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14 *Holdings Ltd.*

15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**

18
19 SONY INTERACTIVE ENTERTAINMENT
LLC, a California limited liability company,

20 Plaintiff,

21 v.

22 TENCENT HOLDINGS LTD., a Cayman
Islands corporation; TENCENT
23 TECHNOLOGY (SHANGHAI) COMPANY
LTD. d/b/a AURORA STUDIOS and/or
24 POLARIS QUEST, a Chinese company;
25 TENCENT AMERICA LLC, a Delaware
limited liability company; PROXIMA BETA
26 PTE LTD. d/b/a TENCENT GAMES and/or
LEVEL INFINITE, a Singapore corporation;
27 PROXIMA BETA U.S. LLC, a Delaware
limited liability company; and DOES 1-10,

28 Defendants.

Case No. 3:25-cv-06275-JCS

**TENCENT AMERICA LLC’S,
PROXIMA BETA U.S. LLC’S, AND
TENCENT HOLDINGS LTD.’S
MOTION TO DISMISS COMPLAINT
FOR COPYRIGHT AND
TRADEMARK INFRINGEMENT;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT**

Hearing: November 19, 2025
Time: 9:30 a.m.
Location: Courtroom D, 15th Floor
Judge: Hon. Joseph C. Spero

NOTICE OF MOTION AND MOTION

1
2 **PLEASE TAKE NOTICE** that on November 19, 2025 at 9:30 a.m., or as soon thereafter
3 as the matter may be heard, in the United States District Court for the North District of California,
4 San Francisco Division, Courtroom D, 15th Floor, 450 Golden Gate Avenue, San Francisco,
5 California 94102, Defendants Tencent America LLC (“Tencent America”), Proxima Beta U.S.
6 LLC (“Proxima Beta U.S.”) (together with Tencent America, the “U.S. Defendants”) and Tencent
7 Holdings Ltd. (“Tencent Holdings”) (collectively, the “Served Defendants”), through their
8 undersigned counsel, will and hereby do, move to dismiss Plaintiff Sony Interactive Entertainment,
9 LLC’s (“SEI” or “Sony”) Complaint (“Complaint” or “Compl.”) (Dkt. 1) pursuant to Federal Rules
10 of Civil Procedure (“FRCP”) 12(b)(1), 12(b)(2), and 12(b)(6).

11 Because this Court lacks specific personal jurisdiction over Tencent Holdings, Tencent
12 Holdings should be dismissed from this action at the outset. Sony also fails to allege facts
13 sufficient to state a claim against either Tencent Holdings or the U.S. Defendants for copyright
14 infringement in violation of 17 U.S.C. § 106 (Claim 1), false designation of origin in violation of
15 15 U.S.C. § 1125(A) (Claim 2), or trademark infringement in violation of California common law
16 (Claim 3). Sony does not allege any specific conduct by these three Defendants giving rise to
17 liability. Instead, it alleges conduct by “Tencent” or “Defendants” generally. Sony’s
18 undifferentiated, vague allegations are insufficient to state any of the claims Sony lodges against
19 the Served Defendants. Moreover, Sony’s Complaint fails to identify with specificity the
20 trademark that allegedly was infringed or to plead facts establishing the use of the mark in
21 commerce. Finally, because Sony’s claims against the Served Defendants are based almost
22 entirely on speculation regarding future conduct, they are not ripe for adjudication.

23 The Defendants’ motion to dismiss (the “Motion”) is based on this Notice of Motion; the
24 supporting Memorandum of Points and Authorities; the Declaration of Ivana Dukanovic, and
25 exhibits attached thereto, filed concurrently herewith; the Declaration of Fengxia Liang filed
26 concurrently herewith; the accompanying Request for Judicial Notice; the complete files and
27 records in this action; and any additional materials and arguments as may be considered in
28 connection with the hearing on the Motion.

