

FILED

FEB 14 2020

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

1 MARC E. MAYER (SBN 190969), mem@msk.com
AARON D. JOHNSTON (SBN 328627), adj@msk.com
2 MITCHELL SILBERBERG & KNUPP LLP
2049 Century Park East, 18th Floor
3 Los Angeles, CA 90067-3120
Telephone: (310) 312-2000
4 Facsimile: (310) 312-3100

5 Attorneys for Activision Publishing, Inc.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DMR

CV 20 80044 MISC.

In re DMCA Subpoena to Reddit, Inc.

MISC. CASE NO.

**REQUEST FOR SUBPOENA TO
REDDIT, INC. PURSUANT TO 17 U.S.C.
§ 512(H)**

Petitioner, Activision Publishing, Inc. (hereinafter "Activision") through its undersigned counsel of record, hereby requests that the Clerk of this Court issue a subpoena to Reddit, Inc. to identify alleged infringers at issue, pursuant to the Digital Millennium Copyright Act ("DMCA"), 17 U.S.C. § 512(h) (hereinafter the "DMCA Subpoena"). The proposed DMCA Subpoena is attached hereto as Exhibit A.

The DMCA Subpoena is directed to Reddit, Inc. ("Reddit"). Reddit is the service provider to which the subject of the subpoena – Reddit user "Assyrian2410" – posted infringing Activision content (the "Content"). The Content was posted to the following Reddit URL:

https://www.reddit.com/r/modernwarfare/comments/f2ifa7/i_found_this_image_online_not_sure_what_it_is/?utm_source=share&utm_medium=ios_app&utm_name=iossmf

Mitchell
Silberberg &
Knupp LLP

CASE NO.

REQUEST FOR DMCA SUBPOENA

1 The Content infringes Activision's exclusive rights under copyright law.
2 Specifically, it infringes Activision's rights in its popular video game "Call of Duty:
3 Modern Warfare." See Declaration of Marc E. Mayer dated February 14, 2020 (hereinafter
4 "Mayer Decl.").

5 Activision has satisfied the requirements for issuance of a subpoena pursuant to
6 U.S.C. § 512(h), namely:

- 7
- 8 1. Activision has submitted a copy of the notification sent pursuant to 17 U.S.C. §
9 512(c)(3)(A) as Exhibit 1 to the Declaration of Marc E. Mayer;
- 10 2. Activision has submitted the proposed DMCA Subpoena attached hereto as Exhibit
11 A; and
- 12 3. Activision, through its counsel of record, has submitted a sworn declaration
13 confirming that the purpose for which the DMCA subpoena is sought is to obtain the
14 identity of an alleged infringer, and that such information will only be used for the
15 purpose of protecting Activision's rights under Title 17 U.S.C. §§ 100, et. seq.
- 16

17 Activision respectfully requests that the Clerk expeditiously issue and sign the
18 proposed DMCA Subpoena pursuant to 17 U.S.C. § 512(h)(4).

19

20 DATED: February 14, 2020

MARC E. MAYER
MITCHELL SILBERBERG & KNUPP LLP

21

22

23 By: /s/ Marc E. Mayer
24 Marc E. Mayer
25 Attorneys for Activision Publishing, Inc.