	SM_Window_02.uexp
SM_Pylon6_02.uasset	SM_Wooden_Beam_01.uasset
SM_Pylon6_02.uexp	SM_Wooden_Beam_01.uexp
SM_Scaffolding_04.uasset	SM_Wooden_Beam_03.uasset
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SM_Scaffolding_07.uasset	SM_Wooden_Floor_01.uasset
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SM_Scull1_02.uexp	SM_Wooden_Floor_Ruined_01.uexp
SM_SkeletonPose02.uasset	SM_Wooden_Floor_Ruined_09.uasset
SM_SkeletonPose02.uexp	SM_Wooden_Floor_Ruined_09.uexp
SM_Sphere.uasset	SM_Wooden_Stair_01.uasset
SM_Sphere.uexp	SM_Wooden_Stair_01.uexp
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SM_Wall_01.uasset	SM_Wooden_Support_09.uasset
SM_Wall_01.uexp	SM_Wooden_Support_09.uexp
SM_Wall_Corner_02.uasset	SM_Wooden_Support_11.uasset
SM_Wall_Corner_02.uexp	SM_Wooden_Support_11.uexp
SM_Wall_Corner_03.uasset	SSP_caucasian.uasset
SM_Wall_Corner_03.uexp	SSP_caucasian.uexp
SM_Wall_Corner_Half_02.uasset	S_AkComponent.uasset
SM_Wall_Corner_Half_02.uexp	S_AkComponent.uexp
SM_Wall_Corner_Half_03.uasset	S_AkSpotReflector.uasset
SM_Wall_Corner_Half_03.uexp	S_AkSpotReflector.uexp

ShaderArchive-Global-PCD3D_SM5.ushaderbytecode
 ShieldExpert.uasset
 ShieldExpert.uexp
 Smash.uasset
 Smash.uexp
 SmokeBomb.uasset
 SmokeBomb.uexp
 States_FOLDER.uasset
 States_FOLDER.uexp
 Switches_FOLDER.uasset
 Switches_FOLDER.uexp
 TX_Cube_01a_CUBE.uasset
 TX_Cube_01a_CUBE.uexp
 T_Arch_01_BC.uasset
 T_Arch_01_BC.ubulk
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 T_Arch_01_N.ubulk
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 T_Metal_Surface_01_BC.uexp
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 T_Metal_Surface_01_M.ubulk

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 T_SK_Skull_BaseColor_Sand.uasset
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 T_SkMage_Clothes01_Roughness.uexp
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 T_SkMage_Clothes02_Normal.uasset
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 T_SkMage_Clothes02_Roughness.ubulk
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 T_SkMage_Clothes03_AO.uasset
 T_SkMage_Clothes03_AO.ubulk
 T_SkMage_Clothes03_AO.uexp
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 T_SkMage_Clothes03_BaseColor_Blue.ubulk
 T_SkMage_Clothes03_BaseColor_Blue.uexp

T_SkMage_Clothes03_BaseColor_Dark.uasset	T_Stone_Damaged_01_N.uasset
T_SkMage_Clothes03_BaseColor_Dark.ubulk	T_Stone_Damaged_01_N.ubulk
T_SkMage_Clothes03_BaseColor_Dark.uexp	T_Stone_Damaged_01_N.uexp
T_SkMage_Clothes03_BaseColor_Desert.uasset	T_TilingClouds_01.uasset
T_SkMage_Clothes03_BaseColor_Desert.ubulk	T_TilingClouds_01.ubulk
T_SkMage_Clothes03_BaseColor_Desert.uexp	T_TilingClouds_01.uexp
T_SkMage_Clothes03_BaseColor_Green.uasset	T_TilingNoise03.uasset
T_SkMage_Clothes03_BaseColor_Green.ubulk	T_TilingNoise03.ubulk
T_SkMage_Clothes03_BaseColor_Green.uexp	T_TilingNoise03.uexp
T_SkMage_Clothes03_BaseColor_Red.uasset	T_Trim_01_BC.uasset
T_SkMage_Clothes03_BaseColor_Red.ubulk	T_Trim_01_BC.ubulk
T_SkMage_Clothes03_BaseColor_Red.uexp	T_Trim_01_BC.uexp
T_SkMage_Clothes03_Metallic.uasset	T_Trim_02_BC.uasset
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T_Stone_Damaged_01_BC.uexp	T_helmet_north_01_ORM.uexp

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 Textures_FOLDER.uexp
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 ThrowingKnife.uexp
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 Tile.uexp
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 base_white_d.uasset
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 container_switch_nor.uasset
 container_switch_nor.uexp
 event_nor.uasset
 event_nor.uexp
 folder_nor.uasset
 folder_nor.uexp
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 fx_fire_D.uexp
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 switchgroup_nor.uexp
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 trigger_nor.uexp
 workunit_nor.uasset
 workunit_nor.uexp
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 wproj.uexp
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 wwise_icon_16.uexp
 wwise_icon_512.uasset
 wwise_icon_512.ubulk
 wwise_icon_512.uexp
 wwise_logo_32.uasset
 wwise_logo_32.uexp

Exhibit D

Similarities between the *P3 Game* and *Dark and Darker*

1. Character Design

- The *P3 Game* and *Dark and Darker* have the same types of character classes: Barbarian, Cleric, Tanker (Fighter), Thief (Rogue), Wizard, and Ranger.
- As shown below, the character designs for each class are very similar.
 - ✓ The Barbarian



- ✓ The Cleric



✓ The Tanker (Fighter)



✓ The Wizard



✓ The Thief (Rogue)



✓ The Ranger



2. Setting / Structural Design

- The P3 Game is intended to demonstrate a fearful and dark atmosphere by using dungeons with dark brick walls as a background setting of the game and introduced torch-related in-game features (i.e. features that allow users to use their torches to improve vision and light up or extinguish the torches already installed in dungeons) to maximize such atmosphere. However, these setting and features are also implemented as is in Dark and Darker.



3. Key Concept (Genre, Storyline, Detailed Elements of the Games)

- The *P3 Game* and *Dark and Darker* have similar story setting that “many adventurers who heard a rumor that they can become rich gather around to form a party and delve into dungeons full of monsters and treasures.”
- The game description of *Dark and Darker* is very similar to P3’s game description (which has never been disclosed outside Nexon).

<p>The <i>P3 Game</i>'s Description in Korean Description (with English Translation)</p>	<ul style="list-style-type: none"> ◆ 아주 위험하지만, 큰 부를 얻을 수 있다는 소문을 듣고 미지의 던전을 향해 수많은 모험가들이 모여듭니다. [English trans.: Despite the danger, many adventurers venture into the unknown dungeon after hearing rumors of great fortune in the dungeon.] ◆ 모험가들은 믿을 수 있는 멤버들과 파티를 구성하여 어둡고, 위험한 던전으로 모험을 떠납니다. [English trans.: Adventurers form a party with other trusted members and venture into the dark and dangerous dungeon.] ◆ 그들은 그곳에서 거대한 몬스터를 만나 위험에 처하거나, 값 비싼 전리품들을 발견할 수 있습니다. [English trans.: They may find themselves in danger upon encountering giant monsters or discover valuable loot / treasure.] ◆ 함정, 몬스터, 다른 플레이어 등 무수한 위험에서 벗어나 던전을 무사히 탈출하면 획득한 모든 것을 가질 수 있습니다. [English trans.: You can keep everything you have plundered if you escape the dungeon safely and avoid countless dangers such as traps, monsters, and other players.]
<p><i>Dark and Darker</i>'s Game Description in English</p>	<ul style="list-style-type: none"> ◆ Unfathomable fortunes await the brave and the foolish willing to delve into the devastated depths of an ancient citadel. ◆ Band together with your friends and use your courage, wits, and cunning to uncover mythical

	<p>treasures, defeat gruesome monsters, while staying one step ahead of the other devious treasure-hunters.</p> <ul style="list-style-type: none"> ◆ Once you've plundered your riches, now comes the hard part, getting out alive.
--	--

– *Dark and Darker* has all characteristics of the *P3 Game*.

Category	Detail
Belong to PvPvE genre	This genre of game requires users to basically compete with each other (Player vs Player), but also to fight the in-game environment (e.g., monsters).
Has both the FPS and RPG elements	Users cannot defeat other users only with a simple attack sign, and have to aim and shoot other users to defeat them (FPS genre). Moreover, users grow stronger as they obtain various items, and go on adventures (element of an RPG).
Game's starting point, etc.	16 users participate in one game. The game starts from selecting characters at the tavern where a user can communicate with other users.
Character Class	Consists of the Barbarian, the Cleric, the Tanker (Fighter), the Rogue (Thief), the Wizard, and the Ranger
Other	The background setting of the both games is a dungeon made up of dark bricks. The games have torch-related features, and they offer a fixed attack pattern for each type of weapons. In the both games, user interaction with in-game objects such as boxes and doors are available in the form of casting, and certain amount of time is required to equip or replace equipment.

Exhibit C



James S. Blackburn
+1 213.243.4063 Direct
James.Blackburn@arnoldporter.com

March 23, 2023

VIA ELECTRONIC MAIL AND COURIER

Ju-Hyun Choi
302-1402 Mokryeon Maeul Hanil Apt.
645, Pangyo-ro, Bundang-gu, Seongnam-si, Gyeonggi-do,
Republic of Korea 13512
sdf@ironmace.com

Re: Misappropriation of Nexon's Trade Secrets and Copyright
Infringement

Dear Mr. Choi,

We represent your former employer NEXON Korea Corporation (“Nexon”). As you know, Nexon is a global producer, developer, and operator of video games specializing in online virtual world games for PCs, consoles, and mobile devices. Nexon has produced 150 video games which are enjoyed by 1.4 billion users in 110 countries.

Nexon has learned that you, Terence Seungha Park (“Terence Park”), and IRONMACE Co., Ltd. (“Ironmace”) are making unauthorized use of Nexon’s trade secrets and copyrighted material as detailed below. This letter is to inform you that your, Terence Park’s, and Ironmace’s activities constitute misappropriation of Nexon’s trade secrets and copyright infringement. On behalf of Nexon, we demand that you immediately take all of the steps detailed in this letter to cease the misappropriation of Nexon’s trade secrets and infringement of Nexon’s copyrights.

Since August 2022, Ironmace has been offering for download demo/test versions of the videogame titled *Dark and Darker* on Valve Corporation’s (“Valve”) Steam Platform (“Steam”), and Ironmace plans to make the game commercially available later in 2023. To date, Ironmace has conducted play tests of *Dark and Darker* on Steam but plans to move to “Early Access” distribution of *Dark and Darker* by late April or early May, which will make a near-final version of the video game available to purchasers.

Based on our investigation, *Dark and Darker* appears to have been built and developed using trade secrets as well as copyrighted information copied and stolen from Nexon. Under U.S. law, Ironmace’s actions constitute, among other violations, misappropriation of Nexon’s trade secrets such as source codes, art resources, build

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files, and other company intellectual property under the Defend Trade Secret Act (the “DTSA”) and infringement of copyrighted materials such as Literary Work (e.g., source codes), Works of Visual Arts (e.g., character designs), and Motion Picture / AV Work (e.g., Playtest video) under the Copyright Act.

As you are fully aware, Nexon began developing a new first-person shooter role-playing game (“FPS-RPG game”) also known as the *P3 Game* under the *P3 Project* in August 2020. For 11 months until July 2021, at least 20 Nexon employees worked exclusively on the *P3 Project* and Nexon invested more than KRW 1.1 billion (USD 815,000, using an exchange rate of USD 1 to KRW 1,350) to develop the *P3 Game*. During this time, Nexon made significant developments to the *P3 Game*, and created unique concepts, genre, plot, story line, characters, and plans for the game. Nexon also created large numbers of proprietary source codes, art resources, and build files.

Literary Work, Works of the Visual Art, and Motion Picture / AV Work of the *P3 Game* are registered to Nexon and protected by the U.S. copyright law pursuant to Copyright Registration Nos.:

1. Project P3 Codes (computer program), Registration No. TXu 2-355-124;
2. Project P3 (audiovisual video game material), Registration No. PAu 4-169-661;
3. Project P3 Playtest (audiovisual material and spoken commentary), Registration No. PAu 4-166-909;
4. Project P3 Character – Cleric (2D artwork), Registration No. VAu 1-491-714;
5. Project P3 Character – Ranger (2D artwork), Registration No. VAu 1-491-715;
6. Project P3 Character – Barbarian (2D artwork), Registration No. VAu 1-491-716;
7. Project P3 Character – Tanker (2D artwork), Registration No. VAu 1-491-717;
8. Project P3 Character – Thief (2D artwork), Registration No. VAu 1-491-719; and
9. Project P3 Character – Wizard (2D artwork), Registration No. VAu 1-491-720.

Among other things, the above copyright registrations confer upon Nexon the exclusive rights to reproduce, prepare derivative works, distribute, perform, display, and transmit the copyrighted material. The certificates of copyright registration are appended hereto as Exhibit A.

In addition, Nexon took reasonable measures to maintain confidentiality of its trade secrets for the *P3 Game*. These measures include Nexon’s data protection agreement (which you signed on April 18, 2018), data protection policy, security guidelines, and explicit verbal instruction that prohibited Nexon employees from



disclosing confidential company information and Nexon's trade secrets (e.g., source codes, art resources, and build files) to third parties even after leaving Nexon, or using without authorization Nexon's confidential information and trade secrets for any purpose other than assigned work for Nexon.

As a former Nexon employee and team leader of the *P3 Project*, you had access to all the *P3 Project* files. You acquired and transferred, without authorization, more than 11,000 key files of the *P3 Project* from Nexon's server to your personal server in 2020 and 2021. These 11,000 files include, but are not limited to, the source codes, art resources, and build files of the *P3 Game*. Your misconduct regarding the unlawful transfer and disclosure of over 11,000 build files related to the *P3 Project* is set out in Exhibit B. Following the investigation of your misconduct, you were disciplined and terminated by Nexon in July 2021.

You approached *P3 Project* members and urged them to leave Nexon and create a game similar to the *P3 Game* outside of Nexon. As you are undoubtedly aware, Terence Park was a former director of game development at Nexon and the head of the sub-team for the *P3 Project* and you worked on the *P3 Game* with him and other Nexon employees who later joined Ironmace. Shortly after you were dismissed from Nexon, Terence Park left Nexon on August 9, 2021. Less than two months after he left Nexon, and only three months after you left Nexon, Terence Park founded Ironmace on October 20, 2021 and you joined Ironmace shortly thereafter as its Managing Director. There is reason to believe you are the controlling shareholder of Ironmace and you have been actively engaged in fundraising efforts for the company. Moreover, ten out of twenty-three *P3 Project* team members left Nexon, and most are believed to be currently working at Ironmace.

We have reason to believe that you stole and misappropriated Nexon's trade secrets and infringed copyrights, and used them, along with Terence Park and Ironmace, in the development of the counterfeit game, *Dark and Darker*. As the founder of Ironmace and a former-*P3 Project* team member, Terence Park knew or should have known that you illegally transferred Nexon's trade secrets. Despite his knowledge, he permitted Ironmace to use the stolen trade secrets and Nexon's copyrighted materials to develop *Dark and Darker*. Ironmace and Terence Park thus have knowingly benefitted from your misappropriation, and will continue to do so once *Dark and Darker* is made commercially available. In light of the aforementioned facts, you and Ironmace have misappropriated Nexon's trade secrets under the DTSA and infringed on Nexon's copyrighted materials under the Copyright Act.¹

Nexon's *P3 Game* has never been disclosed to a third party and, before the release of the testing version of *Dark and Darker*, no other game had the same

¹ As you know, Ironmace's misconduct is the subject of an ongoing criminal investigation in Korea. Recently, on March 7, 2023 the Korean police conducted a search and seizure of Ironmace's office in connection with the ongoing investigation of whether Ironmace unlawfully stole and used Nexon's *P3 Game* data to build *Dark and Darker*.

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concept, genre, and plot as the *P3 Game*. Within a mere ten months of forming Ironmace, its demo/test version of *Dark and Darker* became publicly available in August 2022. It is impossible for Ironmace to have developed *Dark and Darker* in such a short time frame without using Nexon's trade secrets and confidential information. Nexon became immediately concerned about the two games' similarities, which are so striking that they cannot be reasonably explained through independent development.

To investigate, Nexon conducted a comparative analysis of *Dark and Darker* and the *P3 Game*. A preliminary analysis revealed that the resource file names of 2,338 files were identical between the two games. Even if one takes into account that both games were developed using the same program (e.g., Unreal Engine), the number of identical file names is too substantial for mere coincidence. For your reference, the comparison of the file names is appended hereto as Exhibit C. Additionally, the character designs and other setting and structural designs of *Dark and Darker* are suspiciously similar to those of the *P3 Game*. Our preliminary comparison of the two games' character and setting/structural designs is appended hereto as Exhibit D.

The level and extent of similarities between the two games' key concepts, genre, and story line make it clear that Ironmace must have used Nexon's trade secrets and copyrighted materials to create *Dark and Darker*. Both *Dark and Darker* and the *P3 Game* have the same story setting and even share an almost identical game description. For example, the premise of both games involves adventurers who delve into dungeons full of monsters and treasures in their quest to seek riches. Moreover, *Dark and Darker* has all the characteristics of the *P3 Game*, including the PvPvE genre; FPS and RPG elements; character class; game starting point; and user interaction with game features. For a more complete comparison, please see Exhibit D.

Nexon, therefore, demands that you:

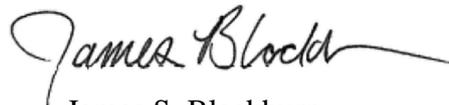
1. Immediately cease and desist all further development, testing, production, reproduction, publishing, provision, distribution, transmission, display, performance, advertising, licensing, and sale of the materials and the game created from the misappropriation and infringement, including the removal of all test version from Steam;
2. Preserve all evidence related to *Dark and Darker* and to all related acts that you have performed for the creation of *Dark and Darker*, as described above;
3. Explain how you intend to return and/or dispose of any confidential and proprietary information of Nexon that you have in your possession; and
4. Provide a written assurance, within one week of receipt of this letter, that you have taken the requested steps.

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Your failure to immediately comply with our demands will likely compound the damages for which you may be liable. Furthermore, if we do not receive all the requested evidence and written assurance or a satisfactory response by the aforementioned dates, Nexon is prepared to take all steps necessary to protect its valuable trade secrets and intellectual property rights without further notice to you.

Nothing in this letter should be construed as a waiver, relinquishment, modification or election of rights or remedies by Nexon. This letter is not an exhaustive statement of all the relevant facts and law. Nexon expressly reserves all rights and remedies, including the right to seek injunctive relief and recover monetary damages, under all applicable federal and state laws.

Sincerely,

A handwritten signature in black ink that reads "James Blackburn". The signature is written in a cursive style with a long horizontal flourish extending to the right.

James S. Blackburn

Exhibit A

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.

Shira Perlmutter
United States Register of Copyrights and Director

Registration Number
TXu 2-355-124
Effective Date of Registration:
February 09, 2023
Registration Decision Date:
February 09, 2023

Title

Title of Work: Project P3 Codes

Completion/Publication

Year of Completion: 2021

Author

- Author:** NEXON KOREA CORPORATION
Author Created: computer program
Work made for hire: Yes
Citizen of: Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
7, Pangyo-ro 256 beon-gil, Bundang-gu, Seongnam-si, Gyeonggi-do, 13487, Korea, South

Rights and Permissions

Organization Name: Downs Rachlin Martin PLLC
Name: Cathleen E. Stadecker
Email: tmip@drm.com
Telephone: (802)863-2375
Address: 199 Main Street, PO Box 190
Burlington, VT 05402-0190 United States

Certification

Name: Cathleen E. Stadecker

Date: February 09, 2023
Applicant's Tracking Number: 12938-254USY1 /GET23-0003-US10

Correspondence: Yes

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.