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ISSUES TO BE DECIDED

This Motion presents the following issues to be decided: (1) Whether this Court lacks specific jurisdiction over Tencent Holdings, requiring dismissal pursuant to FRCP 12(b)(2); (2) Whether the Court should dismiss Sony’s claims against the Served Defendants for failure to state any claim upon which relief can be granted, requiring dismissal pursuant to FRCP 12(b)(6); and (3) Whether the Court lacks subject matter jurisdiction to adjudicate Sony’s claims against the Served Defendants because those claims are premised on speculation regarding future acts of potential infringement and therefore are unripe, requiring dismissal pursuant to FRCP 12(b)(1).

Dated: September 17, 2025

Respectfully submitted,

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1 **I. INTRODUCTION**

2 Plaintiff Sony has sued a grab-bag of Tencent companies—and ten unnamed defendants—
3 about the unreleased video game *Light of Motiram*, alleging that the game copies elements from
4 Sony’s game *Horizon Zero Dawn* and its spinoffs. At bottom, Sony’s effort is not aimed at fighting
5 off piracy, plagiarism, or any genuine threat to intellectual property. It is an improper attempt to
6 fence off a well-trodden corner of popular culture and declare it Sony’s exclusive domain. In
7 Sony’s telling, *Horizon Zero Dawn* is “like no fictional world created before [or] since.” Compl.
8 ¶ 50 (Dkt. 1). That claim is startling, because it is flatly contradicted by Sony’s own developers,
9 not to mention the long history of video games featuring the same elements that Sony seeks to
10 monopolize through this lawsuit.

11 Long before this lawsuit was filed, the developers of *Horizon Zero Dawn* publicly
12 acknowledged that the very same game elements that, today, Sony claims to own exclusively, were
13 in fact borrowed from an earlier game. In a behind-the-scenes documentary, the art director for
14 *Horizon Zero Dawn*, Jan-Bart Van Beek, explained that the game’s core conceit—an intrepid, red-
15 haired woman navigating the ruins of a shattered civilization overrun by robotic beasts—had
16 already been executed by a different video game studio in the 2013 title *Enslaved: Odyssey to the*
17 *West*.¹ Mr. Van Beek warned, “I don’t think we should do this; it touches too much of these other
18 points,” referring to prominent elements of *Enslaved*.² Sony shelved the project—only to revive
19 it later with full awareness that the idea was far from novel. When *Horizon Zero Dawn* finally
20 launched in 2017, the gaming community noted its striking resemblance to *Enslaved* and other
21 genre staples. *See, e.g.*, Exs. 1–3 (users making comparisons to *Enslaved*, *Far Cry: Primal*, and
22 *Rise of the Tomb Raider*, among others).³

23 _____
24 ¹ NoClip, *The Making of Horizon Zero Dawn*, YouTube (Dec. 19, 2017),
25 <https://www.youtube.com/watch?v=h9tLcD1r-6w&t=859s> [https://perma.cc/ST9S-CHBX]. Guerrilla
26 Games appears to be one of the “subsidiary game development studios” that “comprise [Sony’s]
27 PlayStation Studios division.” Compl. ¶ 14; *see id.* ¶ 70 (referring to “Guerrilla Games and the
28 Horizon franchise”).

² NoClip, *supra* n. 1, at 14:23–15:33.

³ Exhibits cited “Ex.” are attached to the Declaration of Ivana Dukanovic (“Atty. Decl.”), dated
September 17, 2025, and filed herewith. The Court may take judicial notice of webpages and their
contents. *Threshold Enters. Ltd. v. Pressed Juicery, Inc.*, 445 F.Supp.3d 139, 146 (N.D. Cal. 2020)
 (“In general, websites and their contents may be judicially noticed.”) (citing cases).

1 Sony’s Complaint tellingly ignores these facts. Instead, it tries to transform ubiquitous
2 genre ingredients into proprietary assets. By suing over an unreleased project that merely employs
3 the same time-honored tropes embraced by scores of other games released both before and after
4 *Horizon*—like *Enslaved*, *The Legend of Zelda: Breath of the Wild*, *Far Cry: Primal*, *Far Cry: New*
5 *Dawn*, *Outer Wilds*, *Biomutant*, and many more—Sony seeks an impermissible monopoly on genre
6 conventions.

