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3 Los Angeles, CA 90067-3120
Telephone: (310) 312-2000
4 Facsimile: (310) 312-3100
Attorney for Cognosphere Pte. Ltd.

FILED
NOV 30 2022 *A*
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

TSH

10 SAN FRANCISCO DIVISION

CV22

80324MISC

11 In re DMCA Subpoena to Discord, Inc.

MISC. CASE NO.

**DECLARATION OF MARC E. MAYER
IN SUPPORT OF DMCA SUBPOENA
DISCORD, INC. PURSUANT TO 17
U.S.C. § 512(H)**

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17 I, Marc E. Mayer, declare as follows:

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19 1. I am an attorney at law, duly licensed to practice law in the State of California and
20 before this Court. I am, through my professional corporation, a partner in the law firm Mitchell
21 Silberberg & Knupp, LLP ("MSK"). MSK is counsel for Cognosphere Pte. Ltd. ("Cognosphere.")
22 Cognosphere's copyrights include, but are not limited to, the computer software program entitled
23 "Genshin Impact." MSK is authorized to act on Cognosphere's behalf in the protection of
24 copyrights and/or exclusive rights possessed by Cognosphere pertaining to "Genshin Impact."

25 2. Cognosphere is requesting the attached proposed subpoena that would order
26 Discord Inc. ("Discord") to disclose the identity, including the name(s), address(es), telephone
27 number(s), and e-mail addresses(es) of the user Ubatcha#2791, who is responsible for posting
28 infringing content that appeared at the following channel "Wangsheng Funeral Parlor Genshin

MISC. CASE NO.



Mitchell
Silberberg &
Knupp LLP

1 Impact” available at Uniform Resource Locator (“URL”): <https://discord.gg/hutao> (the “Discord
2 Channel.”)

3 3. The purpose for which this subpoena is sought is to obtain the identity of the
4 Discord user Ubatcha#2791, who posted infringing content that appeared on the Discord Channel.

5 4. The information obtained will be used only for the purposes of protecting the rights
6 granted to Cognosphere under the Copyright Act.

7 5. Under 17 U.S.C. § 512(c)(3)(A), Cognosphere submitted a takedown notice to
8 Discord identifying the infringing content posted by the infringing user(s) and providing the
9 information required by 17 U.S.C. § 512(c)(3)(A). A true and accurate copy of the submitted
10 notification is attached hereto as Exhibit 1.

11 I declare under penalty of perjury under the laws of the United States of America that the
12 foregoing is true and correct to the best of my knowledge, information and belief.

13 Executed in Calabasas, California on November 29, 2022.

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16 _____
17 Marc E. Mayer
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EXHIBIT 1



MITCHELL SILBERBERG & KNUPP LLP
A LAW PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

Marc E. Mayer
A Professional Corporation
(310) 312-3154 Phone
(310) 231-8354 Fax
mem@msk.com

November 29, 2022

VIA E-MAIL ONLY (COPYRIGHT@DISCORD.COM)

Copyright Agent
Discord Inc.
Discord, Attention: DMCA Takedown Request,
444 De Haro Street #200, San Francisco, CA
94107

Re: Notice of Infringement Submitted Pursuant to 17 U.S.C. Section 512

To Whom It May Concern:

I submit to you the following statement pursuant to section 512 of Title 17 of the U.S. Code and inform you that Mitchell Silberberg & Knupp LLP is authorized to act on behalf of Cognosphere Pte. Ltd. (“Cognosphere.”) Cognosphere is the owner of exclusive rights in and to the highly popular video game titled *Genshin Impact* (the “Game”).

It has come to our attention that numerous images and videos infringing Cognosphere’s copyrighted Game are being made available by user “Ubatcha#2791,” via the Discord channel “Wangsheng Funeral Parlor – Genshin Impact,” available at Uniform Resource Locator: <https://discord.gg/hutao> (the “Infringing Channel.”) Examples of posts by “Ubatcha#2971” on the Infringing Channel containing images, artwork, screen captures and other content from the Game are attached hereto as Exhibit A.

