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October 26, 2011

**VIA HAND DELIVERY**

Mr. Brandon L. Wilson



e-mail: brandonlw@gmail.com

**Re: Unauthorized Hacking Of Skylanders: Spyro's Adventure**

Dear Mr. Wilson:

We are counsel for Activision Publishing, Inc. ("Activision"). As you know, Activision is the publisher of the video game "Skylanders: Spyro's Adventure" (the "Skylanders game"). As such, Activision is the owner of U.S. and international copyrights and/or exclusive rights in and to the Skylanders game and its related components, including the Skylanders "portal," each of the "Skylanders" character figurines, and the software code embodied within the Skylanders game, portal, and figurines.

It recently has come to our client's attention that you are engaged in an ongoing project whereby you (and others working in collaboration with you) have been attempting to reverse engineer and hack certain code contained in the Skylanders game, including code by which the Skylanders portal and figurines communicate with the Skylanders video game software. We have learned that you are publishing your findings – including portions of Skylanders source code and highly confidential encryption code – on various websites, including the website <http://www.rarewarecentral.com/forums/showthread.php?t=6113>. We also have learned that you are distributing to the public a "zip" file containing extensive data concerning your hacking activities, and that you intend to commence work (or have commenced work) on an "iPod/iPhone app which will let you trick the Wii into thinking the app is the portal and allow you to select any character you want."

We appreciate that you are interested in understanding the operation of the Skylanders game, which, as you know, is a one-of-a-kind product and the first video game to seamlessly incorporate toy figurines into the gameplay experience. However, your activities are unlawful and have the potential to cause enormous and irreparable harm to Activision. Most notably, your actions violate Sections 1201(a) and (b) (the "anti-circumvention provisions") of the Digital Millennium Copyright Act ("DMCA"). This is because, among other things, you personally have engaged in unauthorized decryption and circumvention of Skylanders code and encrypted data, you have published and are continuing to publish data that is intended to allow others to

decrypt and circumvent access-control technologies embodied within the Skylanders game, and you intend to traffic in iOS software that has no purpose other than to circumvent Skylanders' access control systems.

Additionally, your activities violate a number of state laws, including laws that prohibit the misappropriation of trade secrets. They also constitute a violation of the End-User License Agreement ("EULA") with Activision, which you knowingly consented to when you installed the Skylanders game onto your console.

As noted, if your activities continue, they are likely to cause immense harm to Activision and to its massive investment of time and expense in creating, marketing, and distributing its unique Skylanders product.

In light of the foregoing, we must demand that you **immediately** cease and desist from your "hacking" project, including from any further publication of any data or information concerning your reverse engineering of Skylanders. We further demand that you immediately cease work on any purported iPhone app designed to circumvent Skylander's access-control technology, and provide to us any source code or other data concerning this contemplated app. Please inform us **in writing** of your agreement to these terms, as well as all of the requested information, on or before the close of business on **October 28, 2011**.

Please note that our client takes this matter extremely seriously. Accordingly, Activision is prepared to take whatever action it deems necessary to protect its rights, including, if necessary, filing a federal court lawsuit and seeking injunctive and monetary relief.

Nothing contained in this letter is intended to, nor shall it constitute, a waiver or relinquishment of any rights, claims, defenses, or causes of action possessed by Activision, all of which expressly are reserved.

We appreciate your anticipated cooperation. Please feel free to contact us with any questions.

Very truly yours,



Marc E. Mayer  
A Professional Corporation of  
MITCHELL SILBERBERG & KNUPP LLP