7 But even setting aside this foundational defect in Sony’s legal position, Sony’s complaint
8 has myriad other threshold flaws that require dismissal of the claims against the three movants
9 here—Tencent Holdings Limited and its U.S. subsidiaries Tencent America LLC and Proxima
10 Beta U.S. LLC (together the “Served Defendants”).

11 *First*, Sony fails to allege any facts regarding conduct by Tencent Holdings that would
12 justify exercising personal jurisdiction over it, a foreign company incorporated in the Cayman
13 Islands and headquartered in China. Indeed, Tencent Holdings appears to have been added merely
14 because it is the parent company of the entities alleged to be the developer and marketer of *Light*
15 *of Motiram*—both foreign entities that have not yet been served in this case. That failure alone is
16 sufficient grounds for dismissing all claims against Tencent Holdings.

17 *Second*, Sony also fails to state a claim for which relief may be granted against *any* of the
18 three Served Defendants. Notably, Sony fails to allege specific conduct by Tencent America,
19 Proxima Beta U.S., *or* Tencent Holdings giving rise to liability for copyright infringement, false
20 designation, or trademark infringement. Instead, Sony’s threadbare, conclusory allegations
21 improperly lump these Defendants together with the foreign companies alleged to be responsible
22 for the core conduct at issue. Sony’s vague allegations against “Tencent” or “Defendants”
23 generally cannot substantiate the claims it brings against Tencent America, Proxima Beta U.S., or
24 Tencent Holdings specifically. And even if Sony had stated claims against either one of the U.S.
25 Defendants or against Tencent Holdings specifically (which it has not), Sony’s claims for false
26 designation and trademark infringement under California common law would still be fatally
27 flawed because they fail to plausibly allege a protectable trademark used in commerce.

28 *Finally*, as already evidenced by Sony’s vague pleading, each of the claims against the

1 Served Defendants amount to nothing more than speculation regarding potential future conduct
2 related to *Light of Motiram*'s forthcoming release and, thus, are not ripe for adjudication in any
3 event. Sony's claims against the Served Defendants focus on an in-development video game with
4 a release date two years away. The alleged infringements have not occurred and may in fact never
5 occur. Accordingly, this Court lacks subject matter jurisdiction to adjudicate the claims Sony
6 brings against the Served Defendants, and they should be dismissed on that basis as well.

7 In short, Sony's claims against the Served Defendants—all of which have no involvement
8 in the conduct central to this dispute—should be dismissed pursuant to Federal Rules of Civil
9 Procedure 12(b)(1), 12(b)(2), and 12(b)(6).

10 **II. FACTUAL BACKGROUND⁴**

11 **A. Plaintiff Sony and *Horizon Zero Dawn***

12 Sony Interactive Entertainment LLC ("SIE" or "Sony") is a California-based video game
13 and digital entertainment company that produces video games via subsidiary game development
14 studios. Compl. ¶ 14. In 2017, Sony released *Horizon Zero Dawn*, a live-action, open-world,
15 third-person perspective role-playing video game set in a "post-apocalyptic world where tribal
16 societies live in the shadow of massive robotic animals." *Id.* ¶¶ 2, 44. As alleged, the game's
17 storyline follows the "last remnants of humanity living in culturally distinct, technologically
18 primitive tribes" that co-exist with robotic, animal-like "Machines." *Id.* ¶¶ 51, 53, 106. The
19 game's protagonist is a young, red-haired huntress named Aloy. *Id.* ¶¶ 3, 48, 55. The story unfolds
20 as players advance through the game's questlines and explore the ruins of a lost, high-tech human
21 civilization amid the natural world. *Id.* ¶¶ 59, 82–83. *Horizon Zero Dawn* was the first in a series
22 of related games, including *Horizon Forbidden West*, *Horizon Call of the Mountain*, and *LEGO*
23 *Horizon Adventures* (together, the "*Horizon Franchise*"), in which different versions of the
24 character Aloy appear. *Id.* ¶¶ 2, 44–46, 61.