As is apparent from the attached Exhibit A, Ubatcha#2791 (and others) are aware that their posts include copyrighted images, videos and features of the Game, and even tout the fact that such images and other materials are posted without authorization (characterizing many of them as “leaks” or “unreleased content”). For example:

“[3.0 Beta] New “Moss” Seelie showcase. This seelie is available from the lost riches event. It becomes most happy indeed when it gets close to a tree. Showcase is with the three 3.0 characters Ganyu and Yoimiya.”

We request that Discord take expeditious action to remove or disable access to all copyrighted materials concerning the Game in the Infringing Channel, including those posts identified in the attached Exhibit A. Alternatively, we request that Discord remove or disable the entire Infringing Channel.



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November 29, 2022
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Additionally, we request that Discord take appropriate measures to prevent further infringements by Ubatcha#2791 and any other parties responsible for the infringement, including pursuant to any “repeat infringer” policies maintained by Discord.

I hereby state that I have a good faith belief that the use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law. Additionally, I hereby state that the information in this notification is accurate, and under penalty of perjury, that I am the owner, or an agent authorized to act on behalf of the owner, of an exclusive right that is being infringed.

We appreciate your cooperation in this matter.

All of our client’s rights are expressly reserved.

Sincerely,

A handwritten signature in black ink, appearing to read "ME" with a flourish.

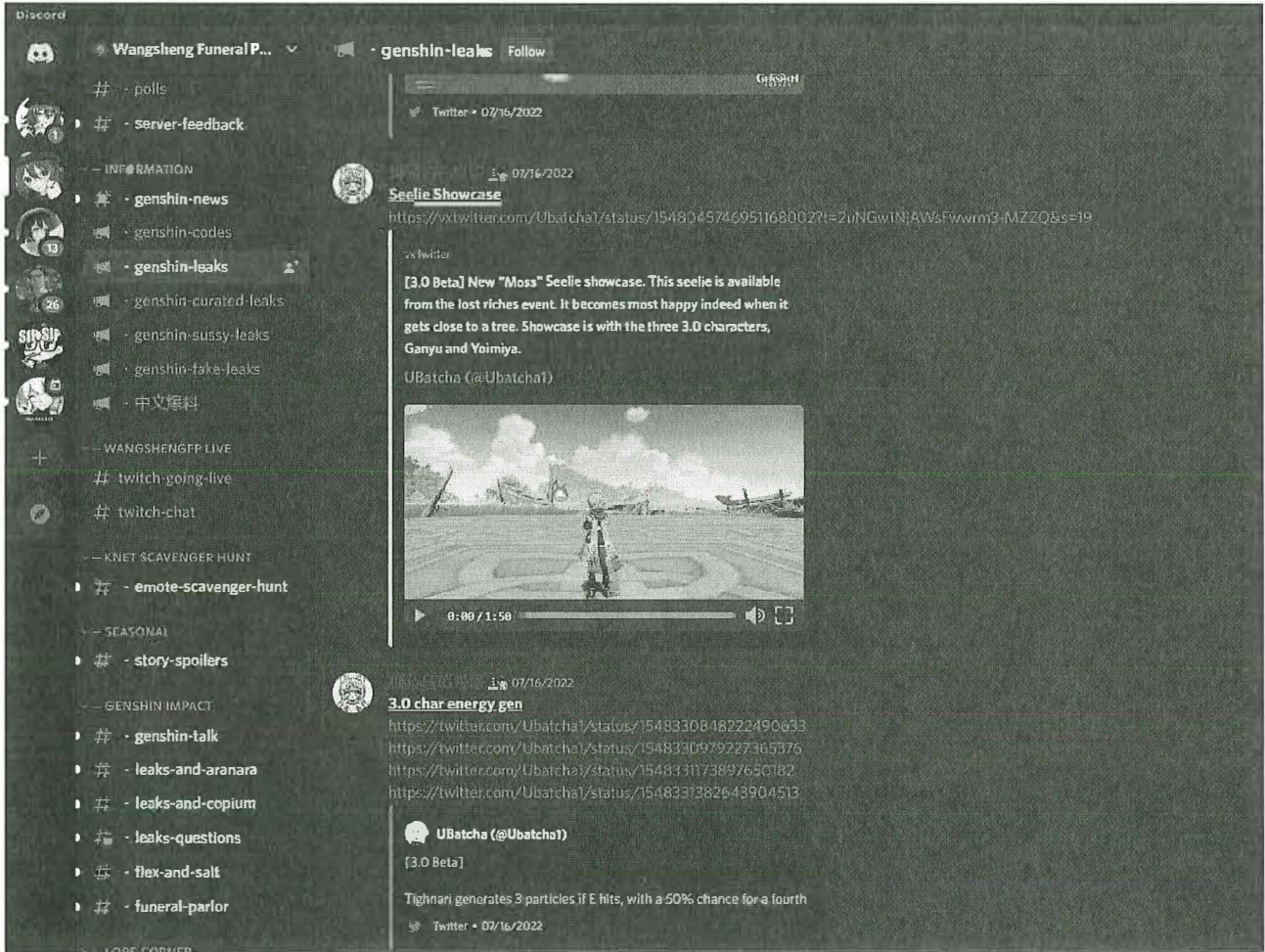
Marc E. Mayer
A Professional Corporation of
MITCHELL SILBERBERG & KNUPP LLP