United States Register of Copyrights and Director

Registration Number

PAu 4-169-661

Effective Date of Registration:

February 21, 2023

Registration Decision Date:

March 02, 2023

Title

Title of Work: Project P3

Completion/Publication

Year of Completion: 2021

Author

- Author:** NEXON KOREA CORPORATION
Author Created: audiovisual material
Work made for hire: Yes
Citizen of: Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
7, Pangyo-ro 256 beon-gil, Bundang-gu, Seongnam-si, Gyeonggi-do, 13487, Korea, South

Limitation of copyright claim

Material excluded from this claim: source code
Previous registration and year: TXu002355124, 2023
New material included in claim: all other video game material

Rights and Permissions

Organization Name: Downs Rachlin Martin PLLC
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Certification

Name: Cathleen E. Stadecker
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Certificate of Registration



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United States Register of Copyrights and Director

Registration Number

PAu 4-166-909

Effective Date of Registration:

February 09, 2023

Registration Decision Date:

March 02, 2023

Title

Title of Work: Project P3 Playtest

Completion/Publication

Year of Completion: 2021

Author

- **Author:** NEXON KOREA CORPORATION
- Author Created:** audiovisual material and spoken commentary
- Work made for hire:** Yes
- Citizen of:** Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
7, Pangyo-ro 256 beon-gil, Bundang-gu, Seongnam-si, Gyeonggi-do, 13487, Korea, South

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Certification

Name: Cathleen E. Stadecker

Date: February 09, 2023
Applicant's Tracking Number: 12938-254USY1 / GET23-0003-US9

Correspondence: Yes

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.

Shirley Perlmutter
United States Register of Copyrights and Director

Registration Number
VAu 1-491-714
Effective Date of Registration:
February 09, 2023
Registration Decision Date:
March 03, 2023

Title

Title of Work: Project P3 Character - Cleric

Completion/Publication

Year of Completion: 2021

Author

- Author:** NEXON KOREA CORPORATION
Author Created: 2-D artwork
Work made for hire: Yes
Citizen of: Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
7, Pangyo-ro 256 beon-gil, Bundang-gu, Seongnam-si, Gyeonggi-do, 13487, Korea, South

Rights and Permissions

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Burlington, VT 05402-0190 United States

Certification

Name: Cathleen E. Stadecker

Date: February 09, 2023
Applicant's Tracking Number: 12938-254USY1 / GET23-0003-US

Correspondence: Yes
Copyright Office notes: Basis for Registration: Registration based on deposited pictorial authorship describing, depicting, or embodying character(s). Compendium 313.4(H).

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.

Shirley P. Primm
United States Register of Copyrights and Director

Registration Number
VAu 1-491-715
Effective Date of Registration:
February 09, 2023
Registration Decision Date:
March 03, 2023

Title

Title of Work: Project P3 Character - Ranger

Completion/Publication

Year of Completion: 2021

Author

- **Author:** NEXON KOREA CORPORATION
- Author Created:** 2-D artwork
- Work made for hire:** Yes
- Citizen of:** Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
7, Pangyo-ro 256 beon-gil, Bundang-gu, Seongnam-si, Gyeonggi-do, 13487, Korea, South

Rights and Permissions

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Certification

Name: Cathleen E. Stadecker

Date: February 09, 2023
Applicant's Tracking Number: 12938-254USY1 / GET23-0003-US3

Correspondence: Yes
Copyright Office notes: Basis for Registration: Registration based on deposited pictorial authorship describing, depicting, or embodying character(s). Compendium 313.4(H).

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United States Register of Copyrights and Director

Registration Number

VAu 1-491-716

Effective Date of Registration:

February 09, 2023

Registration Decision Date:

March 03, 2023

Title

Title of Work: Project P3 Character - Barbarian

Completion/Publication

Year of Completion: 2021

Author

- **Author:** NEXON KOREA CORPORATION
- Author Created:** 2-D artwork
- Work made for hire:** Yes
- Citizen of:** Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
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Correspondence: Yes
Copyright Office notes: Basis for Registration: Registration based on deposited pictorial authorship describing, depicting, or embodying character. Compendium 313.4(H).

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Shirley P. Weimer
United States Register of Copyrights and Director

Registration Number
VAu 1-491-717
Effective Date of Registration:
February 09, 2023
Registration Decision Date:
March 03, 2023

Title

Title of Work: Project P3 Character - Tanker

Completion/Publication

Year of Completion: 2020

Author

- **Author:** NEXON KOREA CORPORATION
- Author Created:** 2-D artwork
- Work made for hire:** Yes
- Citizen of:** Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
7, Pangyo-ro 256 beon-gil, Bundang-gu, Seongnam-si, Gyeonggi-do, 13487, Korea, South

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Name: Cathleen E. Stadecker

Date: February 09, 2023
Applicant's Tracking Number: 12938-254USY1 / GET23-0003-US4

Correspondence: Yes
Copyright Office notes: Basis for Registration: Registration based on deposited pictorial authorship describing, depicting, or embodying character. Compendium 313.4(H).

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Shirley P. Weimer
United States Register of Copyrights and Director

Registration Number
VAu 1-491-719
Effective Date of Registration:
February 09, 2023
Registration Decision Date:
March 03, 2023

Title

Title of Work: Project P3 Character - Thief

Completion/Publication

Year of Completion: 2021

Author

- Author:** NEXON KOREA CORPORATION
- Author Created:** 2-D artwork
- Work made for hire:** Yes
- Citizen of:** Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
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Certification

Name: Cathleen E. Stadecker

Date: February 09, 2023
Applicant's Tracking Number: 12938-254USY1 / GET23-0003-US5

Correspondence: Yes
Copyright Office notes: Basis for Registration: Registration based on deposited pictorial authorship describing, depicting, or embodying character. Compendium 313.4(H).

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Shiria Perlmuter
United States Register of Copyrights and Director

Registration Number
VAu 1-491-720
Effective Date of Registration:
February 09, 2023
Registration Decision Date:
March 03, 2023

Title

Title of Work: Project P3 Character - Wizard

Completion/Publication

Year of Completion: 2020

Author

- **Author:** NEXON KOREA CORPORATION
- Author Created:** 2-D artwork
- Work made for hire:** Yes
- Citizen of:** Korea, South

Copyright Claimant

Copyright Claimant: NEXON KOREA CORPORATION
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Correspondence: Yes
Copyright Office notes: Basis for Registration: Registration based on deposited pictorial authorship describing, depicting, or embodying character. Compendium 313.4(H).

Exhibit B

**Misconduct of Ju-Hyun Choi
Regarding Unauthorized Disclosure of the *P3 Project* Data**

Ju-Hyun Choi unlawfully transferred and disclosed approximately 11,602 files of the data related to the P3 Project

- From April 2021 to June 18, 2021, 2,747 build files for the P3 Project were unlawfully transferred from the Nexon's Jenkins server to Ju-Hyun Choi's ("Choi") private server located in Seosan without obtaining authorization.
- From April 7, 2021 to May 11, 2021, 1,719 build files for the P3 Project were unlawfully transferred to Choi's private server built on a home PC without obtaining authorization.
- From May 31, 2021 to June 23, 2021, the data related to the P3 Project, including source code and art resources, were unlawfully transferred to Choi's private server in Seosan without obtaining authorization on over 20 instances.

Exhibit C

Comparison of Resource File Names Between *P3 Game* and *Dark and Darker*

- The comparison of resources in the folder created when installing “Dark and Darker” to those when installing the P3 Game shows that the two games had 2,338 files with the same names.
- Even if we exclude the number of files essentially included in the Unreal Engine itself from the above, more than 1,000 files had the same file names.
- Below is the list of resource file names that are identical in “Dark and Darker” and the P3 Game.

AK_Acoustic_Portal.uasset
AK_Acoustic_Portal.ubulk
AK_Acoustic_Portal.uexp
AK_Acoustic_Portal_Explorer.uasset
AK_Acoustic_Portal_Explorer.uexp
AK_Reverb_Volume.uasset
AK_Reverb_Volume.ubulk
AK_Reverb_Volume.uexp
AK_Reverb_Volume_Explorer.uasset
AK_Reverb_Volume_Explorer.uexp
AK_Spatial_Audio_Volume.uasset
AK_Spatial_Audio_Volume.ubulk
AK_Spatial_Audio_Volume.uexp
AK_Spatial_Audio_Volume_Explorer.uasset
AK_Spatial_Audio_Volume_Explorer.uexp
Acoustic_Banner.uasset
Acoustic_Banner.uexp
AkAcousticTexture.uasset
AkAcousticTexture.ubulk
AkAcousticTexture.uexp
AkAudioBank.uasset
AkAudioBank.ubulk
AkAudioBank.uexp
AkAudioEvent.uasset
AkAudioEvent.ubulk
AkAudioEvent.uexp
AkAuxBus.uasset
AkAuxBus.ubulk
AkAuxBus.uexp
AkExternalMediaAsset.uasset
AkExternalMediaAsset.ubulk
AkExternalMediaAsset.uexp
AkLocalizedMediaAsset.uasset
AkLocalizedMediaAsset.ubulk
AkLocalizedMediaAsset.uexp
AkMediaAsset.uasset
AkMediaAsset.ubulk
AkMediaAsset.uexp
AkRtpc.uasset
AkRtpc.ubulk
AkRtpc.uexp
AkStateValue.uasset
AkStateValue.ubulk
AkStateValue.uexp
AkSwitchValue.uasset
AkSwitchValue.ubulk
AkSwitchValue.uexp
AkTrigger.uasset
AkTrigger.ubulk
AkTrigger.uexp
Anechoic.uasset
Anechoic.uexp
AnimNotify_AkEvent.uasset
AnimNotify_AkEvent.uexp
AssetRegistry.bin
BP_Arrow.uasset
BP_Arrow.uexp
BP_Footprint.uasset
BP_Footprint.uexp
BP_FranciscaAxeProjectile.uasset

BP_FranciscaAxeProjectile.uexp
BP_ItemActor.uasset
BP_ItemActor.uexp
BP_PlayerController.uasset
BP_PlayerController.uexp
BP_ThrowingKnifeProjectile.uasset
BP_ThrowingKnifeProjectile.uexp
BP_TorchProjectile.uasset
BP_TorchProjectile.uexp
Backstab.uasset
Backstab.uexp
BlockoutToolsFunctions.uasset
BlockoutToolsFunctions.uexp
BlockoutToolsPlugin.uplugin
Blockout_Box.uasset
Blockout_Box.uexp
Blockout_Cone.uasset
Blockout_Cone.uexp
Blockout_Corner_Curved.uasset
Blockout_Corner_Curved.uexp
Blockout_Corner_Ramp.uasset
Blockout_Corner_Ramp.uexp
Blockout_Cylinder.uasset
Blockout_Cylinder.uexp
Blockout_Doorway.uasset
Blockout_Doorway.uexp
Blockout_Railing.uasset
Blockout_Railing.uexp
Blockout_Ramp.uasset
Blockout_Ramp.uexp
Blockout_Skewbox.uasset
Blockout_Skewbox.uexp
Blockout_Sphere.uasset
Blockout_Sphere.uexp
Blockout_Stairs_Curved.uasset
Blockout_Stairs_Curved.uexp
Blockout_Stairs_Linear.uasset
Blockout_Stairs_Linear.uexp
Blockout_Stairs_Linear_Manual.uasset
Blockout_Stairs_Linear_Manual.uexp
Blockout_Tube.uasset
Blockout_Tube.uexp
Blockout_Window.uasset
Blockout_Window.uexp
Brick.uasset
Brick.uexp
Candle.uasset
Candle.uexp
Carpet.uasset
Carpet.uexp
Concrete.uasset
Concrete.uexp
Cork_Tiles.uasset
Cork_Tiles.uexp
Curtains.uasset
Curtains.uexp
DefaultEngine.ini
DefaultGame.ini
DefaultGameUserSettings.ini
DefaultGameplayTags.ini

DefaultInput.ini
Default_Work_Unit_FOLDER.uasset
Default_Work_Unit_FOLDER.uexp
Door1.uasset
Door1.uexp
Drywall.uasset
Drywall.uexp
EBlockoutAlignment.uasset
EBlockoutAlignment.uexp
EBlockoutRailingType.uasset
EBlockoutRailingType.uexp
EBlockoutStairsType.uasset
EBlockoutStairsType.uexp
Events_FOLDER.uasset
Events_FOLDER.uexp
FX_fire.uasset
FX_fire.uexp
Fabric.uasset
Fabric.uexp
Fireball.uasset
Fireball.uexp
FranciscaAxe.uasset
FranciscaAxe.uexp
Fx_Smoke.uasset
Fx_Smoke.uexp
GA_Crouch.uasset
GA_Crouch.uexp
GA_Interact.uasset
GA_Interact.uexp
GA_InteractPassive.uasset
GA_InteractPassive.uexp
GA_Rest.uasset
GA_Rest.uexp
GA_Walk.uasset
GA_Walk.uexp
GC_Explosion.uasset
GC_Explosion.uexp
GC_SpellCastReady.uasset
GC_SpellCastReady.uexp
GC_SpellCastStart.uasset
GC_SpellCastStart.uexp
GE_Backstab.uasset
GE_Backstab.uexp
GE_InvisibilitySpell.uasset
GE_InvisibilitySpell.uexp
GE_ShieldExpert.uasset
GE_ShieldExpert.uexp
GE_Smash.uasset
GE_Smash.uexp
GE_Toughness.uasset
GE_Toughness.uexp
GE_Tracking.uasset
GE_Tracking.uexp
GE_TrapExpert.uasset
GE_TrapExpert.uexp
GE_TwoHandedWeaponExpert.uasset
GE_TwoHandedWeaponExpert.uexp
GameLiftServerSDK.uplugin
Game_Parameters_FOLDER.uasset
Game_Parameters_FOLDER.uexp

InitBank.uasset
InitBank.uexp
Lockpick.uasset
Lockpick.uexp
MF_Blockout_Grid.uasset
MF_Blockout_Grid.uexp
MF_Blockout_Triplanar.uasset
MF_Blockout_Triplanar.uexp
MF_Blockout_Triplanar_Grid.uasset
MF_Blockout_Triplanar_Grid.uexp
MF_Blockout_Triplanar_Normal.uasset
MF_Blockout_Triplanar_Normal.uexp
MF_DitheredRefraction.uasset
MF_DitheredRefraction.uexp
MF_Fresnel_01a.uasset
MF_Fresnel_01a.uexp
MF_ParticleRandomSize.uasset
MF_ParticleRandomSize.uexp
MF_RGBA_Multiplier.uasset
MF_RGBA_Multiplier.uexp
MF_RGBA_Tint.uasset
MF_RGBA_Tint.uexp
MF_Sand_01a.uasset
MF_Sand_01a.uexp
MI_Arch_01.uasset
MI_Arch_01.uexp
MI_Arch_02.uasset
MI_Arch_02.uexp
MI_Ballustrade_01.uasset
MI_Ballustrade_01.uexp
MI_Barrel.uasset
MI_Barrel.uexp
MI_BlockoutTools_Custom.uasset
MI_BlockoutTools_Custom.uexp
MI_BlockoutTools_Grid.uasset
MI_BlockoutTools_Grid.uexp
MI_Brick_Rubble_01.uasset
MI_Brick_Rubble_01.uexp
MI_Bricks_01.uasset
MI_Bricks_01.uexp
MI_Column_01.uasset
MI_Column_01.uexp
MI_Column_02.uasset
MI_Column_02.uexp
MI_Floor_01.uasset
MI_Floor_01.uexp
MI_Floor_Bricks_01.uasset
MI_Floor_Bricks_01.uexp
MI_Lockpick.uasset
MI_Lockpick.uexp
MI_Metal_01.uasset
MI_Metal_01.uexp
MI_Stair_01.uasset
MI_Stair_01.uexp
MI_Stone_Damaged_01.uasset
MI_Stone_Damaged_01.uexp
MI_Trim_01.uasset
MI_Trim_01.uexp
MI_Trim_02.uasset
MI_Trim_02.uexp

MI_Trim_07.uasset
MI_Trim_07.uexp
MI_Wall_01.uasset
MI_Wall_01.uexp
MI_Wall_02.uasset
MI_Wall_02.uexp
MI_Wall_03.uasset
MI_Wall_03.uexp
MI_Wood_01.uasset
MI_Wood_01.uexp
MM_Master_Material_01a.uasset
MM_Master_Material_01a.uexp
M_Base.uasset
M_Base.uexp
M_Base_GlobalTint.uasset
M_Base_GlobalTint.uexp
M_BlockoutTools_Custom.uasset
M_BlockoutTools_Custom.uexp
M_BlockoutTools_Grid.uasset
M_BlockoutTools_Grid.uexp
M_Distortion.uasset
M_Distortion.uexp
M_Outline.uasset
M_Outline.uexp
M_Radial_Gradient.uasset
M_Radial_Gradient.uexp
M_SKMage_Clothes01_Dark.uasset
M_SKMage_Clothes01_Dark.uexp
M_SKMage_Clothes02_Dark.uasset
M_SKMage_Clothes02_Dark.uexp
M_SKMage_Clothes03_Dark.uasset
M_SKMage_Clothes03_Dark.uexp
M_SKMage_Staff_Dark.uasset
M_SKMage_Staff_Dark.uexp
M_SK_Skeleton_Sand.uasset
M_SK_Skeleton_Sand.uexp
M_SK_Skull_Sand.uasset
M_SK_Skull_Sand.uexp
Master-Mixer_Hierarchy_FOLDER.uasset
Master-Mixer_Hierarchy_FOLDER.uexp
Master_Audio_Bus_FOLDER.uasset
Master_Audio_Bus_FOLDER.uexp
Mountain.uasset
Mountain.uexp
RGBA_Mask_NoTint.uasset
RGBA_Mask_NoTint.uexp
SM_Arch_8m_01.uasset
SM_Arch_8m_01.uexp
SM_Arch_8m_06.uasset
SM_Arch_8m_06.uexp
SM_Arch_Top_01.uasset
SM_Arch_Top_01.uexp
SM_Arch_Top_02.uasset
SM_Arch_Top_02.uexp
SM_Arch_Top_03.uasset
SM_Arch_Top_03.uexp
SM_Arch_Top_04.uasset
SM_Arch_Top_04.uexp
SM_Archway_01.uasset
SM_Archway_01.uexp

SM_Archway_02.uasset
SM_Archway_02.uexp
SM_Archway_03.uasset
SM_Archway_03.uexp
SM_Archway_Ruined_03.uasset
SM_Archway_Ruined_03.uexp
SM_Ballustrade_01.uasset
SM_Ballustrade_01.uexp
SM_Ballustrade_Ruined_04.uasset
SM_Ballustrade_Ruined_04.uexp
SM_Ballustrade_Ruined_05.uasset
SM_Ballustrade_Ruined_05.uexp
SM_Ballustrade_Ruined_06.uasset
SM_Ballustrade_Ruined_06.uexp
SM_Ballustrade_Ruined_07.uasset
SM_Ballustrade_Ruined_07.uexp
SM_Barrel_Ceiling_01.uasset
SM_Barrel_Ceiling_01.uexp
SM_Bars_Doorway_01.uasset
SM_Bars_Doorway_01.uexp
SM_Blind_Arch_02.uasset
SM_Blind_Arch_02.uexp
SM_Blockout_Box.uasset
SM_Blockout_Box.uexp
SM_Blockout_Box_Centered.uasset
SM_Blockout_Box_Centered.uexp
SM_Blockout_Box_Right.uasset
SM_Blockout_Box_Right.uexp
SM_Blockout_Cone_Q1.uasset
SM_Blockout_Cone_Q1.uexp
SM_Blockout_Cone_Q2.uasset
SM_Blockout_Cone_Q2.uexp
SM_Blockout_Cone_Q3.uasset
SM_Blockout_Cone_Q3.uexp
SM_Blockout_Cone_Q4.uasset
SM_Blockout_Cone_Q4.uexp
SM_Blockout_Corner_Ramp.uasset
SM_Blockout_Corner_Ramp.uexp
SM_Blockout_Curved_Corner_Inner_Q1.uasset
SM_Blockout_Curved_Corner_Inner_Q1.uexp
SM_Blockout_Curved_Corner_Inner_Q2.uasset
SM_Blockout_Curved_Corner_Inner_Q2.uexp
SM_Blockout_Curved_Corner_Inner_Q3.uasset
SM_Blockout_Curved_Corner_Inner_Q3.uexp
SM_Blockout_Curved_Corner_Inner_Q4.uasset
SM_Blockout_Curved_Corner_Inner_Q4.uexp
SM_Blockout_Curved_Corner_Outer_Q1.uasset
SM_Blockout_Curved_Corner_Outer_Q1.uexp
SM_Blockout_Curved_Corner_Outer_Q2.uasset
SM_Blockout_Curved_Corner_Outer_Q2.uexp
SM_Blockout_Curved_Corner_Outer_Q3.uasset
SM_Blockout_Curved_Corner_Outer_Q3.uexp
SM_Blockout_Curved_Corner_Outer_Q4.uasset
SM_Blockout_Curved_Corner_Outer_Q4.uexp
SM_Blockout_Cylinder_Q1.uasset
SM_Blockout_Cylinder_Q1.uexp
SM_Blockout_Cylinder_Q2.uasset
SM_Blockout_Cylinder_Q2.uexp
SM_Blockout_Cylinder_Q3.uasset
SM_Blockout_Cylinder_Q3.uexp