25 Sony alleges the audiovisual works comprising the *Horizon Franchise* are registered for
26

27 ⁴ The Served Defendants offer certain facts as alleged in the Complaint for the purpose of this
28 motion only, but do not accept any facts alleged as true and reserve their rights to deny any alleged
facts should this matter proceed past this motion to dismiss (which it should not).

1 copyright protection with the U.S. Copyright Office.⁵ *Id.* ¶ 47. Sony alleges it is the exclusive
 2 licensee of these rights in the United States. *Id.* ¶¶ 16, 47. Sony further claims that it owns
 3 common-law trademark rights to the Aloy character, which functions as the “source-identifying
 4 brand” for the *Horizon* Franchise, as well as for “SIE and Sony PlayStation.” *Id.* ¶¶ 4, 48, 112–
 5 119, 136.

6 **B. *Light of Motiram* Is an Unreleased Game Developed and Marketed by Foreign**
 7 **Entities Other than the Served Defendants**

8 None of the Served Defendants develop and market the *Light of Motiram* video game that
 9 Sony alleges infringes its intellectual property in the *Horizon* franchise. Rather, it is Defendant
 10 Proxima Beta PTE Ltd. (“Proxima Beta Singapore”), a Singapore-based company doing business
 11 as “Tencent Games” and/or “Level Infinite,” that is alleged to be the publisher of pre-release *Light*
 12 *of Motiram* promotional materials. Compl. ¶¶ 27–30. And it is Defendant Tencent Technology
 13 (Shanghai) Co. Limited (“Tencent Shanghai”), a video game studio based in Shanghai, China and
 14 doing business under the names “Aurora Studios” and/or “Polaris Quest,” that is alleged to be the
 15 “developer of *Light of Motiram*.” *Id.* ¶¶ 20–22, 73.

16 As for the Served Defendants, Tencent Holdings is merely a holding company,
 17 incorporated in the Cayman Islands and headquartered in Shenzhen, China. Decl. of Fengxia
 18 Liang (“Liang Decl.”) at ¶¶ 2–3. Tencent America, a Delaware limited liability company
 19 headquartered in Palo Alto, California, is alleged to be “the United States arm of Tencent
 20 Holdings,” Compl. ¶ 23, and Proxima Beta U.S., also a Delaware limited liability company
 21 headquartered in Palo Alto, California, is alleged to employ personnel who are alleged to work for
 22 “Tencent’s global gaming brand,” *id.* ¶¶ 31–32. Rather than assert specific factual allegations
 23 against any of the Served Defendants, Sony alleges vaguely that Tencent America “is currently
 24 involved and/or will be involved in marketing, promoting, organizing, preparing, and/or operating
 25 the forthcoming beta test and release of *Light of Motiram* that will be accessible in the United

26 ⁵ Sony alleges the U.S. Copyright Office has issued Certificates of Registration for the following
 27 works at issue: *Horizon Zero Dawn* on PS4 (U.S. Reg. No. PA0002516411, filed on 01/29/2025
 28 and registered on 02/10/2025); *Horizon Forbidden West* on PS4 (U.S. Reg. No. PA0002392809,
 filed on 10/26/2022 and registered on 10/31/2022) and PS5 (U.S. Reg. No. PA0002391316, filed
 on 10/26/2022 and registered on 10/31/2022). *Id.* ¶ 47.

1 States,” *id.* ¶ 25, that Proxima Beta U.S. “will assist in the publication and/or distribution of *Light*
 2 *of Motiram*,” *id.* ¶ 32, and that Tencent Holdings “intends to publish and distribute, or to license
 3 or otherwise authorize the publishing and distribution of, the game *Light of Motiram* in the United
 4 States,” *id.* ¶ 18. Otherwise, Sony largely refers to the five named defendant companies
 5 collectively as “Defendants” or “Tencent” and claims that they all are infringing on Sony’s
 6 intellectual property in its “Horizon” video game franchise through development and marketing of
 7 *Light of Motiram*. *See id.* ¶¶ 72–81.

