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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
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10 BUNGIE, INC., UBISOFT
11 ENTERTAINMENT, and UBISOFT, INC.,

12 Plaintiff,

13 vs.

14 ANDREW THORPE a/k/a KRYPTO, an
individual; JONATHAN AGUEDA a/k/a
15 OVERPOWERED, an individual; WESAM
MOHAMMED a/k/a GRIZZY, an individual;
16 AHMAD MOHAMMED, an individual; and
Does 1 through 50, inclusive,

17 Defendants.
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CASE NO. 3:21-CV-05677-EMC

[ASSIGNED TO JUDGE EDWARD M. CHEN]

**DECLARATION OF MARC
MURACCINI IN SUPPORT OF MOTION
FOR ENTRY OF DEFAULT JUDGMENT
AGAINST ANDREW THORPE**

Complaint Filed: July 23, 2021

DECLARATION OF UBISOFT

I, MARC MURACCINI, declare:

1. I am a VP, Head of Trademark and IP for Ubisoft Entertainment and Ubisoft, Inc. (collectively, “Ubisoft”), two of the plaintiffs in this action. I have been employed by Ubisoft since 2004. I am in charge of the Intellectual Property Rights portfolio for Ubisoft and in charge of our enforcement policy and litigation related to Ubisoft’s Intellectual Property Rights. I know all of the following of my own personal knowledge and, if called as a witness, could and would competently testify thereto.

2. Ubisoft is the developer, owner and publisher of the popular video game Rainbow Six: Seige (“R6S”). Ubisoft is the owner of certain exclusive rights of valid and subsisting copyrights in R6S and all of the game’s expansions and add-ons.

3. R6S is a team-based, online multiplayer, military-themed “first-person shooter” game. In R6S, players assume the role of an elite special forces operative. Each player must work with other team members, and against a competing team, to complete objectives such as rescuing hostages, defusing bombs, or securing a biohazard container. To accomplish these objectives, players must cooperate and communicate with their team members, each of whom brings a particular skill set to the overall team. R6S players may play the game either “casually” or in competitive “ranked” matches where their success or failure affects their overall standing in the community.

4. The success of R6S rests, in part, on Ubisoft’s ability to offer a consistently compelling player experience so that its customers remain invested in R6S, play it for a sustained period of time, and continue to purchase add-ons for the game. R6S is a highly competitive, skill-based game with a fixed set of rules that have been carefully designed to ensure that all players stand on equal footing and have a fair chance to defeat their opponents and progress in the game. Maintaining proper game balance is critical to the game’s success.

5. Because of the popularity of R6S and the competitive nature of the game, cheating

1 is a persistent problem. Like many online games, there are a minority of individuals who seek to
2 gain unfair advantages over other players, even though doing so ruins the experience for the
3 majority of players who play fairly. Over the past several years, Ubisoft has received a large
4 number of complaints from players about cheaters and hackers in R6S.

5 6. In order to address the complaints about cheating activity in R6S, Ubisoft employs
6 a security team whose responsibility includes anti-cheat enforcement activities. The Ubisoft
7 security and anti-cheat team is tasked with identifying software products used by players to cheat
8 in R6S, developing and improving anti-cheat technology to detect and thwart such software
9 products, policing the R6S servers for cheaters, reviewing cheat complaints and reports, and taking
10 action against those who use cheating and hacking software in the game. Ubisoft employees
11 spend thousands of hours each year engaged in these anti-cheat activities. Yet, despite Ubisoft's
12 best efforts, cheat developers continue to develop and refine their software products in an effort to
13 avoid detection. The result is a never-ending cat-and-mouse game, where cheat developers
14 constantly race to overcome Ubisoft's anti-cheat efforts.

15 7. One of the more popular software cheats for R6S is the "Rainbow 6 Cheat"
16 developed and sold by the entity known as Ring-1 (the "Ring-1 Cheat.") Ubisoft's anti-cheat team
17 has become familiar with the Ring-1 Cheat and is able to detect with some degree of accuracy
18 whether players caught cheating have been using the Ring-1 Cheat.

19 8. Based on records kept by Ubisoft in its ordinary course of business, including
20 records reflecting actions taken by Ubisoft against those found to be using cheating software,
21 Ubisoft has been able to determine that approximately 1,823 players have been banned for using
22 the Ring-1 Cheat. Based on the IP addresses used by these players, we have determined that no
23 fewer than 592 players (*i.e.*, 30%) are located in the U.S., and are logging on to the R6S servers
24 using U.S.-based IP addresses.

25 9. While we feel confident that *at least* 592 U.S. users received an account ban for
26 using the Ring-1 Cheat, we also are confident that this number represents only a fraction of the
27 total number of U.S. users who have used or are currently using the Ring-1 Cheat, for several

1 reasons: First, in our experience many players who use cheating software do not log in using their
2 home IP addresses. Because these users know that cheating violates Ubsioft's Terms of Use and
3 can lead to account bans, many use IP spoofers or virtual private networks (VPNs) so that they can
4 remain anonymous. Second, while Ubisoft is able to identify and catch many cheaters, Ring-1 and
5 other cheating software developers are constantly updating and improving their cheats to avoid
6 detection. While we cannot determine the precise number of cheaters, it is possible that the
7 number of cheaters who have not been caught is significantly higher than those who have been
8 caught.

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10 I declare under penalty of perjury under the laws of the United States of America that the
11 foregoing is true and correct.

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13 Executed December _13_, 2022, at Montreal, Canada.

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Marc Muraccini
UBISOFT ENTERTAINMENT

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CERTIFICATE OF SERVICE CM/ECF

I hereby certify under penalty of perjury that on December 13, 2022, I electronically filed the foregoing document entitled **DECLARATION OF MARC MURACCINI IN SUPPORT OF MOTION FOR ENTRY OF DEFAULT JUDGMENT AGAINST ANDREW THORPE**, with the Clerk of Central District of California by using the Court’s CM/ECF system.

Participants in the case who are registered CM/ECF users will be served by the Central District of California’s CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users and I have mailed the foregoing document by First Class Mail, postage prepaid, or have dispatched it to a third-party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

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