

May 30, 2012

To whom it may concern

Nintendo Co., Ltd.

Criminal Raid Against the Seller of Devices for use with *Nintendo DS*

(Kyoto, Japan). We would like to inform you that a criminal raid was conducted by the Japanese Aichi Prefectural Police against a seller of so-called “game copiers”, which circumvent the technical protection measures (TPM) in the *Nintendo DS* and allow the play of illegal copied games.

On December 1, 2011, amendments to the Japanese Unfair Competition Law became enforceable, introducing a criminal penalty against the import and sale of devices that circumvent TPMs, such as game copiers. This criminal action is the first case against a seller of game copiers since the new law has been in force.

Prior to supporting the Aichi Prefectural Police in this criminal case, Nintendo had notified sellers of game copiers by cease and desist letters and had filed civil actions. Despite Nintendo obtaining favorable judgments in the civil case (case numbers: Heisei 20-nen (WA) 20886, 35745, both became final), sellers continued to deal in game copying devices. Once the new law went into effect, Nintendo consulted with the Aichi Prefectural Police to pursue this criminal raid. Nintendo will continue to support criminal actions against such devices, as game copiers, to improve the market.

For your information, earlier this year, there was another criminal case based on the amended law conducted by Fukuoka Prefectural Police against Wii modification service provider. The suspect was found guilty on February 23, 2012.

Nintendo has obtained favorable judgments which confirm that the distribution of game copiers is illegal not only in Japan but also in other countries, including: Belgium, France, Germany, Hong Kong, Italy, Korea, Netherlands, Spain, Taiwan and the UK.

Here we would like to thank you for all of relevant parties whom supported these raids and cases.