



Oppenheim
+ Zebrak, LLP

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Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

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September 12, 2011

By Overnight Delivery and Email (abuse@isprime.com)

Re: Infringements on www.tehparadox.com

ISPrime, Inc.
300 Boulevard East
Suite 100
Weehawken, NJ 07086-6702

Case: 1:11-mc-00522
Assigned To : Unassigned
Assign. Date : 9/13/2011
Description: Miscellaneous

Dear DMCA Agent:

We represent the Entertainment Software Association ("ESA") and its member companies, including but not limited to Nintendo, 2K Games and Warner Bros. ESA is a U.S. trade association that represents the intellectual property interests of numerous companies that publish interactive games for video game consoles, personal computers, handheld devices and the Internet. We are authorized to act on behalf of ESA members who's copyright and other intellectual property rights ESA believes to be infringed as described herein.

We are writing to notify you of extensive copyright infringement of video games that is occurring by virtue of the operation of the Internet Website www.Tehparadox.com (the "Website") which is hosted on your ISP. This notice is being provided pursuant to the Digital Millennium Copyright Act and 17 USC § 512 to make you aware of material on your network or system that infringes the exclusive copyright and other rights of one or more ESA members. We demand that you immediately take steps to ensure that the Website does not infringe upon the copyrights of ESA's member companies, including but not limited to by removing or disabling access to the infringing video games. Given the quantity of infringement on the Website, we also request that you take action against the operator of the Website as a "repeat infringer," including terminating the account of the Website operator, if appropriate (see 17 U.S.C. §512(i)). Finally, we request that you take action against the operator of the Website to the extent the Website violates your terms of service.

Attached is a list of some of the video games that are owned or controlled by ESA's members and that are being infringed directly and/or indirectly by the Website. The attachment describes the url location at which the infringing video games can be found. The

Fee Pd
\$3900

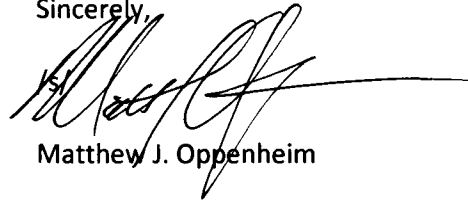
attachment serves as a representative sample of the larger number of infringements on the Website for which you must immediately and permanently take action. This information is sufficient for you to locate the infringing activities and remove or disable access thereto.

We also demand that the Website immediately and permanently cease and desist the widespread and unauthorized use of the ESA members' trademarks and associated inherently distinctive trade dress ("Trademarks") associated with their video games. The use of the ESA members' Trademarks is certain to cause confusion, to cause mistake, and/or to deceive as to the affiliation, connection, or association of the Website with the ESA members, in violation of the Lanham Act (15 U.S.C. §§ 1051, et seq.).

We are providing this notice based on our good faith belief that the distribution of the video games owned by the ESA members via the Website is not authorized by the copyright owners, their agents, or the law. This notification is accurate, and under penalty of perjury, we are authorized to act on behalf of the owners of the exclusive rights that are being infringed. This letter is without prejudice to the rights and remedies of the ESA members' and their affiliates, all of which are expressly reserved.

Thank you for your cooperation and prompt response in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Oppenheim', with a long horizontal line extending to the right.

Matthew J. Oppenheim

Attachment

Attachment

Title	Publisher	Url	Date/Time
Mafia II	2K Games	http://tehparadox.com/forum/f76/%5Bmu%5D-mafia-ii-xbox-360-megaupload-1373020/	9/9/2011, 3:02 pm, EDT
Scooby Doo and the Spooky Swamp	Warner Bros.	http://tehparadox.com/forum/f76/my-huge-collection-wii-games-only-ntsc-daily-updated-2283773/	9/9/2011, 3:00 pm EDT
Wii Sports Resort	Nintendo	http://tehparadox.com/forum/f76/wii-sports-resort-console-edition-wii-%96-pal-%96-single-link-2588299/	9/9/2011, 2:53 pm EDT

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

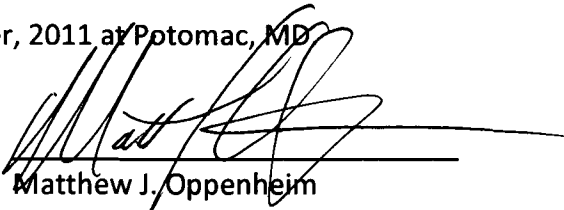
In Re: DMCA Subpoena to ISP Prime, Inc.

