

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE: DMCA SECTION 512(h))
SUBPOENA TO GITHUB, INC.) MISC. ACTION NO. _____

**DECLARATION OF MELANIE PEKER IN SUPPORT OF PETITIONER
BINANCE HOLDING LIMITED’S REQUEST TO THE CLERK FOR
ISSUANCE OF SUBPOENA TO GITHUB, INC. PURSUANT TO
17 U.S.C. § 512(h) TO IDENTIFY ALLEGED INFRINGER(S)**

I, Melanie Raquel Peker, under penalty of perjury pursuant to the laws of the United States of America, hereby declare as follows:

1. I am Senior Legal Counsel at Binance Holding Limited (“Binance”). As part of my duties, I am responsible for monitoring and addressing infringement of copyrights owned by Binance.

2. I am authorized to act on Binance’s behalf. I submit this declaration in support of Binance’s request for issuance of a subpoena to GitHub, Inc. (“GitHub”) pursuant to the Digital Millennium Copyright Act (“DMCA”), 17 U.S.C. § 512(h) (the “DMCA Subpoena”). The purpose of Binance’s DMCA Subpoena is to identify the alleged infringer or infringers who posted Binance’s source code on systems operated by GitHub without Binance’s authorization, which postings infringe copyrights held by Binance (the “Infringing Content”). I have personal knowledge

of the facts contained herein and, if called upon to do so, I could and would testify competently thereto.

3. On March 27, 2023, I submitted on behalf of Binance (using ip@binance.com) a DMCA notification to GitHub via email to copyright@github.com, identifying the Infringing Content on GitHub’s systems and providing the information required by 17 U.S.C. § 512(c)(3)(A). Attached hereto as Exhibit 1 is a true and correct copy of the email reflecting the information I submitted to GitHub, along with GitHub’s response to the DMCA notification. I was authorized to act on behalf of Binance in submitting this DMCA notification.

4. The purpose for which Binance’s DMCA Subpoena is sought is to obtain the identity of an alleged infringer or infringers, and such information will only be used for the purpose of protecting Binance’s rights under title 17 U.S.C. §§ 100, *et seq.*

As an authorized agent for Binance Holding Limited, I hereby certify, pursuant to 28 U.S.C. §1746, and under penalty of perjury, that the foregoing declaration is true and correct to the best of my knowledge.

06-Apr-23

Date

DocuSigned by:

Melanie Peker

6763559BF94C42D...

Melanie Raquel Peker
Binance Holding Limited

From: ip@binance.com on behalf of GitHub Developer Support
<developer@githubsupport.com>
Sent: Tuesday, March 28, 2023 11:12 AM
To: IP
Subject: [GitHub Support] - DMCA Takedown notice - Github

Please do not write below this line

Your request has been updated.

You can add a comment by replying to this email.



GitHub Trust & Safety Team (GitHub Support)

Mar 28, 2023, 3:12 PM UTC

Hi IP,

Thank you for your report. It appears the following content is no longer available:

<https://github.com/bonald/amd/commit/main>

Please let us know if you have any questions.

Regards,
GitHub Trust & Safety



IP

Mar 27, 2023, 10:37 PM UTC

Date: 27 March 2023

GitHub, Inc
Attn: DMCA Agent
By way of email: copyright@github.com
Dear Sir / Madam

Re: Notice of Copyright Violation (DMCA Takedown Notice)

1. We are contacting you on behalf of Binance Technologies Limited (“**Binance**”), which owns the Intellectual Property Rights (“**IPR**”) of the content that appears on your website.
2. Binance has authorised us to enforce their IPR against illegal infringements, which include trademarks, designs, and/or patents, applicable in multiple national jurisdictions; and copyrights and related rights, related to the

Binance brand.

3. This email is an official notification under Section 512(c) of the Digital Millennium Copyright Act (“DMCA”), and we seek the immediate removal of the following infringing material from your servers. **We have read and understand GitHub's Guide to Filing a DMCA Notice.**
4. The infringing material, whose content belongs to Binance, is the repository published by the user “bonald” (the “User”), in the following URL: <https://github.com/bonald/amd/commit/main> (the “Infringing Material”). The content of such repository includes internal codes that are property of Binance and protected by copyright laws.
5. Our contact information is:
Email: ip@binance.com
Att.: Binance Legal Team
6. We have a good faith belief that use of the copyrighted materials described above on the infringing web pages is not authorized by the copyright owner, or its agent, or the law. We have taken fair use into consideration. We swear, under penalty of perjury, that the information in this notification is accurate and that we are authorized to act on behalf of the owner, of an exclusive right that is allegedly infringed.
7. In view of the foregoing, we **DO HEREBY DEMAND** that you **within twenty-four (24) hours** of the date of delivery of this letter, procure the removal or disable the access to the Infringing Material and any content published by the User related to or in connection with the illegitimacy use of the Infringing Material, and provide us with a written confirmation that the User has ceased, and will not, use the Infringing Material.
8. If we do not get your confirmation on the above **within twenty-four (24) hours** of the date of this letter, we intend to take legal action necessary to protect our rights including but not limited to an injunction, as well as damages and its legal costs. All our rights are hereby expressly reserved.
9. Looking forward to your reply and prompt action.

Best Regards,

BINANCE LEGAL

For Binance Holdings Limited

Attachment(s)

[DMCA_-_Takedown_notice_\[Github\]_Priviledge_and_Confidential_\(2\).pdf](#)

This email is a service from GitHub Support.



Date: 27 March 2023

GitHub, Inc

Attn: DMCA Agent

By way of email: copyright@github.com

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3. This email is official notification under Section 512(c) of the Digital Millennium Copyright Act ("**DMCA**"), and we seek the immediate removal of the following infringing material from your servers. **We have read and understand GitHub's Guide to Filing a DMCA Notice.**
4. The infringing material, whose content belongs to Binance, is the repository published by the user "bonald" (the "**User**"), in the following URL: <https://github.com/bonald/amd/commit/main> (the "**Infringing Material**"). The content of such repository includes internal codes that are property of Binance and protected by copyright laws.
5. Our contact information is:

Email: ip@binance.com

Att.: Binance Legal Team
6. We have a good faith belief that use of the copyrighted materials described above on the infringing web pages is not authorized by the copyright owner, or its agent, or the law. We have taken fair use into consideration. We swear, under penalty of perjury, that the information in this notification is accurate and that we are authorized to act on behalf of the owner, of an exclusive right that is allegedly infringed.
7. In view of the foregoing, we **DO HEREBY DEMAND** that you **within twenty-four (24) hours** of the date of delivery of this letter, procure the removal or disable the access to the Infringing



Material and any content published by the User related to or in connection with the illegitimacy use of the Infringing Material, and provide us with a written confirmation that the User has ceased, and will not, use the Infringing Material.

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For Binance Holdings Limited