

**INFRINGEMENT CLAIMS AGAINST DEFENDANTS WARNERMEDIA,
WARNER BROTHERS, SHUEISHA, VIZ MEDIA, AND MADMEN ENTERTAINMENT
FOR INFRINGING THE PLAINTIFF'S SCRIPT "UBEROPOLIS: CITY OF LIGHT"
(AKA "BUTTERFLY DRIVER"), BY PUBLISHING THEIR INFRINGING MANGA
(COMIC / GRAPHIC NOVEL) SERIES, ANIME TV SERIES, AND FILMS, TITLED:**

"DEATH NOTE"

- The Unknown (Anonymous) Writer of Death Note

The Defendants' "Death Note" (DN) is manga (Japanese comic, graphic novel) book series (2004-2006), which was adapted into an anime (Japanese animation) TV series (first airing in Japan from October 2006 to June 2007; later airing in the USA and Canada in October 2007 to July 2008 USA), and several films, titled "Death Note" (produced in Japan, 2006, and produced in the USA in 2017), "Death Note 2" (2006, Japan) and "Death Note: Light Up The New World" (2016, Japan). These Death Note productions have since been released in many other countries.

In the opening of this Complaint, the Plaintiff explained that many of the corporate copyright owners of many of the various works that infringe the Plaintiff's works allege the infringing derivatives were created/written by new, undiscovered writers. Perhaps most bizarrely of all of these unlikely writer stories, Death Note famously claims to have been written by an unknown, unidentified, **anonymous writer**, using the pseudonym *Tsugumi Ohba*. At the time that DN was released, 2004, the hugely successful *Death Note* was the mysterious Ohba's FIRST writing project. In 2008, Ohba released the first Bakuman manga (a story that infringes a 1999 story written by the Plaintiff; HOWEVER, this 1999 infringement claim is not addresses herein).¹

¹ The mysterious "Ohba" only has these two (2) writing credits (*Death Note* and *Bakuman*), which both appear to infringe the Plaintiff's work. Although Ohba MAY exist, the Plaintiff suspects the Defendants invented "pseudonym" Ohba, because they needed a person to give credit for writing/creating DN (to gain copyright protection, a property must have a creator). Rather than asking someone to fraudulently claim credit for creating Death Note, the Plaintiff believes the Defendants just invented Tsugumi Ohba.

Death Note’s U.S. Copyright Registrations Claims Dates Of Creation & Publication Between April 2004 and July 2006 (Well After The Plaintiff’s Work Was First Created In Fixed/Written Form); But Bizarrely The Japanese “Creators” Registered Copyrights In The USA In 2014 (10 Years After The First *Death Note* Manga Was Released In Japan).

Death Note (**DN**) was allegedly first released in Japan, in January 2004 (or December 2003), in magazine called *Weekly Shonen Jump* (**WSJ**), published by Shueisha (a Defendant herein). All of the *WSJ* manga magazines containing the DN storyline, from 2004 to 2006, are out-of-print and extremely expensive (some costing many hundreds of dollars for a single issue). Thus, confirming the original content of these *WSJ* manga is nigh impossible. There are online reports that the original DN chapters, presented in *WSJ*, substantially differ from the DN manga books. The Plaintiff hoped to find certain of the original *WSJ* issues because he felt the differences between the *WSJ* and the manga book versions would illustrate how the Defendants (via Shueisha) used the manga book collections to further infringe the Plaintiff’s work.

The Defendants (Shueisha) retroactively registered their DN manga with the US Copyright Office, in entirety, in March **2014**, in 12 separate copyright registrations, one for each of the 12 separate DN manga books. [These 12 DN copyrights are attached, sequentially, as Exhibit **34** (Ex **34**).] These copyright registrations clarify all publication date issues, as they specifically state that the Defendants’ manga was first published in JAPAN, and released between April 7, **2004** and July 4, **2006** (see “Date of Publication” line). The first copyright registration states that the first DN manga was published in April 2004; the final copyright registration states the final DN manga was published in July 2006. In these registration the Court will also see: (1) Tsugumi Ohba is identified as the **pseudonymous** writer; (2) Ohba uses Shueisha’s business address; (3) Ohba transfers all rights and permissions to Shueisha; (4) these 12 US copyright registrations provide the Japanese ISBN, unique book publication number of each manga book.

Background

Between May and June 2003, the Plaintiff began writing his screenplay, “Uberopolis: City of Light.” In 2003, the Plaintiff used a unique method for writing screenplays (which he usually often uses to this day), which involves writing the sequence of events and scenes inside the body of the the screenwriting program file;² thus, the Plaintiff can then go back and write the actual scenes, confident where the script is going. By June or July 2003, the script’s had a complete ploy outline and some major dialogue. By September 2003 (perhaps earlier), the Plaintiff’s script’s file had a complete plot and and perhaps half of the dialogue (in rough form). By December of 2003, the script file contained a complete plot and events layout and rough dialogue of most of the script. The file contained a complete rough draft of the script by about March 2004. ³ (The Plaintiff would continue to revise the script for another year).

One evening in December 2003 or January 2004, as the Plaintiff worked on his screenplay, his son (then 7 years old) asked the Plaintiff what his screenplay was about. The Plaintiff then described the script to his son for perhaps 20 to 30 minutes. A few days later, the Plaintiff encountered his son’s second grade teacher (Lesia 66363730), as she was walking to school (there was considerable snow on the ground, during this encounter). Lesia explained that a day or so earlier, during morning “sharing,” the Plaintiff’s son told the class about the plot of Plaintiff’s screenplay. Lesia estimated the Plaintiff’s son shared for 15 minutes, and explained that the Plaintiff’s son had never before shared anything during morning sharing.

² The Plaintiff’s “13 Gates of Rane” Story Outline shows how the Plaintiff sequenced events before writing the chapters/books.

³ In a previous legal proceeding (Briggs v Cameron, 2020), the Plaintiff stated that: **“By late January 2004, my “Butterfly Driver” MovieMagic Screenwriter 2000 program file had a complete plot layout. By March 2004, the file contained a rough draft of half of the script and the overarching plot layout. The file contained a complete rough draft by April 2004.”** These statements are accurate. However, to be clear and more accurate, the Plaintiff’s MovieMagic Screenwriter file had these features and content several months earlier.

The Defendants Infringe In Real Time

The Defendants infringed the Plaintiff's work, in real time, as he created his script (from late 2003 to 2007). The anecdotal evidence of this ongoing infringement is that the Defendants' "Death Note" story begins fairly tightly woven, but disintegrate about one quarter of the way through; after which, rather than telling a tight, linear and connected story, it becomes a series of tangential events, unrelated the struggle between Light and L, or Light and Near, and all of the tangential events infringe story structures (scenes or events) from the Plaintiff's work. The Court can confirm this ongoing by observing how the Defendants did not add certain new, central, compelling (and infringing) features to Death Note work until AFTER the Plaintiff revised his work and added those new features to his scripts. The Court can verify this by following seven (7) fairly simple steps (items "a" to "f" below):

- a. Examine what is contained in the Plaintiff's email-date-stamped screenplay from May 25, 2005 (**Exhibit C**).
- b. Examine what was contained, by then (May 25, 2005), in the Death Note manga (new DN mangas were still being written and published at that time). The court will see many aspects of the Plaintiff's May 25, 2005 script are already infringed by Death note, but many of the Plaintiff 77 infringement claims are not yet present in Death Note.
- c. Examine what is contained in the January 16, 2006 email-date-stamped version of the Plaintiff script (Ex B). This version had at least 7 new aspect, which were not yet infringed by the Death Note manga. These new aspects were: **(1)** The addition of "Tina," the tough warrior/fighter girl; **(2)** the nes "Only One" campaign commercial; **(3)** the new "building ruins and rubble" (setting); **(4)** the new "warehouse" (setting); **(5)** the new "underground bunker" (setting); **(6)** the new "hope" element; **(7)** the new overt spiritual

elements, such as: (A) Tina asks Arlo about his “soul mate”; (B) Tina says dreams are her religion; (C) Tina’s dream catcher (added to reinforce that dreams are Tina’s religion); (D) Arlo’s “dream catcher dream” ending (in which Arlo has a dream in the climax, while wearing Tina’s dream catcher—suggesting Arlo’s dream is a religious experience).

- d. Examining what is contained by January 2006 in the Death Note manga (which was still being written and published at that time). The Court will observe that the six aspects listed under item “c” were NOT yet featured in Death Note.
- e. Examine the Butterfly Driver version (2006-07) of the Plaintiff’s script.⁴ (See **Exhibit A. Ex A** is a surviving version of the Plaintiff’s script from mid 2007.) The Court will see this version features at least FIVE new aspects that were not in the Death Note manga: **(1)** Overtly **religious** elements (discussion of religion, worship, muslims and Christians; adding religious characters, such as a pastor, a rabbi...); **(2)** Sky-cycle chase (in which Arlo races with a female passenger, in a motorcycle-like vehicle, through crowded skys and streets); **(3)** Jerry’s brilliant viewing of 200 TV monitors to solve the mystery; **(4)** symbolic flowers; **(5)** symbolic colors (yellow and violet).
- f. By examining the Defendants COMPLETE 12-volume manga, completed in July 2006, the Court will see that it now contains and infringes all of the aspects listed under item “c”. Further, the Court will observe that the final three Death Note manga books feature most of the Plaintiff’s new aspect named under item “e”. But, at that point (July 2006),

⁴ The Plaintiff still possesses MovieMagic Screenwriter files of his screenplay, Butterfly Driver, with the computer “date modified” stamps from February and September of 2007 (although these files may have been actually “created” months earlier —because the Plaintiff’s computer was besieged by viral attacks during this period; thus, the Plaintiff resorted to “frantic” means to save his writing files). Because of the destructive nature of these 2006-2007 computer attacks (which destroyed hundreds of the Plaintiff’s writing file), and because of the Plaintiff’s conviction that these attacks were orchestrated by the Defendants and their associates, the Plaintiff has doubts about the reliability of certain aspects of these files. However, the the Feb 2007 file shows that the new religious and symbolic aspects were in the script by February 2007.

the Death Note manga series did not contain the symbolic flowers or symbolic colors, and its newly added “overtly religious” content was still fairly tame (effectively limited to worshipers on “Kira’s Kingdom” TV show) and it did not infringe the Plaintiff’s use of established, major religion (Christian, Islam...) iconography.

- g. Finally, the Court should observe that the Death Note anime series began airing in Japan in October 2006 (after all of the aspects that the Plaintiff alleges were infringed by the Defendants were present in the Plaintiff script) and ran until June 2007 (approximately when the Plaintiff was ending his work on his screenplay), The court should further observe that the the Defendants released and aired the English version of Death Note (released in USA and Canada) in October 2007 to July 2007. Finally, the Court should observe that the Death Note anime now featured much more pronounce and overt religious aspects (including reading Christian scripture in the opening moments), and the anime now infringed the Plaintiff use of **symbolic flowers** and **symbolic colors** (which is as shameful as it is absurd, because the manga did NOT FEATURE ANY FLOWERS, and the manga was in black and white—so there could be no symbolic colors).

The Defendants’s Death Note manga book series and anime TV series infringes 77 story structures of the Plaintiff’s screenplay *Uberopolis: City of Light*, Exhibit B (**Ex B**), 2003-05, renamed *Butterfly Driver*, Exhibit A (**Ex A**), in 2006. In its evaluation of these claims, the Court should contemplate:

1. Like all, or most, infringement suits, the following list may contain “non-protectable” (or “unprotectable”) elements. These unprotectable items ARE protectable, collectively, in association with the other non-protectable items.⁵

⁵ This is demonstrated in the introduction, established in countless case, such as *Twentieth Century-Fox Film Corp. v. MCA, Inc.*, where the Ninth Circuit awarded copyright protection to *Stars Wars* (which presented no individually copyrightable elements), based on 13 (of 34)

2. Several of the following claims/items are sufficiently original to earn individual copyright protection. Thus, the following claims should be assessed individually, AND in association (selection and arrangement) with the other items.
3. Some of the following items are profoundly original ideas/expressions, and must be weighed accordingly. Logically, **the presence of any two of the Plaintiff original expressions in the Defendants' infringing series should be seen as infringement**

The following 77 numbered and **bold** headings enumerate and identify 77 aspects that the Defendants "Death Note" series books and anime series infringe from the Plaintiff's work. None of these story structures and elements are stock, generic or "scenes a faire". The following infringement claims also show the Defendants infringed three of the Plaintiff's independently copyrightable characters (and associated plot structures):

- A. The Defendants infringed the Plaintiff's unprecedented villain (who is so unique as to be independently copyrightable);
- B. The Defendants infringe the Plaintiff's Primary Investigator Hero;
- C. The Defendants Infringed the Plaintiff's *Central Heroic Father* who goes to extreme lengths for his children (including, first, going to jail, THEN travelling thousands of miles and going on a dangerous mission—all for the love of his child/children).