SM_Blockout_Cylinder_Q4.uasset
SM_Blockout_Cylinder_Q4.uexp
SM_Blockout_Hemisphere_Q1.uasset
SM_Blockout_Hemisphere_Q1.uexp
SM_Blockout_Hemisphere_Q2.uasset
SM_Blockout_Hemisphere_Q2.uexp
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SM_Blockout_Hemisphere_Q3.uexp
SM_Blockout_Hemisphere_Q4.uasset
SM_Blockout_Hemisphere_Q4.uexp
SM_Blockout_Railing_Closed.uasset
SM_Blockout_Railing_Closed.uexp
SM_Blockout_Railing_Open.uasset
SM_Blockout_Railing_Open.uexp
SM_Blockout_Railing_Pole.uasset
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SM_Blockout_Ramp.uasset
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SM_Blockout_Sphere_Q1.uexp
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SM_Blockout_Sphere_Q4.uexp
SM_Blockout_Step_Box.uasset
SM_Blockout_Step_Box.uexp
SM_Blockout_Step_Box_Centered.uasset
SM_Blockout_Step_Box_Centered.uexp
SM_Blockout_Step_Sloped_Centered.uasset
SM_Blockout_Step_Sloped_Centered.uexp
SM_Blockout_Step_Sloped_Linear.uasset
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SM_BonesPile01.uasset
SM_BonesPile01.uexp
SM_BonesPile02.uasset
SM_BonesPile02.uexp
SM_BonesPile03.uasset
SM_BonesPile03.uexp
SM_BonesPile05.uasset
SM_BonesPile05.uexp
SM_Brick_Column_Ruined_02.uasset
SM_Brick_Column_Ruined_02.uexp
SM_Brick_Column_Ruined_03.uasset
SM_Brick_Column_Ruined_03.uexp
SM_ClayPot_11.uasset
SM_ClayPot_11.uexp
SM_ClayPot_13.uasset
SM_ClayPot_13.uexp
SM_Column1_01.uasset
SM_Column1_01.uexp
SM_Column1_02.uasset
SM_Column1_02.uexp
SM_Column_01.uasset
SM_Column_01.uexp
SM_Column_01b.uasset
SM_Column_01b.uexp
SM_Column_02.uasset
SM_Column_02.uexp

SM_Column_03.uasset
SM_Column_03.uexp
SM_Column_05.uasset
SM_Column_05.uexp
SM_Column_05a.uasset
SM_Column_05a.uexp
SM_Column_07.uasset
SM_Column_07.uexp
SM_Column_Ruined_02.uasset
SM_Column_Ruined_02.uexp
SM_Column_Ruined_04.uasset
SM_Column_Ruined_04.uexp
SM_Column_Ruined_05.uasset
SM_Column_Ruined_05.uexp
SM_Debris_01.uasset
SM_Debris_01.uexp
SM_Debris_02.uasset
SM_Debris_02.uexp
SM_Debris_Floor_01.uasset
SM_Debris_Floor_01.uexp
SM_Debris_Floor_02.uasset
SM_Debris_Floor_02.uexp
SM_Debris_Floor_03.uasset
SM_Debris_Floor_03.uexp
SM_Debris_Floor_04.uasset
SM_Debris_Floor_04.uexp
SM_Debris_Floor_05.uasset
SM_Debris_Floor_05.uexp
SM_Floor_01.uasset
SM_Floor_01.uexp
SM_Floor_Half_01.uasset
SM_Floor_Half_01.uexp
SM_Floor_Half_02.uasset
SM_Floor_Half_02.uexp
SM_Floor_Ruined_01.uasset
SM_Floor_Ruined_01.uexp
SM_Floor_Ruined_04.uasset
SM_Floor_Ruined_04.uexp
SM_Floor_Ruined_06.uasset
SM_Floor_Ruined_06.uexp
SM_Floor_Ruined_08.uasset
SM_Floor_Ruined_08.uexp
SM_Metal_Door_01.uasset
SM_Metal_Door_01.uexp
SM_Niche2_1.uasset
SM_Niche2_1.uexp
SM_Pier_02.uasset
SM_Pier_02.uexp
SM_Pilaster_01.uasset
SM_Pilaster_01.uexp
SM_Pilaster_02.uasset
SM_Pilaster_02.uexp
SM_Pilaster_02a.uasset
SM_Pilaster_02a.uexp
SM_Pilaster_03.uasset
SM_Pilaster_03.uexp
SM_Pilaster_03a.uasset
SM_Pilaster_03a.uexp
SM_Plank_01.uasset
SM_Plank_01.uexp

SM_Planks_02.uasset
SM_Planks_02.uexp
SM_Pylon2_01.uasset
SM_Pylon2_01.uexp
SM_Pylon6_02.uasset
SM_Pylon6_02.uexp
SM_Scaffolding_04.uasset
SM_Scaffolding_04.uexp
SM_Scaffolding_07.uasset
SM_Scaffolding_07.uexp
SM_Scull1_02.uasset
SM_Scull1_02.uexp
SM_SkeletonPose02.uasset
SM_SkeletonPose02.uexp
SM_Sphere.uasset
SM_Sphere.uexp
SM_Stair_02.uasset
SM_Stair_02.uexp
SM_Stair_Tileable_02.uasset
SM_Stair_Tileable_02.uexp
SM_Stair_Tileable_03.uasset
SM_Stair_Tileable_03.uexp
SM_Wall_01.uasset
SM_Wall_01.uexp
SM_Wall_Corner_02.uasset
SM_Wall_Corner_02.uexp
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Exhibit D

Similarities between the P3 Game and Dark and Darker

1. Character Design

- The P3 Game and Dark and Darker have the same types of character classes: Barbarian, Cleric, Tanker (Fighter), Thief (Rogue), Wizard, and Ranger.
- As shown below, the character designs for each class are very similar.
 - ✓ The Barbarian



- ✓ The Cleric



✓ The Tanker (Fighter)



✓ The Wizard



✓ The Thief (Rogue)



✓ The Ranger



2. Setting / Structural Design

- The P3 Game is intended to demonstrate a fearful and dark atmosphere by using dungeons with dark brick walls as a background setting of the game and introduced torch-related in-game features (i.e. features that allow users to use their torches to improve vision and light up or extinguish the torches already installed in dungeons) to maximize such atmosphere. However, these setting and features are also implemented as is in Dark and Darker.



3. Key Concept (Genre, Storyline, Detailed Elements of the Games)

- The *P3 Game* and *Dark and Darker* have similar story setting that “many adventurers who heard a rumor that they can become rich gather around to form a party and delve into dungeons full of monsters and treasures.”
- The game description of *Dark and Darker* is very similar to P3’s game description (which has never been disclosed outside Nexon).

<p>The <i>P3 Game</i>'s Description in Korean Description (with English Translation)</p>	<ul style="list-style-type: none"> ◆ 아주 위험하지만, 큰 부를 얻을 수 있다는 소문을 듣고 미지의 던전을 향해 수많은 모험가들이 모여듭니다. [English trans.: Despite the danger, many adventurers venture into the unknown dungeon after hearing rumors of great fortune in the dungeon.] ◆ 모험가들은 믿을 수 있는 멤버들과 파티를 구성하여 어둡고, 위험한 던전으로 모험을 떠납니다. [English trans.: Adventurers form a party with other trusted members and venture into the dark and dangerous dungeon.] ◆ 그들은 그곳에서 거대한 몬스터를 만나 위험에 처하거나, 값 비싼 전리품들을 발견할 수 있습니다. [English trans.: They may find themselves in danger upon encountering giant monsters or discover valuable loot / treasure.] ◆ 함정, 몬스터, 다른 플레이어 등 무수한 위험에서 벗어나 던전을 무사히 탈출하면 획득한 모든 것을 가질 수 있습니다. [English trans.: You can keep everything you have plundered if you escape the dungeon safely and avoid countless dangers such as traps, monsters, and other players.]
<p><i>Dark and Darker</i>'s Game Description in English</p>	<ul style="list-style-type: none"> ◆ Unfathomable fortunes await the brave and the foolish willing to delve into the devastated depths of an ancient citadel. ◆ Band together with your friends and use your courage, wits, and cunning to uncover mythical

	<p>treasures, defeat gruesome monsters, while staying one step ahead of the other devious treasure-hunters.</p> <ul style="list-style-type: none"> ◆ Once you've plundered your riches, now comes the hard part, getting out alive.
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– *Dark and Darker* has all characteristics of the *P3 Game*.

Category	Detail
Belong to PvPvE genre	This genre of game requires users to basically compete with each other (Player vs Player), but also to fight the in-game environment (<i>e.g.</i> , monsters).
Has both the FPS and RPG elements	Users cannot defeat other users only with a simple attack sign, and have to aim and shoot other users to defeat them (FPS genre). Moreover, users grow stronger as they obtain various items, and go on adventures (element of an RPG).
Game's starting point, etc.	16 users participate in one game. The game starts from selecting characters at the tavern where a user can communicate with other users.
Character Class	Consists of the Barbarian, the Cleric, the Tanker (Fighter), the Wizard, the Rogue (Thief), and the Ranger.
Other	The background setting of the both games is a dungeon made up of dark bricks. The games have torch-related features, and they offer a fixed attack pattern for each type of weapons. In the both games, user interaction with in-game objects such as boxes and doors are available in the form of casting, and certain amount of time is required to equip or replace equipment.

Exhibit D



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April 12, 2023

VIC ELECTRONIC MAIL

Recipient: Nexon Korea Corporation

7, Pangyo-ro 256beon-gil, Bundang-gu,

Seongnam-si, Gyeonggi-do, Korea (13487)

Lee Jung-Hun, Chief Executive Officer (CEO)

Sender: Yong Gap Kim, Esq., Eung Jun Jeon, Esq., Dong Hwan Shin, Esq., Jang Hoon Han, Esq., and Jae Goo Lee, Esq., LIN

#326, G5 Central Plaza, 27, Seochojungang-ro 24-gil, Seocho-gu, Seoul, Korea (06601)

E-mail: dhshin@law-lin.com

RE: Response to copyright infringement cease and desist letter and Request to cease interference with Ironmace's business

Dear Mr. Lee,

We, a law firm named LIN (“LIN”), are sending this Letter to Nexon Korea Corporation (“Nexon”) on behalf of our client, IRONMACE Co., Ltd. (“Ironmace”). This letter serves as a response to the letter dated March 23, 2023 (“Cease and Desist Letter”) from Nexon, which demanded Ironmace to cease and desist the misappropriation of trade secrets and copyright infringement.

(Please note that if the CEO of Nexon instructed and participated in illegal activities, including business interference against Ironmace, the CEO will be held jointly liable for damages and be subject to civil and criminal penalties as a perpetrator. If the CEO of Nexon was not aware of Nexon's illegal activities until now, please review this letter and take all necessary measures to immediately cease Nexon's illegal activities. If the current situation caused by Nexon's illegal activities is not rectified or if such illegal activities are repeated in the future, Ironmace plans to take all necessary civil and criminal actions against those involved.)

In the Cease and Desist Letter sent to Terence (Seungha) Park ("Mr. Park") and Ju-Hyun Choi ("Mr. Choi") of Ironmace, Nexon stated that they believe Dark and Darker is a 'counterfeit game' that was created by stealing and misappropriating Nexon's trade secrets and copyrights related to Nexon's P3 Game. Furthermore, Nexon demanded Ironmace to remove all test versions from the Steam Platform ("Steam") of Valve Corporation ("Valve") and demanded to cease and desist all further development, testing, production, reproduction, publishing, provision, distribution, transmission, display, performance, advertising, licensing, and sale of the materials and the game created from the misappropriation and infringement.

However, on March 22, 2023, Nexon filed a takedown notice to Valve with the contents similar to the above. This was one day before sending the Cease and Desist Letter to Mr. Park and Mr. Choi. The filing of notice resulted in the removal of Ironmace's Dark and Darker from Steam.

Nexon's claim that Ironmace used their trade secrets and copyright materials while developing Dark and Darker is without reasonable grounds and is merely a unilateral and vague speculation by Nexon. Contrary to Nexon's claims, it is evident from the materials presented that their takedown notice was willfully filed for the sole purpose of interfering with Ironmace's

business activities, despite their knowledge that there was no misappropriation of trade secrets and copyright infringement in Ironmace's development of Dark and Darker.

First, upon reviewing Nexon's claims of copyright infringement, we could confirm that Nexon had planned to file a takedown notice with the sole intention of interfering with Ironmace's business activities related to Dark and Darker. Although all of the works listed in Exhibit A of the Cease and Desist Letter were completed around 2021, their copyrights were registered in February and March 2023. In light of these circumstances, it is clear that during the development of the P3 Game, Nexon did not initially believe that the works, visual arts, and movies/AV works of the P3 Game were worth protecting by copyright. However, they later registered these materials as copyrighted just before filing a takedown notice to Steam with the intention of interfering with Ironmace's business activities. Furthermore, as discussed in detail below, the works listed in Exhibit A of the Cease and Desist Letter lack originality, so the copyright registrations for these works cannot be deemed valid.

Second, in Nexon's claim for misappropriation of their trade secrets, they suggested that Mr. Choi of Ironmace transferred more than 11,000 source codes, art resources, and build files of the P3 Game from 2020 to 2021. Nexon also alleged that Mr. Choi urged P3 Project members to leave Nexon and create games similar to the P3 Game. However, as a director, Mr. Choi has improved the team's work performance by using an external server. This was done with several written approvals from Nexon executives and in compliance with Nexon's remote work policy in response to the COVID-19 pandemic from 2020 to 2021. Further, during the P3 Project, Mr. Choi used an external server for efficient game development with Nexon's tacit approval. In other words, Nexon allowed Mr. Choi's use of external server for work purposes, despite their knowledge of such usage, as they could monitor data transmission outside the company in real-time. Mr. Choi announced his resignation from Nexon due to an uncertain corporate atmosphere. This atmosphere was caused by (1) his superior's public announcement that he had no intention of supporting the P3 Project and (2) a loss of trust between Mr. Choi and Nexon around June 2021, which resulted in the cancellation of several projects. Instead of making efforts to resolve

the situation amicably, Nexon suddenly instructed their internal audit team to investigate Mr. Choi for leaking their trade secrets. As a result, Mr. Choi consulted with his lawyer and deleted all information from the external server to protect his privacy and Nexon's information. This was done in order to avoid unilateral harassment by Nexon. Meanwhile, nine (9) out of approximately 20 P3 Project team members voluntarily resigned from Nexon and joined Ironmace, all by their own free will. This fact shows that the internal atmosphere was uncertain enough for Nexon to cancel the P3 Project at the time. On the other hand, it clearly demonstrates how much trust Mr. Choi, as a director, had given to his colleagues. Looking carefully at the objective facts of this case, it is clear that Nexon's claims of misappropriation of trade secrets and copyright infringement are only a pretext to interfere with Ironmace's business activities related to Dark and Darker.

Lastly, in the Cease and Desist Letter, Nexon cited the similarities between Dark and Darker and the P3 Game as the grounds of potential copyright infringement and misappropriation of trade secrets. Specifically, Nexon claimed that the names of 2,338 resource files were identical between the two games, citing Exhibit C. Further, Nexon claims that the core concepts, genres, and storylines of the two games are similar, as shown by the comparison provided in Exhibit D.

However, out of the 2,338 resource files mentioned above, Nexon should have been aware that 1,306 files were automatically created files specific to Unreal Engine and 950 files were identical assets and plugins (specific to Unreal Engine) that were available for purchase from Epic Store. Additionally, the remaining 82 files with generic named files are subject to the file naming convention commonly used in first-person fantasy game. When applying this convention, it is not unusual for around 0.1% (82) of approximately 75,000 files to have identical file names. The file names of 950 assets and plug-ins and the 82 conventionally named files are attached as Exhibit A. The fact that 2,338 resource files have identical names is simply a natural result of using Unreal Engine. This clearly shows that, despite being well aware of the details,

Nexon, as a large game company, is intentionally focusing only the superficial aspects of these facts in a malicious manner.¹

Nexon further claims that the core concepts, genres, and storylines of the two games are similar. However, based on Ironmace's research, both the concepts and storylines are purposely traditional and generic. They can be easily found in many other fantasy games, including pen and paper RPGs, which were one of the main inspirations for Dark and Darker. It is evident that both games heavily rely on the traditional classic fantasy genre. Further, it is difficult to consider that the elements listed in Exhibit D, such as character classes and torch-related features, are original since they could be found in many other fantasy games. The elements that can be examined in the earlier fantasy games are set out in Exhibit B.

As discussed above, the allegation that Ironmace used Nexon's trade secrets and copyrighted data in the development of Dark and Darker is based on fragmented and superficial evidence. Such allegation is nothing more than Nexon's unilateral and vague speculation. Rather, based on the materials presented by Nexon so far, it is clear that Nexon has willfully filed a takedown notice solely for the purpose of interfering with Ironmace's business activities, even though they were well aware that there has been no misappropriation of trade secrets and copyright infringement in Ironmace's development of Dark and Darker.

As you are fully aware, Ironmace posted a test version of Dark and Darker on Steam from 2022 to 2023. Dark and Darker has received high expectations from users, ranking second among the upcoming releases on Steam for the year 2023 (with approximately 2 million

¹ Files of Dark and Darker are already in the custody of Korean investigative agencies. Even though Nexon, at any time, can make a request to the investigative agencies to confirm whether the files of P3 Game and Dark and Darker are identical, they have not made such a request up until now. Upon request of Nexon, Ironmace is willing to proceed with the identity confirmation of the aforementioned files, so please kindly contact Ironmace at any time if Nexon wishes to verify the identity of the files.

cumulative users and around 100,000 concurrent users). However, Nexon's filing of takedown notice has made it difficult for Ironmace to release Dark and Darker through Steam. If Nexon had not filed a takedown notice, it is evident that Ironmace's Dark and Darker, through the Steam release, would have recorded greater sales than any game that Nexon has released through U.S. gaming platforms thus far. Thus, Nexon's acts, such as filing a takedown notice on Steam against Ironmace, constitute illegal activities that interfere with Ironmace's business activities.

Therefore, Ironmace demands that Nexon:

1. Cease and desist from 'interfering with Ironmace's lawful business activities', which include submitting takedown notice(s) to online service providers ("OSPs") such as Steam;
2. Withdraw the takedown notice(s) against Ironmace, which Nexon submitted to OSPs (including Steam) within three (3) days of receipt of this letter, to remove the ongoing interference of business activities by Nexon; and
3. Cease and desist from 'interfering with Ironmace's lawful business activities through any other means', including sending warning letters to third parties such as employees of Ironmace.

Nexon shall be responsible for any and all material and intangible damages that have occurred or are likely to occur to Ironmace due to Nexon's interference with Ironmace's business activities. Please be advised that if Nexon fails to immediately comply with Ironmace's requests, their liabilities for damages may be aggravated. Further, should Nexon fail to comply with Ironmace's requests by the deadline mentioned above, Ironmace will promptly take all legal actions necessary to protect its rights, including its valuable sales activities.

In particular, Ironmace is still in the process of developing and modifying Dark and Darker to meet the demand of users collected during the test period and to improve the

game's quality. Ironmace will change, delete, and add some elements of the game during this development process. Please be aware that development of Dark and Darker, as described above, is entirely unrelated to Nexon's P3 Game. Please take measures to refrain from engaging in any further illegal actions that could interfere with Ironmace's service of Dark and Darker.

Ironmace desires that all disputes between Ironmace and Nexon will be resolved in an amicable manner through Nexon's receipt of this letter. Further, Ironmace sincerely hopes that the expectations of millions of users around the world, who are eagerly waiting for the official release of Dark and Darker, will not be brought down due to Nexon and their action.

This letter is not intended as a full recitation of the facts or a complete review of applicable law. Nothing contained in or omitted from this letter is or should be deemed to be a limitation, restriction, or waiver of any Ironmace's rights or remedies, either at law or in equity. Ironmace expressly reserves all of its legal and equitable rights and remedies, including the right to seek injunctive relief and recover of damages.

Sincerely,

Legal counsels of IRONMACE Co., Ltd.