8 C. Sony’s Lawsuit

9 Although *Light of Motiram* is unreleased (and is not scheduled for release until the end of
 10 2027), Sony filed this action on July 25, 2025. Dkt. 1. The U.S. Defendants were served on July
 11 28, 2025. Dkts. 8–9. Tencent Holdings Ltd. was served on August 15, 2025. Dkt. 40. Tencent
 12 Shanghai and Proxima Beta Singapore have yet to be served.

13 The Complaint alleges that “Tencent”—it does not specify which Defendant specifically—
 14 began developing *Light of Motiram*, an open-world video game featuring survival and crafting
 15 elements, “sometime in 2023.” Compl. ¶ 5. Sony then alleges that in March of 2024, “Tencent”
 16 executives approached Sony at a gaming conference in San Francisco regarding potential
 17 collaboration between the companies, including on a new *Horizon* mobile game. *Id.* ¶¶ 5, 65, 68.⁶
 18 According to Sony, the proposed mobile game would have “maintain[ed] *Horizon*’s original open
 19 world setting” but “introduce[d] Eastern aesthetics,” as well as incorporated gameplay elements
 20 from other genres, “such as survival and crafting, pet taming, multiplayer game modes, etc.” *Id.*
 21 ¶ 68 (alterations in original adopted). In April of 2024, Sony declined the offer to collaborate. *Id.*
 22 ¶¶ 5, 70.

23 Several months later, in late 2024, the forthcoming release of *Light of Motiram* was
 24 announced. *Id.* ¶ 71. Sony alleges that promotional materials posted on a Steam page for *Light of*
 25 *Motiram* from December 1, 2024—which have since been removed—resembled *Horizon Zero*
 26

27 ⁶ Sony alleges that executives from Tencent Holdings, Tencent America, and Aurora Studios
 28 participated in the March 2024 pitch. *See* Compl. ¶¶ 19, 22, 24, 65. But Sony is wrong: no one
 from Tencent Holdings was present at the March 2024 meeting. Liang Decl. at ¶ 6.

1 *Dawn*'s promotional material.⁷ *Id.* ¶ 6. Sony further claims that “an official video trailer, several
 2 promotional screenshots, and . . . gameplay footage” posted on the Steam page “misappropriated
 3 protectable elements of [Sony’s] copyrights in the *Horizon* Franchise.” *Id.* ¶ 7; *see also id.* ¶¶ 71–
 4 73. Those early promotional materials cited in the Complaint describe the game as one in which
 5 players “survive in the wilderness” and “[m]ake smart use of everything around [them] to stay
 6 alive and face off against formidable bosses” in “[an] unforgiving land.” *See* Ex. 4 (cited at Compl.
 7 ¶ 7 n.2).⁸

8 Without identifying a specific entity responsible for the alleged misappropriation or where
 9 the alleged game production is occurring, Sony alleges that “**Tencent** has continued to release
 10 further promotional materials,” that “**Tencent** has acted without authorization or license from”
 11 Sony, that “**Tencent**” is “produc[ing] a game that makes unauthorized use of SIE’s rights in the
 12 *Horizon* franchise intellectual property,” and that “**Tencent** misappropriates . . . the franchise’s
 13 overall tone and feel, setting, narrative, characters, and visual expression.” *Id.* ¶¶ 76–79 (emphases
 14 added). Sony further alleges, “[o]n information and belief,” that “*Light of Motiram* is the result of
 15 the development project that **Tencent** previously pitched to SIE for licensing, which SIE rejected.”
 16 *Id.* ¶ 75 (emphasis added).

