

6 UNITED STATES DISTRICT COURT
7 CENTRAL DISTRICT OF CALIFORNIA

8 NEXON AMERICA, INC., a Delaware
9 corporation, and NEXON KOREA
10 CORPORATION, a Korean corporation,

11 Plaintiffs,

12 v.

13 RYAN MICHAEL CORNWALL a/k/a
14 "Riu Kuzaki" and "Alexandria
15 Cornwall"; YANGYU ZHOU a/k/a
16 "Yang Yu," "W8baby," and
17 "Gamersoul"; DOUGLAS CRANE a/k/a
18 "DJ" and "Lonerboy"; WILLIAM
19 "BILLY" KEISTER a/k/a
20 "ThePhoneGuy"; AMARJOT GILL
21 a/k/a "Alphaamar"; DEREK OSGOOD
22 a/k/a "Jayce"; COLIN JOHNSON a/k/a
23 "Colin "; LINDA LIU a/k/a
24 "linnyda942"; JEREMY SIMPSON;
25 V.H. a/k/a "Vince"; DOE 1 a/k/a
26 "Bizarro" and "Andrew," DOE 2 a/k/a
27 "Cam1596," and DOES 3 through 10,
28 inclusive,

Defendants.

CASE NO. 2:12-cv-00160-RSWL-FFM

Honorable Ronald S.W. Lew

20 Motion by Defendant- To Dismiss by reason of Laches

21
22 Defendant Doug Crane moves the Court for an order dismissing the above-entitled
23 cause, and each of the claims attempted to be set forth in the Complaint because of
24 the following matters,
25

26 Doug asks your honor to be understanding that Doug is learning to defend himself
27 as best he can by presenting the facts and proof in this case as he discovers this
28

1 evidence with a very limited education as pro se so the court may have a full
2 understanding of the acts, steps and agenda paved by Nexon that has lead us to the
3 suit in front of us today. Doug must put all his faith in your honor to review this
4 motion in its entirety by simply copy/pasting each link to review its contents to
5 enable the court to have "full" understanding of facts and the path of this case far
6 beyond Doug's personal motion to dismiss or an attorneys "shaded" or "deceptive"
7 legalese claims. Doug hopes this will better enable the Judge to know what's
8 proper, legal and fair in the eyes of the law regarding the overall circumstances of
9 this case. For ease of access to all parties, I will post links to these articles, video
10 evidence and documents in parenthesis after the description of each. I plea for the
11 honorable Judge to take the time to see the full path by which Nexon consciously
12 chose to take which has directly lead to the predicament they and Doug find
13 themselves in today and the case before you. (attached exhibit A which is the main
14 proof for the court to envoke laches).

15
16 Nexon wrongfully filed suit against Doug's son for which Doug was forced to pay
17 every last cent he had (totaling \$8,000) for his son to have this wrongdoing
18 reversed by the plaintiff, Doug could have allowed this injustice to occur knowing
19 full well that an 18 year old boy has absolutely nothing Nexon could attempt
20 taking but that would not have been justice. My son has been harmed irreparably
21 because his name was made public in a lawsuit which classmates, peers, friends are
22 all aware and im sure the court knows how cruel some teenagers can be to each
23 other and how horrible it is for an 18 year old to have to endure that type of
24 pressure, it hurts me more than anything that my son cannot sleep, and Nexon
25 cannot fix mistakes like this after they haphazardly throw any and all names they
26 can obtain by any means possible into a lawsuit by which teenagers are attuned to.
27 I'm here to tell the court MANY other defendants are and could be falsely accused
28 who do not have parents or funds to fix this type of haphazard 11th hour "turkey

1 shoot" by Nexon and/or defendants whom WILL allow a misdirection to continue
2 because they do not care about that "direction" in the same way a father cares
3 about his son. By viewing and allowing your honor to take careful consideration of
4 this motion and the evidence contained herein, it will give your honor a MUCH
5 better "full picture" of truth and facts and will better ensure a Judge becomes more
6 knowledgeable about the attorneys, the case and the motivations of the case as
7 whole in hope justice and whats "right" will prevail in the end.

8 The more I research and learn the more Im convinced at a minimum laches applies
9 and at a maximum outright negligence applies and I know if a Judge follows this
10 path I've taken the time to lay out below he will have a much better and complete
11 understanding of the case as a whole as well as the proof required to invoke Laches
12 and put a stop to this unreasonable, immoral, unethical and intentional delayed suit
13 towards Doug Crane.
14

15 The plaintiff has knowingly and willfully waited until the 11th. Hour to file
16 suit, defendant has learned the order and time frame which has brought us to
17 this day as follows:

- 18 a. <http://www.cheatengine.org/> produces, profits and becomes one of the
19 largest cheat forums on the world wide web (approx. year 2007) Nexon
20 sends a DMCA notification to their host (and lists the very exact
21 software, tools and memory edits as in their complaint before you now)
22 as they seemed to have done (rightly or wrongly) to any site or forum
23 which they deemed a threat or competition to their own forums, sites OR
24 for the purposes of having control over the "beast" which ill explain later
25 in this motion. CEF is still up and running today and still produces and
26 distributes "Cheat Engine" (the #1 main tool needed to bot or hack in
27 maplestory, as Nexon admits in their DMCA notification to them many

years ago), without it almost nothing else would exist as everything else is derived by using it)

<http://www.southperry.net/showthread.php?t=11310> (this is a very clear thread showing exactly what occurred and examples of why cheat engine is the "key" by which all maplestory hacks are derived and Nexon knowingly allowed them to continue years and years after this full knowledge (along with 100's of sites since then which they may or may not have haphazardly sent out these \$2.00 DMCA notices to) and now Nexon comes in at the 11th hour to sue everyone BUT those involved in this cheatengineforum fiasco many years ago refused to file suit. This is the absolute pinnacle of what the law of laches should be in place for.

- b. Nexon has engaged in knowing, allowing and condoning advertising of the very sites and products in which they complain for the purposes of creating real world value to their in game gold and items.