LIN

Yong Gap Kim, Esq.

Eung Jun Jeon, Esq.

Dong Hwan Shin, Esq.

Jang Hoon Han, Esq.

Jae Goo Lee, Esq.

Exhibit A²

Filename, Information, Note, Asset location in special case

MF_Fresnel_01a.uasset,Ancient Treasures,https://www.unrealengine.com/marketplace/ko/product/9efde82ef29746fcbb2cb0e45e714f43,

MF_Fresnel_01a.uexp,Ancient Treasures,https://www.unrealengine.com/marketplace/ko/product/9efde82ef29746fcbb2cb0e45e714f43,

MF_Sand_01a.uasset,Ancient Treasures,https://www.unrealengine.com/marketplace/ko/product/9efde82ef29746fcbb2cb0e45e714f43,

MF_Sand_01a.uexp,Ancient Treasures,https://www.unrealengine.com/marketplace/ko/product/9efde82ef29746fcbb2cb0e45e714f43,

TX_Cube_01a_CUBE.uasset,Ancient Treasures,https://www.unrealengine.com/marketplace/ko/product/9efde82ef29746fcbb2cb0e45e714f43,

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Blockout_Box.uasset,Blockout Tools Plugin,https://dmkarpukhin.com/blockout-tools-plugin/documentation/,

Blockout_Box.uexp,Blockout Tools Plugin,https://dmkarpukhin.com/blockout-tools-plugin/documentation/,

Blockout_Cone.uasset,Blockout Tools Plugin,https://dmkarpukhin.com/blockout-tools-plugin/documentation/,

Blockout_Cone.uexp,Blockout Tools Plugin,https://dmkarpukhin.com/blockout-tools-plugin/documentation/,

Blockout_Corner_Curved.uasset,Blockout Tools Plugin,https://dmkarpukhin.com/blockout-tools-plugin/documentation/,

Blockout_Corner_Curved.uexp,Blockout Tools Plugin,https://dmkarpukhin.com/blockout-tools-plugin/documentation/,

Blockout_Corner_Ramp.uasset,Blockout Tools Plugin,https://dmkarpukhin.com/blockout-tools-plugin/documentation/,

Blockout_Corner_Ramp.uexp,Blockout Tools Plugin,https://dmkarpukhin.com/blockout-tools-plugin/documentation/,

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Blockout_Skewbox.uexp,Blockout Tools Plugin,https://dmkarpukhin.com/blockout-tools-plugin/documentation/,

² The contents of Exhibit A can also be found at the link below.

https://docs.google.com/spreadsheets/d/1hzJwYIZjj8VT39dEErQBX_4DGt-gZ0MnISI_keyXO4I/edit#gid=0

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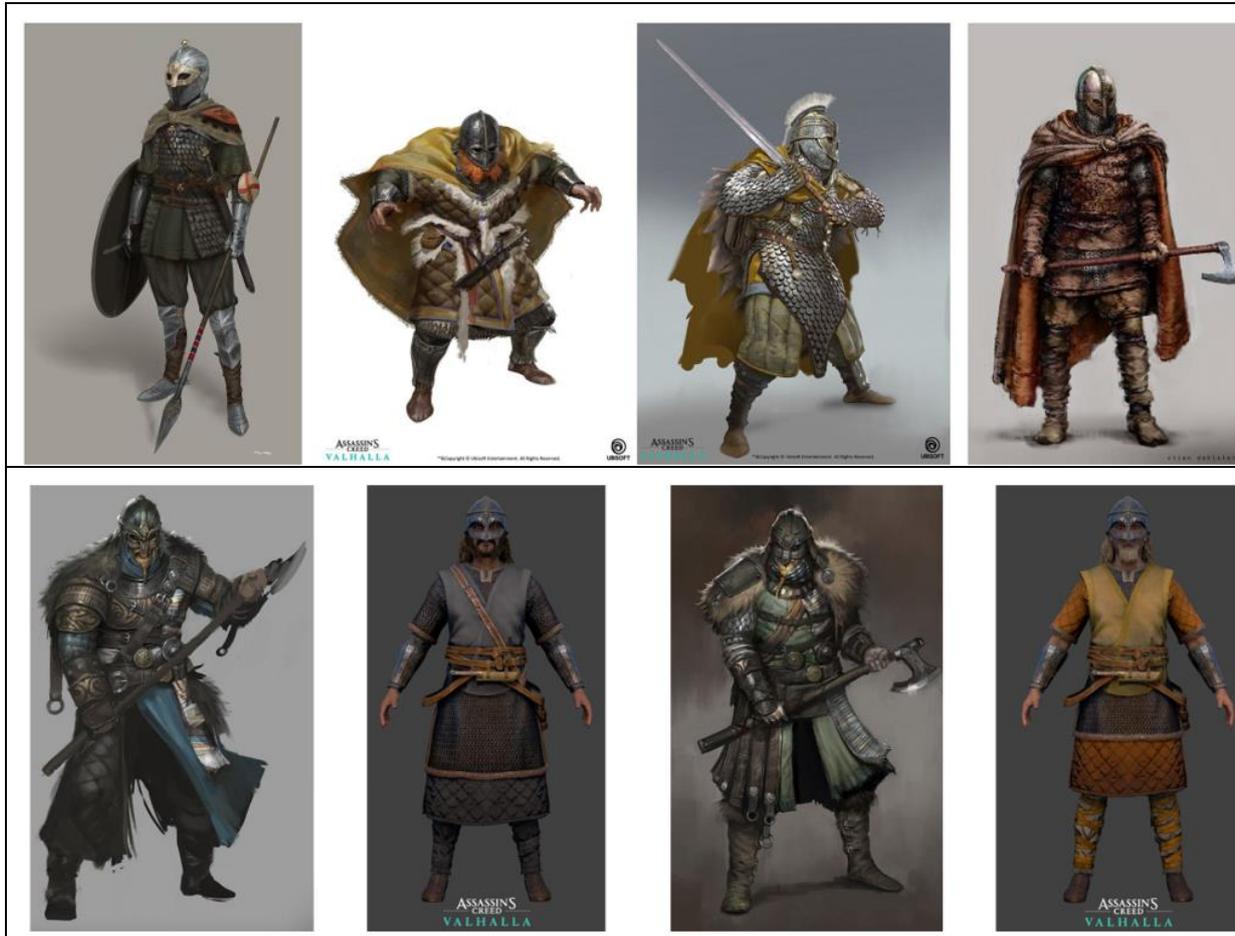
sfx.uexp,Wwise SoundBank Asset,Event-Based Packaging (synchronized) to generate Wwise Soundbank files as Unreal Assets., "SoundBank packaging has changed since the Wwise 2022.1 update, so currently Wwise SoundBank files do not exist as Unreal Assets."

Exhibit B

1. Character Designs

(a) Character designs that can be found in other similar games



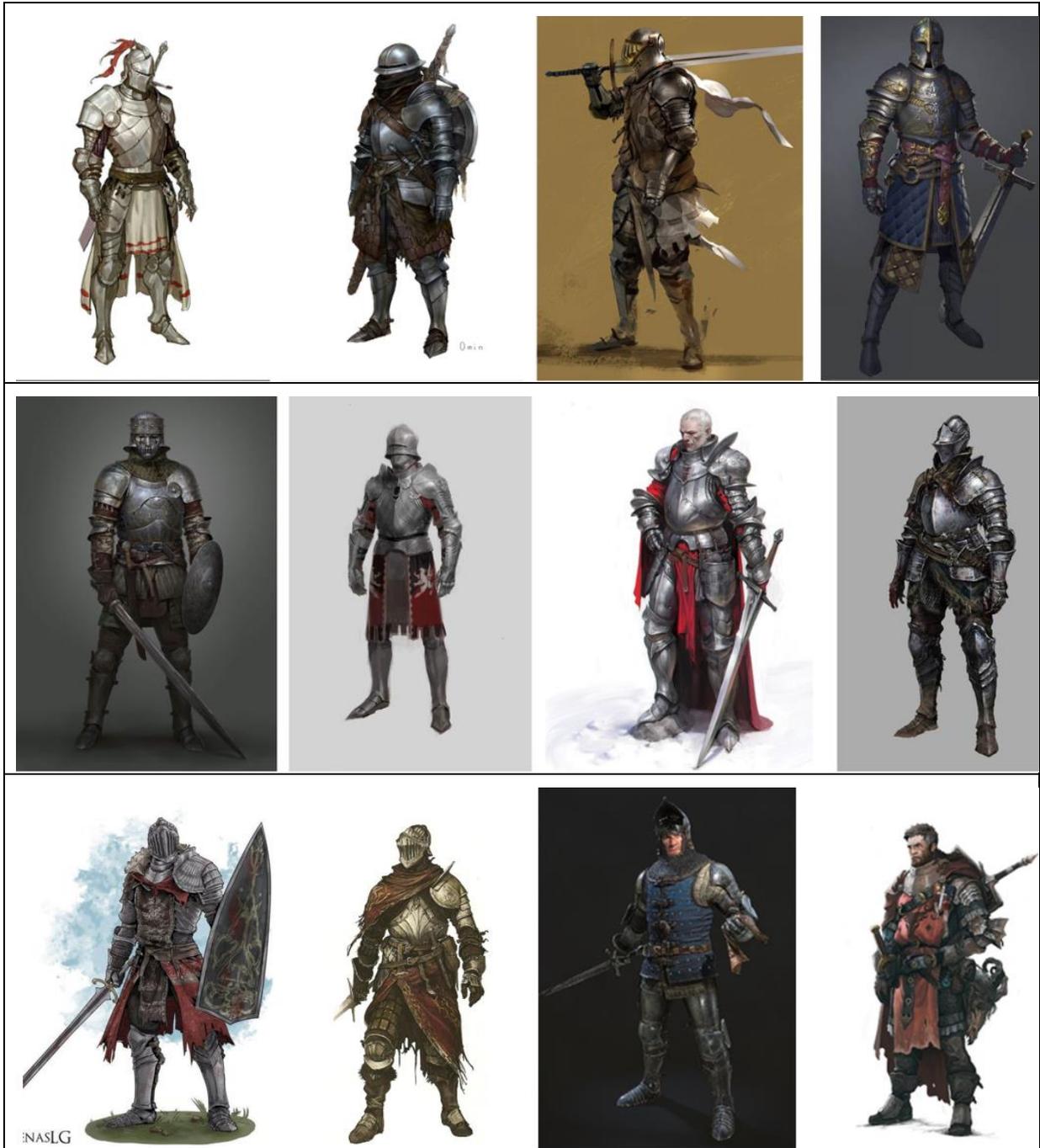


The Cleric



The Fighter (Tanker)





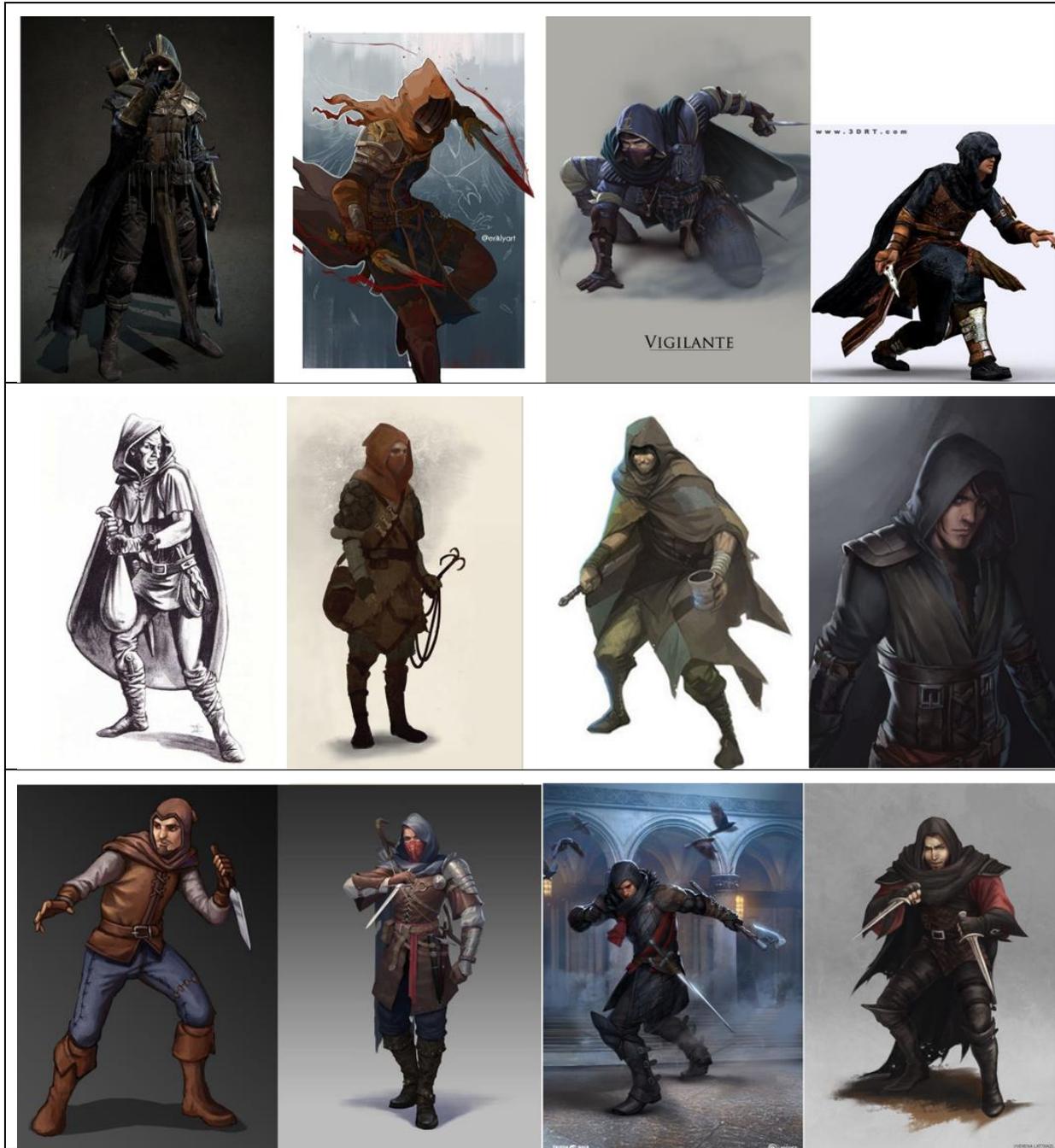
The Wizard





The Thief (Rogue)





The Ranger





(b) Class Categories and Concept

Description of each class from 'Dungeon & Dragon' from Wikipedia	
Class	Description
Barbarian	<u>The barbarian is a playable character class in the Dungeons & Dragons fantasy role-playing game.</u> The class was introduced in 1985 and went through a number of evolutions in subsequent editions of the game.
Cleric	<u>The cleric is one of the standard playable character class in the Dungeons & Dragons fantasy role-playing game.</u> Clerics are versatile figures, both capable in combat and skilled in the use of divine magic (thaumaturgy). Clerics are powerful healers due to the large number of healing and curative magics available to them. With divinely-granted abilities over life or death, they are also able to repel or control undead creatures. Clerics also have specific 'domains' which usually align with the character's alignment and the god that cleric serves. Whether the cleric repels or controls undead is dependent on the cleric's alignment. It is the only class to be included in every version of Dungeons & Dragons without a name change.
Fighter	<u>The fighter is one of the standard playable character classes in the Dungeons & Dragons fantasy role-playing game.</u> A fighter is a versatile, weapons-oriented warrior who fights using skill, strategy and tactics. Fighter is a generic and broad class; individual fighters have diverse backgrounds and different styles. Bodyguards, adventurers, former soldiers, invading bandit kings, or master swordsmen are all fighters, yet they come from all walks of life and backgrounds and often find themselves on very different alignments, goals, and sides in a conflict.
Ranger	<u>The Ranger is one of the standard playable character classes in most editions of the Dungeons & Dragons fantasy role-playing game.</u> Rangers are skilled bushcraftsmen/woodcraftsmen, and often lived reclusive lives as hermits.
Rogue	<u>The rogue or thief is one of the standard playable character classes in most editions of the Dungeons & Dragons fantasy role-playing game.</u> A rogue is a versatile character, capable of sneaky combat and nimble tricks. The rogue is stealthy and dexterous, and in early editions was the only official base class from the Player's Handbook capable of finding and disarming traps and picking locks. The rogue also has the ability to "sneak attack" ("backstab" in previous editions) enemies who are caught off-guard or taken by surprise, inflicting extra damage.
Wizard	<u>The wizard is one of the standard character class in the Dungeons & Dragons fantasy role-playing game.</u> A wizard uses arcane magic, and is considered less effective in melee combat than other classes.

2. Setting / Structural Design

Below are just a few of many other games where players can use torches, placed in dungeons, to improve their vision in a setting of a dungeon made of dark brick walls with a fearful atmosphere.

Game 'Pangeon'



Game 'Castle Torgeath'



Game 'The Elder Scrolls: Oblivion



Game 'The Elder Scrolls: Skyrim'



Game 'Mortal Online 2'



Game 'Monomyth'



Game 'Imprisoned Hyperion'



3. Key Concept

(a) Game Description

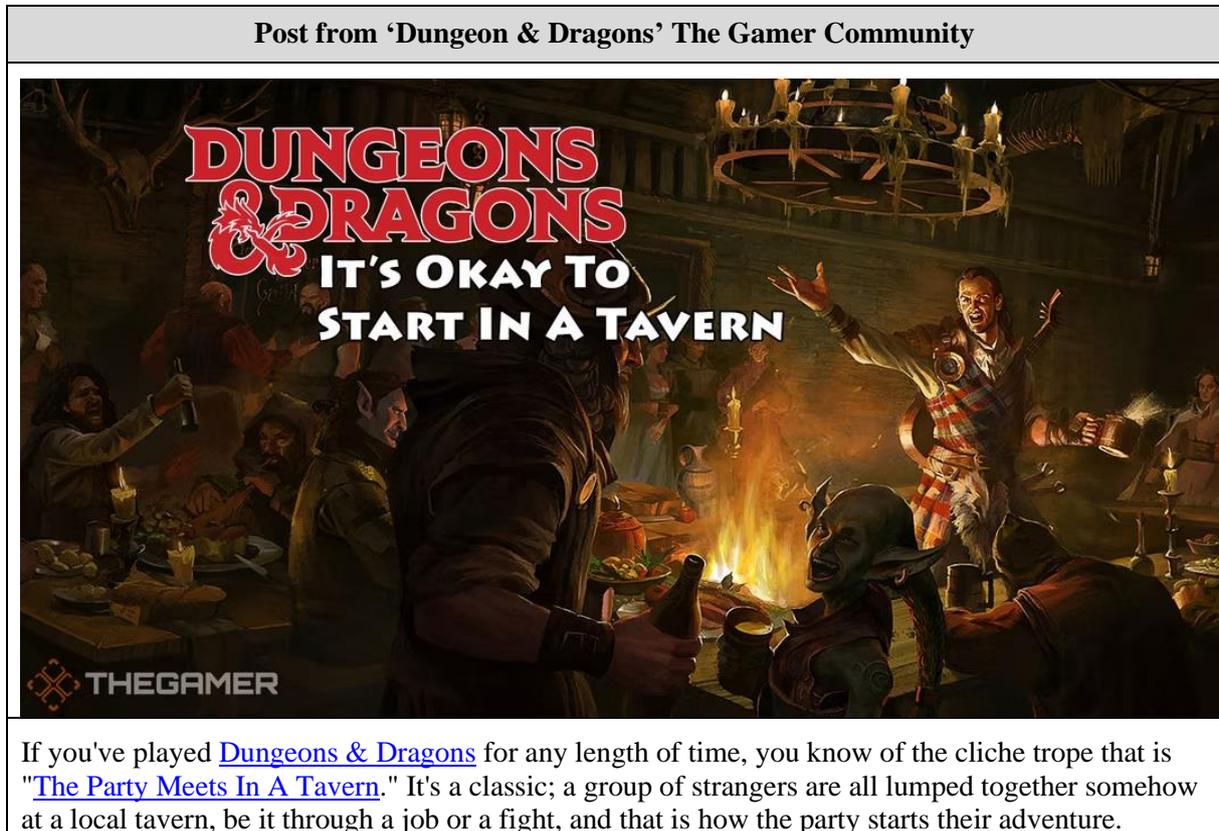
‘Dungeon and Dragons’ Description from Namuwiki
<p>너댓 명의 모험가가 합심하여 괴물들이 사는 동굴에 들어가 온갖 고초를 겪고서 보물과 경험치를 챙겨 나온다는 가장 오랫동안 즐겨온 시나리오의 전형을 완성한 RPG이며, 오랜 세월 축적된 마법과 괴물, 세계관 자료들이 자랑거리다. 그레이호크, 드래곤랜스 등의 세계관이 있으며, 그중 가장 유명한 것은 포가튼 렐름이다. 잘 알려진 엘민스터, 드리조트 두어덴이 포렐 출신 인물이다.</p> <p>English Translation: This RPG game completes the archetype of the scenario that users have enjoyed for the longest time, where four to five adventurers work together to enter a cave where monsters live and go through all sorts of hardships to obtain treasures and experience points. The game boasts a wealth of magic, monsters, and worldview data accumulated over many years. It includes worldviews such as Greyhawk and Dragonlance, but the most famous one is the Forgotten Realms. Well-known characters such as Elminster and Drizzt Do'Urden are from the world of Forgotten Realms.</p>

(b) 173 games with genres characteristics of ‘PvP’, ‘FPS’ and ‘RPG’

Search results for games with the genres ‘PvP’, ‘PvE’, ‘FPS’, and ‘RPG’ on Steam					
<div style="display: flex; justify-content: space-between; align-items: center;"> <div> <p>PvP <input type="checkbox"/> PvE <input type="checkbox"/> First-Person <input type="checkbox"/> FPS <input type="checkbox"/></p> <p>enter search term or tag <input type="text"/> <input type="button" value="Search"/> Sort by Relevance</p> <p>173 results match your search. 3 titles have been excluded based on your preferences. However, none of these titles would appear on the first page of results.</p> </div> <div> <p>Narrow by Price</p> <p>Any Price <input type="range"/></p> <p><input type="checkbox"/> Special Offers</p> <p><input type="checkbox"/> Hide free to play items</p> </div> </div>					
	Destiny 2	2 Oct. 2019		Free To Play	
	Sea of Thieves 2023 Edition	3 Jun. 2020		₩ 39,400	
	Dying Light	22 Apr. 2016		₩ 34,800	
	Call of Duty®: Black Ops Cold War	9 Mar. 2023		₩ 72,000	
	Back 4 Blood	13 Oct. 2021		₩ 68,800	
	Destiny 2: Beyond Light	11 Nov. 2020		₩ 33,500	
	Call of Duty®: Vanguard	9 Mar. 2023		₩ 72,000	
<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div> <p>Narrow by tag</p> <p><input checked="" type="checkbox"/> PvP</p> <p><input checked="" type="checkbox"/> PvE</p> <p><input checked="" type="checkbox"/> First-Person</p> <p><input checked="" type="checkbox"/> FPS</p> <p><input type="checkbox"/> Action 163</p> <p><input type="checkbox"/> Shooter 150</p> <p><input type="checkbox"/> Multiplayer 130</p> <p><input type="checkbox"/> Online Co-Op 88</p> </div> </div>					

(c) Game's Starting points, etc.