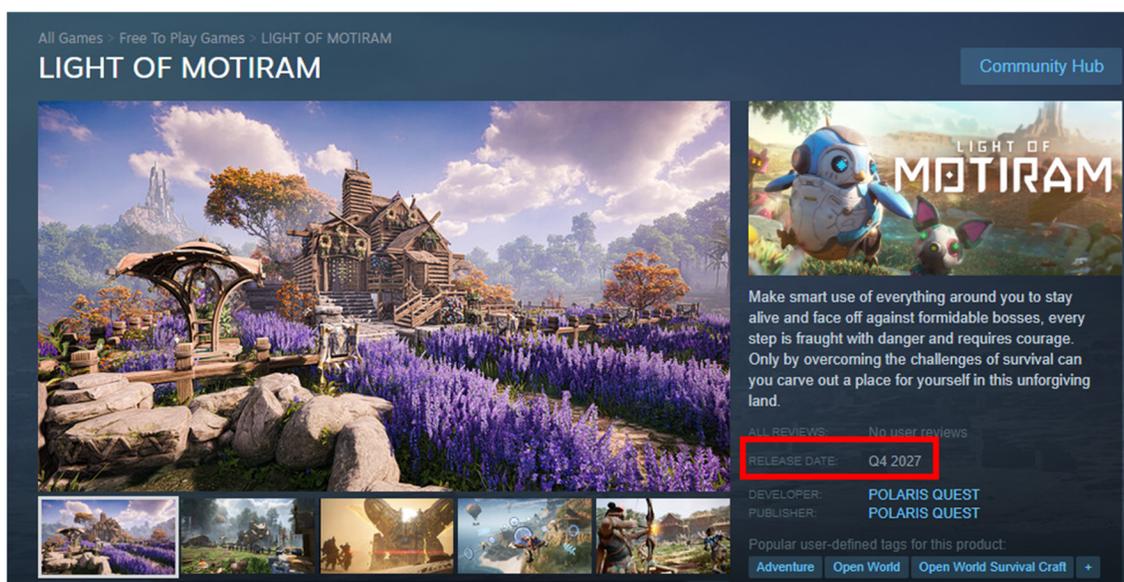
17 Sony also alleges that promotional materials for *Light of Motiram* have included images of
 18 a young, red-haired tribal huntress resembling the Aloy character from the *Horizon* games. *Id.*
 19 ¶¶ 98, 138. It claims that social media accounts associated with *Light of Motiram* have featured
 20 “headshots of [a] red-haired main character” with “bead-and-leather trimmings, tribal face paint,
 21 headgear made from machine animal parts, and a blue-glowing earpiece.” *Id.* ¶¶ 11, 121, 138.
 22 Sony admits that “Tencent’s original promotional images . . . have been replaced” by images of a

23
 24 ⁷ Sony’s Complaint includes a number of screenshots alleged to be promotional materials and still
 25 images of the *Light of Motiram* game, but Sony does not identify the source or date of these images.
 26 *See* Compl. ¶ 76 (alleging generally that “Tencent has continued to release further promotional
 27 materials, images, and videos of purported gameplay footage of the *Light of Motiram* game
 (collectively, with the original promotional materials available on Steam, the ‘*Light of Motiram*
 Promotional Material.’”); *id.* ¶¶ 89, 93, 95, 98, 109, 111 (including unattributed screenshots of
 purported “Promotional Material”).

28 ⁸ The Court also “may take judicial notice of documents referenced in the complaint and central
 to a party’s claims” for purposes of a motion to dismiss. *Arroyo v. CPLG Props. L.L.C.*, 2021 WL
 4260604, at *1 (C.D. Cal. June 3, 2021).

1 modified figure,⁹ but nonetheless contends that subsequent promotional materials for *Light of*
 2 *Motiram* (which Sony does not include in its Complaint) remain “confusingly similar” to the
 3 purported Aloy trademark. *Id.* ¶ 123.

4 Sony claims that the game is “forthcoming,” *see id.* ¶¶ 71–72,” and that it brings this action
 5 “to prevent the imminent release of *Light of Motiram*,” *id.* ¶ 1. It further alleges, “[o]n information
 6 and belief,” that “Tencent intends to make a beta version of the game available for testing by
 7 American users *imminently*, and to release *Light of Motiram* in the United States soon thereafter,”
 8 *id.* ¶ 74 (emphasis added). However, the current Steam page for the game states that *Light of*
 9 *Motiram* is not scheduled to be released until Q4 2027, more than two years after the date of the
 10 Complaint, and Sony alleges no facts to suggest any “beta testing” will occur in the U.S. at all—
 11 much less imminently. *See Ex. 4* (cited at Compl. ¶ 7 n.2).