MEM/szm



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ANNEX A
Screen patches of
Wangsheng Funeral Parlo Genshin Impact – Ubatcha#2791





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The screenshot shows a Twitter thread on the 'genshin-leaks' page. The top tweet is from @UBatcha (@Ubatcha1) dated August 1, 2022. The text of the tweet reads: "[Spoilers?]
Under the strict supervision of the General Mahamatra, the spreading of banned knowledge and academic corruption in the Akademiya has decreased significantly. Thanks to Lord Cyno, us subordinates' vacations have also become more frequent." The tweet has 3403 likes and 384 retweets. Below this is a tweet from @Leaks Announcements dated August 1, 2022, titled "3.0 Spiral Abyss" and containing several links to tweets from @Ubatcha1. The bottom tweet is from @UBatcha (@Ubatcha1) dated August 1, 2022, titled "[3.0 Beta] Spiral Abyss Floor 9" and contains a large image of a game strategy guide for the Spiral Abyss. The left sidebar shows various hashtags and categories related to Genshin Impact, including #genshin-leaks, #genshin-news, #genshin-codes, #genshin-curated-le..., #genshin-susay-leaks, #genshin-fake-leaks, #中文爆料, #twitch-going-live, #twitch-chat, #KNET_SCAVENGER_HUNT, #amote-scamper-hunt, #SEASONAL, #story-spoilers, #GENSHIN_IMPACT, #genshin-talk, #leaks-and-aranara, #leaks-and-copium, #leaks-questions, #flex-and-salt, and #funeral-parlor.



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Spiral Abyss

- 3.0 Spiral Abyss Floor 9 chamber 1
- All Enemies are Lv.72
- F9 Ley Line Disorder: Characters who trigger a Bloom reaction and generate Dendro cores will have their DMG dealt by Rupture increased by 125% and DMG dealt by characters who trigger a Burgeon or Hyperbloom reaction will be increased by 125%.