(<http://puu.sh/Hxsy> , <http://puu.sh/HxpV> , <http://puu.sh/Hxqj>,

<http://puu.sh/Jxhg>) Note: the last picture was taken directly from

Nexon's own forum as an example of a merchant service selling GM scrolls for NX and/or USD (US dollars). This next Video is a simple example of activity in the free market area between players BUT in the background you can clearly see the advertisers posting \$20.95 for 1 billion meso. (<http://www.youtube.com/watch?v=p3fMvRcuZbs>). In this video (nevermind the insignificant glitches being show but rather focus on the advertisements around him for "powerlevel" sites, "meso" sales sites, etc.

([http://www.youtube.com/watch?feature=endscreen&v=PtCjq3kQmEk&](http://www.youtube.com/watch?feature=endscreen&v=PtCjq3kQmEk&NR=1)

[NR=1](http://www.youtube.com/watch?feature=endscreen&v=PtCjq3kQmEk&NR=1)). Here is a very recent video NOTE: mesos4u.com advertiser on left side of screen remains their all day and all night

(<http://www.youtube.com/watch?v=FehGiZZc0kw>) Please note: there is no excuse or reason that plaintiff could possibly use to defend why they have (and still do) allow the icons for “\$\$\$” or “@@@” to be used and displayed inside the game of maplestory other then for the sole purposes and motivations to knowingly facilitate, allow , advocate and to perpetuate “real world cash value” to their in game gold & items and/or to knowingly assist, condone and perpetuate and lead the players of their games to these other so called “rouge” sites in order that Nexon could benefit for years on end by their players being “hooked” in gambling and/or “hooked” into botting by using these sites. There is ZERO reason why these symbols are needed to enjoy the game and this one simple fix would/could have prevented the suit before you now but once again... would have prevented Nexon from making billions over the years from obtaining not only the income from players, but also gamblers as well as the millions of gamers who play to “bot”, which is why nexon has delayed any actions years ago when they were fully aware of it all. Nexon wanted it all... they wanted legit money’s, scammed moneys from their false NX advertising, illegitimate moneys from minors who use their game to gamble, moneys from the millions of hacker/botters who enjoy the game for the fun of learning to do such things, etc.etc.etc... Nexon wanted/wants it ALL and then they want to force the “world” to pay if anything they themselves participated in upsets them in any way, and surly the attorneys would prefer to do anything but “reason” or be “reasonable” as they would prefer justice to take years of the courts time while they become as wealthy as Nexon, its not in their DNA to do anything otherwise as proven by the comments of the honorable **OTIS D. WRIGHT II** and by other countries changing

1 **their laws to prevent hostile take overs by Nexon as shown here**
2 http://www.taiwannews.com.tw/etn/news_content.php?id=1954372
3 **(China is smarter and have laws in place to prevent Nexon from**
4 **taking “ALL”, Japan is simply trying following China’s**
5 **intelligence.)** These examples are easy to obtain, I refuse to go ingame
6 and agree to Nexon’s TOS unless someone tells me I can for the
7 purposes of collecting evidence but even today anyone can enter the
8 game of maplestory and proceed to the “free market” areas in game to
9 see the hundreds of advertisers which nexon has allowed to continue and
10 is the sole reason any game players even know about these so called
11 “rouge sites” were players spend money on Nexon NX to buy meso’s,
12 ingame items, bots, etc. which directly leads and translates into maple
13 gold being equal to real cash money’s! To fully understand this concept
14 one needs to know why nexon has never filed suit against any so called
15 “meso sale sites”, Nexon NEEDS there “in game currency” to have and
16 maintain “real cash value” or Nexon will NOT reap the profits they have
17 enjoyed for years (they are well aware this fact). It would be easy for
18 Nexon to simply filter out all non-words or use of “.” Or “ any .com”
19 variables in their game (or better yet hire game managers to watch the
20 free market areas in their game and spend a little of their billions on
21 protecting, maintaining and properly handling their game like other
22 game company’s do) but in doing so it would prevent meso sale sites
23 from advertising in their game along with all other so called “rouge” or
24 “hack” sites, Nexon has willfully made a conscious choice to NOT give
25 up their main source of income by purposefully not filing suit and
26 burying their heads in the sand and allowing these sites to be advertised
27 for the purpose of creating real money value out of their in game

1 currency and reaping the huge gains of NX sales because of their
2 negligent behavior for the purpose of minors and adults “gambling” in
3 their game. In a perfect world for Nexon they would be able to limit or
4 control this “Beast” which they perpetuated by condoning and having
5 accepted and allowed by virtue of burying their heads in the sand for so
6 many years and they would be allowed to bend/shape law itself by virtue
7 of relying on default judgments and attempting to limit some “rouges”
8 while allowing other “rouges” as the profits flowed in year after year.
9 Nexon engages on a regular basis in allowing their players access to
10 these sites by willfully removing certain checks and blocks in game,
11 releasing encrypted code as “unencrypted” during certain versions as
12 they feed this “beast” they themselves created, this example from their
13 own forum gives a glimpse into these tactics
14 ([http://maplestory.nexon.net/Community/#%2Fshowthread.php%3F3360](http://maplestory.nexon.net/Community/#%2Fshowthread.php%3F336016-Free-Market-Dealing-with-Advertising-Bots-Suggestion%26nxid%3D6)
15 [16-Free-Market-Dealing-with-Advertising-Bots-](http://maplestory.nexon.net/Community/#%2Fshowthread.php%3F336016-Free-Market-Dealing-with-Advertising-Bots-Suggestion%26nxid%3D6)
16 [Suggestion%26nxid%3D6](http://maplestory.nexon.net/Community/#%2Fshowthread.php%3F336016-Free-Market-Dealing-with-Advertising-Bots-Suggestion%26nxid%3D6)), Nexon could have easily justified having a
17 Game Manager in each free market 24/7 (there is only 20-30 free
18 markets that are actively used by players and billions of dollars coming
19 into their company), also Nexon has successfully stopped entry with a
20 level cap into other areas of game like horntail cave or zakum cave (yet
21 they refuse to use that same theory and method to stop this advertising to
22 their players in game because this would stop the flow of gambling
23 income which has made them billions), The simple fact is if not for
24 Nexon millions of people, nor I would have ever known of other sites
25 and forums which they call “rouge”, since their game is essentially the
26 same no matter what part of the world its available in people frequent all
27 their forums, games and sites and can use that information to apply