DECLARATION OF MATTHEW J. OPPENHEIM, ESQ.

I, Matthew J. Oppenheim, declare and testify as follows:

1. I am a member of Oppenheim + Zembrak, LLP and an attorney admitted to practice law in the District of Columbia, among other jurisdictions. I represent the Entertainment Software Association ("ESA") and its member companies, including but not limited to Nintendo, Warner Bros. and 2K Games.
2. On behalf of the clients described above, I am seeking a subpoena pursuant to 17 U.S.C. §512(i) to identify the operator of Tehparadox.com at which my clients' copyrighted works are being infringed. The purpose for which the subpoena is sought is to obtain the identity of an alleged infringer and the information obtained therefrom will only be used for the purpose of protecting rights under 17 U.S.C. et seq.
3. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 12th day of September, 2011 at Potomac, MD



Matthew J. Oppenheim

UNITED STATES DISTRICT COURT

for the

District of Columbia

In Re DMCA Subpoena to ISP Prime, Inc.

Plaintiff

v.

Defendant

Muse

Civil Action No.

11-522

(If the action is pending in another district, state where:

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

To: ISP Prime, Inc. 300 Boulevard East, Suite 100, Weehawken, NJ 07086

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and permit their inspection, copying, testing, or sampling of the material: Identifying information for the operator(s) of www.tehparadox.com, including, but not limited to: name(s), address(es), telephone number(s), email address(es), and any other electronic address or contact information.

Place: 7304 River Falls Drive, Potomac, MD 20854

Date and Time:

09/23/2011 5:00 pm

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

Place:

Date and Time:

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

Date: 9/13/11

ANGELA D. CAESAR

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) 2K Games,

Warner Bros. and Nintendo, who issues or requests this subpoena, are:

Matthew J. Oppenheim, Esq., Oppenheim + Zebrak, LLP, 7304 River Falls Drive, Potomac, MD 20854, matt@oppenheimgroup.net, 301-299-4986.

Civil Action No. _____

PROOF OF SERVICE

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

This subpoena for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____ ; or

I returned the subpoena unexecuted because: _____
_____.

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

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

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

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

Federal Rule of Civil Procedure 45 (c), (d), and (e) (Effective 12/1/07)

(c) Protecting a Person Subject to a Subpoena.

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

(2) Command to Produce Materials or Permit Inspection.

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

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

(i) At any time, on notice to the commanded person, the serving party may move the issuing court for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party’s officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) When Required. On timely motion, the issuing court must quash or modify a subpoena that:

- (i)** fails to allow a reasonable time to comply;
- (ii)** requires a person who is neither a party nor a party’s officer to travel more than 100 miles from where that person resides, is employed, or regularly transacts business in person — except that, subject to Rule 45(c)(3)(B)(iii), the person may be commanded to attend a trial by traveling from any such place within the state where the trial is held;
- (iii)** requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv)** subjects a person to undue burden.

(B) When Permitted. To protect a person subject to or affected by a subpoena, the issuing court may, on motion, quash or modify the subpoena if it requires:

- (i)** disclosing a trade secret or other confidential research, development, or commercial information;
- (ii)** disclosing an unretained expert’s opinion or information that does not describe specific occurrences in dispute and results from the expert’s study that was not requested by a party; or
- (iii)** a person who is neither a party nor a party’s officer to incur substantial expense to travel more than 100 miles to attend trial.

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

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

(d) Duties in Responding to a Subpoena.

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

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

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

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

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

(2) Claiming Privilege or Protection.

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

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

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

(e) Contempt. The issuing court may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena. A nonparty’s failure to obey must be excused if the subpoena purports to require the nonparty to attend or produce at a place outside the limits of Rule 45(c)(3)(A)(ii).