First Half

5x HP: 31,968	2x HP: 31,968	2x HP: 31,968	3x HP: 85,222	1x HP: 31,968	1x HP: 89,610
2x HP: 31,968	2x HP: 31,968	1x HP: 31,968			

Second Half

4x HP: 52,149	4x HP: 52,149	1x HP: 61,149	1x HP: 115,085	1x HP: 38,360	4x HP: 58,360
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W

Spiral Abyss

- 3.0 Spiral Abyss Floor 9 chamber 2
- All Enemies are Lv.74
- F9 Ley Line Disorder: Characters who trigger a Bloom reaction and generate Dendro cores will have their DMG dealt by Rupture increased by 125% and DMG dealt by characters who trigger a Burgeon or Hyperbloom reaction will be increased by 125%.

Second Half:

- Slowing Water aura will increase Skill CD by 150% for any skill cast while debuff is active. This will be cast on any character within its radius every 15s.
- Mist Bubble aura will spawn Mist Bubbles around the player every 12s.

First Half

1x HP: 24,207 (Wreath)	2x HP: 23,207 (Shooter)	1x HP: 23,207 (Shooter)	1x HP: 23,207 (Shooter)	1x HP: 29,009 (Dresser)	1x HP: 29,009 (Dresser)
1x HP: 29,009	2x HP: 29,009 (Wooden Shield)	1x HP: 89,009 (Grenade)	1x HP: 29,009	2x HP: 87,026 (N. Blowing Fan)	2x HP: 87,026 (N. Blowing Fan)

Second Half

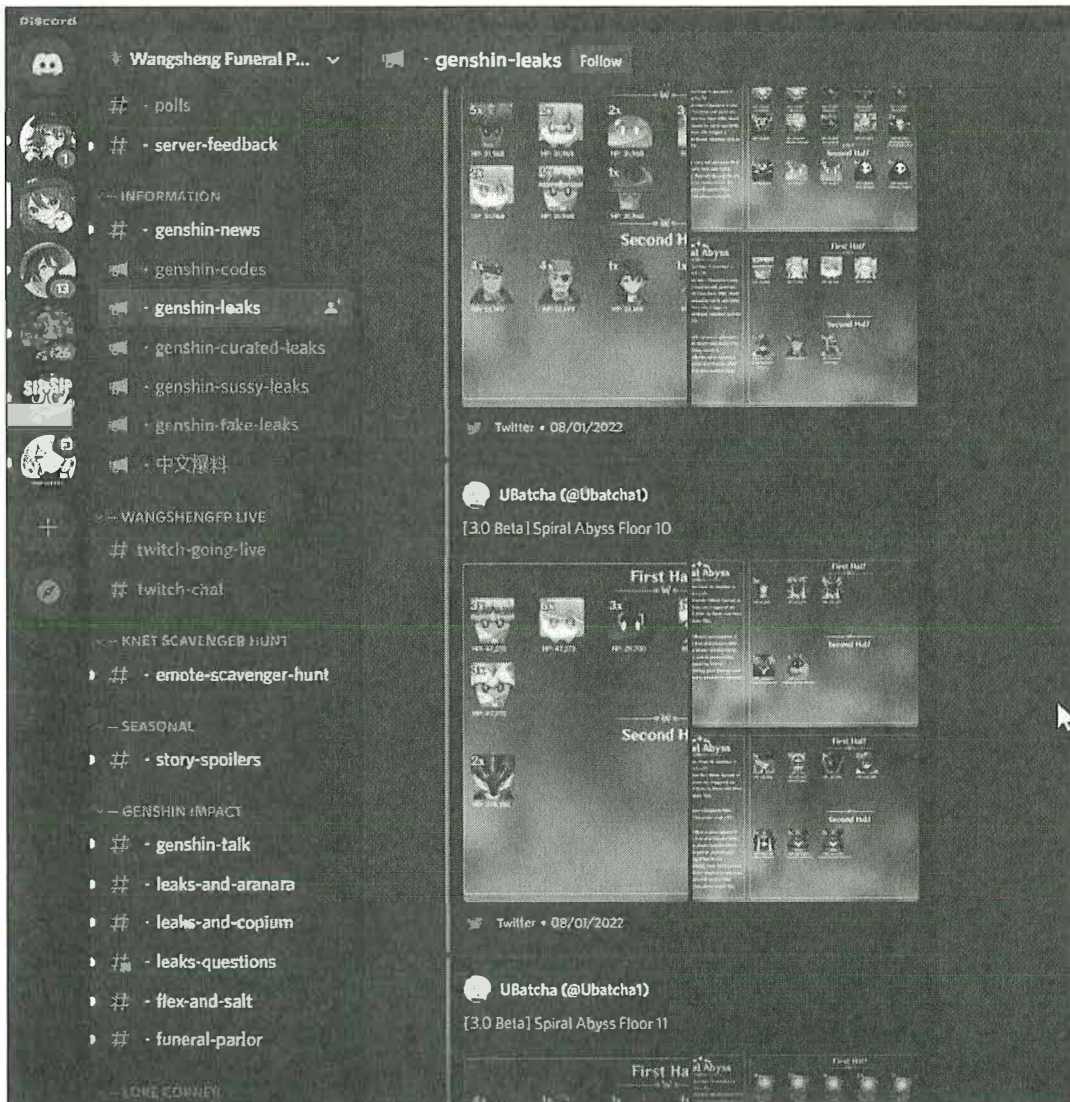
1x HP: 29,009	2x HP: 58,017	2x HP: 58,017	1x HP: 58,017 (Mist Bubble)	1x HP: 58,017 (Slowing Water)
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Discord