1 towards any version in any location as proven here on their Nexon
2 European Forum where they are letting people know of a specific hack
3 site and in fact allow links to it, the administrator suggested to the poster
4 how to report this site back in early 2010 yet the link remains and the site
5 remains and Nexon has taken no action
6 ([http://forum.nexoneu.com/showthread.php?624879-Hacking-](http://forum.nexoneu.com/showthread.php?624879-Hacking-Program)
7 [Program](http://forum.nexoneu.com/showthread.php?624879-Hacking-Program)), another post showing via video and testimony among players
8 of their fear of Nexon and its employee's
9 ([http://forum.nexoneu.com/showthread.php?818278-Be-HACK-from-](http://forum.nexoneu.com/showthread.php?818278-Be-HACK-from-NEXON&highlight=hack)
10 [NEXON&highlight=hack](http://forum.nexoneu.com/showthread.php?818278-Be-HACK-from-NEXON&highlight=hack)) , also examples of other Nexon games from
11 NexonEU forums (nexon has not started their deletion spree on this
12 forum yet im sure because they feel as though the European segments of
13 their games won't be included in lawsuits but Nexon engages in adjoining
14 ALL versions worldwide and because of their practices, ALL versions
15 and ALL Nexon, Wizet and affiliates should be viewed as one, a perfect
16 example of these tactics are shown here
17 (<http://www.youtube.com/watch?v=zMKIiAVWGA4>) I do not even
18 need to explain the answers to this boy's complaint because a Judge will
19 know by watching the video that Money & Nexon's tactics to try and get
20 kids to brake their TOS by engaging in proxy use so Nexon can profit is
21 the underlying reasons that answers the complaint in this video. I submit
22 that Nexon's unethical, negligent and incompetent business practices are
23 worldwide and this very much serves as evidence of Nexon's common
24 practices. ([http://forum.nexoneu.com/showthread.php?809210-Nx-](http://forum.nexoneu.com/showthread.php?809210-Nx-FAIL-maint-again-20-days-no-fix-nothing&highlight=hack)
25 [FAIL-maint-again-20-days-no-fix-nothing&highlight=hack](http://forum.nexoneu.com/showthread.php?809210-Nx-FAIL-maint-again-20-days-no-fix-nothing&highlight=hack)) I declare
26 with every fiber of my being that if someone with the authority and
27 wisdom of a United States Judge truly looked into this matter instead of

1 Nexon relying and depending on the fact that nobody has the resources
2 or money's or knowledge to complain or advocate for themselves Nexon
3 would be in a world of trouble.

4
5 c. (<http://www.youtube.com/watch?v=sodsPeFb0&feature=related>) this
6 is but one example of a "target" gambling campaign that nexon has made
7 millions by implementing into their game (any reasonable adult can
8 watch these kids in this one tiny example and know they are NOT
9 playing a game (they are NOT doing anything other than gambling
10 inside a game). This practice of creating real world value for the
11 purposes of getting minors and adults to gamble and become addicted to
12 gambling inside their game of maplestory, there are no safety nets for
13 people who may already have an addictive personality to obtain help
14 (like other gambling sites and lottery's have) and should give good
15 evidence of Nexon's intents, ethics and motivations as to why they have
16 not filed suit years ago to all the places in which they should have (it
17 would have stopped the "real world cash value" of their "in game
18 currency" which would have then stopped the billions of profits from
19 flowing in year after year . Circumventing ("bypassing") United States
20 Laws which forbid Gambling with real life money to minors by using
21 attorneys to find unethical ways around the law. Proof of Nexon
22 condoning and allowing players to brake their own Terms of Service for
23 the purposes of engaging in creating real world value to items and gold
24 in their game are as simple as looking at their own forums, here they are
25 allowing the "idea" and "thought" for people to in fact purchase for real
26 money the rare items which players gamble for (this is one of the
27 "KEYS" to their success), even though their TOS forbids it because it's
28 unethical and possible illegal...

(<http://mabinogi.nexon.net/Community/#%2Fshowthread.php%3F437099-lol-nexon-loves-to-make-kids-gamble-and-lose%26nxid%3D10>) public survey of the question of maplestory being a gambling site rather than a game (<http://ccplz.net/threads/is-nexon-creating-little-gamblers.43309/>) Purposefully making a “free” game with no “real world” value into a haven of “real world cash value” and a very expensive game to play successfully and deliberately attempting to make a gambling site for minors through their free game of maplestory which has contributed to their dilemma this example shows clearly what happens as child addicts spend real money to purchase NX cards for the sole purpose of gambling in this so called free game. A reasonable person could conclude that Nexon has made billions by NOT perusing this suit when they should have many years ago against not only botting sites but also the meso/item sites which they have knowingly allowed to market and advertise to kids, and they now (after years have passed and people like me have been put into a much worst position by their non-action) ask the court to allow them opportunity to control this “beast” they knowingly and purposefully and culpably allowed to exist for many years by non-action and not filing suit properly many years ago. Some good insight into how this Company Nexon has failed their player base can be seen here (<http://www.gamefaqs.com/boards/924697-maplestory/62462762>)

- d. Inciting/soliciting of rule breakers and telling hackers that “rules were made to be broken” are the first words from this Nexon official’s mouth (an uneducated person or child could construe that one statement alone as Nexon’s acceptance to disregard their entire TOS) ... similar practices

1 have gone on since the beginning of Nexon.

2 (<http://www.youtube.com/watch?v=QumFV4xlG0Y>).