'Tavern' has been portrayed as a place where adventurers find colleagues in numerous games and movies, including 'Dungeon and Dragons'.



Unlike the tavern in P3 Game, which functions as a waiting place for selecting 3D characters, the tavern in the test version of Dark and Darker is a 2D menu design and serves as a space for chat functions such as party finding channels, trading channels, and gathering channels. In other words, the two games differ in terms of visual representation and functionality.

In addition, in Dark and Darker, 9 or 11 players can play in the dungeon called 'Goblin Cave', and 16 or 18 players can play in the dungeon called 'Forgotten Castle'. On the other hand, in P3 game, only 16 fixed players can play, so the two games have completely different rules.

(d) Character Class

Please refer to explanation under Section 1. (b) for our explanation that the concept of six (6) class in Dark and Darker and P3 Game is nothing more than the most standard classes from Dungeon and Dragons and other medieval fantasy games.

(e) Others

(i) Dungeon made up of dark bricks and torch-related features

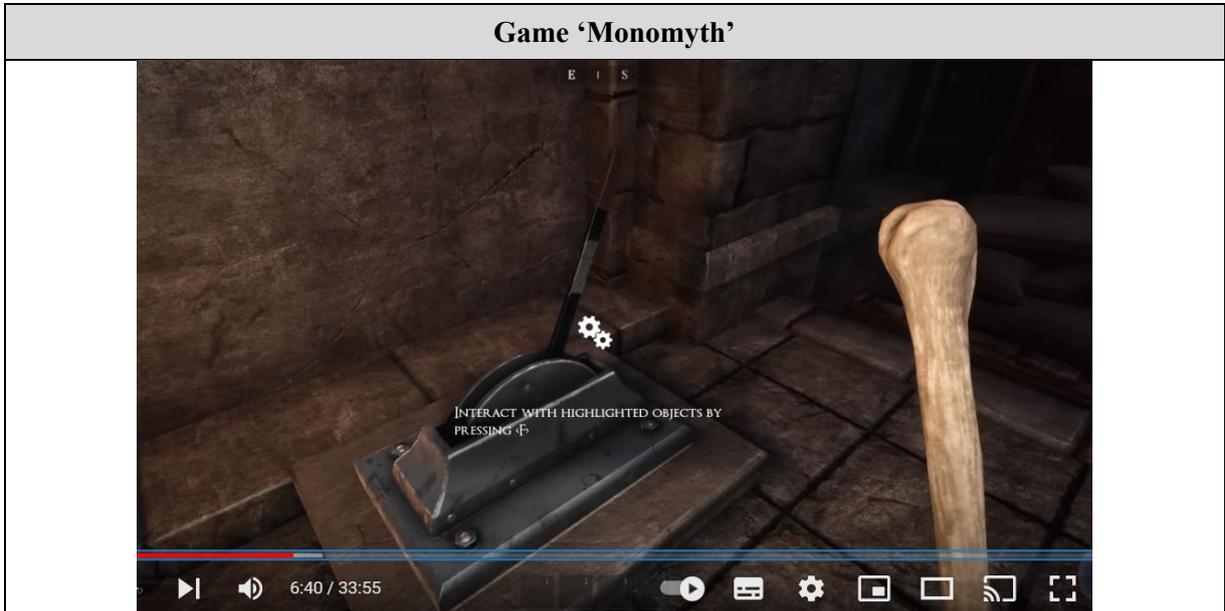
Please refer to Section 2. (a) above for our explanation that dark bricks and torches are common features of a dungeon, which means an ‘underground prison in a castle’.

(ii) Fixed attack pattern for each type of weapons

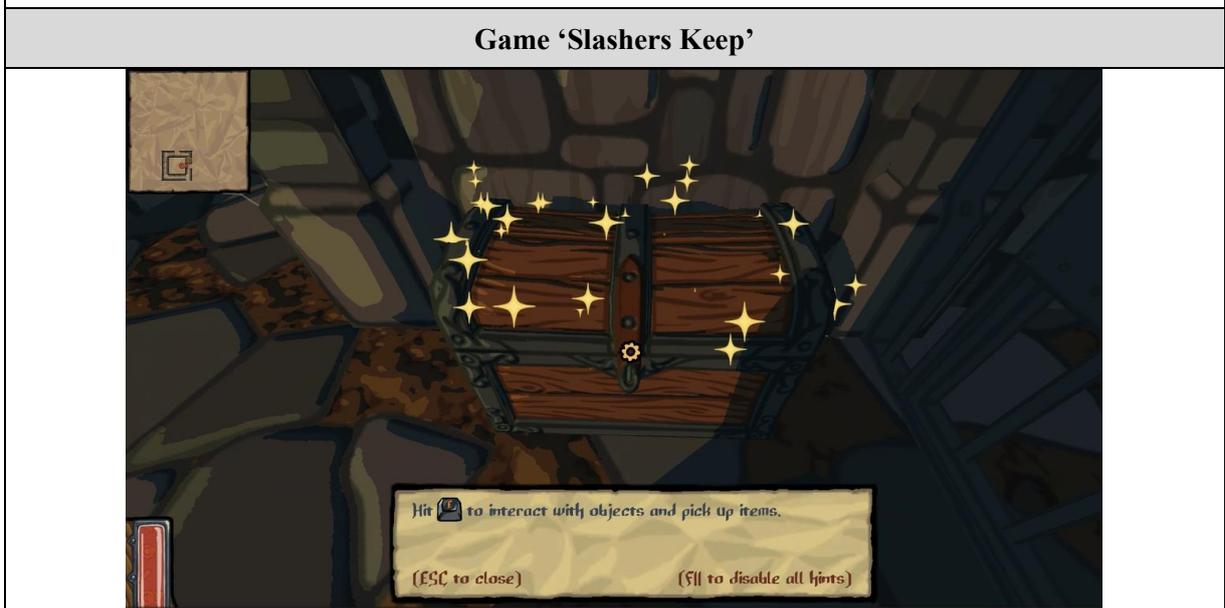
Having a fixed attack pattern for each type of weapons is a common feature of the FPS genre.



(iii) User interaction with in-game objects such as boxes and doors in form of casting

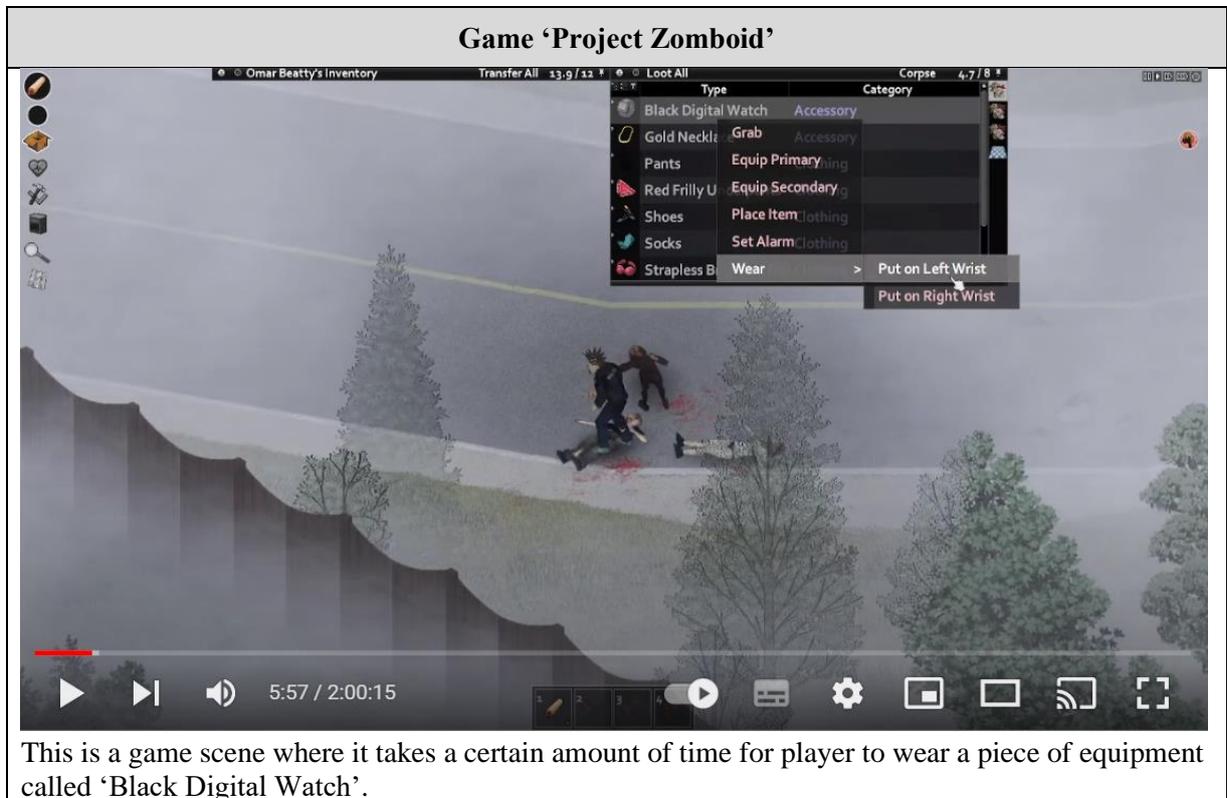


This is a game scene where the player operates a pulley by pressing 'F' key. The operation requires a certain amount of time.



This is a game scene where the player opens a box using the 'F' key. The operation requires a certain amount of time.

(iv) Certain amount of time is required to equip or replace equipment



This is a game scene where it takes a certain amount of time for player to wear a piece of equipment called 'Black Digital Watch'.

Exhibit E

From: [Blackburn, James S.](#)
To: [Nexon A&P Team](#)
Subject: FW: Re: Nexon Korea Corp. v. Ironmace Co. Ltd., et al., Case No. 2:23-cv-00576
Date: Tuesday, April 18, 2023 8:07:45 AM
Attachments: [2023.04.17 Letter to LIN.pdf](#)
[20230414 Nexon Corporation Initial Case Documents.zip](#)
[image001.png](#)

From: Sohn, Christine <Christine.Sohn@arnoldporter.com>
Sent: Monday, April 17, 2023 4:03 PM
To: dhshin@law-lin.com
Cc: shannon.jost@stokeslaw.com; Blackburn, James S. <James.Blackburn@arnoldporter.com>
Subject: Re: Nexon Korea Corp. v. Ironmace Co. Ltd., et al., Case No. 2:23-cv-00576

Dear Counsel,

Attached, please find a letter from James Blackburn, as well as a zip folder containing all relevant enclosures.

If you have questions or concerns, please email james.blackburn@arnoldporter.com.

Sincerely,
Christine Sohn

Christine Sohn
Legal Resource Assistant

Arnold & Porter

777 South Figueroa Street | 44th Floor
Los Angeles, CA 90017-5844
T: +1 213.243.4257

Christine.Sohn@arnoldporter.com
www.arnoldporter.com | [LinkedIn](#) | [Twitter](#)

Arnold & Porter

James S. Blackburn
+1 213.243.4063 Direct
James.Blackburn@arnoldporter.com

April 17, 2023

VIA E-MAIL

Yong Gap Kim, Esq.
Eung Jun Jeon, Esq.
Dong Hwan Shin, Esq.
Jang Hoon Han, Esq.
Jae Goo Lee, Esq.,
LAW FIRM LIN
#326, G5 Central Plaza, 27, Seochojungang-ro 24-gil,
Seocho-gu, Seoul, Korea (06601)
dhshin@law-lin.com

Re: *Nexon Korea Corp. v. Ironmace Co. Ltd., et al.*, Case No. 2:23-cv-00576
(U.S. District Court for the Western District of Washington)

Dear Counsel:

As you know, we represent Nexon Korea Corporation (“Nexon”). On Friday, April 14, 2023, Nexon filed a complaint in the above-referenced action against your client Ironmace Co. Ltd. (“Ironmace”), Ju-Hyun Choi, and Terence Seungha Park alleging claims for trade secret misappropriation and copyright infringement. A copy of the complaint, summonses for Ironmace and Messrs. Choi and Park, and other documents filed concurrently therewith are enclosed with this letter.

Please let me know at your earliest convenience whether you will accept service of process of the summonses and complaint on behalf of your client Ironmace and its principals Messrs. Choi and Park. If we do not hear from you, we will proceed with service in accordance with the Federal Rules of Civil Procedure.

Sincerely,


James S. Blackburn

Enclosures

Cc: Shannon Jost, Esq.

Exhibit F



April 20, 2023

Via Email and FedEx

Valve Corporation
10400 NE 4th Street, Fl. 14
Bellevue, WA 98004
dmca@valvesoftware.com

Re: DMCA Counter Notification from IRONMACE /
Dark and Darker (Valve App 2016590)

To Whom It May Concern:

This firm represents IRONMACE Co., Ltd. (“Ironmace”). We are writing to respond to the takedown notice (“Takedown Notice”) submitted by NEXON Korea Corporation (“Nexon”) under the Digital Millennium Copyright Act (the “DMCA”), in which Nexon requested that Valve Corporation (“Valve”) remove Ironmace’s video game *Dark and Darker* from Valve’s Steam platform, located at https://store.steampowered.com/app/2016590/Dark_and_Darker/. Valve subsequently removed *Dark and Darker* from Steam pursuant to Nexon’s Takedown Notice.

The Takedown Notice is based on claims that are entirely without merit and contains knowing and material misrepresentations that *Dark and Darker* infringed Nexon’s copyright interests in violation of 17 U.S.C. § 512(f). Ironmace submits this counter notification pursuant to 17 U.S.C. § 512(g)(3) and requests that Valve restore access to *Dark and Darker* on Steam.

Nexon’s claims are nothing more than anti-competitive bully tactics designed to put a small indie game studio out of business. Ironmace has independently built—from the ground up—a PvPvE fantasy-themed extraction game. Nexon says it had the idea to do that sort of game first, and so now no one else can. But Ironmace has done nothing unlawful, and Nexon has no legal basis to prevent the gaming public from accessing *Dark and Darker* on Steam or anywhere else that it may be distributed.

Dark and Darker is a new entry in the field of first-person extraction games. This genre is a twist on traditional battle royale games, with a focus on loot-driven competition among players who must fight both each other and non-playable enemies in order to reach an extraction point and escape with their rewards. Other games of this genre include *Escape from Tarkov* and *Hunt: Showdown*, among others. *Dark and Darker* takes this general style of gameplay and puts it in a dark, gritty fantasy setting. The game has all the familiar trappings associated with the fantasy genre—attributes perhaps most popularized by *Dungeons & Dragons*, but that are now

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ubiquitous in fantasy games. The gameplay is therefore somewhat similar in style to *Escape from Tarkov* or battle royales like *PUBG: Battlegrounds*, but with characters, settings and atmospheric elements that players of medieval fantasy games, such as the *Elder Scrolls* franchise, might find familiar.

Dark and Darker was released for a public playtest through Steam in August 2022 and was met with positive feedback and enthusiasm from the gaming community. But Nexon's crusade against the developers of *Dark and Darker* has largely kept the game out of the hands of gamers worldwide. Ironmace was able to keep its promise to launch its most recent playtest on April 14, 2023 but was forced to distribute the game directly to consumers through downloadable torrent files as a result of Nexon's meritless takedown notices.

We now write to set the record straight, dispel any appearance of impropriety engendered by Nexon's rhetoric, and to encourage Valve to restore *Dark and Darker* to the Steam platform so that Ironmace may continue to serve its fans.

Nexon's claims relate to a game that Nexon never made and which does not exist. This game was allegedly under development at Nexon before it was abandoned by the company. While under development, it had the working title "P3 Project." Nexon describes the would-be game as a first-person shooter role-playing game (an FPS-RPG). Nexon claims to have created "unique concepts, genre, plot, story line, characters, and plans for the game"—almost none of which is subject to copyright protection. While the actual *expression* of plot, story line, and characters certainly may be protectable, copyright doesn't protect concepts, genres, or "plans." Nexon's loose treatment of what is and is not copyrightable is a running theme throughout its Takedown Notice. Nexon also claims that it created "proprietary source codes, art resources, and build files."

Nexon's allegations of copying are highly misleading and are almost an afterthought in Nexon's Takedown Notice. Instead, the vast majority of Nexon's notice is directed at a non-issue from a copyright perspective; namely, Nexon's allegations that a former employee (Ju-Hyun Choi) misappropriated trade secrets from Nexon. Notably, Nexon has been pursuing claims against Mr. Choi in civil and criminal court in South Korea for almost two years. After years of litigation and multiple police raids to look for the supposedly "misappropriated" material, Nexon has found *no evidence that any trade secrets were in fact misappropriated*. That's because Mr. Choi *didn't* take any of Nexon's trade secrets.¹ But this is a dispute between

¹ In its Takedown Notice, Nexon suggests it terminated Mr. Choi's employment as a result of discovering that he had "acquired and transferred, without authorization, more than 11,000 key build files of the *P3 Project* from Nexon's server to his personal server in 2020 and 2021." Mr. Choi's use of personal servers was to meet the extreme work demands placed on his team by Nexon and used *solely* for the development of the *P3 Project*. When Mr. Choi left Nexon's employ (after being fired for pretextual reasons), Mr. Choi erased all Nexon data on his personal devices, as employees are obligated to do so upon their exit from a company, and even offered to hand over his wiped devices to Nexon, which Nexon refused to accept. Nexon instead instigated

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Mr. Choi and his former employer, which will be resolved in Korea. None of it impacts Ironmace at all, as Ironmace developed *Dark and Darker* entirely on its own, without using *any* of Nexon's "proprietary source codes, art resources, [or] build files."