Wangsheng Funeral P... | genshin-leaks Follow

polls

server-feedback

INFORMATION

genshin-news

genshin-codes

genshin-leaks

genshin-curated-leaks

genshin-sussy-leaks

genshin-fake-leaks

中文爆料

WANGSHENGFP LIVE

twitch-going-live

twitch-chat

KNET SCAVENGER HUNT

emote-scamper-hunt

SEASONAL

story-spoilers

GENSHIN IMPACT

genshin-talk

leaks-and-aranara

leaks-and-copium

leaks-questions

flex-and-salt

funeral-parlor

LORE CORNER

UBatcha (@Ubatcha1)

[3.0 Beta] Spiral Abyss Floor 10

First Half

Second Half

Twitter • 08/01/2022

UBatcha (@Ubatcha1)

[3.0 Beta] Spiral Abyss Floor 11

First Half

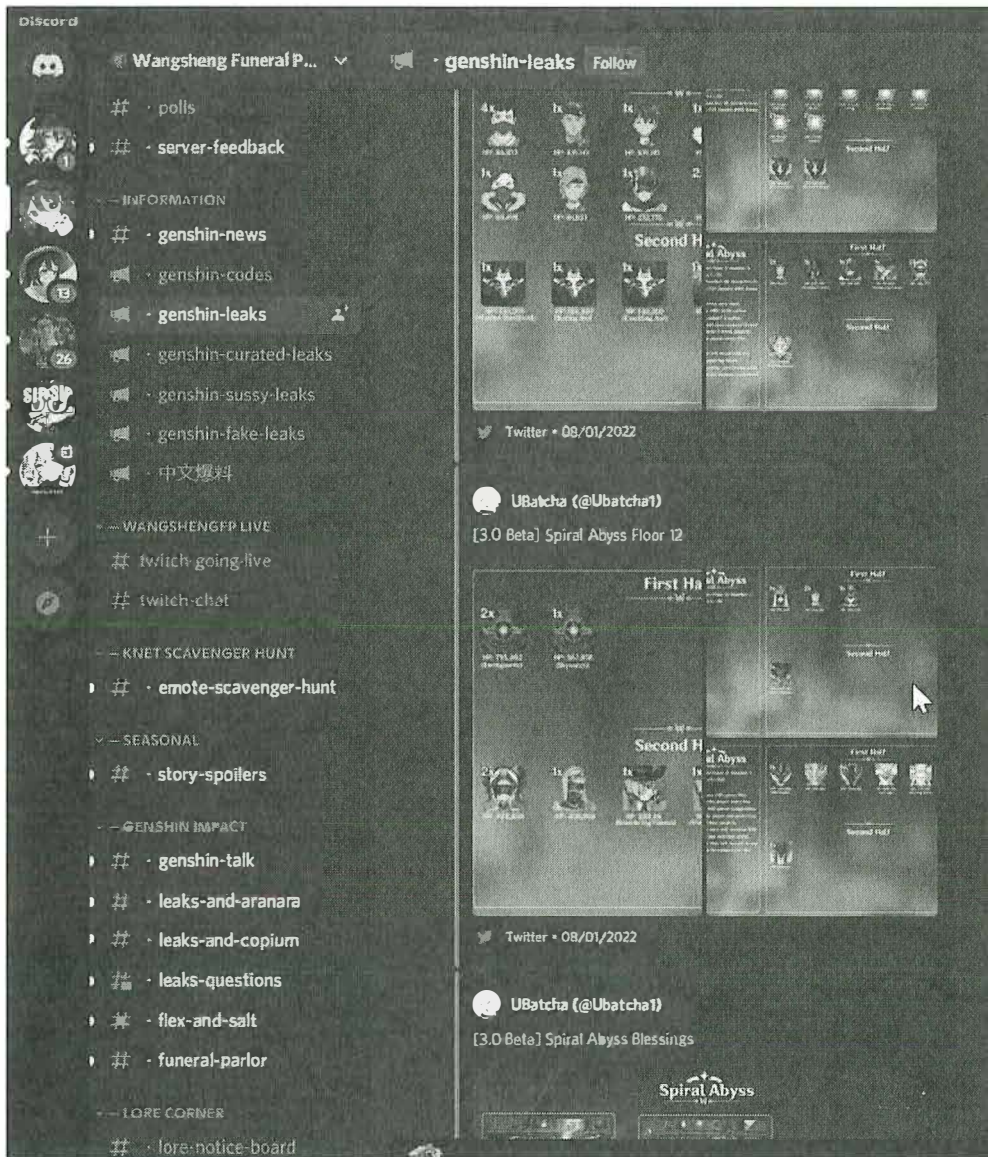
Second Half

Twitter • 08/01/2022

UBatcha (@Ubatcha1)



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Discord

Wangsheng Funeral P... | genshin-leaks Follow

- polls

- server-feedback

INFORMATION

- genshin-news

- genshin-codes

- genshin-leaks

- genshin-curated-leaks

- genshin-sussy-leaks

- genshin-fake-leaks

- 中文爆料

WANGSHENGFP LIVE