- 3
- 4 e. The advertising of Xentare trainer on nexon forums which was one of
- 5 the main trainers from <http://www.cheatengine.org/>
- 6 (<http://forum.nexoneu.com/showthread.php?15919-Looking-for-trainer>)
- 7 they seem to be deleting threads on their own forums at a rapid pass
- 8 currently this serves as proof because I went far enough back in time to
- 9 find this.
- 10 f. Nexon has created, facilitated, condoned and covered up major flaws,
- 11 leaks, lack of maintenance, out right negligence over many years with
- 12 regards to their game of maplestory and here are but a few examples of
- 13 this many years ago for which Nexon did nothing.
- 14 (<http://www.youtube.com/watch?feature=endscreen&v=CERSh36cAec>
- 15 [&NR=1](http://www.youtube.com/watch?feature=endscreen&v=CERSh36cAec&NR=1))This hacker had nothing to do with any public site, forum or 3rd
- 16 party software, he created havoc in game for days on end by taking over
- 17 complete control as "Game Master" as Nexon turned their head and did
- 18 nothing, I cannot begin to explain the catastrophic implications of how
- 19 many millions of accounts and private information and leaks could have
- 20 been compromised because of this negligence for which Nexon took
- 21 zero responsibility, zero compensation and zero precautions to protect its
- 22 members/players. Nexon has admitted and apologized for unnecessarily
- 23 installing spyware/plugin on people computers WITHOUT warning or
- 24 disclosure and without allowing players the "option" to NOT have this
- 25 spyware installed, which could have played a large part in the security
- 26 breaches that have occurred and only computer experts could fully
- 27 explain or understand the potential hazards this act could have caused to

1 anyone who unknowingly had it installed on their computers
2 ([http://forum.nexoneu.com/showthread.php?706209-Nexon-installs-](http://forum.nexoneu.com/showthread.php?706209-Nexon-installs-spyware-on-its-customers-and-users-machines)
3 [spyware-on-its-customers-and-users-machines](http://forum.nexoneu.com/showthread.php?706209-Nexon-installs-spyware-on-its-customers-and-users-machines)). One of the most
4 respected review sites in the history of the internet gives a glaring insight
5 to the history of Nexon ... ([http://www.trustlink.org/Reviews/Nexon-](http://www.trustlink.org/Reviews/Nexon-America-Inc-205961941)
6 [America-Inc-205961941](http://www.trustlink.org/Reviews/Nexon-America-Inc-205961941)) Nexon players since early 2008 (long before
7 w8baby ever existed) started these statements which prove complete and
8 total negligence, lies and deceptions made by Nexon over the years and
9 also prove that everything in Nexon's complaint was indeed occurring
10 by sites which Nexon was fully aware of at that time by virtue of sending
11 DMCA notifications, (start at page 5 to view the beginning of the above
12 listed article) . Further deletions of any talk regarding their own flaws,
13 mistakes, leaks, glitches, errors have occurred since the beginnings of
14 nexon and one small example of this is given here...
15 ([http://www.youtube.com/watch?feature=endscreen&v=CERSh36cAec](http://www.youtube.com/watch?feature=endscreen&v=CERSh36cAec&NR=1)
16 [&NR=1](http://www.youtube.com/watch?feature=endscreen&v=CERSh36cAec&NR=1)) Note: the link to Nexon's own forums given at the end is
17 broken because Nexon clearly covered up this mistake of selling mass
18 amounts of NX to players who in the end did NOT receive the cash shop
19 item for which was the soul purpose they paid real money to buy the NX
20 to obtain (namely the 90day 2x exp. Card from the cash shop), Nexon
21 did not fix this error for over a week while millions of players around the
22 world bought up NX in mass amounts for the soul purpose of buying this
23 item which they NEVER received in the end (Nexon deliberately
24 "covered" this up and deleted all threads pertaining to it in hopes that 15
25 year old kids would not be smart enough to advocate the legality of what
26 they had purposely done to produce massive NX sales). In this thread on
27 Nexons own forum they have admittedly appologized for their years of

1 lax behavior and lack of properly maintaining their games with this
2 quote "We know you are frustrated with us, especially with the way
3 we've handled tickets in the past. We're working really really
4 SERIOUSLY hard at trying to make changes, so we ask that you bear
5 with us while we get up to speed and make some major improvements to
6 our system." Seen here

7 ([http://maplestory.nexon.net/Community/#%2Fshowthread.php%3F4461](http://maplestory.nexon.net/Community/#%2Fshowthread.php%3F446148%26p%3D3662258%26viewfull%3D1)
8 [48%26p%3D3662258%26viewfull%3D1](http://maplestory.nexon.net/Community/#%2Fshowthread.php%3F446148%26p%3D3662258%26viewfull%3D1)). Nexon sells NX to people
9 for cash in this next example and after giving expectations of %'s for the
10 success of using that cash to buy items, Nexon then removes all
11 disclosure of %'s of success after buying an item for real money and
12 adjusts the %'s to benefit themselves and leave players at a terrible loss
13 in hopes they buy more NX for item's which only they know the %'s of
14 obtaining in an effort to force kids to continue buying NX to obtain the
15 item they will never obtain in the end

16 ([http://maplestory.nexon.net/Community/#%2Fshowthread.php%3F3643](http://maplestory.nexon.net/Community/#%2Fshowthread.php%3F364325-Nexon-Please-Explain-why-lvl-10-Smithing-Fails-so-bad%26nxid%3D6)
17 [25-Nexon-Please-Explain-why-lvl-10-Smithing-Fails-so-](http://maplestory.nexon.net/Community/#%2Fshowthread.php%3F364325-Nexon-Please-Explain-why-lvl-10-Smithing-Fails-so-bad%26nxid%3D6)
18 [bad%26nxid%3D6](http://maplestory.nexon.net/Community/#%2Fshowthread.php%3F364325-Nexon-Please-Explain-why-lvl-10-Smithing-Fails-so-bad%26nxid%3D6)). I contend that selling NX for an item or product
19 which a child knows he will receive is one thing, but its when Nexon
20 takes complete advantage of it players by not disclosing the % of risk in
21 obtaining nothing for your money they have purposely leaped into the
22 realm of gambling and these morals and ethics directly relate to the
23 company's business practice as a whole. Nexon America has simply
24 followed suit with their parent Nexon Korea shown here as being
25 completely lax behavior and I contend that it's some of the very same
26 people whom were involved in this Korean fiasco in 2008 who now run
27 Nexon America now, and their inability to protect the data inside their

1 servers have NOTHING whatsoever to do with "botters" or so called
2 "rouge" gaming sites! The difference between these concepts is akin to a
3 child picking up and eating a pack of bubble gum that Walmart
4 purposefully allows to fall off the back of their Walmart truck after
5 inciting the kids that these packs of bubble gum are about fall out VS.
6 organized crime breaking and entering and driving off with all
7 Wallmarts trucks and I have faith the court will know the differences
8 regarding innocent infringers/botthers and game players VS. serious
9 hackers (its as if Nexon wishes to believe that it's a bunch of kids in a
10 public forum who are the cause of their "serious" breeches in data bases
11 or the leaks and loses of millions of accounts and personal info) and I
12 assure you that any hackers of that type of caliber would not be involved
13 in a public gaming community to get advice about breaking and entering
14 and they certainly would not require any tools made by anyone on
15 gaming sites.)