To reduce redundancy, each of the following 77 headings describes, in bold, the story structure that appeared in the Plaintiff's work FIRST, which ALSO APPEARS in the Defendants' infringing books, TV series and films. Beneath most of the enumerated headings, the Plaintiff provides some clarifying detail and context.

reasonably interesting but non-protectable elements (the defendants' selection and arrangement of non-protectable elements). The Second Circuit also respects and defends the concept of "selection and arrangement of unprotectable elements," as seen in such cases as *Keeling v Hars*, No. 13-694 (2nd Cir. 2015) (although, it appear the Second Circuit uses the term "unprotectable," whereas the Ninth tends to use the term "non-protectable").

Infringement Claims Against Defs’ “Death Note”

Each of the following 70 story elements/structures are central *plot* or *story* components.

The Plaintiff has situated the first 26 of these 70 claims under three separate character headings (to help the Court assess infringement); however, these first 26 aspects are also connected to the general *plot*. [For example, item 6 reads: “The Villain Specifically States His Intent/Vision To Build A “NEW WORLD.” This claims pertains to defining aspects concerning the villain, but it also describes central story events, action and dialogue.]

THE VILLAIN And Related Story/Plot Elements

NOTE: The Plaintiff’s villain is named Peter Vitale (referred to herein as “**Vitale**”) in the May 2005 of the Plaintiff’s script (Ex C), and he is named Peter Drexler (referred to herein as “**Drexler**”) in the January 16, 2006, version of the Plaintiff’s script (Ex B) and in the 2007 version of the Plaintiff’s script (Ex B, 2007; which was retitled “Butterfly Driver,” circa late 2006). These villains are one and the same; only the character’s name has been changed. The Defendants infringed the following 15 unique aspects of the Plaintiff’s screenplay’s villain (and associated story structures). The first claim, item #1, forms an independently copyrightable character and expression: Peter Dexler, AKA Peter Vitale.

1. **The Villain Is Large Scale Mass Murderer & Model Citizen, Who Kills Criminals, Prisoners, And People Whom He Believes Are Bad, TO IMPROVE SOCIETY And Make Society Safer And Crime-Free, In His Effort To Create A “New World”.**
 - The Plaintiff’s villain (Peter Vitale and/or Peter Drexler) is unprecedented in originality, **and is a separately and independently copyrightable.** Each of the following aspects were infringed by the Defendants’ villain, Light Yagami (AKA: “Kira”):
 - a. **Outwardly, the villain seems like a model citizen and is very likeable and rational, but he commits LARGE SCALE MASS MURDER.**
 - b. **The villain is motivated to make the world SAFER, BETTER WORLD.**
 - c. **The villain’s victims are primarily CRIMINALS AND PRISONERS.**
 - d. **The villain’s admirable social goals, but horrible methods (committing mass murder), cause readers/viewers to feel torn about the villain, because they love his intentions, but hate him for violating law and morality.**

Page 90 of Exhibit C (Ex C), *Uberopolis: City of Light*, May 2005, states that the villain Vitale **kills hundreds** of prisoners and the poor every week. Page 90 of Exhibit B (Ex B), the Plaintiff's *Uberopolis: City of Light* script from Jan 2006 (Ex B), states that the villain Drexler **kills thousands** of prisoners every week. The Plaintiff's villain, Vitale/Drexler, is the President of the Global State, the largest and most powerful nation ever. On page 75 of the Plaintiff's screenplay (Ex C, 2005), the villain, Vitale, explains to his police chief that he is motivated by his promise to create and provide a "crime free" (crime-free), "perfect world," and Vitale refuses to abandon that promise:

CHEIF KANU

No one knows it's him. But if we don't clear the city, they will.
We can't take him out without peripheral casualties. He's smarter
and more dangerous than we are.

PRES. PETER VITALE

Than you are, chief... **I've promised people a crime free world,
where they are forever safe. And they pay me enormously to
live in this perfect world. I will not evacuate and betray my promise
for one man.**

The Defendants' *Death Note*'s villain, Light Yagame (AKA "Kira"), infringes the Plaintiff's work, as the Defendants' villain, Light (AKA "Kira"), is a mass murderer, who kills hundreds, perhaps thousand of people per week, in his effort to make a safer, crime-free world. In Chapter 1 of the *Death Note* manga (page 45), Light, explains how the world will improve because he kills bad people: **"And then nobody will commit crime anymore. The world will start becoming a better place."** Light repeatedly mentions creating a world without crime, and a "perfect world." The majority of Light's victims are prisoners, and the "Death Note" manga and anime repeatedly show that the majority of Kira's (Light's) victims are behind bars, or are criminals (e.g., on page 54 of the manga, a lead police investigator explains that "All of the victims are either criminals being pursued by police, or already behind bars").

- 2. UNPRECEDENTED TANDEM EVENTS, CHARACTER, SCENE AND PLOT STRUCTURE: In one LIVE TV event, the villain does two unprecedented things:**
- (1) The villain freely and casually admits to unthinkable crimes against conscience;**
 - (2) The villain informs citizens they can believe as they wish—IN THEIR HOMES.**
- These are original expressions/ideas; not previously expressed in film.
 - These expressions/ideas are independently copyrightable

On page 84 of the Plaintiff’s script, Butterfly Driver (Ex A), the villain appears on live TV and admits to: 1. conquering the Middle East by “allowing their factions to **exterminate** each other,” 2. wanting to **sterilize** unintelligent people, 3. mass deportations of religious believers. AND, in this same TV appearance (still on p 84, Ex A), the villain reminds citizens that they are free to believe as they wish—in their homes (but not to express their beliefs in public):

DREXLER

... Brilliant, really. We conquered the Middle East by allowing their factions to exterminate each other.

HANNA TROWERS

But your voter competency test, and sterilization plan for the poor, some say they're intended to eradicate the intellectually challenged -much like The State has ousted the religious.

DREXLER

First, citizens are free to believe as they wish -in their homes....

The Defendants’ Death Note infringes the Plaintiff’s work, as seen in the DN anime, episode 11, at 5:27, and in the DN manga, book #3, chapter 23, when the villain (Light, AKA “Kira”) tells the public on TV: “And even if you do not agree with me, if you refrain from expressing your views in the media or in public, you will be spared.”

3. The Villain Is The Most Powerful Man In The World, And Rules The Entire World.

The Plaintiff’s script’s villain (Drexler and/or Vitale) is the most powerful man in the world, as he is the President of the new United World Nation, the world’s only nation.

The Defendants’ “Death Note” infringes this aspect of the Plaintiff’s work, as just over midway through the series (in manga volume 7 of 12), the villain of Death Note (Light Yagami, AKA “Kira”) ascends to become the most powerful person in the world (as using his “death

notebook” he can kill anyone, around the world, and chapter 7 makes clear that many countries “express their acceptance of Kira”). And in the Death Note manga (book 9 of 12), chapter 77, the United States announces it will no longer resist Kira’s (Light Yagami’s) authority. Thus, Light (Kira) comes to rule the world, virtually unopposed, and has millions of worshipers and fans.

4. The villain speaks of his personal SACRIFICE, to underscore his belief that he has made substantial sacrifices to create a better world (through mass murder).

- The Defendants will produce no **prior works** that their publishing, film and broadcast companies published in which a villain speaks of the sacrifice that mass murder requires.

Page 90 of the Plaintiff’s screenplay (Ex B; also see Ex C at page 100), after he is confronted with his countless mass murders, the villain, Peter Vitale (later renamed Peter Drexler), speaks of having to make hard choices and sacrifices for the greater good, saying: **“I’ve had to make hard choices, Arlo! The greater good requires sacrifice.”**

The Defendants’ “Death Note” infringes the Plaintiff’s work, as Light speaks of sacrifice. In the first episode of “Death Note,” when Light resolves to kill many bad people with his enchanted notebook, he says: “Even if it means **sacrificing** my own mind and soul, it’s worth it.”

- In the DEATH NOTE manga, Light does NOT mention sacrificing his “mind and soul.”

This was added in June 2007, more than a year after the Plaintiff added pronounced religious and spiritual arcs to his script.

5. The villain has unique powers that make him almost god-like, and the villain refers to himself as a GOD or an IMMORTAL.

The Plaintiff’s villain (Peter Vitale, in Ex C; Peter Drexler in Ex A and B) is the world President; the most powerful man in the world, and he abuses this power to kill he anyone who commits a crime, and anyone he does not like. Further, Vitale’s/Drexler’s DNA has been genetically reprogrammed so that he can live forever (Ex C, p 45), and reprogrammed to produce no myostatin, so his muscles are huge—without working out (Ex B, p 46). Thus, he appears to

have a god complex; particularly on page 94 of Uberopolis: City of Light (Ex B, Jan 2006), where he calls himself “an immortal”:

PRES. PETER DREXLER
You think I need a gun to kill you? Your body is aging,
slowing down, Arlo. I'm **an immortal**.

The Defendants’ “Death Note” infringes this, as the villain, Light/Kira, finds a notebook that allows him to kill people just by writing their names in the notebook. Thus, quickly, and fairly regularly, Light/Kira begins to call himself “**god**,” such as in manga #12, Chapter 105, where he at least twice “the **god** of this new world.”

- 6. A Story Passage Repeatedly Claims That The Villain Is “THE ONLY ONE”.**
- **In the story, there is a scene in which a character REPEATEDLY, in one monologue (unit of dialogue), refers to the villain as “The Only One.”**

Page 12 of the Plaintiff’s script (Ex C, 2005) features a Presidential re-election commercial for the villain (Vitale), in which the announcer refers to Vitale as “**The Only One**,” and thrice says “**only one**” about the admirable qualities of Vitale. (This commercial is also featured in the Plaintiff’s Jan 2006 script, where the villain is renamed “Drexler”). This dialogue reads:

TELEVISION: COMMERCIAL ANNOUNCER #2
On September 6th, when you go to the polls to vote for you new president, remember **only one** candidate is responsible for designing Uberopolis, the most popular community in world. **Only one** candidate fought for the Unified forces in the war. And **only one** candidate has the business experience to keep this economy strong. This September Re-elect Peter Vitale. **The Only One!**

The Defendants’ *Death Note* infringe this aspect from the Plaintiff’s work, as seen in the final DN anime, episode (37), as Light admits that he is Kira, and explains that he was the only one who could create a better world:

LIGHT (KIRA): I was **the only one** who could. I understood that killing people was a crime. There was no other way. The world had to be fixed. The purpose given to me. **Only I** could do it. Who else could have done it, and come this far? Would they have kept going? **The only one**... who can create a **new world** is me.

In the manga (comic book) version, this “only one” mantra is repeated in the manga’s closing, and it is also featured in the opening chapter.

7. The Villain Specifically States His Intent/Vision To Build A “NEW WORLD.”

On page 90 of the Plaintiff’s screenplay, Uberopolis: City of Light (Ex B), the villain, Drexler explains how he became motivated to build his “**new world**”: “But I had the political skills to understand this and lead our world to greatness... America had no chance to win -and the **new world** would need a great leader.”

The Defendants’ “Death Note” infringes this from the Plaintiff’s work, as repeatedly the villain speaks of his ambition to create a “new world.” The Defendants’ villain, Light (Kira), first declares his intent to create a “new world” in the “Death Note” anime (animation), in episode 11 (of 37), at 05:12 (five minutes, twelve seconds into), as he says: “I intend to create a **new world**, a perfect world, that is free from evil.” [In the manga, Light (the villain) repeatedly mentions a “new world,” including in the climactic ending (book 12, chapter 105, pp 336 and 343).]

