

1 MARC E. MAYER (SBN 190969), mem@msk.com
MITCHELL SILBERBERG & KNUPP LLP
2 2049 Century Park East, 18th Floor
Los Angeles, CA 90067-3120
3 Telephone: (310) 312-2000
Facsimile: (310) 312-3100

4 Attorney for Cognosphere Pte. Ltd.
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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 In re DMCA Subpoena to Twitter, Inc.

MISC. CASE NO. 3:23-MC-80035

**DECLARATION OF MARC E. MAYER
IN SUPPORT OF DMCA SUBPOENA TO
TWITTER, 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 Twitter Inc. (“Twitter”) to disclose the identity, including the name(s), address(es), telephone
27 number(s), and e-mail addresses(es) of the user , who is responsible for posting infringing content
28 to the following Twitter account **Mero@merlin_impact** (available at Uniform Resource Locator

1 (“URL”): https://twitter.com/merlin_impact) (“Twitter Account”). The purpose for which this
2 subpoena is sought is to obtain the identity of the Twitter user **Mero@merlin_impact**, who
3 posted infringing content that appeared on the Twitter Account.

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

6 4. Under 17 U.S.C. § 512(c)(3)(A), Cognosphere submitted a takedown notice to
7 Discord identifying the infringing content posted by the infringing user(s) and providing the
8 information required by 17 U.S.C. § 512(c)(3)(A). A true and accurate copies of the submitted
9 notifications (via email and via Twitter online DMCA form) are attached hereto as Exhibit 1.

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

12 Executed in Calabasas, California on February 8, 2023.

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15 _____
16 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

February 7, 2023

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

Copyright Manager
Twitter, Inc.
1355 Market St.
Suite 900
San Francisco, CA 94103
4152229670
copyright@twitter.com

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 infringing Cognosphere’s copyrighted Game are being made available by user Mero@merlin_impact at his Twitter account available at Uniform Resource Locator: https://twitter.com/merlin_impact (the “Infringing Account”). Links to the infringing materials posted by Mero@merlin_impact on the Infringing Account are attached hereto as Exhibit A.

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

Additionally, we request that Twitter take appropriate measures to prevent further infringements by Mero@merlin_impact and any other parties responsible for the infringement, including pursuant to any “repeat infringer” policies maintained by Twitter.

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.



Copyright Manager
February 7, 2023
Page 2

All of our client's rights are expressly reserved.

Sincerely,

A handwritten signature in black ink, appearing to read "ME Mayer".

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

MEM/szm



Copyright Manager
February 7, 2023
Page 3

Exhibit A
Infringing Links

Infringing Materials	Links to the original materials
https://twitter.com/merlin_impact/status/1615805597756305410/photo/1	https://twitter.com/GenshinImpact/status/1614927037390626823
https://twitter.com/merlin_impact/status/1615356183451242497/photo/1	
https://twitter.com/merlin_impact/status/1615805017834799104/photo/1	https://twitter.com/GenshinImpact/status/1614927856047476736
https://twitter.com/merlin_impact/status/1615356643541147650/photo/1	

From: Stacey Chuvaieva
To: [Chuvaieva, Stacey](mailto:Chuvaieva.Stacey)
Subject: [EXTERNAL] Fwd: We got your report 0306651234 [ref:00DA0000000K0A8.5004w00002d4lkt:ref]
Date: Tuesday, February 7, 2023 6:40:39 PM

-EXTERNAL MESSAGE-

----- Forwarded message -----

From: **Twitter Support** <support@twitter.com>
Date: Tue, Feb 7, 2023 at 6:38 PM
Subject: We got your report 0306651234 [ref:00DA0000000K0A8.5004w00002d4lkt:ref]
To: anastasiia.chuvaieva@gmail.com <anastasiia.chuvaieva@gmail.com>



Hello,

This is an auto-confirmation that we have received your copyright report. Twitter will reply as soon as possible.

Copyright complaints concern the unauthorized distribution or republishing of material protected by copyright law. Here are some examples of possible copyright issues on Twitter:

1. Twitter account publishing links to free downloads of copyright protected materials
2. Twitter account using a copyright protected logo or image

If your report does not involve a copyright protected image that is being used as a Twitter account background or profile image, or Tweets containing links to unauthorized publication of copyright protected materials, most likely, it is not a Twitter copyright issue.

Many people confuse copyright with trademark. For information on reporting other possible Terms of Service violations, including possible trademark issues, please see this page: <https://help.twitter.com/rules-and-policies/twitter-report-violation>.

If you have concerns regarding an urgent issue relating to abuse or safety on Twitter please refer to the Twitter rules here:

<https://help.twitter.com/rules-and-policies/twitter-rules>.

Thanks,

Twitter

Please note, we cannot accept email attachments at this time; please include all information in the body of your request.

Your ticket number: #0306651234

Copyright owner:

> Cognosphere Pte. Ltd.

Name:

> Anastasiia Chuvaieva

Company:

> MITCHELL SILBERBERG & KNUPP LLP

Job title:

> Foreign Legal Specialist

Email:

> anastasiia.chuvaieva@gmail.com

Address:

> 360 E South Water Street, unit 3812

City:

> Chicago

State/Province:

> IL

Postal code:

> 60601

Phone (optional):

> 6172308169

Fax (optional):

> [Empty]

Where is this infringement happening?

> Twitter

Description of original request:

> Cognospehere is the owner of exclusive rights in and to the highly popular video game titled Genshin Impact. More information about the game is available at <https://genshin.hoyoverse.com/en/>

Links to original work:

> <https://twitter.com/GenshinImpact/status/1614927037390626823>

> <https://twitter.com/GenshinImpact/status/1614927856047476736>

Please provide URL(s) to the infringing material (e.g., Tweet URL, Periscope broadcast URL, Fleet ID, etc.):

> https://twitter.com/merlin_impact/status/1615805597756305410

> https://twitter.com/merlin_impact/status/1615356183451242497

> https://twitter.com/merlin_impact/status/1615805017834799104

> https://twitter.com/merlin_impact/status/1615356643541147650

Reported content:

> Other

Description of infringement:

> 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"). Cognospehere is the owner of exclusive rights in and to the highly popular video game titled Genshin Impact (the "Game").

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Additionally, we request that Twitter take appropriate measures to prevent further infringements by Mero@merlin_impact and any other parties responsible for the infringement, including pursuant to any "repeat infringer" policies maintained by Twitter.

512(f) Acknowledgement:

> I understand that under 17 U.S.C. § 512(f), I may be liable for any damages, including costs and attorneys' fees, if I knowingly materially misrepresent that reported material or activity is infringing.

Good Faith Belief:

> I have good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.

Authority to Act:

> The information in this notification is accurate, and I state under penalty of perjury that I am authorized to act on behalf of the copyright owner.

Signature:

> Anastasiia Chuvaieva

Country

> US

ref:00DA0000000K0A8.5004w00002d4lkt:ref

[Help](#) | [Privacy](#)

Twitter, Inc. 1355 Market Street, Suite 900 San Francisco, CA 94103