16 (http://www.koreatimes.co.kr/www/news/biz/2011/12/123_99941.html)

17
18
19
20 g. Nexon has engaged in unbanning accounts which were permanent
21 banned for hacking, they have done this on a regular basis knowing full
22 well the person was hacking/botting in game and worst still... years ago
23 game masters used to take payment for unbanning a perm banned
24 account (either of which sets up a precedence for people to believe its
25 condoned and acceptable practice by Nexon)

26 <http://i56.tinypic.com/nq70xe.jpg>

- 1 h. Sample of some of the articles and comments concerning xentare vs.
2 bizzaro trainers and had Nexon filed suit against cheatengineforum
3 years ago none of us would be in the position we find ourselves in today
4 [http://www.gamekiller.net/global-maplestory-hacks-discussion/84384-](http://www.gamekiller.net/global-maplestory-hacks-discussion/84384-revamp-xentare.html)
5 [revamp-xentare.html](http://www.gamekiller.net/global-maplestory-hacks-discussion/84384-revamp-xentare.html)
6
7 i. Articles from Customers regarding Nexon's abysmal customer service
8 and moreover their deleting and cover up and non-actions of "ticket"
9 complaints and plea's by its community regarding their non-maintenance
10 <http://www.southperry.net/showthread.php?t=3714> here also are the
11 comments of customers who are forbid from making these opinions or
12 comments on Nexon forums which show how even those of us who
13 enjoyed their games legitimately were brushed under the carpet without
14 so much as a care by Nexon [http://combatarmsforum.com/f8/missing-nx-](http://combatarmsforum.com/f8/missing-nx-since-12-28-a-831/)
15 [since-12-28-a-831/](http://combatarmsforum.com/f8/missing-nx-since-12-28-a-831/) other examples of customers who complain about
16 something in 2008 and still receive zero response a year later, this
17 particular customer was forced to join a so called "rouge forum" because
18 Nexon deleted and banned him for his complaint on nexon forums
19 [http://www.gamekiller.net/maplestory-general/286130-nexon-already-](http://www.gamekiller.net/maplestory-general/286130-nexon-already-logged-disgrace.html)
20 [logged-disgrace.html](http://www.gamekiller.net/maplestory-general/286130-nexon-already-logged-disgrace.html)
21
22 **1. latest reports of profits and gains by Nexon year after year**
23 **proves their so called "damages" are untruths to the court**
24 **and show why their personal "agenda" of knowingly and**
25 **purposefully "laying in wait" for years on end before filing**
26 **suit has resulted in billions of dollars of gains for the**
27 **plaintiff and has resulted in placing the defendant in a**
much worst position now.

(<http://investing.businessweek.com/research/stocks/private/snapshot.asp?privcapId=35505425>)

(http://www.gamasutra.com/view/news/170113/Freetoplay_business_model_pays_off_for_Nexon_in_Q1.php).

Furthermore anyone can see the two largest factors for greedy profits at the cost of millions of people and player

base worldwide Key stats and ratios

	Q1 (Mar '12)	2011
Net profit margin	40.52%	29.16%
Operating margin	54.16%	42.64%
EBITD margin	-	55.07%
Return on average assets	20.11%	14.22%
Return on average equity	26.96%	21.71%
Employees	3,420	

(note the operating margin increasing each year to an unheard of 54.16%, the best companies in the history of the world like google, apple, etc. aim for 30%, most great companies would aim for 15-20% which is viewed as great, but Nexon statistics are “unreasonable” in ANY “reasonable” businessman’s eyes. Nexon. In 2011 Nexon recently engaged in public offerings of their company and in this report of their fears regarding lawsuits from their player base and/or Government agency’s changing laws which would prevent them from continuing these practices of their company (I don’t dare include these private reports for fear Nexon will then sue me for releasing them) but it’s my contention one of the reasons for the timing of their suit is investors were smart enough to know what they have engaged in over the years and realize full well that Nexon was willfully and knowingly lax for the purposes of profits to them, and now in the 11th hour Nexon comes to keep all of those profits they created over the years at zero expense by intentionally burying their heads in the sand and doing nothing

1 (including filing suit years ago) which has helped them earn these “free
2 billions” and gain an unreasonable operating expense of 54+%! This
3 may be one reason for Nexon attempting to change their “practices” in
4 the 11th hour and filing suit and starting to change their “common
5 practices” years later.

6
7 j. Consumer report of Nexon being one of the worst companies in America
8 for customer service and maintaining their games , please note the
9 comments section explaining Nexon’s methodology of “skeleton crew’s
10 to maintain their game to make overhead low and profits high, also note
11 the dates of article ([http://consumerist.com/2010/03/nexon-isnt-the-](http://consumerist.com/2010/03/nexon-isnt-the-worst-company-in-america-but-that-doesnt-make-it-good.html)
12 [worst-company-in-america-but-that-doesnt-make-it-good.html](http://consumerist.com/2010/03/nexon-isnt-the-worst-company-in-america-but-that-doesnt-make-it-good.html))

13 k. samples of letters from Nexon attorney Korn and the DMCA notices
14 that Nexon has used for many years in probability to hundreds of sites
15 though im posting the critical ones here as they directly pertain to my
16 being in a much worst situation now directly because Nexon failed to
17 bring any suit years earlier (<http://pastie.org/pastes/477456/text>) and (<http://pastebin.com/A2kQ6141>) Please note Nexon attorney’s’ practice
18 of threatening for \$100,000 liquidated damages without so much as a US
19 Judge being involved in the obtaining of this money! The attorney
20 intimidates, threatens, and then uses his strong words of Law as if it were
21 Law! (I contend a Judge should hold this attorney up to its state bar for
22 review and take testimony from all those people he spoke to in this
23 fashion). After years of these practices Nexon then prepares and changes
24 its absurd TOS so as hide your honor from them and your honor would
25 never be aware of things they had done in the past which created their
26 “beast”... as if it was “OK” to use TOS or DMCA anyway, anyhow no
27

