



content is fact-based, I add value by writing, revising, organizing, compiling and/or designing the information before posting it on my site.

5. I have been issued two copyrights from the United States Copyright Office pertaining to the content published upon my website. Those copyrights are: TX 6-162-180, issued May 12, 2005, and TX 6-516-4-7, issued January 29, 2007.

6. I have my own unique method for organizing the cheat codes I post to my site. I always do this by hand, in contrast to most competing sites that do it automatically, generally in alphabetical order. On my site I order the cheat codes so that they go in descending order of importance, with the most useful/noteworthy cheat codes at the top, and the least useful/noteworthy at the bottom. The rank order is based on my personal opinion.

7. There are a number of other websites on the Internet that cater to the same or a similar audience. Many of the sites owned and managed by Defendants fall into this category, including but not limited to the websites [www.cheatmasters.com](http://www.cheatmasters.com) and [www.playstaion2-cheats.co.uk](http://www.playstaion2-cheats.co.uk).

8. In late 2006 I became aware that vast quantities of my website content had been posted on Defendants' various websites without my license, authorization or permission. I made a copy of the entire [www.cheatmasters.com](http://www.cheatmasters.com) website on January 15, 2007 to preserve its content as of that date in anticipation of this lawsuit. I have provided a copy of the preserved content to Defendants as part of the discovery process in this case. All exhibits attached to this affidavit that come from [www.cheatmasters.com](http://www.cheatmasters.com) were taken from this copy that I made on January 15, 2007. The exhibit below from [www.playstation2-cheats.co.uk](http://www.playstation2-cheats.co.uk) (*Exhibit I*) was taken from a copy of that site that I made on January 16, 2007. Exhibits from my website have been taken from a copy of the CD that I submitted to the U.S. Copyright Office when I sent in a copy of my

entire site as part of my copyright registration materials in 2005, with the exception of *Exhibit J* below, which came from a copy of the CD I submitted to the U.S. Copyright Office in January 2007 when I applied for the copyright on the updated content on my site.

9. As an example of one of the many instances of Defendants' infringement, I created a cheat code table for the game "Star Wars: Jedi Outcast – Jedi Knight 2" and posted it on my site in April 2002. Some of the codes in this chart were submitted to me by emails from individual gamers who discovered them and wanted me to publish them on my site. Attached as *Exhibit A* are copies of three such emails, from email addresses [JBergman@mii-inc.com](mailto:JBergman@mii-inc.com), [ghettobeast@comcast.net](mailto:ghettobeast@comcast.net), and [dillpickle424@charter.net](mailto:dillpickle424@charter.net), respectively. At the end of my cheat code table for this game I included the following attribution: "-Some codes from [JBergman@mii-inc.com](mailto:JBergman@mii-inc.com), [ghettobeast@comcast.net](mailto:ghettobeast@comcast.net), and [dillpickle424@charter.net](mailto:dillpickle424@charter.net)."

10. In late 2006, I found the identical table on the web page for the game "Star Wars: Jedi Outcast – Jedi Knight 2" on [www.cheatmasters.com](http://www.cheatmasters.com). The organization and content of our two charts is identical. Attached as *Exhibit B* is a printout of my web page for this game, including this cheat code table. Attached as *Exhibit C* is a printout from the [www.cheatmasters.com](http://www.cheatmasters.com) website as it appeared on January 15, 2007 for this same game. It is interesting to note that the table on Defendants' website includes the same attribution I have: "-Some codes from [JBergman@mii-inc.com](mailto:JBergman@mii-inc.com), [ghettobeast@comcast.net](mailto:ghettobeast@comcast.net), and [dillpickle424@charter.net](mailto:dillpickle424@charter.net)." As noted above, I was the recipient of those source emails, not Defendants.

11. Our respective web pages for this game include two other components that are identical: the hint under the heading "Double-bladed lightsaber" [sic] and the hint under the heading "Cheat Codes." See, *Exhibits B and C*.