8. The villain controls a MEDIA EMPIRE (or comes to control a media empire), and masterfully manipulates the media.

On page 73 of the Plaintiff’s Uberopolis: City of Light, 2005 (Ex C) an engineer character explains that the villain, Vitale, owns 200 TV stations, an unprecedented media empire. We also see, in all versions of the Plaintiff’s script, that Vitale/Drexler masterfully manipulates the media.

The Defendants’ Death Note infringes this from the Plaintiff work, as the villain, Light Yagami (and/or his alter-ego, “Kira”), comes to control a TV station with international reach, by manipulating a ratings obsessed TV station program director (deputy director Demegawa, who soon becomes Kira’s spokesman). This is seen in episode 31 of the anime, and manga book 9, chapter 77, when Sakura TV becomes a tool of the villain, Light. Light retains this control over Sakura TV until the end of the series. The series also shows how Light manipulates the media via

his control and manipulation of Demgawa and the TV station's beloved host, Kiyomi Takada.

9. The Villain Is A Genius Who Speaks Of Humanity's LACK OF INTELLIGENCE.

The Plaintiff's villain is a genius, who repeatedly speaks of humanities lack of intelligence, such as on page 100 of Ex C (Plaintiff's May 2005 script; also see Ex B, pp 89, 90), when Vitale (Drexler) explains:

PRES. PETER VITALE

...But we live in a time when the populace **isn't intelligent enough** to elect the best candidate.

Peter speaks unaware he is being telecast.

PRES. PETER VITALE

They look for wealth, and fame -not wisdom, vision or character. Peter was wealthy, famous and goodlooking. I didn't kill Peter for his money. I killed Peter Vital because he had the trappings I needed to be elected **by these fools**.

The Defendants' Death Note infringes this from the Plaintiff work, as the villain, Light Yagami, several times calls humanity idiots and fools. In the manga book 1, page 46, Light calls humanity "the idiot masses." Light makes similar remarks in other places in the story.

10. The villain specifically uses the phrase "PERFECT WORLD" to describe the world that he has created or is creating.

As illustrated under item #1, in this section, on page 75 of the Plaintiff's Uberopolis: City of Light (Ex C, May 2005), the villain explains his motivation to create a "perfect world," as he explains: "I've promised people a crime free world, where they are forever safe. And they pay me enormously to live in this **perfect world**."

The Defendants' "Death Note" infringes this from the Plaintiff's work, as the Defendants' villain, Light (Kira), first speaks of his ambition to create a "perfect world" in the "Death Note" anime (animation), in episode 11 (of 37), at 05:12, when Light says: "I intend to create a new world, a **perfect world**, that is free from evil." [In the manga, Light (the villain) mentions his ambition to create a "perfect world," several times; first on page 70.]

11. The villain’s STATED GOAL is to create a CRIME-FREE, safe society.

As illustrated under item #1, in this section, on page 75 of the Plaintiff’s Uberopolis: City of Light (Ex C, May 2005), the villain explains his motivation to create a crime-free world as he explains: “I’ve promised people a crime free world, where they are forever safe.”

The Defendants’ “Death Note” infringes this from the Plaintiff’s work, as the Defendants’ villain, Light, speaks of his intent to create a world with no crime, in such places as in the Death Note anime (animated TV show), episode 24, at 21:04, when Light (Kira) says (to Misa): “**Let’s create a new world together. It’ll be a place with no crime, where only kind people live. OK?**” Light also says this, repeatedly, in the manga (and the anime).

12. In The Climax (when the villain and the hero meet in their conclusive showdown), the villain refers to the hero’s cause as “HOPELESS.”

On page 90 of Ex B (January 16, 2006 version of Plaintiff’s script), in the climax of story, the Plaintiff’s villain, Drexlers, calls the primary heroic father’s war “hopeless.”

ARLO

As bad as things got, in America, there was
always hope. Your government is hopeless.

PRES. PETER DREXLER

Hopeless! Your whole war is hopeless! (yelling)

The Defendants’ *Death Note* villain, Light Yagami, infringes this aspect of the Plaintiff’s work, as seen in the final manga book, in the climax, as the hero and villain engage in their final confrontation (chapter 105, p 351; chapter 106, p 353) as Light calls the heroes “A bunch of hopeless fools.”⁶ This statement is so central that these are the only words on the entire page.

13. The Villain Has A Secret Identity.

The Plaintiff’s villain (Peter Vitale, AKA Peter Drexler) has a secret identity: he is Derek Eckhardt (this is revealed near the end, in the climax).

⁶ Further, the Plaintiff suspects the Defendants added this prominent “hopeless” statement, in very large, bold and outlined print, to infringe the Plaintiff’s new and deep “hope” theme

The Defendants' "Death Note" manga and anime infringes this aspect of the Plaintiff's work, as the villain of Death Notes, Light Yagami, has a secret identity: he is "Kira."

14. The story features a signature scene, in which the VILLAIN addresses the public via a giant OUTDOOR TV BILLBOARD.

- This scene is not in the original DN manga. It was added over 2 years later, to episode 11 of the anime in 2007 or 2008, only after this scene was added to the Plaintiff's script.

In 2006 the Plaintiff added a scene in which the Primary Father Hero (Arlo) stops on a crowded city street and watches the villain address the public (in a skillfully staged live interview) on a GIANT OUTDOOR BILLBOARD TV. See page 85 of Exhibit A:

Arlo looks up to see the final moments of Drexler's TV interview on a giant boulevard tv billboard.

ON ELECTRONIC BILLBOARD

DREXLER

... We're in a historical turning
point: when reason overcomes religion.

The Defendants' "Death Note" infringes this from the Plaintiff's work, as seen in episode 11 of the DN anime, as Kira speaks to the world on TV, and is shown doing so on a giant billboard TV, on a crowded city street, as a crowd watches. This scene is not in the original Death Note manga (circa Sept 2004). But after the Plaintiff added this scene to his script, in 2006, this scene appeared in the DN anime, 2007/2008.



ABOVE: People watch a giant billboard TV, as the villain "Kira", addresses the public.

15. The Villain Represents HOPE, Or *Is* Hope.

- THIS is a independently copyrightable original expression. Prior to the Plaintiff's work, no writer had created a fictitious hero who specifically represented *hope*. After the Plaintiff introduced this expression, many writers soon, "magically" had this same idea (e.g., suddenly, in 2007, in *Harry Potter and the Deathly Hallows*, Harry Potter suddenly represented hope; several years later Katniss represented hope in *Hunger Games*...).⁷

The Plaintiff's Butterfly Driver script (Ex A), shows that Arlo (the Central Heroic Father) represents "hope" to the oppressed people of the zones. The Plaintiff executed this concept by using several strategies, involving recurring dialogue about hope, and visual symbolism:

- A. Pages 14 and 15 of Butterfly Driver (Ex A) the Plaintiff included the following dialogue:

TAMARA
(shaking her head)

Faith comes from our unreasonably **hopeful** nature. How we survive. I put [my] unreasonable **hopes** in my A-Cell.

- B. On page 17 (Ex A), the Plaintiff included a key piece of dialogue about hope, which informs the audience that the Butterfly symbolizes hope:

TAMARA

A lot of slang in the zones ... I guess you call exiles "butterflies" because we're weak, chased by the wind from a thousand predators?

ARLO
(shrugging)

Maybe it's cause you represent **hope**.

- C. After establishing that butterflies symbolize hope, on page 54 (BD, Ex A), Arlo notices that Benni is wearing a **butterfly** dream catcher (which she gives Arlo on page 65).

- D. The final dialogue about hope occurs on pages 63 and 64 of Butterfly Driver (Ex A):

ARLO (CONT'D)

The A-Cell.

Benni moves closer to see the A-cell -in perfect condition.

⁷ October 2006, Barack Obama released his book "Audacity of Hope" (which did not feature a chapter on *hope*, or the titular phrase). Maybe coincidental. But shortly after the Plaintiff's introduced his *hope* theme, late-ish 2005, featuring Arlo's p 90 (Ex B) response to Drexler: "As bad as things got, in America, there was always hope. Your government is hopeless," suddenly *hope* was the hottest topic in the USA.

BENNI
How can it be here?
ARLO
Dylan sent it... I forgot.
BENNI
This means
ARLO
(whispering)
Hope is unreasonable.
BENNI

It means you can still help Tamara change the **world**.

Because the viewers/readers know that the State has killed Tamara, the viewers/readers understand that Arlo is now **the last HOPE** to bring the A-cell to the world's attention, and save billions of lives. Arlo represents hope. He is hope incarnate. The Plaintiff **further** reinforces this by showing rioters and protesters, around the world, protesting Arlo's arrest (see Uberopolis: City of Light, **Exhibit B**, pp 19, 24), and by showing people, around the world, **cheer for Arlo**, as he fights Drexler (Ex B, pp 93, 94, 95). (Butterfly Driver, Ex A, also features similar scenes.)

The Defendants' Death Note infringes this from the Plaintiff's work, as seen in the final DN manga, Volume 12 (purportedly released July 2006), chap 105 (p 336, Black Edition), the villain claims to be *the only hope*, stating: "Now I am justice. The world's.....only **hope**." Prior to this, in two years and 104 prior chapters, Light had never claimed to be hope or the only hope. But, after the Plaintiff added this "hero represents hope," it appeared in the final DN manga.

16. The villain speaks of the HARD WORK required to "create heaven on Earth," or "paradise" or "utopia."

In the earliest surviving version of the Plaintiff's script, Uberopolis: City of Light (Ex C, 2005), the Plaintiff's villain (Peter Vitale) explained the hard work required to create his paradise (this line is also in the Jan 2006 version, Ex B, p 91):

PRES PETER VITALE
...It's **hard work** creating **heaven on Earth**, Arlo. For now, Uberopolis is MY nation's **paradise**, our **City Of Light**. A reminder of what we will finally be when

your kind is gone and we reclaim our Earth.

This almost exact dialogue was featured in the Jan 16, 2006 version (Ex B).

The Defendants's Death Note infringes this aspect as the villain, Light Yagami (also called "Kira") explains in chapter 2 of the manga (p 52 of the Black Edition) how hard he must work to eradicate criminals from the world, in his effort to create utopia. In summary of how hard it is to create utopia, Light says: **"I'm ridding the world of evil and CREATING A UTOPIA. No matter how much time I have, it won't be enough."** (A line very similar to this is found in episode 2 of the Death Note anime, at 04:04).

THE PRIMARY INVESTIGATOR HERO
And Related Story/Plot Elements

17. One of the story's heroes, the Primary Investigator Hero, is a FAMOUS investigator (Detective), who is trusted, known and respected AROUND THE WORLD.

One of the Plaintiff's two primary heroes, Jerry Matthiessen, the Primary Investigator Hero (PIH) is a famous investigator, known, trusted and respected around the world.

The Defendants's "Death Note" infringes this from the Plaintiff's work, as one of Death Note's two primary heroes ("L") is a world renowned investigator; trusted and respected.

18. The World Renown Primary Investigator Hero, Does Not Ask For The Case; Rather, Early In The Story, The Government Seeks Out And Asks The Primary Investigator Hero To Take The Case.

Early in the Plaintiff's screenplay (in fact, in the scene that the Primary Investigator Hero is introduced) the government asks the Primary Investigator Hero (Jerry) to take the assignment. (See pages 17 to 19 of Ex C, or pages 19 to 21 of Ex B, or pages 24 and 25 of Ex A.)

The Defendants' "Death Note" infringes the Plaintiff's work, as seen in episode 2 of the "Death Note" anime (or in chapter 2 of the manga), as the governments' best investigative branches are "stumped" and reach out to "L", in desperation.

The Primary Investigator Hero
And His TVs & Computer

19. In MULTIPLE SCENES, the Primary Investigator Hero is seen watching MANY, EVEN HUNDREDS, of TV monitors and computer monitors.

In both of the contested works (the Plaintiff's work and the Defendants' work) the Primary Investigative Hero (Jerry Matthissen and "L", respectively) is frequently, perhaps usually presented sitting near one or more TVs or computer screens. In this, again, the Defendants "Death Note Infringes the Plaintiff's work. [This is first seen in the manga in chapter 2, p 105.]