1 matter what the circumstances or site and they seemed to have chosen
2 this “easy”, “cheap” and downright “wrongful” route in many cases
3 instead of filing suit as they should have many years ago against
4 CheatEngine! They wish to waltz in at the 11th hour and now file suit
5 against me or one entity for ALL the wrong doings they themselves
6 stood by and allowed, facilitated and let occur by turning their heads or
7 burying their heads in the sand for years upon years after having full
8 knowledge of all the things listed in their complaint being on
9 <http://forum.cheatengine.org/> and never filing suit against any of them,
10 then again doing the same thing to gamecheetah.com and again never
11 filing suit but rather giving one attempt by spitting off some \$2.00
12 DMCA notifications and “hoping” a site was taken down by a host while
13 others still remained in their idol attempts to “control the beast” that was
14 producing billions for them, and if they were not taken down ...well
15 then “we will simply turn a blind eye” and sit back, do nothing and let
16 the billions roll in without spending any money on game maintenance,
17 filing suit or anything else! They have evidently even sent these
18 DMCA’s to any “Fan Site” that gets popular enough to compete with
19 their fan site as shown here
20 ([http://forums.mapletip.com/index.php?/topic/130299-nexon-youre-](http://forums.mapletip.com/index.php?/topic/130299-nexon-youre-idiot/)
21 [idiot/](http://forums.mapletip.com/index.php?/topic/130299-nexon-youre-idiot/)) Note: They are forcibly trying to intimidate everyone to be on
22 their own fan site by false and repetitive abuse use of DMCA (which has
23 an effect of “crying wolf” eventually).

24 The problem with their poor and incorrect timing and methods is that it
25 has directly impacted me as an individual by relying upon the “history”
26 and the “acceptance” and the downright “common practice” that Nexon
27 KNOWINGLY allowed by failing to file suit but rather enticed and

1 advertised these very same practices and sites and allowed them to
2 remain without suit to this day! it has caused me to be at the forefront of
3 this 11th hour suit and its wrong on so many levels I cannot stress this
4 enough to the court , I have zero knowledge of how or why hacks work
5 and zero technical ability to run a forum, I simply became an active user
6 of the very sites introduced to me in game and on Nexon forums many
7 years ago and had Nexon done any due diligence to properly maintain
8 their game or forums OR if Nexon filed suit properly years ago when
9 they should have I would NOT be here in front of you today and these
10 are the facts. Nexon attorney has admitted to being Lax ([http://maple-](http://maple-news.com/2009/03/31/my-conversation-with-lloyd-korn-about-private-servers/)
11 [news.com/2009/03/31/my-conversation-with-lloyd-korn-about-private-](http://maple-news.com/2009/03/31/my-conversation-with-lloyd-korn-about-private-servers/)
12 [servers/](http://maple-news.com/2009/03/31/my-conversation-with-lloyd-korn-about-private-servers/)) . Though this next example of the tactics, threats and giving
13 false information of law is regarding “private servers”, I want to preface
14 this by stating that w8baby has NEVER engaged in allowing,
15 perpetuating or advertising anything to do with private servers on their
16 site but this gives a good example of how Nexon attorneys use their law
17 degree (<http://forums.xdreamer.net/showthread.php?t=8005>) and
18 (<http://www.mapleanime.com/forum/viewtopic.php?f=53&t=1145>) and
19 ([http://maple-news.com/2009/03/25/finalstory-receives-cease-and-desist-](http://maple-news.com/2009/03/25/finalstory-receives-cease-and-desist-from-nexon-america/)
20 [from-nexon-america/](http://maple-news.com/2009/03/25/finalstory-receives-cease-and-desist-from-nexon-america/)) had Nexon filed suit against legitimate botting/
21 gaming sites when they should have (which made them billions in free
22 advertising and drawing in millions of additional users directly to
23 Nexon’s versions of games) then w8baby would have never existed
24 today. More articles of people shouting to Nexon to sue cheatengine
25 ([http://maple-news.com/2008/12/14/maple-news-receives-dmca-notice-](http://maple-news.com/2008/12/14/maple-news-receives-dmca-notice-from-nexon-america/)
26 [from-nexon-america/](http://maple-news.com/2008/12/14/maple-news-receives-dmca-notice-from-nexon-america/)) which Nexon has refused to do still to this day
27 which has created the “beast” which made them billions. I would hope

1 the court finds reasonable cause to request and review these practices in
2 which attorney Llyod Korn communicated in a very wrong manner.
3 Nexon has long maintained in their TOS that nobody has the legal right
4 to file a class action suit against them (this was removed from their TOS
5 prior to submitting their TOS to this court, for reasons Im unsure but a
6 Judge may better know these reasons), Nexon also removed #16 (entered
7 below) from their TOS prior to filing suit.

8 16. "LIQUIDATED DAMAGES. You acknowledge and agree that you
9 are not permitted for any reason or under any circumstances to hack,
10 attempt file decryptions, crack encryptions, use cheats and/or memory
11 altering scripts or codes or utilize unauthorized third-party manipulations
12 programs, re-packer programs, game or client altering software or client
13 re-interpretation methods or codes to alter the play experience or gain an
14 unfair advantage in any of the Nexon games. You also are prohibited
15 from doing the following: (1) use any type of hacks, bypass, decryptions
16 (including but not limited to file decryption software/methods), cheats
17 and/or memory altering scripts or codes to gain an unfair advantage over
18 other users in any Nexon game; (2) manipulate and/or alter the game
19 client and/or server memory in order to gain unearned and unjustified
20 Nexon Cash, in-game currency and/or any other Items from any Nexon
21 game ; and (3) elevate your ranking in any Nexon game fraudulently or
22 by any wrongful or unauthorized means. In addition you agree not to
23 create, design, disseminate, link, distribute, provide access to or use any
24 third party programs, bots, scripts, codes, bypass, memory scanning
25 software, hacks or cheats designed to alter the game play or to modify
26 the code to play the game differently than it was intended by means of
27 programs not permitted or authorized by Nexon, which include, but are

