

Nintendo of America, Inc.



Anti-Piracy Group
Nintendo of America, Inc.
Redmond, WA, 98052, USA

VIA OVERNIGHT MAIL
VIA E-MAIL

March 31, 2007

Voxel Dot Net, Inc.
29 Broadway
30th Floor
New York, NY 10006

Re: Digital Millennium Copyright Act Notice of Infringement

Dear Sir or Madam:

It has been brought to our attention that web pages at www.starmen.net (69.9.176.189) display, without authorization, derivative works owned by Nintendo of America Inc. (NOA).

Pursuant to Title II of the Digital Millennium Copyright Act ("DMCA"), namely, the Online Copyright Infringement Liability Act, you are hereby notified that certain copyright infringing materials are currently hosted by you in your capacity as an online service provider ("OSP"). This letter serves as written notification of claimed infringement. The DMCA further provides that the OSP shall fall within the safe harbor provisions of the Online Copyright Infringement Liability Act if and only if it complies with this notification procedure. Specifically, the Act states that upon obtaining knowledge or awareness of the copyright infringement, the OSP must act expeditiously to remove, or disable access to, the material. See §§ 512(c)(1)(A)(2), (c)(1)(C).

NOA has a good faith belief that the internet site found at www.starmen.net infringes Nintendo's intellectual property rights by distributing derivative works as defined by 17 U.S.C. §101. Character art and an unconscionable number of screen caps are produced without permission from NOA's copyrighted video game, **EarthBound**.

The unauthorized copies of such game products appearing on the websites listed herein are identified as such on Internet sites by their titles, variations thereof or depictions of associated artwork. Based on the information at its disposal on March 30, 2007, NOA believes that the statements in this notice are accurate and correctly describe the infringing nature and status of the infringing material.

Should you have any questions, please contact Nintendo of America Inc. at the following address, telephone and fax numbers, and/or e-mail address:

Nintendo of America Inc.
Attn: Anti-Piracy Group

4820 150th Ave. NE
Redmond, WA 98052
Telephone: 425-861-2187
Fax: 425-882-3585
E-mail: Noalegal@noa.nintendo.com

We look forward to working with you to immediately resolve this matter.

Sincerely,

NINTENDO OF AMERICA INC.