ABOVE: (Top left) L's team watches TV; (top right) L's TVs, computers and surveillance monitors; (middle & bottom) Near watches countless TVs, computers, and surveillance monitors.

20. (A) The Primary Investigator Hero Is Usually/Often Seen Sitting Near A TV, Or A Computer Monitor, Or BOTH. (B) The Primary Investigator Hero Receives A Great Deal Of Case (PLOT) Details Through His TV And/Or Computer. (C) Phone Calls Come Through The Primary Investigator Hero's TV/Computer Monitor.

The Plaintiff's screenplay (Ex A, B, C) shows that Jerry, the Primary Investigator Hero is usually/often seen near a computer or TV (or both), he receives a great deal of case information through his computer and TV monitor. Video phone calls come though his TV and/or computer.

The Defendants' Death Note infringes this aspect of the Plaintiff's work, as the mangas and animes constantly present the Primary Investigator Heroes (PIR), "L" or "Near," sitting in front of TVs and computers, and the PIR receives a great deal of case information through his TV and computer, and video phone calls come through his TV(s) and/or computer monitor(s).

21. SIGNATURE SCENE: The story features a signature scene, in which the Primary Investigator Hero watches DOZENS or HUNDREDS of TVs (which are airing different shows and videos); the Primary Investigative Hero then brilliantly processes (in his brain) all of this seemingly unrelated visual information, as if connecting dots, until the Primary Investigative Hero suddenly has a profound epiphany into the central mystery and solves a portion of the mystery.

- **This scene is independently and separately copyrightable.**

The Plaintiff screenplay features a signature scene in which the Primary Investigator Hero (Jerry) brilliantly absorbs the data coming through hundreds of TVs and monitors, then suddenly has an spellbinding epiphany, which solves most of the central mystery. (See Ex A, page 88-91.)

The Defendants' Death Note infringes the Plaintiff's work, as seen in manga #11, the end of chapter 91 (pages 54 to 69, of the Black Edition), as Near watches what appears to be hundreds of TVs and computers, brilliantly absorbing the information, until he has an epiphany that Teru Mikami is the mass murdering "X-Kira." This infringed epiphany is so spectacular (in the Defendants' minds) that they conclude this seen (and chapter 92) as Near says to the audience: **"Yes. I'm good at looking."** (This would be the only time that Near, or any other Death Note character, *broke the fourth wall* and addressed the reader directly.)

CENTRAL HEROIC FATHER
And Related Story/Plot Elements

22. CHARACTER: The story features a Central Heroic Father character who, in the course of the story, will go to extreme lengths for his children. This central heroic father has two children, a son and daughter; the son is older than the daughter.

The Plaintiff's work features the primary hero, Arlo Grainer, who goes to impossible lengths for his child (daughter). (Examples of these extreme lengths are provided later in this

section, under other examples of infringement). The Plaintiff's heroic father (Arlo) has two children, Jean Carl (a teenage boy), and Franny (a 6 year old girl).

The Defendants' "Death Note" infringes the Plaintiff's work, as it features a recurring Central Heroic Father, Mr Yagami (an investigator, and Light's father), who goes to extreme lengths for his children (examples of these extremes follow). Mr Yagami has a teenage boy (Light, who is 17 when the story begins), and a daughter who is about 14, when the story begins.

23. CHARACTER & PLOT: The Central Heroic Father TWICE Goes To Extreme Lengths For His Child/Children (First: Going To Jail For Months; Second: Travelling Thousands Of Miles, On An Extremely Difficult Mission).

- This is an independently copyrightable expression.

In Uberopolis: City of Light, the heroic father, Arlo, TWICE goes to extreme lengths for his child (daughter). The first example of extreme lengths involves the heroic father going to jail, the second involves the hero going a great distance—thousands of miles. (These two examples of extreme lengths are described under items #16 and #17).

The Defendants's "Death Note" infringes the Plaintiff's work, as the Central Heroic Father, Mr Yagame, TWICE goes to extreme lengths for his children. (These two examples of extreme lengths are described, separately, under items #16 and #17).

24. The Central Heroic Father *who will go to extreme lengths for his children* IS LOCKED IN JAIL/PRISON FOR OVER 50 DAYS—because he so loves his child.

The Plaintiff's screenplay (Ex C) shows the heroic father, Arlo, turn himself in to police, to secure reward money, to pay for medical aid for his daughter. Arlo then goes to jail/prison for over 4 months (escaping only after the government tries to kill him).

The Defendants' "Death Note Infringes this from the Plaintiff's work, as seen in episode 16 and 17 of the Death Note anime, where, once investigators lock up Light (to see if the Kira mass murders end), Light's father (Mr, Yagame, who is part of the investigation team) absurdly

insists that the investigators also lock him up, for the absurd reason that “If the task force concludes that my son is Kira, I don’t know what I’d be capable of.” The character “L” then speculates that Mr. Yagame would likely kill Light, then himself. (See “Death Note” anime, episode 16, at 12:14.) Mr. Yagame then remains in a jail cell, separate from his son, for over 50 days. (See “Death Note” anime, episode 17, at 04:35.)

25. AFTER going to jail for his child, the Central Heroic Father TRAVELS THOUSANDS OF MILES IN A FLYING VEHICLES TO SAVE HIS DAUGHTER, Breaking Ethics And Laws.

The Plaintiff’s script, Uberopolis: City of Light (Ex C), shows that after the Central Heroic Father, Arlo, goes to jail for his child (daughter), he gains illegal access to a flying commuter shuttle to Uberopolis (an orbiting satellite city for the super-rich), and travels 150,000 miles, to Uberopolis, to find rare and expensive medication needed to save his daughter. (In the process, the story shows that Arlo will break ethics and laws, in his effort to save his daughter.)

The Defendants’ “Death Note infringes this from the Plaintiff’s work, as seen in the “Death Note” anime episode 27, 19:15, when, after his daughter (Sayu) is kidnapped, the heroic father, Mr Yagame, announces that he is going to travel over 5000 miles, to Los Angeles, to get Sayu. Mr. Yagame makes this journey over episodes 27, 28, and 29. (More astonishingly, Mr. Yagame is absurdly permitted to trade the “Death Note” to the criminal kidnappers, for the life of his daughter. This is an absurd effort to show Mr. Yagame will break ethics and law to save his daughter; further infringing the Plaintiff’s work.)

26. The Central Heroic Father Character Sustains A Life Threatening Injury To THE RIGHT SIDE OF HIS NECK.

On page 92 of his screenplay, Uberopolis: City of Light, Ex C, the heroic father, Arlo, is shot in the RIGHT SIDE OF HIS NECK. The Plaintiff wrote:

Arlo looks up in time to see Peter fire his gun at him from about 75 feet

away. Arlo head jerks back as he's hit by a bullet on the **right side of hi neck**. Arlo grabs the **side of his neck** and falls to his knees. [sic]

The Defendants' "Death Note" infringes the Plaintiff's work, as DN's heroic father, Mr. Yagami, sustains an injury to the right side of his neck. (See anime, episode 29, approx 18:57.)



Above: Mr Yagami in a hospital bed, with a neck injury (ep 29 of the DN anime).

27. The Primary Heroic Father goes down a hidden ramp/staircase leading to an Underground Bunker.

The Plaintiff's screenplay (Ex B, p 11) describes the Primary Heroic Father (Arlo), going down a ramp to a hidden underground bunker.

Arlo quickly pulls the hover-jet down a dirt road that leads him to an underground driveway ramp, which leads to an underground bunker. As soon as the hover jet is underground, a group of men who had been milling about acting like "street people", near the ramp entrance, roll a canvas cover over the driveway entrance, camouflaging it to the blue police hover-jet that arrives only moments later...

The Defendants' Death Note infringes this aspect, as seen in DN manga, Chap 64, when the Primary Heroic Father, Mr Yagami goes down a hidden ramp, leading to an underground bunker.

28. The Central Heroic Father (who will go to extreme lengths for his children) CRASHES A LARGE VEHICLE through a LARGE WINDOW of a TV MEDIA SKYSCRAPER, scattering glass and metal everywhere.

On page 78 of he Plaintiff's screenplay, Ex C, the central heroic father, Arlo, crashes a sky-rider or sky-ranger (specialized space vehicles, mistakenly referred to as a "hover-craft" or a "vehicle" in several passages of his 2005 script; Ex C) through the **window** of the 57th floor of

the Vitale-Media building (a TV media building), as “Glass and debris spills everywhere.”

The Defendants’ “Death Note” infringes the Plaintiff’s work, as seen in the “Death Note” anime episode 11, at 09:28, when the central heroic father, Mr Yagame, crashes a large vehicle (a police van) through the window of a TV media company.



Above: Mr. Yagami drives a police van through a TV station window (Death Note anime, ep 11).

Other Plot/Story Infringement

29. INFRINGEMENT OF 13 CONNECTED EVENTS, SEQUENCE OF EVENTS, SCENES, AND PLOT STRUCTURES: The story features a heroic male character who needs to obtain a special photo identification. In his effort to obtain this identification, he encounters a beautiful, heroic young woman (who is tough and gritty) who helps the heroic male on his quest. This journey involves 14 infringed component events (and associated characters, scenes, settings and event sequence).

- These 13 events, sequence and substructures, are independently copyrightable.

The Plaintiff’s Butterfly Driver (Ex A), features a plot structure (involving at least 13 infringed event/structures, described and compared, later in this section) where a heroic male character (Arlo) sets out to obtain hard to acquire special photo identification. On his journey, he meets a heroic, young woman (Benni), who helps him on his mission. When the two arrive at their destination, Arlo pulls a gun on a good, innocent man; causing guards to pull their guns on Arlo, creating a standoff, which ends when the heroic female steps in front of Arlo’s gun.

The Defendants’ Death Note infringes 13 of the events of the Plaintiff’s “heroic quest for

photo identification” story structures.⁸⁹ The Defendants alter only the sequence of two of the events. The Plaintiff’s sequence is 1,2,3,4,5,6,7,8,9,10,11,12,13; The Defendants resequence two of the 14 events (moving event #3 to the second position, and event #12 to the tenth position, into: 1,3,2,4,5,6,7,8,9,11,12,13,10). Since these events involve many characters, and features, both, a central heroic male AND a central heroic female, the Defendants also endeavored to disguise their infringement of the first four event, by merely switching the gender of the character performing certain action (e.g., in event #4 of the Plaintiff’s script, the heroic male and female go into the heroic female’s apartment, where the heroic male takes a shower; but, in the Defendants’ Death Note keeps this event structure, but the heroic female takes the shower).

What follows is a side-by-side comparison between characters, events, and their sequence, of the Plaintiff’s script (Ex A), and the characters, events, and their sequence, of the Defendant’s Death Note. [The Plaintiff’s events and sequence can be seen in Ex A, pp 46-50, 52-59. The Defendants infringing 14 events can be seen in the Death Note manga, chapter 76 and 77, pp 127-144 (and in the anime.)] Both of the following lists of events/elements are almost identical. The 13 events of the Plaintiff’s Butterfly Driver script, their sequence and various structures, are on the left side of the list; the Defendants 13 infringing events, sequence, etc., are on the right.¹⁰

⁸ Because the second half of this event sequence (when the heroic male pulls a gun on the good men at the HQ) was not added to the Plaintiff’s script until Spring-Fall 2006, the Plaintiff is confident that in the original Weekly Shonen Jump magazine, this scene is NOT in chapter 77 (and probably not chapter 76 either). The Plaintiff believes the Defendants executed the theft (infringement) of the Plaintiff’s work simply by adding 10 pages to the English (US) version of the manga, which was not released until some time in 2007 (they Defendants also added these pages to later editions of the Japanese manga as well). Because ISBN numbers (book publishing numbers) can be backdated to any date that the ISBN buyer/publisher wishes, the Plaintiff is confident the Defendants have also fraudulent backdated their ISBN release date.

⁹ On p 140 (chapter 77), the Defendants’ heroic male, “Mello,” tells the character “Near”: “I just came to get the photo you have of me.” This establishes Mello’s objective. The manga and anime also prominently show that on the back of the photo is Mello’s name (a peculiar photo ID).

¹⁰ Amid these events and sequence, the Defendants’ DN includes several minor intervening events, which are irrelevant and serve no purpose but to create an appearance of dissimilarity.