While it is beside the point from the perspective of a copyright claim, we are also obligated to note that it is typically *not* unlawful for a former employee who leaves one company to later go to work for a competitor. To be sure, stealing documents or assets from an employer is wrong (and that never happened here), but corporations can't legally stop employees from using their own know-how and skills to do similar work somewhere else. Contrary to Nexon's assertions, that is all that happened here.

It is apparent that Nexon is attempting use its trade secrets allegations to make an end-run around the Copyright Act's substantial similarity requirements. But copyright law does not recognize a "fruit of the poisonous tree" theory. "That defendants may have viewed or studied plaintiff's program is irrelevant if defendants' resulting work is not substantially similar to plaintiff's." *Liu v. Price Waterhouse LLP*, 2000 WL 1644585, *2 (N.D. Ill. Oct. 30, 2000). *See also DSC Communications Corp. v. DGI Tech., Inc.*, 898 F.Supp. 1183, 1189 n.3 (N.D.Tex. 1995) ("[T]he test of copyright infringement has two requirements, access and substantial similarity . . . while DSC may succeed in proving access because DGI is not using the preferred 'clean room' method of development, DSC must still prove substantial similarity between its firmware and the DGI firmware."). It doesn't matter if Ironmace's developers were familiar with the *P3 Project* by virtue of having worked at Nexon—what matters is that the creative, original expression of *Dark and Darker* is notably and substantially different than anything Nexon authored.

Once we move past Nexon's allegations of trade secret misappropriation—which, again, will be disproved in litigation in Korea—it is apparent that Nexon's copyright claims have no legal merit.

a criminal and civil lawsuit within a month of his dismissal, forcing liens on his home, car, and bank accounts. Despite two years of investigation and litigation against Mr. Choi in Korea, there has been no evidence whatsoever that Mr. Choi ever transmitted *any* P3 "source codes, art resources, [or] build files" to Ironmace. He did not. Ironmace did not have access to, nor did it use, any Nexon-owned materials to develop *Dark and Darker*. Nexon's assertion that "[i]t is impossible for Ironmace to have developed *Dark and Darker* in such a short timeframe without using Nexon's trade secrets and confidential information" is similarly false. The reason Ironmace was able to create a playable Alpha version of *Dark and Darker* relatively quickly was because it started with a much larger, well-rounded development team with many more programmers throughout a development period that was free of the bureaucratic, risk-adverse, and unsupportive environment that characterized Nexon, *not* because Ironmace used any Nexon property.

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The only actual copyrights that Nexon points to as forming the basis for its claims are the following:

1. Some unidentified source code (Registration No. TXu 2-355-124).
2. Unspecified “audiovisual game material” (Registration Nos. PAu 4-169-661 and PAu 4-166-909).
3. 2D character art for six classes of characters: Cleric, Ranger, Barbarian, Tanker, Thief, and Wizard (Registration Nos. VAu 1-491-714, 1-491-715, 1-491-716, 1-491-717, 1-491-719, 1-491-720).

As to the source code, Nexon’s Takedown Notice does not allege that any specific source code or other Nexon property was accessed by Ironmace or was actually incorporated into *Dark and Darker*. Instead, Nexon claims that it “conducted a comparative analysis of *Dark and Darker* and the *P3 Game*,” which “revealed that the resource file names of 2,338 files were identical between the two games.” But those aren’t similar *files*, those are allegedly similar *file names*.

Nearly all of the 2,338 resource files identified by Nexon consist of third-party assets and plug-ins, which Ironmace either purchased from the Unreal Engine asset store or which were automatically generated by Unreal Engine during the build process. Nexon has no ownership interest in these assets—any number of games in the marketplace purchase and use these assets, with these identical file names, every single day. The remaining 82 similar file names (out of about 60,000 total game files) consist of descriptive labels that logically describe the content of those files and are formatted in a way designed for compatibility with the Unreal Engine assets. Simple file names like “Fireball.uexp” and “Torch.uexp” are not subject to copyright protection. More importantly, the fact that Nexon conducted a comparison of *Dark and Darker* and *P3* and found similarities only in unprotectable file *names*, as opposed to copyrightable source code owned by Nexon, speaks volumes. Nexon isn’t grasping at straws; it’s grasping at the naming conventions for straws.

From this flimsy start of its “copyright” comparison, Nexon then moves on to its claim that the “character designs and other setting and structural designs” are “suspiciously similar”² to those of the *P3 Game*. Nexon argues that its proto-game and *Dark and Darker* share character classes. Of course, these are ubiquitous fantasy character classes, popularized by *Dungeons & Dragons* and scores of other thematically similar games. These famous and popular classes (the

² If you typed “suspiciously similar” into a search engine, undoubtedly you would get the message: “Did you mean *substantially* similar?” Nexon of course knows that “seems suspicious” is not a valid basis for sending a DMCA takedown notice. See 17 U.S.C. § 512(c)(3)(A)(v) (requiring a “good faith basis” for claiming infringement).

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Fighter, the Barbarian, the Rogue, the Ranger, the Wizard, and the Cleric)³ are obvious *scènes à faire* in the fantasy genre—they are characters “naturally associated with the treatment of a given idea, . . . and therefore [are] not protected by copyright.” *Gray v. Hudson*, 28 F.4th 87, 98 (9th Cir. 2022) (“commonplace elements that are firmly rooted in the genre’s tradition” are not entitled to copyright protection). Ironmace has already added the Bard class in its most recent playtest and has plans to add a Warlock class—two more of the traditional *Dungeons & Dragons* classes.

The same holds true for settings or locations that are “commonly seen in various genres, including . . . fantasy genres.” *Rosenfeld v. Twentieth Century Fox Film*, No. CV 07-7040AHMFFMX, 2009 WL 212958, at *3 (C.D. Cal. Jan. 28, 2009). Similarities are to be expected when two different companies make a fantasy, dungeon crawler—including, naturally, the presence of dungeons. See Takedown Notice at pp. 4–5 (arguing that both games take place in a “brick-walled dungeon setting”). Such stock settings are not entitled to copyright protection and cannot give rise to a claim of infringement.

But beyond just being wrong on the legal doctrine, Nexon grossly misrepresents the facts here. The “similarities” that it cites in Exhibit E to the takedown notice do not tell the real story. What Nexon primarily compares is the *concept art* for the character classes in the *P3 Game* and in *Dark and Darker*. But this concept art is *not* what actually appears in *Dark and Darker*. This was essentially placeholder art present in the early access “Alpha” playtest, which has not been present in the most recent iterations of the game. The real characters, as played, look different. In any event, whatever similarities there were in the placeholder concept art were by virtue of the fact that there are certain genre conventions in how these classes are depicted—a hooded rogue or a wizard with a staff is not copyrightable.

Importantly, what appears in *Dark and Darker* consists primarily of third-party assets legally acquired from the Unreal Engine asset store. To the extent that Nexon used the same or similar assets, that does not give rise to a copyright claim. Nexon may argue that the decisions about *which* Unreal Engine assets to use provides the basis for some sort of “selection and arrangement” copyright claim—in which the way one chooses to select and arrange unprotectable source material creates a new, protectable whole. But this claim completely falls apart for a few reasons. First, a medieval-style fantasy dungeon crawler has a limited universe of plausible assets from which one may reasonably choose. There’s a reason nearly every game that has ever explored this genre features reanimated skeletons, trolls, spiders, and the other usual dungeon denizens. There is nothing remarkable about game designers choosing some of the same *scènes à faire* assets in constructing such a game. Second, a game of the magnitude of *Dark and Darker* uses *thousands* of third-party assets in the game. Even if Nexon can cherry-

³ Nexon does not actually have a “Fighter” and a “Rogue”—it has a “Tanker” and a “Thief,” which are not traditional D&D classes. They may occupy similar niches, but it’s impossible to know, since Nexon does not provide (nor does Ironmace possess) any actual *P3* gameplay to look at for comparison.

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pick a dozen identical assets between them, that is only a drop in the bucket in terms of actual game design.

The reality is that for every comparison Nexon can come up with, one can find half a dozen different games with the exact same feature—and in some cases, the very same asset. For instance, Nexon highlights what it calls “torch-related game features.” Nexon does not have any proprietary copyright interest in dark, atmospheric game settings in which characters illuminate a dungeon with a torch. This sort of gameplay is popular in, for example, the *Elder Scrolls* or *Mortal Online* games. Indeed, players of a certain age will have strong memories of roaming through dimly-lit dungeons with torch-related gameplay as Link in *The Legend of Zelda: Ocarina of Time*. Simply stated, these isolated commonalities do not give rise to an infringement claim.

At best, Nexon has taken a handful of unprotectable elements and cobbled them together to form the illusion of a copyright infringement claim. But in reality, this case comes down to the fact that Nexon does not want any of its former employees to work at an indie studio developing a fantasy-themed extraction game. And Nexon will bend copyright law well past its breaking point in order to keep *Dark and Darker* out of the public’s hands.

To that end, Nexon makes unfounded threats against Valve, claiming that Valve may be liable *not only* for direct and indirect copyright infringement, but even for trade secret misappropriation, if it puts *Dark and Darker* back up on Steam. These are nothing but baseless scare tactics.

Given the absence of any colorable copyright infringement claim, Nexon’s Takedown Notice contains knowing and material misrepresentations that *Dark and Darker* infringed Nexon’s copyright interests in violation of 17 U.S.C. § 512(f). We respectfully implore Valve not to give in to Nexon’s threats and to instead respect the creative ingenuity of a young gaming studio that has put out a product that is already loved by hundreds of thousands of fans eager to see the next chapter in the *Dark and Darker* saga.

On behalf of Ironmace, I declare, under penalty of perjury, that I have a good faith belief that the content identified above was removed or disabled as a result of mistaken information, misidentification of the material in question, and/or a deliberate misreading of the law. Ironmace consents to the jurisdiction of the Western District of Washington and will accept service of

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process from the person who submitted the takedown notification under 17 U.S.C. § 512(C)(1), or their agent. Ironmace's contact information is as follows:

401, 16, Pangyoyeok-ro 192beon-gil,
Bundang-gu, Seongnam-si, Gyeonggi-do,
13524 Republic of Korea
+82-31-707-1190

Sincerely,



Aaron J. Moss

cc: Josh Geller, Esq.

Exhibit G



**14. CONVENTION ON THE SERVICE ABROAD OF
JUDICIAL AND EXTRAJUDICIAL DOCUMENTS
IN CIVIL OR COMMERCIAL MATTERS¹**

(Concluded 15 November 1965)

The States signatory to the present Convention,
Desiring to create appropriate means to ensure that judicial and extrajudicial documents to be served abroad shall be brought to the notice of the addressee in sufficient time,
Desiring to improve the organisation of mutual judicial assistance for that purpose by simplifying and expediting the procedure,
Have resolved to conclude a Convention to this effect and have agreed upon the following provisions:

Article 1

The present Convention shall apply in all cases, in civil or commercial matters, where there is occasion to transmit a judicial or extrajudicial document for service abroad.
This Convention shall not apply where the address of the person to be served with the document is not known.

CHAPTER I – JUDICIAL DOCUMENTS

Article 2

Each Contracting State shall designate a Central Authority which will undertake to receive requests for service coming from other Contracting States and to proceed in conformity with the provisions of Articles 3 to 6.
Each State shall organise the Central Authority in conformity with its own law.

Article 3

The authority or judicial officer competent under the law of the State in which the documents originate shall forward to the Central Authority of the State addressed a request conforming to the model annexed to the present Convention, without any requirement of legalisation or other equivalent formality.
The document to be served or a copy thereof shall be annexed to the request. The request and the document shall both be furnished in duplicate.

Article 4

If the Central Authority considers that the request does not comply with the provisions of the present Convention it shall promptly inform the applicant and specify its objections to the request.

¹ This Convention, including related materials, is accessible on the website of the Hague Conference on Private International Law (www.hcch.net), under “Conventions” or under the “Service Section”. For the full history of the Convention, see Hague Conference on Private International Law, *Actes et documents de la Dixième session (1964)*, Tome III, *Notification* (391 pp.).

Article 5

The Central Authority of the State addressed shall itself serve the document or shall arrange to have it served by an appropriate agency, either –

- a) by a method prescribed by its internal law for the service of documents in domestic actions upon persons who are within its territory, or
- b) by a particular method requested by the applicant, unless such a method is incompatible with the law of the State addressed.

Subject to sub-paragraph (b) of the first paragraph of this Article, the document may always be served by delivery to an addressee who accepts it voluntarily.

If the document is to be served under the first paragraph above, the Central Authority may require the document to be written in, or translated into, the official language or one of the official languages of the State addressed.

That part of the request, in the form attached to the present Convention, which contains a summary of the document to be served, shall be served with the document.

Article 6

The Central Authority of the State addressed or any authority which it may have designated for that purpose, shall complete a certificate in the form of the model annexed to the present Convention.

The certificate shall state that the document has been served and shall include the method, the place and the date of service and the person to whom the document was delivered. If the document has not been served, the certificate shall set out the reasons which have prevented service.

The applicant may require that a certificate not completed by a Central Authority or by a judicial authority shall be countersigned by one of these authorities.

The certificate shall be forwarded directly to the applicant.

Article 7

The standard terms in the model annexed to the present Convention shall in all cases be written either in French or in English. They may also be written in the official language, or in one of the official languages, of the State in which the documents originate.

The corresponding blanks shall be completed either in the language of the State addressed or in French or in English.

Article 8

Each Contracting State shall be free to effect service of judicial documents upon persons abroad, without application of any compulsion, directly through its diplomatic or consular agents.

Any State may declare that it is opposed to such service within its territory, unless the document is to be served upon a national of the State in which the documents originate.

Article 9

Each Contracting State shall be free, in addition, to use consular channels to forward documents, for the purpose of service, to those authorities of another Contracting State which are designated by the latter for this purpose.

Each Contracting State may, if exceptional circumstances so require, use diplomatic channels for the same purpose.

Article 10

Provided the State of destination does not object, the present Convention shall not interfere with –

- a) the freedom to send judicial documents, by postal channels, directly to persons abroad,

- b) the freedom of judicial officers, officials or other competent persons of the State of origin to effect service of judicial documents directly through the judicial officers, officials or other competent persons of the State of destination,
- c) the freedom of any person interested in a judicial proceeding to effect service of judicial documents directly through the judicial officers, officials or other competent persons of the State of destination.

Article 11

The present Convention shall not prevent two or more Contracting States from agreeing to permit, for the purpose of service of judicial documents, channels of transmission other than those provided for in the preceding Articles and, in particular, direct communication between their respective authorities.

Article 12

The service of judicial documents coming from a Contracting State shall not give rise to any payment or reimbursement of taxes or costs for the services rendered by the State addressed.

The applicant shall pay or reimburse the costs occasioned by --

- a) the employment of a judicial officer or of a person competent under the law of the State of destination,
- b) the use of a particular method of service.

Article 13

Where a request for service complies with the terms of the present Convention, the State addressed may refuse to comply therewith only if it deems that compliance would infringe its sovereignty or security. It may not refuse to comply solely on the ground that, under its internal law, it claims exclusive jurisdiction over the subject-matter of the action or that its internal law would not permit the action upon which the application is based.

The Central Authority shall, in case of refusal, promptly inform the applicant and state the reasons for the refusal.

Article 14

Difficulties which may arise in connection with the transmission of judicial documents for service shall be settled through diplomatic channels.

Article 15

Where a writ of summons or an equivalent document had to be transmitted abroad for the purpose of service, under the provisions of the present Convention, and the defendant has not appeared, judgment shall not be given until it is established that --

- a) the document was served by a method prescribed by the internal law of the State addressed for the service of documents in domestic actions upon persons who are within its territory, or
- b) the document was actually delivered to the defendant or to his residence by another method provided for by this Convention, and that in either of these cases the service or the delivery was effected in sufficient time to enable the defendant to defend.

Each Contracting State shall be free to declare that the judge, notwithstanding the provisions of the first paragraph of this Article, may give judgment even if no certificate of service or delivery has been received, if all the following conditions are fulfilled --

- a) the document was transmitted by one of the methods provided for in this Convention,
- b) a period of time of not less than six months, considered adequate by the judge in the particular case, has elapsed since the date of the transmission of the document,
- c) no certificate of any kind has been received, even though every reasonable effort has been made to obtain it through the competent authorities of the State addressed.

Notwithstanding the provisions of the preceding paragraphs the judge may order, in case of urgency, any provisional or protective measures.

Article 16

When a writ of summons or an equivalent document had to be transmitted abroad for the purpose of service, under the provisions of the present Convention, and a judgment has been entered against a defendant who has not appeared, the judge shall have the power to relieve the defendant from the effects of the expiration of the time for appeal from the judgment if the following conditions are fulfilled –

- a) the defendant, without any fault on his part, did not have knowledge of the document in sufficient time to defend, or knowledge of the judgment in sufficient time to appeal, and
- b) the defendant has disclosed a *prima facie* defence to the action on the merits.

An application for relief may be filed only within a reasonable time after the defendant has knowledge of the judgment.

Each Contracting State may declare that the application will not be entertained if it is filed after the expiration of a time to be stated in the declaration, but which shall in no case be less than one year following the date of the judgment.

This Article shall not apply to judgments concerning status or capacity of persons.

CHAPTER II – EXTRAJUDICIAL DOCUMENTS

Article 17

Extrajudicial documents emanating from authorities and judicial officers of a Contracting State may be transmitted for the purpose of service in another Contracting State by the methods and under the provisions of the present Convention.

CHAPTER III – GENERAL CLAUSES

Article 18

Each Contracting State may designate other authorities in addition to the Central Authority and shall determine the extent of their competence.

The applicant shall, however, in all cases, have the right to address a request directly to the Central Authority.

Federal States shall be free to designate more than one Central Authority.

Article 19

To the extent that the internal law of a Contracting State permits methods of transmission, other than those provided for in the preceding Articles, of documents coming from abroad, for service within its territory, the present Convention shall not affect such provisions.

Article 20

The present Convention shall not prevent an agreement between any two or more Contracting States to dispense with –

- a) the necessity for duplicate copies of transmitted documents as required by the second paragraph of Article 3,
- b) the language requirements of the third paragraph of Article 5 and Article 7,
- c) the provisions of the fourth paragraph of Article 5,
- d) the provisions of the second paragraph of Article 12.

Article 21

Each Contracting State shall, at the time of the deposit of its instrument of ratification or accession, or at a later date, inform the Ministry of Foreign Affairs of the Netherlands of the following –

- a) the designation of authorities, pursuant to Articles 2 and 18,
- b) the designation of the authority competent to complete the certificate pursuant to Article 6,
- c) the designation of the authority competent to receive documents transmitted by consular channels, pursuant to Article 9.

Each Contracting State shall similarly inform the Ministry, where appropriate, of –

- a) opposition to the use of methods of transmission pursuant to Articles 8 and 10,
- b) declarations pursuant to the second paragraph of Article 15 and the third paragraph of Article 16,
- c) all modifications of the above designations, oppositions and declarations.

Article 22

Where Parties to the present Convention are also Parties to one or both of the Conventions on civil procedure signed at The Hague on 17th July 1905, and on 1st March 1954, this Convention shall replace as between them Articles 1 to 7 of the earlier Conventions.

Article 23

The present Convention shall not affect the application of Article 23 of the Convention on civil procedure signed at The Hague on 17th July 1905, or of Article 24 of the Convention on civil procedure signed at The Hague on 1st March 1954.

These Articles shall, however, apply only if methods of communication, identical to those provided for in these Conventions, are used.

Article 24

Supplementary agreements between Parties to the Conventions of 1905 and 1954 shall be considered as equally applicable to the present Convention, unless the Parties have otherwise agreed.

Article 25

Without prejudice to the provisions of Articles 22 and 24, the present Convention shall not derogate from Conventions containing provisions on the matters governed by this Convention to which the Contracting States are, or shall become, Parties.

Article 26

The present Convention shall be open for signature by the States represented at the Tenth Session of the Hague Conference on Private International Law.

It shall be ratified, and the instruments of ratification shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

Article 27

The present Convention shall enter into force on the sixtieth day after the deposit of the third instrument of ratification referred to in the second paragraph of Article 26.

The Convention shall enter into force for each signatory State which ratifies subsequently on the sixtieth day after the deposit of its instrument of ratification.