twitch going live

twitch-chat

KNET SCAVENGER HUNT

- emote-scamper-hunt

SEASONAL

- story-spoilers

GENSHIN IMPACT

- genshin-talk

- leaks-and-aranara

- leaks-and-copium

- leaks-questions

- flex-and-salt

- funeral-parlor

LORE CORNER

On the other hand, the Sabzeruz Festival should be in 30 however it doesn't exactly pan out the same way festivals usually do...

Twitter • 07/15/2022

11996477445

with no

那兹乌芭哥哥
Ubatcha#2791

ABOUT ME
Discord: gg/hutao | ko-fi.com/wfp
https://www.youtube.com/@UbatchaGenshin
https://www.youtube.com/@UbatchaStarRail
https://www.youtube.com/@UbatchaZZZ

MEMBER SINCE
Feb 07, 2017 - Feb 24, 2021

ROLES

- Funeral Master | Administrator
- A2 - Server Administrator
- Head Funeral Guard | Head Mod
- test_team Leaks Team Team Lead
- A1 - Team Lead Theorycrafting Intern
- Staff Dolphin Tao Prankster
- Artist Announcements
- Leaks Announcements Server Events
- Polls Codes Europe
- Theorycrafting He/Him

NOTE
Click to add a note

Message @Ubatcha

You're