1 not limited to: hacks, private servers, cheat engines, memory altering
2 scripts or codes (including but not limited to disconnection hacks), auto
3 clickers, any type of bots and/or game cheats. Any use, dissemination or
4 design of such programs shall be deemed a material breach by you of
5 these Terms of Service for which you will be liable to Nexon for any
6 resulting damages. You agree that if you host or operate a private server
7 of a Nexon game or host or operate a hack site that sells hacks to a
8 Nexon game or if you distribute, disseminate, design, code, moderate
9 and/or provide free or paid access to private forums that sell or distribute
10 hacks, or assist in the design of any private servers or third party
11 programs (such as hacks) that alter the game play of any Nexon game,
12 you will have the unconditional obligation to pay Nexon America Inc.
13 the sum of One Hundred Thousand (\$100,000) Dollars for each such
14 program (including patches) and versions thereof as liquidated damages.
15 You also agree that if you use such a program to play any of the Nexon
16 games, or engage in the use of a private server, you will have the
17 unconditional obligation to pay Nexon America Inc. the sum of One
18 Thousand (\$1,000) Dollars as liquidated damages for each time you use
19 such a program, which shall be due and payable immediately upon
20 notification to you of said infraction.”

21 I further contend that by virtue of the game of maplestory ending at level
22 200 and it not possible for Nexon to increase or add content beyond that
23 point, it is a game that has a very definitive life cycle that would/will end on
24 its own no matter what any outside parameters may be, therefore it is my
25 belief that Nexon has purposefully waited until years later (until such a time
26 as their game is coming to the end of its life cycle) to file suit AND/OR
27 Nexon has purposefully waited years until such a time as to allow a site or
28

1 forum to be built up enough to make it “easy pickin’s” for a suit from them
2 instead of filing suit many years ago against sites which were much larger
3 with resources and a real business structure and admittedly at the heart of
4 their complaints but Nexon knowingly chose NOT to file suit because they
5 did NOT wish to jeopardize their flow of \$Billions during that time
6 AND/OR they knew it was not going to be “easy pickin’s” for them to file
7 suit against this larger sites years ago when they first admittedly were aware
8 of it. AND/OR Nexon waited until such a time as they see fit to only define
9 a pin point suit against w8baby.com who’s owner (Yang) is also a known
10 Chinese meso site person who Nexon believes is effecting the “real world
11 cash value” of their “in game gold” differently then Nexon wishes it to be (it
12 was all fine and dandy as long as these Chinese meso site owners do as
13 Nexon wishes them to do and maintains the proper cash value of their in
14 game gold and items).

15 We can obtain lists of ALL Nexon TOS through the years as well as ALL
16 communication from and to attorney Lloyd Korn to all those he may have
17 intimidated or threatened or insulted. BUT a very simple and cost effective
18 way to confirm and verify the one critical fact that proves Laches would be
19 for your honer to ask one simple question of the plaintiff ... “Did you file
20 DMCA notifications to CheatEngine.org or GameCheetah.com years ago
21 and chose to not file a proper suit and was Nexon fully aware of these sites,
22 softwares and “hacks” years ago?” if they indeed did and were fully aware
23 of the hacks, software’s, etc. as stated in the DMCA from attorney Lloyd
24 Korn shown above then the rest is history because they chose to turn their
25 heads and not file suit which in turn lead me and about a million other
26 people down the road to adopt what we believed was “common acceptable
27 practice by Nexon”. For the court to now allow Nexon to step in after years

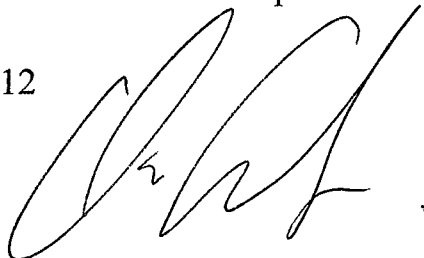
1 of knowingly turning their heads and non-action and moreover inciting,
2 allowing the advertising of these sites, and frankly (making money from the
3 NX sales of all these sites) to now lay ALL this negligence at the feet of one
4 tiny site which is 1/100th of cheatengine.org for the soul purposes of
5 obtaining an easy victory or their assumptions that everyone will simply
6 "default" (because they know nobody here has the funds to properly defend
7 themselves or the knowledge of how to bring countersuit) to set some
8 precedence to again bend United States law to their will and control their
9 "beast" and their time frame because they did not wish to file suit against
10 CEF when they were fully aware of it would be a horrible injustice for the
11 court to let occur.

12
13
14 Defendant Doug Crane Pro SE respectfully moves the Court for an order
15 dismissing the above-entitled cause, and each of the claims attempted to be
16 set forth in the Complaint.

17 I declare under penalty of perjury under the laws of the United States of
18 America that the foregoing is true and correct.
19

20 Doug Crane Pro SE 366 Temple St. Duxbury, Ma. 02332

21 July 24, 2012
22
23
24
25
26
27



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DMCA notification from Nexon to CheatEngine.org

BY: A GUEST ON JUL 10TH, 2012 | SYNTAX: NONE | SIZE: 5.50 KB | HITS: 16 | EXPIRES: NEVER
 DOWNLOAD | RAW | EMBED | REPORT ABUSE



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16 sec ago

1. To whom it may concern:

2.

3.

4.

5. Nexon America Inc. ("Nexon") is the owner of the Website, www.nexon.net (the "Website"). The website contains Nexon's copyrighted material and the intellectual property in the Video Games on the Website, which include the games MapleStory and Combat Arms (the "Games"), as well as the original images on the Website and embedded in the Games, and the object and source code for the site. In addition, Nexon is the owner of the trademarks NEXON, Combat Arms and MapleStory, as well as hundreds of other trademarks used in association with the website.

6.

7.

8.

9. You are currently hosting the following website: www.cheatengine.org (the "Rogue Website"). This website is a haven for private servers and hackers of the Games, and for those who have illegally misappropriated Nexon's intellectual property: The people who run this Rogue Website specifically distribute and allow for the download of hacks and private server software for the Games and the pirated source code of the Games. Because of this, the Rogue Website is severely damaging the Game and is hurting Nexon's business by misappropriating Nexon's intellectual property.

10.

11.

12.

13. You need to look no further than some of the examples in Exhibit "A" below to see Nexon copyrighted source code, artwork and protected Trademarks all over the site which is used by the owner to misappropriate and encourage the use of illegal hacking and private server software by others who visit the site.

