Banner & Witcoff Wins Video Game Lawsuit for RuneScape® Developer Jagex, Ltd.

February 3, 2012

Banner & Witcoff, Ltd. is pleased to announce that on February 1, 2012, the United States District Court for the District of Massachusetts entered judgment in favor of firm client Jagex, Ltd., the developer of the massive multiple online game (MMOG) RuneScape®.

On its claims against Impulse Software, Eric Snellman, and Mark Snellman ("Defendants"), Banner & Witcoff successfully obtained judgments of (1) copyright infringement, (2) circumvention of technological measures under the Digital Millennium Copyright Act (DMCA), (3) trademark infringement, (4) computer fraud and abuse, and (5) tortious interference with contracts, resulting in a broad injunction that, among other things, prohibits the Defendants from ever playing another Jagex game…ever.

The software platform at issue in the case was the online video game RuneScape. By 2009, RuneScape® had already amassed over 170 million players accounts, and holds a number of Guinness World Records for the World's most popular free MMOG. The Defendants were the developers of RuneScape specific macroing/botting software. Defendants were responsible for the development and sale of "bot" software programs (sometimes referred to as autolevelers or goldfarming bots) that enable RuneScape® users to circumvent security measures and infringe Jagex's intellectual property rights in its RuneScape® game. Defendants' unauthorized bots enable its users to cheat fellow players by completing in-game tasks and advancing characters with little or no human participation, thereby giving bot users significant unfair and contractually prohibited advantages over legitimate players.

The Snellmans have been ordered to give up all websites, domains, source code and customer details to Jagex along with all the details of all those individuals who have developed scripts for iBOT and sold or re-sold those scripts. In addition to damages in the six-figure range and a

required apology (click here to read the apology), the Court also permanently enjoined the Defendants from: (i) circumventing under the DMCA of any game owned, developed, or published by Jagex, now or in the future ("Jagex Game"); (ii) trafficking under the DMCA regarding any Jagex Game; (iii) botting in any Jagex Game; (iv) attempting to reverse engineer or circumvent any protective measure(s) in any Jagex Game; (v) providing any assistance or instructions to anyone attempting to reverse engineer or circumvent any protective measure(s) in any Jagex Game; (vi.) interfering in Jagex's contractual relations with users of any Jagex Game, including restricting Defendants from performing software development, sales, consulting, or having involvement in any way with any software that interacts with any Jagex Game; (vii) playing any Jagex Game; (viii) creating, maintaining, assisting, or providing any advice or technical instruction to any third party with respect to any Jagex Game including, but not limited to, any software development, code release, website development or maintenance, botting, cheating, gold farming or otherwise violating any Terms of Service for any Jagex Game; and (ix) publicly disclosing, or disclosing to any party, any portion of the source code for any of defendants' bots.

Mark Gerhard, CEO & CTO of Jagex, stated: "We began the legal action against the Snellmans over two years ago as a part of our ongoing commitment to ridding RuneScape of bots and gold farmers. Faced with this significant challenge we have continued to demonstrate that we will never shy away from difficult battles, we don't compromise on taking the right course of action and, regardless of the time, money or effort involved we always do what it takes in order to protect our community." Gerhard concluded with: "The result of this case against the Snellmans should serve as a serious deterrent for anyone who continues to be involved in developing botting software or scripts or even maintaining or supporting those involved."

Jagex was represented by Banner & Witcoff, Ltd. Chicago-based attorneys Timothy C. Meece and V. Bryan Medlock, Jr., DC-based attorneys Ross A. Dannenberg and Christopher B. Roth, and Boston-based attorney Erin E. Bryan. Ross is the author of the recently published book, The American Bar Association's Legal Guide to Video Game Development (ABA Publishing, 2011).

The case was *Jagex, Ltd. v. Impulse Software*, *Eric Snellman, and Mark Snellman*, docket no. 10-cv-10216-NMG, in the United States District Court for the District of Massachusetts.

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