Article 28

Any State not represented at the Tenth Session of the Hague Conference on Private International Law may accede to the present Convention after it has entered into force in accordance with the first paragraph of Article 27. The instrument of accession shall be deposited with the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter into force for such a State in the absence of any objection from a State, which has ratified the Convention before such deposit, notified to the Ministry of Foreign Affairs of the Netherlands within a period of six months after the date on which the said Ministry has notified it of such accession.

In the absence of any such objection, the Convention shall enter into force for the acceding State on the first day of the month following the expiration of the last of the periods referred to in the preceding paragraph.

Article 29

Any State may, at the time of signature, ratification or accession, declare that the present Convention shall extend to all the territories for the international relations of which it is responsible, or to one or more of them. Such a declaration shall take effect on the date of entry into force of the Convention for the State concerned.

At any time thereafter, such extensions shall be notified to the Ministry of Foreign Affairs of the Netherlands.

The Convention shall enter into force for the territories mentioned in such an extension on the sixtieth day after the notification referred to in the preceding paragraph.

Article 30

The present Convention shall remain in force for five years from the date of its entry into force in accordance with the first paragraph of Article 27, even for States which have ratified it or acceded to it subsequently.

If there has been no denunciation, it shall be renewed tacitly every five years.

Any denunciation shall be notified to the Ministry of Foreign Affairs of the Netherlands at least six months before the end of the five year period.

It may be limited to certain of the territories to which the Convention applies.

The denunciation shall have effect only as regards the State which has notified it. The Convention shall remain in force for the other Contracting States.

Article 31

The Ministry of Foreign Affairs of the Netherlands shall give notice to the States referred to in Article 26, and to the States which have acceded in accordance with Article 28, of the following –

- a) the signatures and ratifications referred to in Article 26;
- b) the date on which the present Convention enters into force in accordance with the first paragraph of Article 27;
- c) the accessions referred to in Article 28 and the dates on which they take effect;
- d) the extensions referred to in Article 29 and the dates on which they take effect;
- e) the designations, oppositions and declarations referred to in Article 21;
- f) the denunciations referred to in the third paragraph of Article 30.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Convention.

Done at The Hague, on the 15th day of November, 1965, in the English and French languages, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Government of the Netherlands, and of which a certified copy shall be sent, through the diplomatic channel, to each of the States represented at the Tenth Session of the Hague Conference on Private International Law.

PRINT

Contracting Parties to this Convention that are also Members of the HCCH (i.e., the Organisation) are in **bold**;
Contracting Parties that are not Members of the HCCH are in *italics*.

Contracting Party	S¹	R/A/S²	Type³	EIF⁴	EXT⁵	Auth⁶	Res/D/N/DC⁷
Albania		1-XI-2006	A	1-VII-2007		3	
Andorra		26-IV-2017	A	1-XII-2017		3	D
<i>Antigua and Barbuda</i>		1-V-1985	Su	1-XI-1981		1	
Argentina		2-II-2001	A	1-XII-2001		2	D,Res
Armenia		27-VI-2012	A	1-II-2013		1	
Australia		15-III-2010	A	1-XI-2010	7	5	D
Austria	22-XI-2019	14-VII-2020	R	12-IX-2020		3	D,Res
Azerbaijan		17-II-2023	A	1-IX-2023		1	D
<i>Bahamas</i>		17-VI-1997	A	1-II-1998		1	
<i>Barbados</i>		10-II-1969	A	1-X-1969		1	
Belarus		6-VI-1997	A	1-II-1998		1	
Belgium	21-I-1966	19-XI-1970	R	18-I-1971		2	D

Contracting Party	S¹	R/A/S²	Type³	EIF⁴	EXT⁵	Auth⁶	Res/D/N/DC⁷
<i>Belize</i>		8-IX-2009	A	1-V-2010		1	
Bosnia and Herzegovina		16-VI-2008	A	1-II-2009		1	
<i>Botswana</i>		10-II-1969	A	1-IX-1969		3	D
Brazil		29-XI-2018	A	1-VI-2019		1	D,Res
Bulgaria		23-XI-1999	A	1-VIII-2000		3	D
Canada		26-IX-1988	A	1-V-1989		4	D
China		6-V-1991	A	1-I-1992		8	D,N
<i>Colombia</i>		10-IV-2013	A	1-XI-2013		1	D
Costa Rica		16-III-2016	A	1-X-2016		1	
Croatia		28-II-2006	A	1-XI-2006		3	D,Res
Cyprus		26-X-1982	A	1-VI-1983		4	D
Czech Republic		28-I-1993	Su	1-I-1993		4	D,Res
Denmark	7-I-1969	2-VIII-1969	R	1-X-1969		3	D
Egypt	1-III-1966	12-XII-1968	R	10-II-1969		1	Res
Estonia		2-II-1996	A	1-X-1996		1	D
Finland	15-XI-1965	11-IX-1969	R	10-XI-1969		2	D
France	12-I-1967	3-VII-1972	R	1-IX-1972	1	3	D

Contracting Party	S¹	R/A/S²	Type³	EIF⁴	EXT⁵	Auth⁶	Res/D/N/DC⁷
Georgia		31-V-2021	A	1-I-2022		1	D,Res
Germany	15-XI-1965	27-IV-1979	R	26-VI-1979		3	D
Greece	20-VII-1983	20-VII-1983	R	18-IX-1983		1	D
Hungary		13-VII-2004	A	1-IV-2005		3	D
Iceland		10-XI-2008	A	1-VII-2009		1	D,Res
India		23-XI-2006	A	1-VIII-2007		1	D,Res
Ireland	20-X-1989	5-IV-1994	R	4-VI-1994		3	D,Res
Israel	25-XI-1965	14-VIII-1972	R	13-X-1972		2	D,Res
Italy	25-I-1979	25-XI-1981	R	24-I-1982		3	D
Japan	12-III-1970	28-V-1970	R	27-VII-1970		3	D
Kazakhstan		15-X-2015	A	1-VI-2016		1	D
<i>Kuwait</i>		8-V-2002	A	1-XII-2002		3	D,Res
Latvia		28-III-1995	A	1-XI-1995		4	D
Lithuania		2-VIII-2000	A	1-VI-2001		3	D,Res
Luxembourg	27-X-1971	9-VII-1975	R	7-IX-1975		1	D,Res
<i>Malawi</i>		24-IV-1972	A	1-XII-1972		1	
Malta		24-II-2011	A	1-X-2011		2	D

Contracting Party	S¹	R/A/S²	Type³	EIF⁴	EXT⁵	Auth⁶	Res/D/N/DC⁷
<i>Marshall Islands</i>		29-VII-2020	A	1-II-2021		3	D
Mexico		2-XI-1999	A	1-VI-2000		2	D
Monaco		1-III-2007	A	1-XI-2007		2	D
Montenegro		16-I-2012	A	1-IX-2012		2	D
Morocco		24-III-2011	A	1-XI-2011		1	
Netherlands	15-XI-1965	3-XI-1975	R	2-I-1976	1	5	D
Nicaragua		24-VII-2019	A	1-II-2020		1	D
North Macedonia		23-XII-2008	A	1-IX-2009		1	D,Res
Norway	15-X-1968	2-VIII-1969	R	1-X-1969		3	D,Res
<i>Pakistan</i>		7-XII-1988	A	1-VIII-1989		3	D
Philippines		4-III-2020	A	1-X-2020		1	D
Poland		13-II-1996	A	1-IX-1996		4	D,Res
Portugal	5-VII-1971	27-XII-1973	R	25-II-1974		2	D
Republic of Korea		13-I-2000	A	1-VIII-2000		2	D,Res
Republic of Moldova		4-VII-2012	A	1-II-2013		2	D,Res
Romania		21-VIII-2003	A	1-IV-2004		2	D
Russian Federation		1-V-2001	A	1-XII-2001		4	D,Res

Contracting Party	S¹	R/A/S²	Type³	EIF⁴	EXT⁵	Auth⁶	Res/D/N/DC⁷
<i>Saint Vincent and the Grenadines</i>		6-I-2005	Su	27-X-1979		3	D
<i>San Marino</i>		15-IV-2002	A	1-XI-2002		3	D
Serbia		2-VII-2010	A	1-II-2011		2	D
<i>Seychelles</i>		18-XI-1980	A	1-VII-1981		1	D
Slovakia		15-III-1993	Su	1-I-1993		4	D
Slovenia		18-IX-2000	A	1-VI-2001		1	D,Res
Spain	21-X-1976	4-VI-1987	R	3-VIII-1987		3	D
Sri Lanka		31-VIII-2000	A	1-VI-2001		3	D
Sweden	4-II-1969	2-VIII-1969	R	1-X-1969		2	D
Switzerland	21-V-1985	2-XI-1994	R	1-I-1995		3	D,Res
Tunisia		10-VII-2017	A	1-II-2018		1	D
Türkiye	11-VI-1968	28-II-1972	R	28-IV-1972		3	D,Res
Ukraine		1-II-2001	A	1-XII-2001		3	D,Res
United Kingdom of Great Britain and Northern Ireland	10-XII-1965	17-XI-1967	R	10-II-1969	14	4	D
United States of America	15-XI-1965	24-VIII-1967	R	10-II-1969	1	1	D
Venezuela (Bolivarian Republic of)		29-X-1993	A	1-VII-1994		1	D,Res
Viet Nam		16-III-2016	A	1-X-2016		3	D,N

DECLARATION/RESERVATION/NOTIFICATION

Declarations

Reservations

Articles: 8,10,15

(Click here for the Central Authority designated by the Republic of Korea and other practical information)

Text of the declarations:

1. Pursuant to Article 8, the Republic of Korea objects to service of judicial documents directly through diplomatic or consular agents upon persons in its territory, unless the document is to be served upon a national of the State in which the documents originate.

2. Pursuant to Article 10, the Republic of Korea objects to the following:

- a) the freedom to send judicial documents, by postal channels, directly to persons abroad,
- b) the freedom of judicial officers, officials or other competent persons of the State of origin to effect service of judicial documents directly through the judicial officials or other competent persons of the State of destination.
- c) the freedom of any person interested in a judicial proceeding to effect service of judicial documents directly through the judicial officers, officials or other competent persons of the State of destination.

3. Pursuant to Article 15, paragraph 2, the judge of the Republic of Korea may give judgment even if no certificate of service or delivery has been received if all the following conditions are fulfilled:

- a) the document was transmitted by one of the methods provided for in this Convention,
- b) a period of time of not less than six months, considered adequate by the judge in the particular case, has elapsed since the date of the transmission of the document,
- c) no certificate of any kind has been received, even though every reasonable effort has been made to obtain it through the competent authorities of the State addressed.

Exhibit H

Lee, Somin

From: Aaron Lukken <lukken@vikinglaw.us>
Sent: Saturday, April 29, 2023 12:31 AM
To: Lee, Somin
Cc: Peggy Lukken
Subject: Re: Hague Service on Defendants in Korea
Attachments: Arnold Porter KOR 2023-04-28.pdf; Viking Terms 2022-03-15.pdf

External E-mail

Here we go... see attached. Electronic payment info follows, but if you prefer to have one of your U.S. offices send a check, shoot me a PDF before mailing, along with a tracking number, and we'll get the ball rolling while it's en route. *[First class mail has become so erratic that we can no longer rely on it for early start of work.]*

To reiterate, I anticipate that we'll receive proof of service 4 or 5 months after submission of the requests. As soon as we have (1) all documents & translations, (2) a countersigned engagement letter, and (3) fees, we won't need much time to get the shipment out. Just a day or two.

Thanks, as always,
Aaron

Wire *or* **ACH** instructions:

Receiving Bank:	JPMorgan Chase
Bank Address:	7701 State Line Rd. Kansas City, MO 64114
ABA Routing (for Wire):	021000021
ABA Routing (for ACH):	103000648
SWIFT Code:	CHASUS33
Beneficiary Account Number:	823557696
Beneficiary Name:	Viking Advocates LLC
Beneficiary Address:	6525 Charlotte Street Kansas City, MO 64131-1106
Reference for Beneficiary:	Arnold Porter KOR 2023-04-28

[INTERMEDIARY FEES TO BE PAID BY SENDER]

Alternative payment methods:

Chase Billpay: Viking Advocates, LLC
Zelle: lukken@vikinglaw.us

Aaron Lukken

Attorney, Managing Member
Viking Advocates, LLC
Author of *The Hague Law Blog*
[Visit my LinkedIn profile here](#)
+1-816-683-7900



Disclaimers: (1) Email is not a secure medium of communication. While this is common knowledge, we tend to forget, so please let this serve as a reminder that emails can be intercepted-- simple as that. If you do not want to communicate with me by email, please advise me. (2) If you are not the correct recipient, please let me know that you have received this message in error. (3) Save a tree! Don't print this unless it is absolutely necessary.

From: Lee, Somin <Somin.Lee@arnoldporter.com>
Sent: Friday, April 28, 2023 10:15
To: Aaron Lukken <lukken@vikinglaw.us>
Cc: Peggy Lukken <plukken@vikinglaw.us>
Subject: Hague Service on Defendants in Korea

Hi Aaron and Peggy,

We hope this email finds you well. We are writing to request a quote for Hague service of process in connection with our case *Nexon Korea Corp. v. Ironmace Co. Ltd., et al.*, case no. 2:23-cv-00576-MLP, in the Western District of Washington.

Could you please provide an estimated timeline (average) for service on defendants located in the Republic of Korea?

Could you also provide a fee quote for Hague service of process on three defendants located in Korea? We have attached the as-filed versions of the summons and complaint. Please note, these documents have already been translated into Korea.

Please let us know if you require any other documents or information.

Thank you.

Kind regards,
Somin

Somin Lee
Associate | [Bio](#)

Arnold & Porter

Foreign Legal Consultant Office
20F, Concordian
76 Saemunan-ro, Jongno-gu
Seoul, Korea (03185)

T: +82 2 6744 2029

Somin.Lee@arnoldporter.com

www.arnoldporter.com | [LinkedIn](#) | [Twitter](#)

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For more information about Arnold & Porter, click here:
<http://www.arnoldporter.com>

Exhibit I

Graysun  2023.03.05. 오후 11:10

Hello everyone!

We will open up questions here now for about 30 minutes and try to answer as many as we can!

Thank you for participating 

[@sdf](#) [@krapst78](#) (수정됨)

Lem 2023.03.05. 오후 11:11

Is B1 planned for the upcoming playtest?

What details can you share about B1? Will there be new enemies?

Why are Smoke Bomb and Caltrops Rogue abilities instead of consumables? Has it been considered to have them be consumables?

Will there be more eastern styles of equipment? Nodachi/Katana, ō-yoroi armor, other stuff?

Will the next playtest include the lobby funneling that was previously mentioned?

Are there any Uniques planned for daggers?

 9  3

Bob9624 2023.03.05. 오후 11:11

What's the biggest feature being tested in the next play test?

 1

.SoBadStrange 2023.03.05. 오후 11:11

With the next playtest upcoming in April, a lot of development time is being focused to implement new features before Early Access in May. Will we see the introduction of quests in April?

 5

Catalyst  2023.03.05. 오후 11:11

What was your most interesting fact that you learned and have acted upon since the last playtest?

 1

Chyunkus  2023.03.05. 오후 11:11

Are there plans to add a friends list / integrate the Steam friends list?

 1

nessi    2023.03.05. 오후 11:12

What are your plans for monetization features?

 1

 @Lem Is B1 planned for the upcoming playtest? What details can you share about B1? Will there be new enemies? Why are Smo

[sdf](#)  2023.03.05. 오후 11:12

Ruin will be playable in this playtest.

 53  46

Deleted User 2023.03.05. 오후 11:12

Is there a possibility of the early access being released directly after the next playtest is over? Just so I can tell everyone in my DnD AA meetings how long they'd have to wait for.

 2

MikeRohsoft 2023.03.05. 오후 11:12
Was the Goblin Cave considered as successful experiment?
✓ 2

Cirar 2023.03.05. 오후 11:12
Highroller for solo mode nextplaytest?
✓ 1

gamatron332 2023.03.05. 오후 11:12
Are you going to expand the single player system now that 32 players will be available aswell?
✓ 1

Exxaxion 2023.03.05. 오후 11:13
Do you plan to add some Duo map?
✓ 1

@Exxaxion Do you plan to add some Duo map?
Konsum 2023.03.05. 오후 11:13
+1

Wafflesworth 2023.03.05. 오후 11:13
Will you be keeping some form of leaderboard for people to grind for when early access is released?
✓ 2

@Bob9624 What's the biggest feature being tested in the next play test?
sdf 2023.03.05. 오후 11:13
We're going to try to make sure that the 3 floor works the way we want it to.

Redacted 2023.03.05. 오후 11:13
Have you thought about creating a new stat, constitution. To make strength less powerful

Birdman'sStoned 2023.03.05. 오후 11:13
Any word on the unused assets/animations for all them demons and that fuzzy spider?
✓ 1

nessi 2023.03.05. 오후 11:13
Have you guys ever thought about adding a PvE only mode? For those casual players that just want to roleplay and have fun with their friends, in a complete separate loot table from the PvPvE servers?
✓ 5

val 2023.03.05. 오후 11:13
What are your plans for other classes? Would you guys go with a smaller hitbox race such as a dwarf at any point?

Magicbro 2023.03.05. 오후 11:13

Mobs for Outdoorsy map would be like what :)? Tree ents, Fairys, gnolls etc? What types should we look forward in seeing o.o

✓ 2

@SoBadStrange With the next playtest upcoming in April, a lot of development time is being focused to implement new featur

sdf 2023.03.05. 오후 11:13

Quests are likely to be excluded this time.

Wilsonsgame 2023.03.05. 오후 11:13

How high on the priority list is implementing the talents tree? I think it's called..

✓ 2

@Catalyst What was your most interesting fact that you learned and have acted upon since the last playtest?

sdf 2023.03.05. 오후 11:14

That the Goblin Cave worked well as we thought.

Dagothur 2023.03.05. 오후 11:14

Any hints at what is going to be changed for Wizard for the next play test?

✓ 1

Swiffer 2023.03.05. 오후 11:15

Can we have a separate looking for group lobby for High Roller, I consistently get invited to NM groups while trying to find a HR group.

✓ 1

@Chyunkus Are there plans to add a friends list / integrate the Steam friends list?

sdf 2023.03.05. 오후 11:15

We have a plan, but it's a low priority.

