

FOR IMMEDIATE RELEASE

CONTACT:  
GOLIN HARRIS  
Kristie Tomkins  
213-438-8830  
[ktomkins@golinharris.com](mailto:ktomkins@golinharris.com)  
Eileen Tanner  
509-628-1993  
[etanner@golinharris.com](mailto:etanner@golinharris.com)

## **NINTENDO FILES LAWSUIT AGAINST REPEAT PIRACY OFFENDER**

---

### *Legal Action Reflects Global Efforts to Combat Video Game Piracy*

---

REDMOND, Wash., May 13, 2010 – In the ongoing fight against video game piracy worldwide, Nintendo of America Inc. has filed a civil lawsuit against the owner of multiple websites that sell illegal video game copiers. Nintendo filed suit on May 11 in the Western District of Washington against the owner of NXPGAME of Queens, New York.

Nintendo investigated a website owned by NXPGAME and found that it was selling illegal video game copiers that enable the user to download, play and distribute illegal copies of Nintendo DS™ and Nintendo DSi™ video game software. After multiple letters and telephone calls from Nintendo's legal counsel, the owner agreed to cease selling game copiers and closed his website. Shortly thereafter, the owner launched an identical business at a different website address, and redirected people who visited his old site to the new one to purchase illegal game copiers.

Despite the repeated attempts to get NXPGAME Inc. to cease its illegal activities, the company and its owner continue to operate multiple websites that sell illegal game copiers. Nintendo asserts that NXPGAME is willfully infringing on the company's intellectual property rights. Additionally, one of the company's websites uses Nintendo registered trademarks and violates Nintendo's copyrights.

"Using game copiers to play unauthorized downloaded games is illegal and it's wrong," said Jodi Daugherty, Nintendo of America's senior director of Anti-Piracy. "Piracy is especially harmful to smaller developers. When their creative works are stolen and copied illegally, some companies find it difficult to survive economically."

Internet piracy hurts Nintendo, as well as the businesses of more than 1,400 video game-development companies that depend on legitimate sales of games for their survival.

## *Nintendo Files Lawsuit against Repeat Piracy Offender*

### *Page 2*

“I love gaming and I spent years of hard work and a significant personal financial investment to make my video game dream a reality,” said Alex Neuse, CEO of Gaijin Games, the developer of the *BIT.TRIP* series of games available on the WiiWare™ service. “But I estimate that more than 70 percent of our games that are in the hands of the public have been copied illegally. Every download that is made illegally is another blow against new and original games. Put simply, if you enjoy a company’s games, paying for them helps to ensure that they will continue to make products you’ll like. Piracy especially hurts small independent developers who don’t command the sales figures/profits that the bigger companies do; and that ultimately hurts not only developers but all gamers.”

This lawsuit follows the 2009 *Nintendo v. Chan* case, in which a U.S. District Court in Los Angeles confirmed that game copiers violate the Digital Millennium Copyright Act and are deemed illegal in the United States. The U.S. District Court ruled that devices such as the R4 copier infringe on Nintendo’s intellectual property rights. In that case, the court ordered Chan and the three major websites that he operated to stop selling the illegal devices immediately.

Game copiers are designed to connect to the Nintendo DS, Nintendo DS Lite and Nintendo DSi hand-held systems and circumvent the technological protection measures embedded in the system. This infringes on Nintendo’s intellectual property rights. These game copiers are then used to copy and play illegal Nintendo game files offered unlawfully via the Internet.

Illegal copying of video game software is an international problem that continues to plague the video game industry. Companies such as Nintendo, various law-enforcement authorities and trade organizations like the Entertainment Software Association continue to take aggressive steps to prevent the proliferation of these devices on a global scale, and similar results are being achieved in many countries. Since 2009, Nintendo has supported almost 1,500 legal actions (including customs seizures, law-enforcement actions and civil proceedings) in more than 20 countries that have resulted in the confiscation of more than 422,000 video game copiers.

To report game copiers, illegal Nintendo software or other piracy-related activities, please contact Nintendo at 1-800-255-3700 or [piracyscene@noa.nintendo.com](mailto:piracyscene@noa.nintendo.com).

For more information about Nintendo’s fight against piracy, visit <http://ap.nintendo.com>.

**About Nintendo:** The worldwide pioneer in the creation of interactive entertainment, Nintendo Co., Ltd., of Kyoto, Japan, manufactures and markets hardware and software for its Wii™ home console and Nintendo DS™ family of portable systems. Since 1983, when it launched the Nintendo Entertainment System™, Nintendo has sold more than 3.4 billion video games and more than 565 million hardware units globally, including the current-generation Wii, Nintendo DS, Nintendo DSi™ and Nintendo DSi XL™, as well as the Game Boy™, Game Boy Advance, Super NES™, Nintendo 64™ and Nintendo GameCube™ systems. It has also created industry icons that have become well-known, household names such as Mario™, Donkey Kong™, Metroid™, Zelda™ and Pokémon™. A wholly owned subsidiary, Nintendo of America Inc., based in Redmond, Wash., serves as headquarters for Nintendo's operations in the Western Hemisphere. For more information about Nintendo, please visit the company's website at [www.nintendo.com](http://www.nintendo.com).

###

Note to editors: Nintendo press materials are available at [press.nintendo.com](http://press.nintendo.com), a password-protected site. To obtain a login, please contact Deanna Talamantez at 213-438-8742 or [dtalamantez@golinharris.com](mailto:dtalamantez@golinharris.com). Users can receive instant Nintendo information by subscribing to the site's RSS feed.