14.

15.

16.

17. I hereby state that Nexon America Inc. is the owner of copyright in the images attached hereto and that to the best of my knowledge and belief, the infringing use was not authorized by it, its agents or the law. I further declare under penalty of perjury that this notice is accurate and that I am authorized to act as Nexon America Inc.'s agent in this matter. Pursuant to the Digital Millennium Copyright Act, and your Terms of Service, Nexon America Inc. demands that you shut down the Rogue Website and remove the infringing material contained on said site.

18.

19.

20.

21. You may reach me by e-mail at lkor@nexon.net" onclick="window.open(this.href);return false" onclick="window.open(this.href);return false if you have any questions about this matter. The foregoing is not intended as a complete statement of our rights and remedies, all of which are hereby expressly reserved.

22.

23.

24.

25. Sincerely,

26.

27.

28.

29. Lloyd Korn

30.

31.

32.
33.
34.
35. Lloyd Korn
36.
37. Nexon America Inc.
38.
39. General Counsel
40.
41.
42.
43.
44.
45.
46.
47. The information contained in this message and any attachment may be proprietary, confidential, and privileged or subject to the work product doctrine and thus protected from disclosure. If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies.
48.
49.
50.
51. Exhibit "A"
52.
53.
54.
55.
56.
57.
58.
59. Hack Threads
60.
61. Using hacks like these are against our Terms of Service
62.
63. Thread
64.
65. <http://forum.cheatengine.org/viewtopic.php?t=389618>
66.
67. File hosted on CheatEngine.org
68.
69. <http://forum.cheatengine.org/download.php?id=56043>
70.
71. Used to edit files of MapleStory to make monsters move into one position so that players don't have to move to every monster to kill.
72.
73.
74.
75. Thread
76.
77. <http://forum.cheatengine.org/viewtopic.php?t=372684>
78.
79. 2 Files Hosted on CheatEngine.org
80.
81. <http://forum.cheatengine.org/download.php?id=53559>
82.
83. <http://forum.cheatengine.org/download.php?id=53558>
84.
85. Used to add custom properties of MapleStory game files to create monster vacuums, making skills attack faster.
86.
87.
88.
89. Thread

- 90.
91. <http://forum.cheatengine.org/viewtopic.php?t=377153>
- 92.
93. Links to other threads such as the one above. Also a step by step tutorial with many screenshots of how to edit the MapleStory Game files to gain an advantage.
- 94.
- 95.
- 96.
97. Thread
- 98.
99. <http://forum.cheatengine.org/viewtopic.php?t=388353>
- 100.
101. Files
- 102.
103. <http://forum.cheatengine.org/download.php?id=56263>
- 104.
105. <http://forum.cheatengine.org/download.php?id=56037>
- 106.
- 107.
- 108.
109. More patcher files that edit the MapleStory Game files. Edited versions of Map.wz make monsters move to one location. Mob.wz edits make the monsters unable to attack or behave normally.
- 110.
- 111.
- 112.
113. <http://forum.cheatengine.org/viewtopic.php?t=404396>
- 114.
115. Using hacks like these are against our Terms of Service.
- 116.
117. More patcher files for making monsters move to one location. Screenshot of the hack in action on this thread. File is hosted externally.
- 118.
- 119.
- 120.
121. <http://forum.cheatengine.org/viewtopic.php?t=387987>
- 122.
123. Edited MapleStory game files hosted externally. Descriptions of what has been edited in this thread such as making character skills attack abnormally fast. Making it so monsters in game do no damage to a character.
- 124.
- 125.
- 126.
127. <http://forum.cheatengine.org/viewtopic.php?t=404285>
- 128.
129. Cheat Table for the entries of memory edits used.
- 130.
131. <http://forum.cheatengine.org/download.php?id=57938>
- 132.
133. Using antihacking bypasses and memory editors to hack the game. Against our Terms of Service.
- 134.
- 135.
- 136.
- 137.
- 138.
139. Private Server Section
- 140.
141. <http://forum.cheatengine.org/viewforum.php?f=54>
- 142.
143. Advertisements for various private servers of MapleStory.
- 144.
- 145.
- 146.
147. <http://forum.cheatengine.org/viewforum.php?f=53>
- 148.
149. Discussion of Private servers. Threads about setting up your own private server.

- 150.
- 151. <http://forum.cheatengine.org/viewtopic.php?t=221192>
- 152.
- 153. Guide on Setting up your own private server.
- 154.
- 155.
- 156.
- 157. CheatEngine's own software for Memory Hacking
- 158.
- 159. <http://www.cheatengine.org/downloads.php>

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To whom it may concern:

Nexon America Inc. ("Nexon") is the owner of the Website, www.nexon.net (the "Website"). The website contains Nexon's copyrighted material and the intellectual property in the Video Games on the Website, which include the games MapleStory and Combat Arms (the "Games"), as well as the original images on the Website and embedded in the Games, and the object and source code for the site. In addition, Nexon is the owner of the trademarks NEXON, Combat Arms and MapleStory, as well as hundreds of other trademarks used in association with the website.

You are currently hosting the following website: www.cheatengine.org (the "Rogue Website"). This website is a

(b)

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Certificate of Service

I undersigned hereby certify that copies of the above were delivered to all council in this case by Norma Crane am over the age of eighteen years and am not a party to this action; my business address is 253 Ames St. Brockton, Ma. 02302

On July 25, 2012 I delivered the documents named "Motion to dismiss by reason of Laches" and "Motion to Quash Nexon Terms of Service" via USPS to:

MARC E. MAYER (SBN 190969),
mem@msk.com
MITCHELL SILBERBERG & KNUPP LLP
11377 West Olympic Boulevard
Los Angeles, California 90064-1683

Cival Intake Dept.

312 N. Spring St.

Los Angeles, CA 90012

Ryan Michael Cornwall at

riukuzaki@gmail.com

1818 2nd Street Apt 55

Waco, TX 76706

I declare under penalty of perjury under the laws of the United States that the above is true and correct.

Executed on July 25, 2012 Norma Crane

A handwritten signature in cursive script, appearing to read "Norma Crane", is written below the typed name.