Exhibit J-1

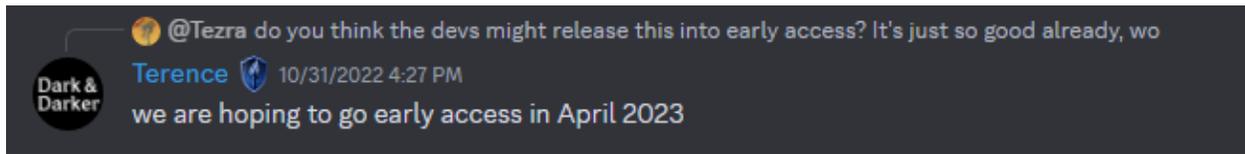
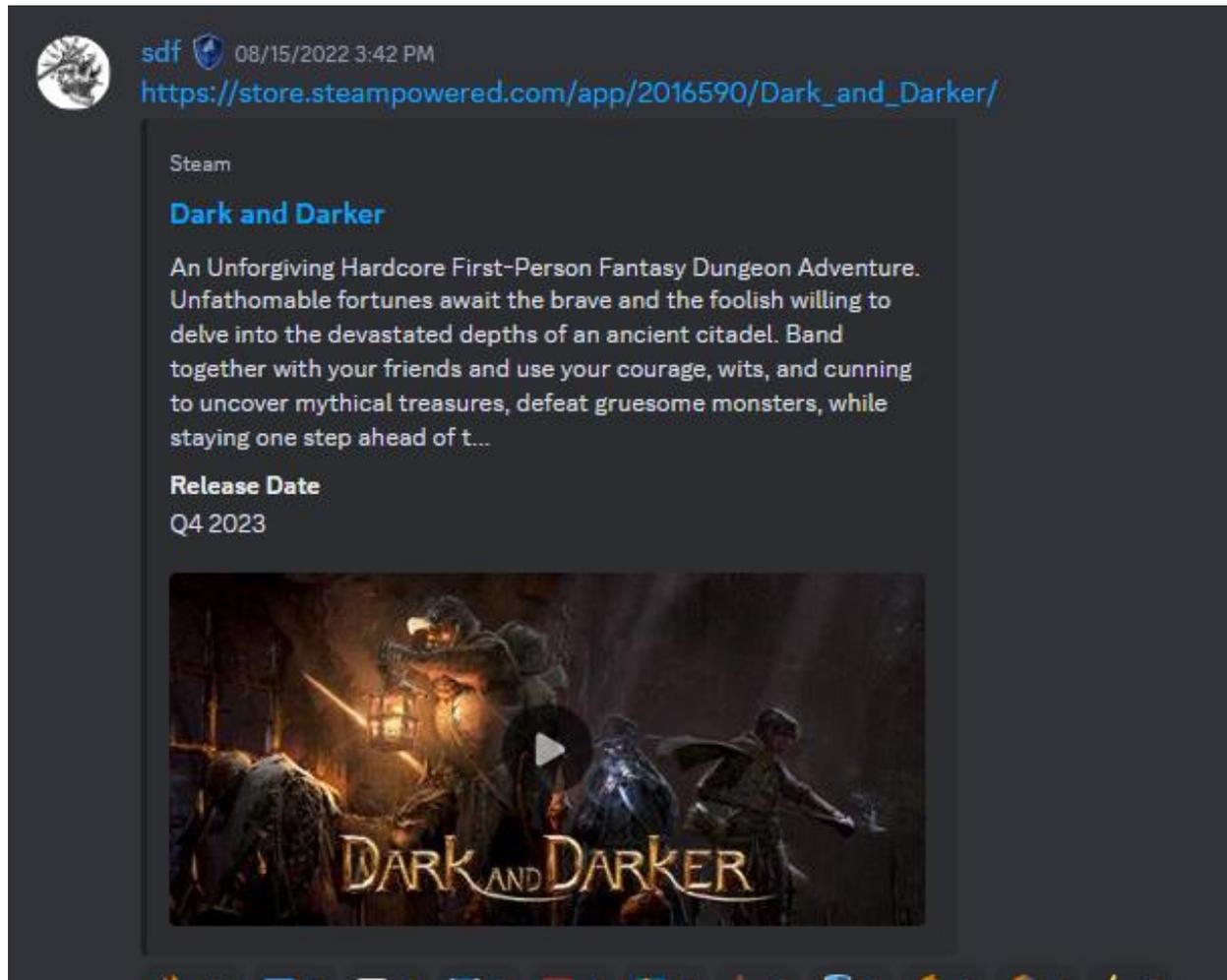


Exhibit J-2



The image is a screenshot of a social media post on the Steam platform. At the top left, there is a circular profile picture of a user named 'sdf'. To the right of the profile picture, the text reads 'sdf' followed by a blue verified badge icon, the date and time '08/15/2022 3:42 PM', and a blue hyperlink: 'https://store.steampowered.com/app/2016590/Dark_and_Darker/'. Below this header, the word 'Steam' is written in a small, light grey font. The main title of the post is 'Dark and Darker' in a bold, blue font. Underneath the title is a paragraph of text: 'An Unforgiving Hardcore First-Person Fantasy Dungeon Adventure. Unfathomable fortunes await the brave and the foolish willing to delve into the devastated depths of an ancient citadel. Band together with your friends and use your courage, wits, and cunning to uncover mythical treasures, defeat gruesome monsters, while staying one step ahead of t...'. Below the text, there is a section titled 'Release Date' in bold, followed by the text 'Q4 2023'. At the bottom of the post is a large, dark, atmospheric image featuring several characters in a dimly lit, cavernous environment. The characters are wearing dark, rugged armor and are holding various weapons. The title 'DARK AND DARKER' is overlaid on the bottom of the image in a stylized, golden font. A play button icon is centered over the image, indicating it is a video thumbnail. At the very bottom of the screenshot, a row of small, colorful social media sharing icons is visible.

Exhibit J-3



Graysun 04/04/2023 7:12 PM

FREQUENTLY ASKED QUESTIONS (FAQ)

The following is a repository of frequently asked questions and their answers, organized by category.

GAME RELEASE

Questions related to when, where, and how the game will be released!

When will the game be released? If there isn't a specific time, is there a rough estimate?

- The current goal is for Dark and Dark to be released in the fourth quarter of 2023.

How much will the game cost on release?

- This hasn't been decided yet. We are leaning away from the F2P model and will likely have a packaged release on Steam. We will plan to price it accordingly with other similar games on Steam after doing more research.

What platforms will be supported?

- In addition to the PC Steam platform including the Steamdeck, we hope to eventually support console platforms such as the Xbox and Playstation.

What are the requirements to run the game?

- We are still building the game, so this is subject to change, but as of right now the minimum requirements are:
 - Operating System: 64-bit Windows 10, 11
 - Processor: 3.0 GHz Quad Core CPU
 - Memory: 8 GB RAM
 - Graphics: GeForce GTX 1060 with 3GB of video RAM or Radeon RX 580 with 4GB of video RAM
 - DirectX: Version 11
 - Network: Broadband Internet connection
 - Storage: 12 GB available space (edited)

Exhibit K-1

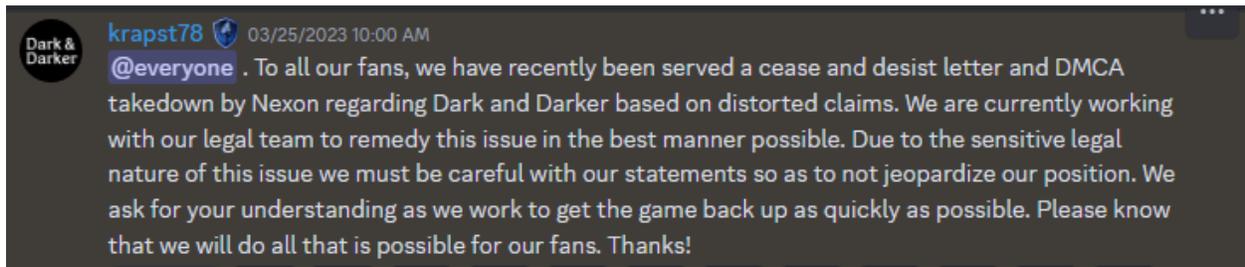


Exhibit K-2

Terence  2023.03.27. 오전 1:41

@everyone

Link to the DMCA takedown from Nexon

<https://drive.google.com/file/d/1Y2PJx5am6k3quSuXWe6cw-MuOvAPn4hl/view>

Link to our response to Exhibit D of "identical" file names

https://docs.google.com/spreadsheets/d/1hzJwYLzjj8VT39dEErQBX_4DGt-gZ0MnISI_keyXO4l/edit#gid=0

Coming soon

- Since this issue is newsworthy in Korea we will be preparing the response in Korean.
- Response from our concept artist about the copyrighted character design.
- Source list for the assets purchased from the Unreal Marketplace.
- Videos showing key milestone builds from our first playtest builds until the more recent playtests.
- Git logs and file lists for the first year of development. (수정됨)

We are IRONMACE Co., Ltd. ("Ironmace"), a South Korean independent video game developer known for developing the PC game *Dark and Darker*. This letter is intended to address the serious allegations of Copyright Infringement and Misappropriation of Trade Secrets that have been levied against us in the recent DMCA "Takedown Notice" from NEXON Korea Corporation ("Nexon").

Nexon states that according to their investigation, "*Dark and Darker* appears to have been built and developed using trades secrets and copyrighted information, copied and stolen from Nexon." We would like to show that these allegations are baseless. No copyrighted materials or misappropriated trade secrets from Nexon were used by IRONMACE.

In the takedown notice, Nexon lists their registered copyrights pertaining to the *P3 Project* which were registered just last month, more than 6 months after *Dark and Darker* was revealed to the public, as the subject of the alleged infringement.

The first point of contention appears, where they accuse one of our members of acquiring and transferring key assets to his personal server "without authorization", resulting in an unlawful transfer. Here is our response to this claim:

Due to a mandatory remote work policy implemented by Nexon in response to the COVID-19 pandemic, the accused member received multiple written authorizations from executive members at Nexon from 2020 to 2021, allowing him to utilize an external personal server to improve the performance of his team (e.g., version control, build machine, and dedicated server). After utilizing the personal servers for almost a year, the accused member asked the leadership if it was ok to continue using his personal servers. The leaders told him to refrain from using the personal servers. The accused member agreed to takedown the servers as long as he could maintain the performance of his team by having his programming team come to the office bypassing the companywide remote work policy.

The accused member initiated the takedown of the personal servers but, due to the uncertainty of sporadic Covid waves, taking down the server in a quick and exhaustive manner was not a high priority. As a result, some automated scripts related to the build machine were left running on his personal server at this time. When the buildings next to his office were shut down due to confirmed covid cases he took a risk and fully set up his personal servers to aid in development. Since all company machines were monitored using a companywide

endpoint solution, the existence and usage of his personal servers, ones that were subject of approvals and re-approvals, must be reasonably known to Nexon over this multi-month period of development. Not a single warning was received from that security team so it was easy to construe it as acknowledgement that his actions were acceptable, otherwise it would mean that Nexon would be failing at taking reasonable measures to maintain the confidentiality of their assets. (수정됨)

The accused member decided to leave Nexon in June 2021 due to a breakdown of trust with one of his superiors and due to the uncertain atmosphere at the company. His prior project was unceremoniously canceled after a well-received milestone presentation in 2020 and numerous other projects around him were also cancelled during this time.

Having worked closely with his development team, he informed them about his plans to leave Nexon. He made it clear that the reason for leaving was due to the uncertain atmosphere fostered at the company. He also stated that he'd welcome the team's talents for his next endeavor. He made it clear that he'd likely pursue a project in the same genre as P3 Project, but explicitly clarified that any development would be made completely from scratch. This fact has been noted, in witness testimony collected by the police, investigating a separate personal lawsuit filed against the accused member, by Nexon.

Shortly after Nexon's leadership became aware of the accused member's plans to leave the company, instead of trying to resolve it a professional manner, they abruptly sent the Internal Audit team and accused him of stealing files, despite having observed his personal server being used without notice for several month. Due to harassment and the lack of respect from the company and after consulting with his lawyers, he concluded that his private information on his private servers was not subject to any record so he deleted his information to ensure his privacy.

He was fired based on these unproven claims and subsequently sued by the company a month later, with liens placed on his home and other assets. His personal lawsuit is still ongoing, and the claims of stealing or misappropriating these files have not been substantiated. He has been fully cooperative with the investigation from the police and has been the target of multiple search warrants. Ironmace has also been the subject of multiple search warrants during this investigation and has been as accommodating as possible to speed up this process and prove no wrongdoing. The fact that nine of the twenty-plus P3 Project team members voluntarily left Nexon, out of their own free will to join Ironmace - despite the inherent risks of joining a startup - shows the trust that the accused member instills in his peers.

As a secondary contention, the takedown notice submitted by Nexon then alleges that the founder of Ironmace, Terence Park, knew that the accused member used stolen trade secrets and copyrighted material to develop *Dark and Darker* to knowingly benefit oneself and Ironmace, basing this claim purely on past association and without offering any proof. Here is our response to this claim:

The founder of the company has no knowledge that any stolen trade secrets or copyrighted material were ever used to develop *Dark and Darker*. In fact, the founder has on multiple occasions told members of his team that they must be extra diligent in ensuring that everything is done by the books in order to uphold the vision and branding of the company.

The takedown notice then states that Nexon's P3 Game has never been disclosed to a third party during this period in an attempt to strengthen their claims that the only way to come up with a similar idea was to have stolen it. However, this claim can be clearly proven false. Nexon disclosed P3 in a media showcase in August 2021 to members of the gaming media who then wrote about it in multiple blogs and articles as shown below:

1. <https://www.gematsu.com/2021/08/nexon-showcases-12-new-games-project-magnum-project-hp-mabinogi-mobile-more>
2. <https://pdf.irpocket.com/C3659/GbYe/dYzj/ICN2.pdf>
3. <https://www.donga.com/news/It/article/all/20210805/108384593/1>

The takedown notice then states that no other games had the same “concept, genre, and plot” as the P3 Game even though none of the contents of these categories are original and other games like *Expedition Agatha* have all three that are similar.

The notice then states that within a mere ten months of forming Ironmace, its demo/test version of *Dark and Darker* became publicly available in August 2022. The notice states that “it is impossible for Ironmace to have developed *Dark and Darker* in such a short timeframe without using Nexon’s trade secrets and confidential information”, again without offering any proof. Here is our response to this claim:

Just because it may be difficult for a large bureaucratic company such as Nexon, to develop games in such a short time frame does not mean it is impossible for another studio big, small, new or old, to develop games quickly.

Firstly, Ironmace started with a larger team at the beginning of development. Secondly, the starting team composition was better set for quick development with a heavy focus on programming. Thirdly, the *P3 Project* team did not have a server programmer while Ironmace made sure to have one from the very start due to the importance of building a stable server architecture.

Fortunately, we have evidence we will be releasing soon that shows exactly how we built our game so quickly and efficiently. Firstly, we rely on utilizing as many store-bought assets as possible for use as 3D game objects, as that comprises the bulk of the cost and time in game development. We will soon release a list of the store-bought assets that were used in the development of *Dark and Darker* to show how almost all 3D assets were purchased from the Unreal Marketplace. We also have numerous videos providing evidence of key milestone builds from our early internal playtests up until our most recent tests showing our progress and how we built the game from the ground up that we will soon start to post online. For the more technically minded, we will also soon share the logs and file lists from our git version control repository from the very first push up until when we added our in-house anti-cheat implementation (about a years’ worth of development logs) so other developers can easily see the progression of our game and how unlikely it is to sneak in stolen code and assets. Since key members of Ironmace were also on the development team of the *P3 Project* and know how quickly and haphazardly the *P3 Project* was built, if anything, using assets, design, and code built for that project would have been a hinderance rather than a benefit to the development of *Dark and Darker*.

The notice then states that Nexon conducted a comparative analysis of *Dark and Darker* and the P3 Game. They state that they found over 2,338 resources with identical file names between the two games proving that “the number of identical file names is too substantial for mere coincidence.” Here is our response to this claim:

They were kind enough to list all the identical files names after removing the ones that are similar due to the usage of the same engine and appended it to Exhibit D of their takedown claim. Of the remaining 1032 resources listed in Exhibit D with identical names, 950 are due to being identical store-bought assets and plug-ins for the Unreal Engine. The remaining 82 identical resource files (actually 41 resources because the file names are duplicates with variations in the extension names) can be easily explained due to recommended file-naming conventions and general conceptual names that would be similar in a typical First-Person Fantasy game. We would welcome and be happy to do a comparative analysis of the actual content of these identically named files through a 3rd party auditor, if Nexon agrees to provide their files. We have provided a list of sources for all the “identical” resources listed by Nexon.

The notice then states the similarities in the character design and other setting and structural designs of the two games. Our response is that both games rely on very traditional classic fantasy tropes, none of which are original and can be found in numerous other fantasy games, including the listed character classes and the torch mechanics. Both games being in the same genre of a classic fantasy dungeon crawler can explain these similarities.

The notice then states that “Even if, as Ironmace has argued in media statements, the graphic assets (including character designs) were purchased from the “Unreal Marketplace,” it does not explain the numerous specific aspects of the character in *Dark and Darker* characters that are different from that of the graphic assets available for purchase on Unreal Marketplace, but are identical to the aspects of the character found in the *P3 Game*.” Here is our response to this claim:

For clarity, much of the 3D graphic assets were purchased from the “Unreal Marketplace,” but many 2D graphic elements including character concept art and UI were created in-house. The character concept artworks are based on very traditional fantasy subject matter and tropes which explains their similarities. Furthermore, the character concept artwork for both games were created by the same individual explaining the similarities in style. We will soon link a separate document from our concept artist explaining the core differences in the artwork and why our artwork is not an infringement of the characters in *P3 game*. The document will display other concept artwork found through a google image search for the same subject matter showing the similarities due to the common fantasy tropes.

The notice then states that the level and extent of the two games’ key concepts, genre, and storyline “make it clear that Ironmace must have used Nexon’s trade secrets to create *Dark and Darker*.” Again, both the concepts and storyline are purposely traditional and generic and can be found in many fantasy games including pen and paper RPGs, which was one of the main inspirations for *Dark and Darker*. The premise of adventurers delving into dungeons full of monsters and treasures in their quest to seek riches, is so generic and common that it can be broadly be applied to numerous other fantasy games. Just for fun we asked ChatGPT to come up with a description for a generic PvP Dungeon Crawling game that created an eerily similar game description below:

-----Content from ChatGPT-----

Certainly! Here's a generic game description for a PvP dungeon crawling game:

In this PvP dungeon crawling game, players compete against each other in a dangerous and mysterious dungeon filled with traps, puzzles, and monsters.

Players choose their characters from a variety of classes, each with unique abilities and playstyles. They must navigate through the dungeon, fight off waves of monsters, and solve puzzles to progress deeper into the dungeon.

However, in addition to battling monsters, players must also face off against each other in intense PvP combat. They can attack other players to steal their loot or gain an advantage, but they must also be careful not to get caught off guard by enemy players.

Along the way, players will collect loot, weapons, and magical items that will help them in their quest. They can also trade items with other players or buy and sell items from NPC shops.

The gameplay involves strategic decision-making, as players must decide when to attack other players and when to focus on advancing through the dungeon. They must also manage their resources carefully, as they have a limited supply of weapons, spells, and health.

The ultimate goal of the game is to reach the deepest level of the dungeon and defeat the final boss, all while outsmarting and defeating other players. This game offers an exciting and competitive experience for players who enjoy both PvE and PvP gameplay.

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🤖 119 🐼 141 🧑 114 119

Finally, the shared characteristics of the two games that the notice points out in exhibit E are again easily explained by conventions found commonly in the shared game genres and are found in many other similar games.

Given the information presented, it is difficult to believe that Nexon, in good faith, could reasonably believe that Ironmace has infringed on the copyrights for their *P3 project*. They also provide no actual evidence that Ironmace misappropriated Nexon's trade secret information in the creation of *Dark and Darker*, but instead base it on circumstantial claims. Finally, they accuse Ironmace of a flagrant breach of Valve's SSA and SOCR, restricting our ability to provide our game to players on the largest mainstream PC game platform and severely obstructing our ability to do business. Ironmace requests that Nexon renounce their baseless claims. If they would like to compete on merit, we welcome Nexon to promptly accommodate the comparison of source code, custom assets, and design documents with the police to quickly and decisively put an end to this matter.

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Exhibit K-3

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@everyone

We will be releasing our evidence as we get them approved by our legal counsel. Here is our first batch.

1. Our Korean Response to the takedown claim

<https://docs.google.com/document/d/1dZsTiRwCWLlquan5BK3VgoNowyQUwniSdiokZjO74XI/edit?usp=sharing>

2. Our Concept Artist's response to the copyright infringement claims.

Please note that the document is written in Korean as that is our artist's native language.

<https://docs.google.com/document/d/1ec1X-qcNLnmqXKIXm9WX7qENRFd7hipNdjq8UR9Z7VI/edit?usp=sharing>

3. A list of assets purchased to create Dark and Darker.

https://docs.google.com/spreadsheets/d/16DjiRitUa_R3IkeIPNKWOQ8F-H1KFuWXTxxw2q0SCQo/edit?usp=sharing

Thank you to the wonderful contributors on the Unreal Marketplace for making this game possible.

4. Our git logs for the first year of development. The earliest entries start at the bottom of the document. It is a little embarrassing showing all our development mistakes and bugs but we believe that is further proof that Dark and Darker was built from the ground up.

<https://drive.google.com/file/d/1qyRk3zyIMuwTOvL3E8zchxw9hiukpKWC/view?usp=sharing>

- The only modifications to the logs are the masking of sensitive information: Personal names, Login IDs, Domains, IP addresses for security reason. All other info has been untouched.

- Although our company was officially founded in October 2021, our development logs go back to September 2021. This can be explained by our company history below.

A bit of background history regarding IRONMACE.

Several of our founding members started work as a development team starting in September 2021. The members worked for more than a month in a shabby jiu-jitsu gym without pay using our own personal PCs as a test of our resolve and teamwork, and also because we had no investors. Once we realized that our members could form the foundations of a viable company, the company was formally founded in late October 2021. The original funds were quickly exhausted and IRONMACE almost went bankrupt as we were unable to acquire investors. Luckily members rallied together and collected funds from over twenty friends and families to bankroll the company for another couple months. This was also quickly exhausted and IRONMACE relied on outsourcing work unrelated to game development to help it survive another month. It was only through grueling meetings and countless, countless, countless rejections that IRONMACE was finally able to find brave VCs willing to fund the studio in 2022. The studio made it point to accept as little money as possible to stay hungry and motivated to get to the current point.