12. In another example, I created a Game Shark Code table<sup>1</sup> for the game “Star Wars Episode 1 – Jedi Power Battles” and posted it on my site in January 2001. In late 2006, I found this identical chart on the web page for the same video game on [www.cheatmasters.com](http://www.cheatmasters.com). While Defendants’ version does not include any lines separating the rows and columns, the organization is otherwise identical, as is the content. Attached as *Exhibit D* is a printout of my web page for this game, including this “Game Shark Codes” table. Attached as *Exhibit E* is a printout from the [www.cheatmasters.com](http://www.cheatmasters.com) website as it appeared on January 15, 2007 for this same game.

13. In another example, I created a Game Shark Code table on my page associated with the video game “Star Wars: Episode 1 – The Phantom Menace” and posted it on my site in October 1999. In late 2006, I found this identical chart on the web page for the same video game on [www.cheatmasters.com](http://www.cheatmasters.com). While Defendants’ version does not include any lines separating the rows and columns, the organization is otherwise identical, as is the content. Attached as *Exhibit F* is a printout of my web page for this game, including this “Game Shark Codes” table. Attached as *Exhibit G* is a printout from the [www.cheatmasters.com](http://www.cheatmasters.com) website as it appeared on January 15, 2007 for this same game.

14. As an example of infringement that appears on Defendants’ website [www.playstation2-cheats.co.uk](http://www.playstation2-cheats.co.uk), I created and posted a Game Shark Codes chart on my website for the game “Star Wars: Racer Revenge – Racer 2” in May 2002. In late 2006, I found this identical chart on the web page for the same video game on [www.playstation2-cheats.co.uk](http://www.playstation2-cheats.co.uk). While Defendants’ version does not include any lines separating the rows and columns, the

---

<sup>1</sup> Game Shark Codes are codes that gamers can insert into a peripheral “Game Shark” device attached to their gaming console that allows them to modify a particular game in various ways. I obtained the underlying codes for my Game Shark Code charts from the manufacturer of Game Shark, as well as from individuals who hacked various games using the device and then submitted the resulting codes to me. I then arranged the codes myself.

organization is otherwise identical, as is the content. Attached as *Exhibit H* is a printout of my web page for this game, including this “Game Shark Codes” table. Attached as *Exhibit I* is a printout from the [www.playstation2-cheats.co.uk](http://www.playstation2-cheats.co.uk) website for this same game.

15. When I first noticed that significant portions of my content appeared on Defendants’ websites I monitored the situation over the next several weeks. I discovered that every time I added new content to my site, the same would appear on Defendants’ sites within one to four days. In other words, he was actively continuing to mine my site for content.

16. I am confident Defendants obtained content by scraping code directly from my website because, in addition to the obvious repetition of my substantive content, I noticed that a particular technical glitch on my site also appeared on [www.cheatmasters.com](http://www.cheatmasters.com). I publish an interactive feature on my website called the “CCC Daily Poll.” Every day there is a new question posed to the website’s visitors. The viewer has the option to cast a vote in the poll, and can then see the real-time tally expressed in percentage terms of all votes cast at that time.

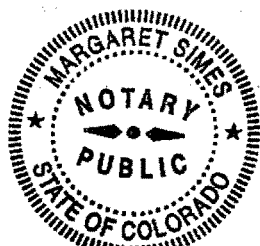
17. Due to a technical error, the “CCC Daily Poll” was repeated six times within the “Sega Smash Pack” game page on my website. I discovered that the “Sega Smash Pack” page on [www.cheatmasters.com](http://www.cheatmasters.com) reflected this same code glitch. Attached as *Exhibit J* is a copy of this page from my website. Attached as *Exhibit K* is the corresponding page from [www.cheatmasters.com](http://www.cheatmasters.com) as it appeared on January 15, 2007. This can be no mere coincidence. This poll is an exclusive feature on my website that is updated daily. I can only surmise that Defendants literally scraped the code from my site and posted it to theirs without realizing they had copied not only the useful substantive content, but my technical errors as well.

FURTHER AFFLIANT SAYETH NOT.

Dated: December 18, 2009

By:   
David Allison

Acknowledged and affirmed to before me on this 28<sup>th</sup> day of December, 2009 by David Allison.



  
Notary Public

My Commission Expires  
06-20-2013

My commission expires: June 20, 2013