BUTTERFLY DRIVER

1. The heroic male enters a building. (Ex A, p 46)
IN THE BUILDING
2. The heroic male silently instructs another character to remain quiet, by putting a handgun to his lips. (*Id*)
3. A heroic female sneaks up behind the heroic male and holds a gun to his head. (Ex A, p 47)
4. The heroic male takes a shower. (Ex A, p 49)
5. The heroic male and female leave the building, and travel to a headquarters (HQ) of an organization opposed to the villain's reign. (Ex A, p 53)
NEXT LOCATION
6. At the HQs there are several male characters, who are also on the side of good. (Ex A, p 56, 57)
7. At a HQ, under stress, the heroic male suddenly draws and points his gun at the head of one of the good men in the HQ. (Ex A, p 58)
8. In response, two or more armed men (guards) draw their guns on the heroic male. (Ex A, p 58)
9. Thus, the heroic male finds himself in a standoff. (Ex A, p 58)
10. One of the good men at the HQ hands the heroic male a small identification card, with the heroic male's photo and a name on it.
11. The heroic male does not lower his gun, which remains pointed at the good man. (Ex A, p 58)
12. Thus, the heroic female steps in front of the male hero's gun. (Ex A, p 59)
13. Because the heroic male cares about the heroic female, he lowers his gun, away from her. (Ex A, p 59)

DEATH NOTE

1. The heroic **female** enters a building. (Chap 76, p 127, Black Edition)
IN THE BUILDING
3. The heroic **male** sneaks up behind the heroic **female** and holds a gun to her head. (Chap 76, pp 127, 128)
2. The heroic female silently instructs the heroic male to remain quiet, putting a **finger** to her lips. (*Id*)
4. The heroic **female** takes a shower. (Chap 76, p 129)
5. The heroic male and female leave the building, and travel to a headquarters (HQ) of an organization opposed to the villain's reign. (C 76, pp 131,132)
NEXT LOCATION
6. At the HQ there are several male characters, who are also on the side of good. (Chap 76, p 133)
7. At the HQ, under stress, the heroic male suddenly draws and points his gun at the head of one of the good men in the HQ.¹¹ (Chap 77, p 138)
8. In response, two or more armed men (guards) draw their guns on the heroic male. (Chap 77, p 139)
9. Thus, the heroic male finds himself in a standoff.
11. The heroic male does not lower his gun, which remains pointed at the good man. (Chap 77, p 139)
12. Thus, the heroic female steps in front of the male hero's gun. (C 77, p 140)
13. Because the heroic male cares about the heroic female, he lowers his gun, away from her. (Chap 77, p 140)
10. One of the good men at the HQ hands the heroic male a small identification card, with the heroic male's photo, and **his** name on it. (Chap 77, p 141)

Above: Only the **bold** words on the right differ from the corresponding claims on the left.

¹¹ On page 137 of the Death Note manga, Mello takes his gun away from Hal's head; thus, the security guards lower their guns. Thus, when Mello suddenly and unpredictably draws his gun, on Near (moments later, p 138), it is meaningless; done only to mimic the Plaintiff's structure.

30. CHARACTER, EVENTS & SEQUENCE OF EVENTS, SETTING, SCENES:

- A. A Central Heroic Character (Who Works In Law Enforcement) Charges Into A TV Broadcast Room Of A Major;**
- B. The Central Heroic Character Then Orders The TV Program Director To Alter Its Programming Schedule (Turn Off What Is Currently Being Televised);**
- C. When The Tv Program Director Does Not Immediately Comply, The Central Heroic Character Brandishes A Weapon In A Tv Control Room, And Points His Weapon At The Tv Program Director, Implicitly Threatening To Hurt The Tv Program Director If The Program Director Does Not Follow The Heroic Character's Orders.**
- D. The Program Director Complies.**

In the Plaintiff's script , the Primary Investigator Hero (Jerry) charges into a TV broadcast control room (Ex C, p 71), then orders the Program Director to cancel programming and put Arlo's confrontation with Vitale/Drexler on all channels; when the Program Director does not immediately comply, Jerry holds a stun gun to the Program Director's face; the Program Director complies (Ex C, p 77).



Above: Mr Yagami points a handgun at program director (Demegawa) in DN anime episode 11.

The Defendants' Death Note infringes all of this from the Plaintiff's work, as seen in episode 11 of the Death Note anime, when (at about 9:58) the Primary Heroic Father (Mr Yagami) charges into a TV broadcast control room and orders the program director to "Stop this broadcast immediately!" When the program director does immediately comply, Mr Yagami brandishes a handgun and orders him to comply. The program director complies.

31. CHARACTER/PLOT: The story features a TV Program Director character who is so obsessed with ratings that he expresses pleasure with the fact that live televised video, documenting the villain's corrupt activities, are driving up TV ratings.

The Plaintiff's screenplay features a TV program director who is obsessed with ratings, and who is delighted by the good ratings that his TV station(s) receives from airing a brutal fight between the villain and the Central Father Hero (Arlo). (This character is introduced in Ex A, p 86; Ex B, p 83; Ex C, p 86. This character becomes delighted by the ratings spike in Ex A, pp 98; Ex B, p 93; Ex C, pp 82, 84.) Finally, on page 88 of Ex C, during a city-wide evacuation, as the orbiting city and the giant TV tower burn, the Program Director delights, as orders: **"Let the video feed run until the building falls!! We've never had ratings like this!!"**

The Defendants's Death Note infringe the Plaintiff's work, as DN features a character, Demegawa, who is a ratings obsessed TV station deputy director, who grows excited at the prospect of increasing ratings by airing Kira's threats (see DN anime, episode 11, at 02:32).

32. Because The Villain Manipulates The Media, He Has A Close Relationship With The Ratings Obsessed Program Director Of A TV Media Company.

In both works, the villain has a relationship with the ratings obsessed Program Director (revealing the Defendants further infringement of the Plaintiff's work. In the Plaintiff's screenplay, the Program Director works for the villain, and the villain speaks to the Program Director in a friendly, familiar way (see Ex C, p 74). In the Defendants' work the Program Director, is initially just a supporter of the villain (Kira/Light), but by manga book #10, the Program Director works for the villain, as the villain's official spokesperson.

33. Uniquely, the story features TWO PRIMARY HEROES (Arlo and Jerry, vs L and Near), and numerous vital secondary heroes who help the primary heroes (David, Laney, Tina/Benni, Tamara, the Z.R. Resistance Fighters, Vs. Mr Yagami, Watari, Aizawa, Mello, Matsuda).

The Plaintiff's script feature two primary heroes (Arlo Grainer, and Jerry Matthiessen)

and many secondary heroes (David, Laney, Tina/Benni, Tamara, Howard, the Z.R. resistance).

The Defendants's "Death Note" infringes this, as the manga, films, and anime features two primary heroes, "L" (who dies in manga #7, about two-thirds through the series), and "Near," who completes the series and defeats Light (Kira), and it features many secondary heroes (Mr Yagami, Watari, Aizawa, Mello, Matsuda).

34. CHARACTER (JERRY vs AIZAWA): The Story Features A Central Hero Who Is A Devoted Father And A Law Enforcement Investigator. This Character Grows Disillusioned With The Law Enforcement System, Because The Law Enforcement Administration Has Grown Corrupt. However, He Cannot Bring Himself To Quit Law Enforcement, Because He Has A Child And Family To Provide For.

Everything described in the bold heading above (enumerated #24) is true about the Plaintiff's primary heroic character Jerry Matthissen. (See Ex C, pp 16-19 and 51, 52). Jerry's devoted relationship to his son, and the complications of working for a corrupt law enforcement system is best seen from page 49 to 52 of Ex C (the May 2005 version of the Plaintiff's script).

The Defendants' Death Note (manga and anime series) infringes this aspect of the Plaintiff's work, as all of the aspects described in the heading #29, above, also apply to a central Death Note character, "Aizawa," as seen in the manga chapters 39 and 40, book #5.

35. COMPLIMENTARY CHARACTERS: The Story Juxtaposes Two Devoted, Dutiful Fathers, Who Make Hard Choices For The Welfare Of Their Children. The Story Introduces The Heroes' Children And Wives (Or Ex-Wives), And Gives Them All Dialogue. These Fathers Underscore The Story's "Sacrifice" Theme.

The Plaintiff screenplay (Ex C, B and or A) juxtaposes two central heroic characters who are fathers (Arlo and Jerry), who are devoted, dutiful, caring and responsible fathers. And both of these fathers must make hard choices related to, and driven by, the welfare of their children. To make the story deeper and more meaningful, the children and wives of these heroes are introduced ("visually" presented, with dialogue) into the story action. The story's sacrifice themes are primarily sounded through these characters' stories (Arlo sacrifices much for his

daughter Franny, Jerry sacrifices much for his son Matty).

The Defendants' "Death Note" infringes this aspect of the Plaintiff's work, as DN features two central fathers: Mr Yagami (is the Detective Superintendent of the National Police Agency) and Mr Aizawa (an important investigator for the Japanese Police Association). (Mr. Yagami is introduced in chapter 2, and dies in chapter 74 of 108. Mr Aizawa is introduced in chapter 10, and recurs until the final chapter, 108, when he receives a substantial promotion. Mr Yagami and Aizawa are devoted, dutiful, caring and responsible fathers. And both of these fathers must make hard choices related to, and driven by, the welfare of their children. To make the story deeper and more meaningful, the children and wives of these heroes are introduced ("visually" presented, and given dialogue) into the story action. The story's sacrifice themes are primarily sounded through these characters' stories (Mr Yagami sacrifices much for his son Light and his daughter Sayu, and Aizawa sacrifices much for his daughter—see Death Note manga, chapter 39 and 40).

36. THE SPECIAL ASSISTANT. The Primary Investigator Hero receives uniquely valuable support from his long-time ASSISTANT, who helps the hero (1) face-to-face in numerous scenes, and (2) helps the hero REMOTELY (via TV/phone, or online computer) in multiple scenes.

The Plaintiff's script features the primary heroic character "Jerry Matthiessen," who has an assistant names HOWARD MANN, who is Jerry's investigative assistant, who provides assistance to Jerry in face to face situations (see Ex C, pp 16, 17, 35, 36; see Ex B pp 17-20, 36, 37), and who provides a great deal of critically important remote investigative support (see Ex C, pp 61, 62, 66, 67, 76; see Ex B, pp 69, 70, 74, 85, 86). Howard Mann is repeatedly depicted helping Jerry via phone and car computer windshield display interface, etc.

The Defendants' "Death Note" infringes the Plaintiff's work, as Death Note's primary investigator "L" (and later "Near") has a primary assistant investigator named "Wateri," who provides face to face and remote (via phone, and phone-to-computer) assistance.

37. OVERTLY RELIGIOUS DIALOGUE (Centering on NON Far-Eastern Religions);

- **This Element Was Not In The 2004-06 Death Note *Manga* (Comic). It Was Added To The 2006-08 Death Note *Anime* (Animated TV Series), Only After The Plaintiff Added This Aspect To His Script In Spring & Summer 2006.**

The Plaintiff screenplay broke numerous prevailing, oppressive conventions. In late 2005, the Plaintiff added religious and spiritual dialogue (see Ex B, Plaintiff's Uneropolis script from January 16, 2006, p 62, where Tina says dreams are her "religion", and p 63, where Tina asks Arlo about his "soul" mate). But, although this was unconventional, the "revolutionary" break from convention would begin in Spring 2006, when the Plaintiff added VERY OVERT religious dialogue (see Ex A, pp 15, 55, 56, 57, 58, 59, 86), and added overtly religious characters: a pastor, a rabbi, a cleric, a guru (see Ex A, pp 56 to 59). The Plaintiff continued to revise his script. At the time that the Plaintiff added these aspects, the DN manga (comic) had released 9 or 10 of its 12 manga books, and these aspects were NOT featured in the first 9 or 10 manga books.

The Defendants' "Death Note" infinges this aspect from the Plaintiff's work, as the anime features overtly religious dialogue, NOT FEATURED IN THE MANGA. **IN THE FIRST EPISODE** of the DN anime (released in October 2006 in Japan—well after the overtly religious aspects were added to the Plaintiff's script, and in October 2007 in the US), in the **first scene** that the villain, Light, is seen in, he reads CHRISTIAN SCRIPTURE in his high school classroom. Neither this scene nor its overtly religious dialogue was in the manga, and they were not added to *Death Note* anime until AFTER the Plaintiff added these elements to his script (mid 2006).

