

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.

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



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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

Rights and Permissions

Organization Name: Downs Rachlin Martin PLLC
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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

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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).

Certificate of Registration



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Shirley 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).

Certificate of Registration



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Shirley Perlmutter

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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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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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. 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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Burlington, VT 05402-0190 United States

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.

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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Certification

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 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
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	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
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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
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SM_Ballustrade_Ruined_06.uasset	SM_Blockout_Hemisphere_Q3.uexp
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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
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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
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SM_Floor_Ruined_08.uexp
SM_Metal_Door_01.uasset

SM_Metal_Door_01.uexp
SM_Niche2_1.uasset
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SM_Pier_02.uasset
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SM_Pilaster_02a.uasset
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SM_Pilaster_03a.uasset
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SM_Plank_01.uexp
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SM_Pylon2_01.uasset
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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
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SM_Stair_Tileable_02.uasset
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SM_Wall_01.uexp
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SM_Wall_Corner_02.uexp
SM_Wall_Corner_03.uasset
SM_Wall_Corner_03.uexp
SM_Wall_Corner_Half_02.uasset
SM_Wall_Corner_Half_02.uexp
SM_Wall_Corner_Half_03.uasset
SM_Wall_Corner_Half_03.uexp
SM_Wall_Low_04.uasset
SM_Wall_Low_04.uexp
SM_Wall_Low_05.uasset
SM_Wall_Low_05.uexp
SM_Wall_Low_06.uasset
SM_Wall_Low_06.uexp

SM_Wall_Ruined_01.uasset
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 SM_Wooden_Floor_Ruined_09.uasset
 SM_Wooden_Floor_Ruined_09.uexp
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 SM_Wooden_Support_11.uexp
 SSP_caucasian.uasset
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 S_AkComponent.uasset
 S_AkComponent.uexp
 S_AkSpotReflector.uasset
 S_AkSpotReflector.uexp

ShaderArchive-Global-
 PCD3D_SM5.usshaderbytecode
 ShieldExpert.uasset
 ShieldExpert.uexp
 Smash.uasset
 Smash.uexp
 SmokeBomb.uasset
 SmokeBomb.uexp
 States_FOLDER.uasset
 States_FOLDER.uexp
 Switches_FOLDER.uasset
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 TX_Cube_01a_CUBE.uasset
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 T_Arch_01_N.uasset
 T_Arch_01_N.ubulk
 T_Arch_01_N.uexp
 T_Arch_02_BC.uasset
 T_Arch_02_BC.ubulk
 T_Arch_02_BC.uexp
 T_Arch_02_N.uasset
 T_Arch_02_N.ubulk
 T_Arch_02_N.uexp
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 T_Ballustrade_01_BC.ubulk
 T_Ballustrade_01_BC.uexp
 T_Ballustrade_01_N.uasset
 T_Ballustrade_01_N.ubulk
 T_Ballustrade_01_N.uexp
 T_Blank_N.uasset
 T_Blank_N.uexp
 T_Blockout_Actor_Icon.uasset
 T_Blockout_Actor_Icon.ubulk
 T_Blockout_Actor_Icon.uexp
 T_Blockout_Grid.uasset
 T_Blockout_Grid.ubulk
 T_Blockout_Grid.uexp
 T_BonesPile_D.uasset
 T_BonesPile_D.ubulk
 T_BonesPile_D.uexp
 T_BonesPile_N.uasset
 T_BonesPile_N.ubulk
 T_BonesPile_N.uexp
 T_Brick_Rubble_01_BC.uasset
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 T_Brick_Rubble_02_BC.uexp

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T_SK_Skeleton_Roughness.ubulk
T_SK_Skeleton_Roughness.uexp

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base_white_d.uexp
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bus_nor.uexp
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container_random_sequence_nor.uexp
container_switch_nor.uasset
container_switch_nor.uexp
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folder_nor.uexp
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fx_fire_D.ubulk

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layer_container_nor.uexp
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motion_bus_nor.uexp
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physical_folder_nor.uexp
sfx.uasset
sfx.uexp
sound_fx_nor.uasset
sound_fx_nor.uexp
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state_nor.uexp
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switch_nor.uasset
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trigger_nor.uexp
workunit_nor.uasset
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wproj.uexp
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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 P3 Game	Dark and Darker
	

✓ The Wizard

The P3 Game	Dark and Darker
	

✓ 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).

The <i>P3 Game</i> 's Description in Korean (with English Translation)	<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</i> Game Description in English	<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.