- NOTE: It is rare to see overt religious dialogue in "shonen"¹² manga/anime (the Plaintiff is an anime fan, but he is NOT aware of any overtly religious dialogue in a shonen manga or anime, prior to Death Note. The fact that a Japanese (Eastern) shonen manga/anime would feature overt, sustained Christian (Western) dialogue is unlikely, if not bizarre.

¹² "Shonen" is a genre of action oriented manga and anime marketed to teens males, 12 to 18.

38. The Story Features A Central Riot, And Rioters Who Engage In Violence To Show Their Support For A Primary Character.

- Prior to the Plaintiff’s work, there no sci-fi or fantasy anime or manga series featuring a central riot (and certainly no riots in support of a primary character).

Everything described in the bold heading, above (enumerated #25), is true about the Plaintiff’s central script, Uberopolis: City of Light (Ex C), which describes rioters rioting and engaging in violence, in support of one of the primary heroic character (on page 17):

The monitor shows a flurry of media attention concerning Arlo Grainer. In the poor sectors of the unified nation, people are shown **rioting and throwing rocks and bottles at military forces**, waving signs reading "FREE ARLO NOW".

The Defendants’ “Death Note,” infringes this aspect of the Plaintiff’s work, as seen in the first half of the Death Note anime episode #30 (and chapters 79 and 80 of the Manga), where a giant riot occurs outside of the SPK office (where the new hero “Near” leads the Kira investigation). And like the Plaintiff’s work, the rioters rioting and engaging in violence to show their support for “Kira,” the unknown mass-murderer who kills criminals and his enemies.



Above: A violent riot in favor of “Kira”, in the DN anime (episode #30).

39. The story utilizes TV news segments, TV talk shows, radio reports, infomercials, and TV shows, which the central characters happen to be watching. These various news reports, TV shows, etc., provide important plot details.

Prior to the Plaintiff's work the heavy use of TV news, radio, commercials, talk shows, etc., approach was uncommon, and the Plaintiff NEVER saw any film, animation or TV show use this approach to the extent that the Plaintiff did; until "Death Note."

The Defendants' "Death Note" infringes the Plaintiff's work, as DN makes heavy use of TV news, TV shows, radio reports, talk shows, etc., to reveal and advance the plot.

40. SETTING & SCENE: The story utilizes the unique setting of BUILDING RUINS (a partially destroyed building), AT DAWN, in a DRIZZLING GRAY SKY.

In the January 16, 2006, version of the Plaintiff's script he added a scene featuring the ruins and rubble of a partially destroyed building, at dawn. (See Ex B, pp 57-62.) (Note: The Defendants' *Death Note* anime that depicts this setting was released over 1.5 years after the Plaintiff revised and renamed his script Butterfly Driver.) In the Butterfly Driver, the Plaintiff's described the drizzling (gray), dawn sky. The Plaintiff's wrote (Ex A, pp 45 to 46):

EXT. ZONE 115 - DAWN

Sunlight barely penetrates the **drizzling** sky as Arlo walks a desolate street of zone 115.

Thunder claps in the distance as he steps off the main road and stumbles over the **ruins** of an old multi-storied building.

Arlo proceeds over the **rubble**, to a surviving portion of the **ruined building**. He suddenly falls to one knee and grabs his head, stricken by an "ice-pick" headache. He GROWLS.

Page 46 of his script (Ex A), the Plaintiff described the ruined buildings' interior:

INT. RUINED BUILDING - DAWN

Arlo enters the **guttled building**, confused, as if trying to make sense of the ruins.

- The Defendants' *Death Note* infringes this aspect from the Plaintiff's work. However, this setting was not added into *Death Note* until the FINAL manga book, #12, chapter 99, July 2007, published seven months after this setting appeared in the Plaintiff's Jan 2006 Script.

Further, the Death Note anime, episode 35, is careful to show the Defendants' infringing ruins at DAWN, and careful to show a gray sky that may be **drizzling**.



Above: Building ruins and rubble, at dawn (from the DN anime, episode 35).

41. PLOT, SETTING, SCENE, PROP: As a primary heroic character hurries through an airport, he watches a TV news story displayed on an airport TV (the news story is connected to the central plot).

- This element was not featured in the Death Note manga. It was added to the anime, after the Plaintiff added this structure to the Butterfly Driver version of his screenplay.

The Butterfly Driver version of the Plaintiff's script(Ex A), features an added scene where, as the Primary Investigator Hero (Jerry -who helps defeat the villain) moves through the airport, he notices a news story on a large airport TV. This story informs Jerry of central plot details.



Above: Mello watches a TV report as he moves through an airport

The Defendants' Death Note infringes this structure from the Plaintiff's work, as seen in episode 31 of the Death Note anime, when the heroic character "Mello" (one of the two heroic

characters who defeat Light/Kira) hurries through an airport, when he notices a news story on an airport TV. The news story informs Mello of a central plot detail. (This element is NOT in the DN manga. It was added to the anime, after the Plaintiff added this aspect to his script.)

42. SETTING: THE SKYSCRAPER WHERE THE VILLAIN RESIDES

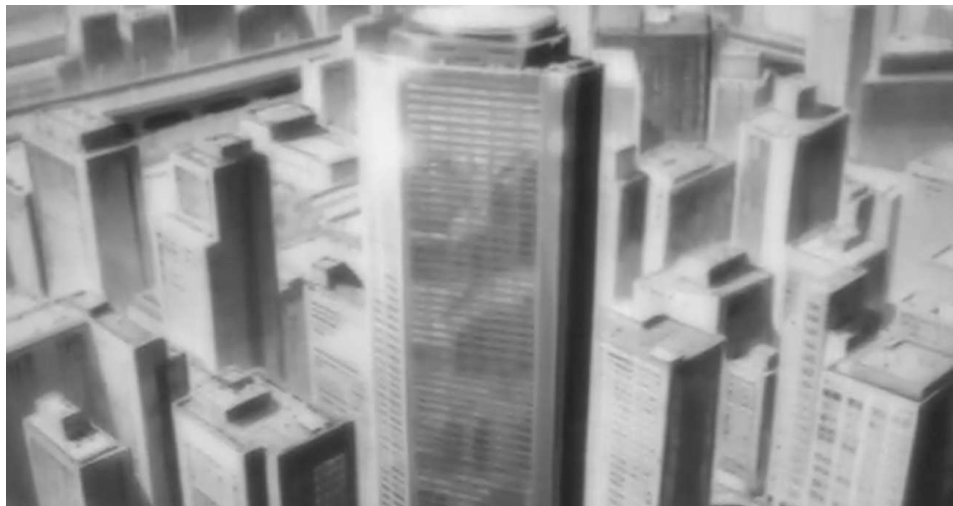
The Plaintiff's screenplay features a magnificent 60-story skyscraper on the satellite city, Uberopolis, where the villain resides and often works. On page 71 of the Plaintiff's Jan 2006 script (Ex B), he described the tower (also see Ex C, p 64, and Ex A, page 73):

ANGLE ON : THE CAMERA SHOWS THE MAMMOTH DREXLER MEDIA HEADQUARTERS BUILDING IN DOWNTOWN UBEROPOLIS.

On page 76 of Ex B the character 'Drexler' mentions gives an idea of the tower's height:

PRES. PETER DREXLER

I'm on the 57th floor. If you survive 56 floors of armed security,
I'll be happy to see you.



Above: A 90+ story building shown in episode 17 of the Death Note anime, described as the new task-force headquarters

The Defendants infringed this element, and did so desperately that in chapter 37 of Death Note (manga #5), less than a year into the story's timeline, "L" announces that he had a 23 floor building built for the Task Force. Perhaps more indicative of the Defendants desire to infringe these concepts, in episode 17 of the DM anime, as L describes the 23 floor tower he had built,

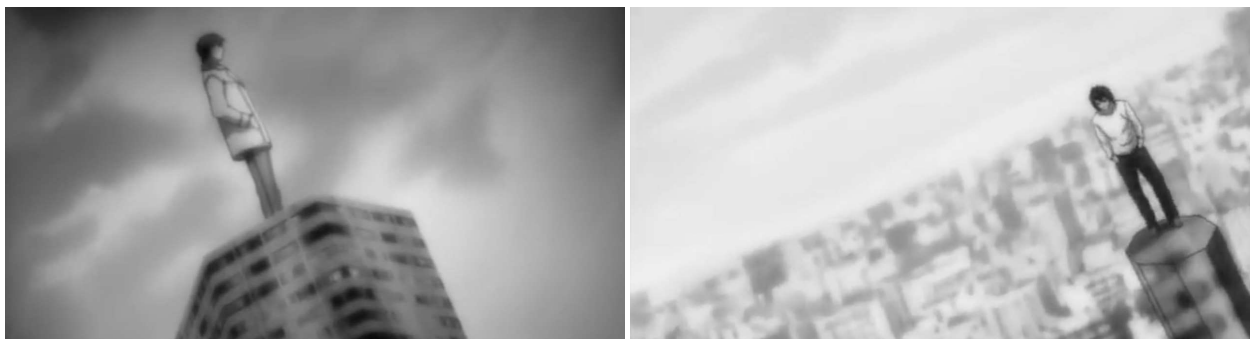
on the screen is a **90+ floor skyscraper**. Worse, the fact that, at the time, the Task Force only had 8 members, and had been investigating Kira for less than a year, makes the idea of whipping up a 23 floor tower so absurd, that, in the manga, L tries to make this plausible by explaining that on the day he first met Mr Yagami and the other Task Force member, he ordered construction (chap 37, manga #3, p 61, L: **“Construction started when I first met face-to-face with Yagami-san and the others.”**). On the next page, p 62, the Defendants almost telegraphed their intent to use the tower as the future home of the villain (to infringe the Plaintiff’s *villain who lives at the top of a giant tower* concept), by having L explain: **“The 5th through 20th floor all have four private rooms per floor. So I’d like all of you to live their as much as possible.”**

43. SETTING, EVENT, CONCEPT & MOOD INFRINGEMENT: The Hero And The Villain Dramatically Confront Each Other & Engage In Battle In The Skyscraper.

The Plaintiff’s screenplay features a climatic grand confrontation in the giant skyscraper, which leads to a grand-battle, which also begins in the skyscraper. The confrontation in the tower is much longer than the portion of the physical battle that transpires in the tower.

The Defendants’ Death Note infringes the Plaintiff’s work, again, in three ways:

- a. Episode 15, features an avant-garde scene, at about 5:15 to 5:50, which places the villain, Light, on top of a giant skyscraper, then places the hero, L, on another tower, in such a way that captures an earth-shaking conflict and coming battle.



Above: Light and L confront each other atop skyscrapers, in Death Note anime, episode 15.

- b. In the opening of the first 25 (of 37) episodes, the villain (Light) and the hero (L) are placed on top of skyscrapers, and positioned so as to capture the mood of the Plaintiff's grand skyscraper collision.



Above: Light and L on top of towers, in the opening of episodes 1-27 of Death Note (anime).

- c. In the outro of the final 10 or 15 anime episodes, the villain (Light) is seen during much of the outro going up a partially glass elevator.

44. SIGNATURE SCENE TANDEM: (1) The Hero And Villain Engage In A Conflict (Fight) That Is Broadcast On Live TV; Meanwhile, (2) As The Hero And Villain Clash on TV, PEOPLE ARE SHOWN OUTSIDE, ON A STREET, watching a TV that is airing the hero and villain's clash.

The Plaintiff's screenplay shows the villain and hero collide (in extended strong words that lead to a fight) on LIVE TV (see Ex C 77 to 84, or pages 87 to 97 of Ex B, or pages 91 to 97 of Ex A). Further, the scene shows people watching the fight on outside TVs, on city streets. A;; of this can be seen in Ex C, page 83 (as well as in Ex A and B):

EXT. THE STREET OF SOME AFRICAN UNSECURED SECTOR --
CONTINUOUS

On a crowded city street a group of African kids watch the fight on a small TV. They shout their appreciation for Arlo's good move.

This is also seen on page 84, Ex C:

EXT. MANHATTAN STREET CORNER -- CONTINUOUS

A group of wealthy looking people gather on a street around a TV store display window, watching the fight on Uberopolis. They exalt at Peter's nice move...



Above: Crowds watch a billboard TV on a city street, as L and Kira battle (DN anime, ep 2).

The Defendants' Death Note infringes this aspect of the Plaintiff's work as Death Note (episode 2 of the anime, at about 18:39, and chapter 2 of manga #2) features a scene in which the Primary Investigator Hero (L) and the villain (Light, also known as "Kira") collide on LIVE TV, and shows people watching the conflict on a city street. In this conflict, the villain Kira (Light) kills a man named Lind L. Taylor, and culminates with L challenging Kira to kill him, saying "So, come on! Kill me if you can! Come on! Go ahead and kill me!"

45. The story features a heroic male character who has a SEVERE FACIAL BURN.

Lane Schuler is introduced on page 46 and 47 of Exhibit C (May 25, 2005 script version). In this original version Lane was a male character (in later versions, Lane would become a female character, still with facial burns, re-named "Laney").



Above: Death Note's Heroic Male "Mello," with severe facial burn.

46. DIALOGUE/SCENE/STRUCTURE INFRINGEMENT: A Female Character Asks A Primary Male Character About SOUL MATES. The Primary Male Character's Response Indicates That He Is Not Sure What A "SOUL MATE" Is.

In the Plaintiff's screenplay (Ex B, page 63) a character named Tina (who appears attracted to Arlo) asks Arlo if he thinks his estranged wife is his "soul mate." To this, Arlo says, "I probably don't know what a soul-mate is."

The Defendants' Death Note infringes this aspect of the Plaintiff's work, as seen in episode 17 of the Death Note anime at 14:05 (and in the manga), when Misa Amane (who adores Light) asks Light, "Don't you trust your own soul mate?" To this Light answers, "What do you mean, 'soul mate'?"

47. Primary Hero(s) must ESCAPE or EVACUATE from a central setting, amid CHAOS, as HUNDREDS OR THOUSANDS of people around them race about in frenzied chaos.

The Plaintiff's screenplay (Ex C, pp 88-90; Ex B 100, 101; Ex A, pp 104, 105) shows the primary hero (Arlo, pursued by Jerry) attempting to evacuate or escape from the city of Uberopolis (Arlo is trying to escape so he can bring medicine to his daughter, before she dies). Arlo's attempt to escape is hampered and complicated because the city is experiencing several major fires, and countless hundreds and thousands of people are panicking, demanding to be evacuated, and racing to the various shuttle-ports to evacuate.

The Defendants' Death Note infringes this aspect from the Plaintiff's work, as seen in the Death Note manga (chapter 80) and anime (episode 30, at approx 4:30), when the "SPK" members must escape/evacuate their building because there is a riot outside, and rioters are attacking the building. Thus, they opt to distract the rioters by dropping perhaps \$10-million in cash from the top of the building. This causes a chaotic frenzy among the rioters, who race to get the money, as the SPK member escape.

48. The story shows a group of powerful and morally corrupt businessmen meet in a skyscraper, at a large table, and discuss business issues and their corrupt business practices. In this meeting, one of the business leaders (who has extraordinary power) humiliates one of the other of the leaders.

The Plaintiff's script features a scene in which the villain (who is the world president, with extraordinary physical, political and financial power) and 20-30 businessmen discuss business issues. In this meeting the powerful villain humiliates one of the subordinate businessmen.

The Defendants' Death Note infringes the Plaintiff's work, as it features a scene in the Death Note anime, episode 17, at approx 18:00, a group of 8 businessmen meet in a skyscraper at a large table and discuss their corrupt business practices. In this meeting there is a business leader who has power equal to the villain (because he also possesses a "death note" notebook, thus, he can kill anyone, by writing their name in the notebook. This scene is used several times in Death Note; but in the first of these scenes, the powerful business leader (Higuchi) who possesses the *death note* insults another business leader, saying: "You have a lot to say considering how stupid you are." (We learn later that Higuchi is the businessman who possesses the *death note*.)



Above: Eight business leaders meet in Death Note, anime, episode 17.

49. The story shows the government is involved in mass VIDEO SURVEILLANCE, the story shows the Primary Investigator Hero watching surveillance video footage.

- Before the Plaintiff's work, this was extremely uncommon story theme.

In numerous places, the Plaintiff's script deals with government mass video surveillance. On page 69 of the Plaintiff's Uberopolis screenplay (Ex C) a dialogue about video surveillance cameras occurs between the Plaintiff's Primary Investigator Hero (Jerry) and a police officer:

JERRY MATTHIESSEN

Tell me something. Why do you have all these cameras around here?

POLICE OFFICER #2

We have a lot of celebrities up here and Mr. Vitale wants his stations to be able to catch all of their action -all the time. It's good for business.

And the Plaintiff's Primary Investigator Hero is often seen watching surveillance video.

The Defendants' Death Note infringes this aspect of the Plaintiff's work, as seen in the both the anime and the manga, which continually deal with video surveillance, and continuously shows the the Primary Investigative Heroes (L and Near) watching video surveillance footage.

50. The story features a primary gay/lesbian character.

- Before the Plaintiff's work, this was very uncommon in Japanese anime/manga.

The Plaintiff's screenplay (all versions) features a primary gay character (Howard). This is common now, but in 2003-2007 it was much less common.

The Defendants Death Note infringes this aspect of the Plaintiff's work, as DN features the character *Rem*, who is female, and she love the female character Misa Amane.¹³

51. In the story, for a period of time, a central law enforcement officer grapples with not having gun clearances/permits.

In the Plaintiff's screenplay (all versions) the character Jerry cannot carry a gun for much of the story because he does not have weapons clearances (see p 52 and 53, Ex C).

The Defendants' Death Note infringes the Plaintiff's work, as seen in Death Note r Yagami, the Primary Heroic Father loses his permit to carry a gun.

52. One of the primary heroic MALE characters (who helps defeat the villain), RACES THROUGH CROWD CITY STREETS, ON A MOTORCYCLE-LIKE VEHICLE, WITH A FEMALE PASSENGER, WHILE CHASED BY POLICE (OR SECURITY FORCES).

On page 6 of the Plaintiff's screenplay Butterfly Driver (Ex A) a conceptual vehicle, called a "sky-cycle," is described as resembling a motorcycle:

¹³ The Defendants may claim that Rem did not love Misa is a romantic way. That may be the case, but the Defendants' intent was to infringe the Plaintiff's open, inclusive vision.

“Arlo walks to a small vehicle, called a SKY-CYCLE (**resembling a large motorcycle with a sidecar**) parked in the rear of the garage.

On page 20 of the Plaintiff’s screenplay (Ex A) a chase scene is described, in which one of the central heroes (Arlo) races through the crowded skies and streets of future Los Angeles, with a female passenger in/on the sky-cycle, as police chase them through the city.

The Defendants’s Death Note infringes the Plaintiff’s work, as seen in the DN anime, episode 35, at about 10:50, when the heroic male character “Mello” races through the streets of Tokyo, on a motorcycle, with the female reporter, Kiyomi Takada, riding on the back as the passenger, while security forces (who appear to be police) pursue the pair.

CLIMAX INFRINGEMENT

53. In the end, it takes TWO HEROES to defeat the mass-murdering villain. (Near and Mello v, Arlo and Jerry).

- This structure is so uncommon that Death Note’s Primary Hero Investigator (Near) verbally announces that defeating the villain required TWO HEROES. (Near also identifies the two heroes responsible for defeating the villain: Near and Mello).

The Plaintiff’s screenplay (all versions) uniquely features two central heroes (Arlo and Jerry). More uniquely, in the Plaintiff’s script, it takes both heroes, together, to defeat the villain.

The Defendants infringe this aspect from the Plaintiff’s work, as seen in the anime and manga (DN, book 11, chapter 104, pp 323 to 327 of the Black Edition), when after the Primary Investigator Hero, Near, reveals the evidence that Light is Kira, he explains that the SPK’s successfully proving that Light was Kira could not have happened without Mello’s (now deceased) assistance.

54. In The Climax, The Hero Accuses The Villain Of Being An “Alter Ego” Character; In Response, The Villain’s Admits His Secret Identity.

In the climax of the Plaintiff’s screenplay (Ex A, B or C), the primary heroic father (Arlo)

tells villain that the villain is not who he pretends to be, and explains that the villain is actually a man named Derek Eckhardt. The villain admits to this accusation. (See Ex C, pp 89 and 90; see Ex B, pp 89, 90; see Ex A, pp 93-95.)

The Defendants' "Death Note" manga and anime infringes this aspect of the Plaintiff's work, as seen in the anime, and in the manga, book 12 (of 12), chapters 103 through 105, the Primary Investigative Hero (Near) accuses Light Yagami (who has been masquerading as a heroic investigator) with being the villain "Kira," and presents ample evidence to support this accusation. Light Yamagi then admits he is "Kira."

55. COLLECTIVE CLIMAX COMPONENT EVENTS INFRINGEMENT. In the climax (when the villain and hero meet for the grand, final battle) the following 6 events occur:

- a. The central hero accuses the villain of being an "alter-ego"—a person that the villain has never openly admitted to being;**
- b. The villain admits to the accusation;**
- c. The villain justifies his actions by informing the hero that global crime rates are way down;**
- d. The villain speaks of a "new world";**
- e. The villain calls the hero's cause "hopeless";**
- f. The villain refers to himself as an immortal or a god.**

The climax is generally considered the point that the hero and the villain meet in their final confrontation, until the conflict is resolved (usually by the villain being defeated). Each of the events listed in the bold heading above occurs in the Plaintiff's climax. (For clarity, regarding "alter ego" mentioned in the heading: the hero, Arlo, accuses the villain, Drexler, of being Derek Eckhardt, a man assumed to be dead.)

The Defendants's Death Note infringes the Plaintiff's work, as seen in the anime and manga, because each of the aspects listed above also occur in DN's climax. (For clarity, regarding the "alter-ego" mentioned in the heading: the hero, Near, accuses the villain, Light, of being Kira—an anonymous mass murderer.)

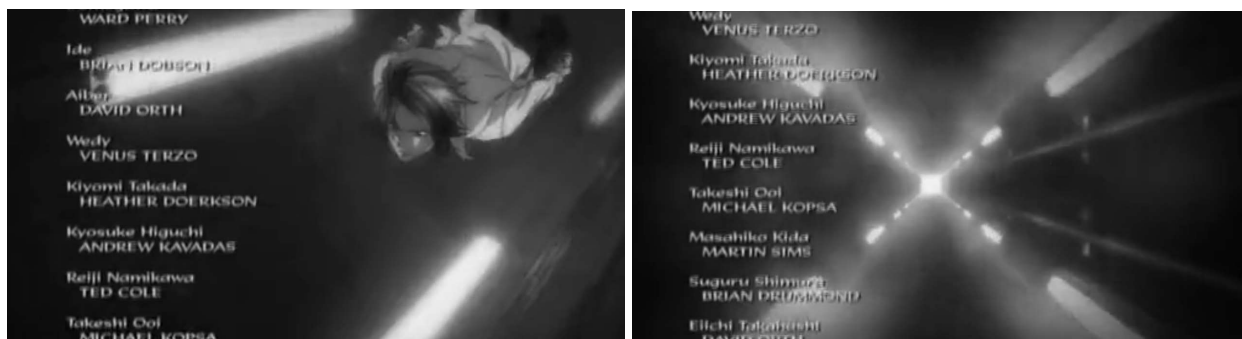
56. The super-powerful, mass murdering villain FALLS FROM A SKYSCRAPER (where the villain resides).

The Plaintiff's screenplay features an amazing scene, in which, while engaged in battle, the Primary Heroic Father (Arlo) and the villain's fighting momentum carries them out of the 57th floor of the skyscraper, and they continue to fight as they fall.

The Defendants' Death Note infringes the spirit of Plaintiff's "tower fall," as seen in the ending credits of the final 10 episodes of the Death Note anime series, as the villain, Light Yagami, is seen taking a dramatic fall from a skyscraper (and he is also shown flying/falling down an elevator shaft).



Above: Light falls from a skyscraper in the outro of Death Note (anime).



Above: Light flies/falls down an elevator shaft in the outro of Death Note (anime).

57. “The Fight Goes On” Ending.

- This “fight goes on” ending was extremely rare (or inexistent) prior to the Plaintiff’s work. The Plaintiff doubts the Defendants can show that any of their prior works (in 50 to 90 years of prior publishing and filmmaking) had such an ending.

The Plaintiff’s screenplay (Ex A, p 118; Ex B, p 113) featured a unique “the fight goes on ending,” which shows, after the villain is killed, Arlo goes back to the zones, in a world that is just as tough and divided as ever, and gets in a hover-jet (cargo ship) and blazes off into the night. (In the beginning of the script, readers learn that Arlo flies cargo hover-jets, between “zones,” for a living and to play a role in the war against the State. Thus, this ending shows that Arlo has returned to the fight, and “the fight goes on.”)

The Defendants infringe this aspect of the Plaintiff’s work, as seen in final chapter of the DN manga (chapter 108), which shows all of the surviving Task Force members going back out to fight crime and evil, in a world that is just as tough and divided as ever; the fight goes on.

SYMBOLISM SPIRITUAL ELEMENTS INFRINGEMENT

58. The story features **MULTIPLE** recurring symbols.^{14 15}

- Prior to the Plaintiff’s work, symbolism was uncommon in film, and extremely rare in animation. The Plaintiff doubts the Defendants can show any of their prior works (in 50 to 90 years of prior publishing and filmmaking history) used multiple symbols.
- The Death Note manga (books) had NO symbolic flowers or colors. These aspects were added to the anime, years later, after the Plaintiff added these elements to his script.

The Plaintiff’s Butterfly Driver screenplay (Ex A) featured recurring symbolic use of colors (yellow and violet; see Ex A, p), recurring symbolic flowers (violet and yellow in color).

The Defendants’ Death Note infringes this from the Plaintiff’s work, as seen in the Death Note anime, which uses symbolic colors and symbolic flowers and/or roses.

¹⁴ Prior to the Plaintiff’s work, symbolism was uncommon in film, and extremely rare in animation. The Plaintiff doubts the Defendants can show any of their prior works (in 50 to 90 years of prior publishing and filmmaking history) used multiple symbols.

¹⁵ The Death Note manga (book) did not feature any symbolic flowers or colors. These aspects were added to the anime, years later (Oct 2006 to July 2007), after they Plaintiff added these aspects to his manga.

59. The story uses symbolic colors.

The Plaintiff's Butterfly Driver screenplay (Ex A) features symbolic use of colors (yellow and violet). The Plaintiff's symbolic use of violet can be seen on page 54 and 118 of Ex A. The Plaintiff's use of yellow can be seen on page 54, 65, 113, and 115 of Exhibit A.



Above: the Death Note anime's symbolic use of color.

60. The story uses symbolic flowers.

- To the Plaintiff's awareness, prior to the Plaintiff's work, in 50-90 years of prior film and publishing experience, the Defendants produced no works featuring symbolic flowers.

The Plaintiff's Butterfly Driver screenplay (Ex A) uses symbolic flowers (yellow and violet), as seen on 54, 113, 115, 118, which represent hope.

The Defendants' Death Note infringes this aspect from the Plaintiff's work, as seen in the

introduction of the final 18 episodes of the DN anime, where roses/flowers are prominently and repeatedly featured in the introduction. This element was not featured in the first 19 episodes because this aspect was not added to the Plaintiff's script until late 2006 (possibly January 2007); thus, since the anime was already in production (production began in October 2006), the Defendants could not infringe and add the symbolic flowers until mid 2007. Thus, the Defendants did not add symbolic flowers until almost five months later, in episode 20.¹⁶



Above: Symbolic flowers and/or roses in the introduction of the Death Note anime's final 18 episodes.

FURTHER SETTING INFRINGEMENT

61. SIGNATURE SETTING: City Enclosed In A Sphere.

The Plaintiff's screenplay (all versions) features a city (Uberopolis), which is enclosed inside a sphere (more exactly, enclosed inside a transparent sphere).

The Defendants infringe this aspect of the Plaintiff's work, as in multiple places in the

¹⁶ Prior to the Plaintiff's script, symbolism in Hollywood (and anime) was so uncommon that the Plaintiff's only awareness of seeing symbolism in Hollywood (or animation) was Citizen Cane (1941) and

manga, the Defendants show peculiar spheres that have cities inside them. One of these cities inside a sphere can be seen in the first page of the final chapter (chapter 108). On this page, about eight of these odd spheres are shown; the artists moves close in the next two panels, until it is revealed that there is a city in the sphere.

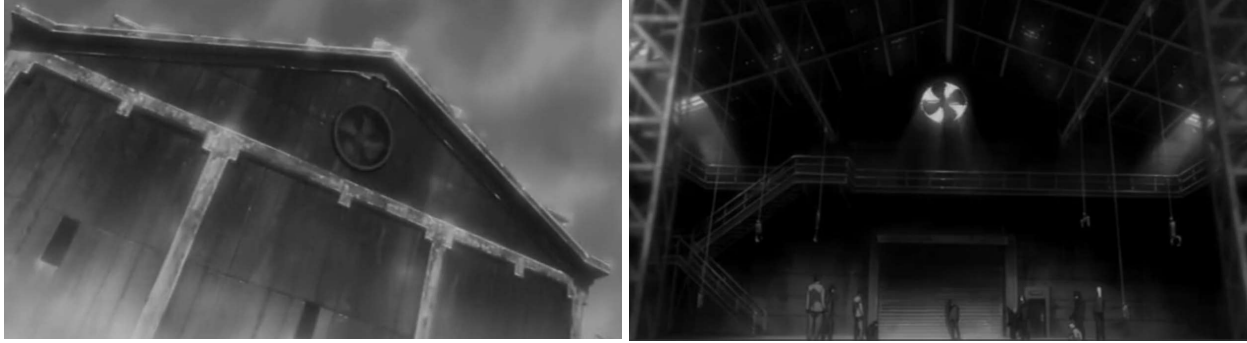


Above: A city in a sphere, in chapter 108 of the Defendants “Death Note” manga.

62. SETTING: CENTRAL WAREHOUSE

The Plaintiff’s screenplay (Ex A and Ex B) feature a warehouse where a great deal of the story action transpires (in Ex A, the warehouse is featured in pages 6-8 and 12-18 and 118, of 118 pages; in Ex B the warehouse is featured on page 10, 11, 113, of 113 pages). In final version version of the Plaintiff’s script (Butterfly Driver), this would be the second most utilized setting; second only to the satellite city, Uberopolis.

The Defendants infringe this setting from the Plaintiff’s work, as, inexplicably, in the final chapters of the manga and final two episodes of the anime, the Defendants’ moved the final confrontation between Near and Light to a run-down warehouse.

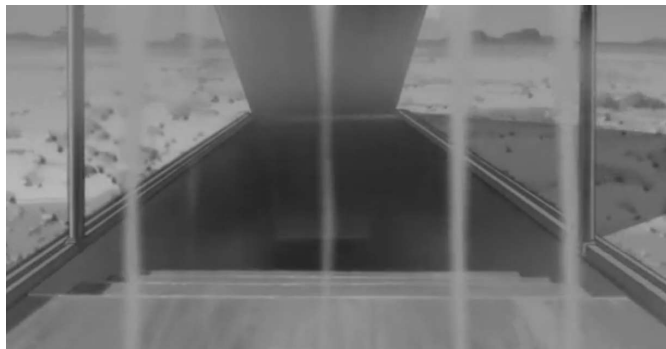


Above: The final two episodes of the Death Note anime are set in a remote warehouse.

63. SETTING: CONCEALED Ramp To UNDERGROUND BUNKER.

On page 11 of Ex B, the Plaintiff’s screenplay describes Arlo driving down a ramp that leads to an “underground bunker.” After Arlo goes down the ramp, resistance rebels, dressed as street people roll a canvas cover over the bunker entrance ramp.

The Defendants’s Death Note infringes this aspect of the Plaintiff’s screenplay, as seen in episode 28, at about 11:17 (or chapter 64, of manga book #8), a large hidden hatch opens, exposing a ramp or staircase that leads to an underground bunker.



Above: A hidden ramp/staircase leads to an underground bunker (DN anime, episode 28).

64. SETTING: Gritty, Poor, Industrial Landscape (Under a Blood Red Sky).

The Plaintiff's script features gritty, tough, poor cities that semi-ruined, but also provide workers for factories and manufacturing. In Ex B, p 57, the Plaintiff script referred to the skies of one of these poor areas as "blood red," because the pollution made the sky appear red at dawn.

The Defendants infringe this aspect of the Plaintiff's work, as seen in the final episode (#37) of the Death Note anime, which spend considerable time (minutes) showing a gritty manufacturing district, under blood red skies.



Above: Tough, industrial landscape, under a blood red sky, in the Death Note anime, episode 37.

65. SETTING: TV Broadcast Control Room.

The Plaintiff's screenplay (all versions) prominently features a TV broadcast control room.

The Defendants' Death Note infringe this aspect of the Plaintiff's work, as it also features a central TV control room scene.



Above: A broadcast control room, in the Death Note anime, episode 11.

66. SETTING: Jail And Prison.

The early versions of the Plaintiff's screenplay (Ex C and Ex A), spent considerable time at a jail location, then at a prison location. In the later Butterfly Driver version, the Plaintiff removed the jail portion, but kept much of the prison experience, on Uberopolis.

The Defendants' Death Note infringes this aspect of the Plaintiff's work, as scene in episodes 16 and 17 of the Death Note anime (and chapter 34, 35 and 36 of the manga), when Light and his father spend over 50 days in jail.



Above: Mr Yagami, in jail, in episode 16 of the Death Note anime.

67. COLLECTION OF UNIQUE SETTINGS: City Inside A Sphere; Skyscraper; TV Studio Control Room; Building Rubble (At Dawn); Jail; Warehouse; Underground Bunker; Gritty, Poor, Industrial Landscape.

Both works feature all of the settings named in the heading enumerated #66.

68. Overtly And Flagrantly Religious Plot Elements.

Prior to the Plaintiff's work, this was unheard of in mainstream science fictions, action adventure, fantasy, and mainstream animation. Although the Plaintiff's script featured spiritual elements from its inception, the Plaintiff did not add the overtly religious elements to his script until late 2006 or early (January) 2007.

The Defendants' Death Note infringes this aspect from the Plaintiff's work. However, like

a smoking gun, replete with fingerprints and a signed confession, the Defendants' original Death Note manga series (Jan 2004 to July 2006) DID NOT FEATURE ANY OVERT RELIGIOUS ASPECTS—because they were not yet added to the Plaintiff's work, when the series concluded. Thus, the Defendants' added these aspects to the anime (such as Light reading scripture in class in the first episode, and Misa Amane singing "God Is Watching You," in episode 25).

69. THEMES: collision of good and evil, inhumanity, family over all, sacrifice, mass surveillance, media manipulation, disinformation, absolute power corrupts absolutely.

All of the themes identified in the bold heading, enumerated #68, are also present in the Defendants's work.

70. PLOT (The Statements In The Following Paragraphs Are True Of Both The Plaintiff'S AND The Defendants' Work. Additionally, The Plots Of Both Works Feature Each Of The Preceding 68 Enumerated Complex Expressions.)

Both works' plots involve a unique villain who kills countless criminals in an effort to create a new world: a crime-free, perfect world. The villain comes to control a media empire, which the villain manipulates, masterfully. Both works features a Primary Heroic Father, who goes to extreme lengths for his children. The Primary Heroic Father is locked in jail for over 50 days for love of his child. Later, the Primary Heroic Father goes thousands of miles, and faces death, to save his daughter. This Primary heroic father also crashes a vehicle through the window of a TV broadcasting building. In the TV building that the Primary Heroic Father crashes into is a TV Program Director who is obsessed with ratings, and who has no ethical compass, who will broadcast anything, as long as it generates higher ratings. Both works feature numerous heroic characters. Both works feature at least one Primary Investigator Hero who is world renowned, and who usually found sitting near a TV and/or a computer (and display screen). For a substantial portion of the story, the/a Primary Investigator Hero sits in a room with many