22 III. ARGUMENT

23 Sony appears to allege that two foreign companies—Tencent Shanghai and Proxima Beta
 24 Singapore—are the ones actually responsible for the development and promotion of the still-in-
 25 development *Light of Motiram* game. Compl. ¶¶ 21–22, 30, 73. Opting for a scattershot approach,
 26 however, Sony also brings suit against three additional entities—parent company Tencent
 27

28 ⁹ Sony includes no images of this “modified” figure in the Complaint and does not explain how the modified character is similar to the alleged Aloy character mark.

1 Holdings and two U.S. entities (Tencent America and Proxima Beta U.S.)—that Sony fails to
2 allege have any non-speculative connection to the *Light of Motiram* game, much less involvement
3 in the supposed copyright and trademark infringement that is the subject of the Complaint. As a
4 foreign company that has not directed any infringing activities at the forum, Tencent Holdings
5 should be dismissed from this suit because this Court lacks specific personal jurisdiction over it.
6 Additionally, Sony’s claims against all three Served Defendants should be dismissed because they
7 are both not adequately pled and are unripe for adjudication.

8 **A. This Court Lacks Personal Jurisdiction Over Tencent Holdings**

9 Sony does not allege that the Court has general jurisdiction over Tencent Holdings. *See*
10 Compl. ¶ 36; *see Bancroft & Masters, Inc. v. Augusta Nat’l Inc.*, 223 F.3d 1082, 1086 (9th Cir.
11 2000) (setting forth that personal jurisdiction may be either general or specific). Accordingly, “the
12 sole jurisdictional injury for this [c]ourt is whether there is specific jurisdiction.” *Vuori v.*
13 *Grasshopper Cap. LLC*, 2018 WL 1014633, at *11 (N.D. Cal. Feb. 22, 2018); *see also Burri Law*
14 *PA v. Skurla*, 35 F.4th 1207, 1213 n.4 (9th Cir. 2022) (declining to address general jurisdiction
15 where the plaintiff “does not contend that the [d]efendants are subject to general personal
16 jurisdiction”). Unlike general jurisdiction, specific jurisdiction “is confined to adjudication of
17 issues deriving from, or connected with, the very controversy that establishes jurisdiction.” *Vuori*,
18 2018 WL 101433, at *11 (quoting *Goodyear Dunlop Tires Operations, S.A. v. Brown*, 564 U.S.
19 915, 919 (2011)). There is no specific jurisdiction over Tencent Holdings.

20 This Court may only exercise specific personal jurisdiction over Tencent Holdings if all
21 three of the following prongs are satisfied: (1) Tencent Holdings either “purposefully direct[ed]
22 [its] activities towards the forum or purposefully avail[ed] [it]self of the privileges of conducting
23 activities in the forum;” (2) Sony’s claims “arise[] out of or relates to [Tencent Holdings’] forum-
24 related activities;” and (3) the exercise of jurisdiction “comport[s] with fair play and substantial
25 justice, i.e., it must be reasonable.”¹⁰ *Axiom Foods, Inc. v. Acerchem Int’l, Inc.*, 874 F.3d 1064,

26
27 ¹⁰ This test applies regardless of whether Sony contends that personal jurisdiction is authorized
28 under California’s long-arm statute, Cal. Civ. Proc. Code § 410.10, or Fed. R. Civ. P. 4(k)(2). Rule
4(k)(2) permits federal courts to exercise personal jurisdiction over a foreign defendant if the
plaintiff’s claim “arise[s] under federal law,” if the defendant is not “subject to personal

1 1068 (9th Cir. 2017) (citing *Dole Food Co. v. Watts*, 303 F.3d 1104, 1111 (9th Cir. 2002) (internal
 2 quotation marks omitted)). Sony bears the burden on the first two prongs, and, in the event Sony
 3 meets that burden, Tencent Holdings bears the burden on the final prong. *Schwarzenegger v. Fred
 4 Martin Motor Co.*, 374 F.3d 797, 802 (9th Cir. 2004). None of the three prongs are met here.

5 **1. Prong One: Sony Fails to Allege that Tencent Holdings Purposefully**
 6 **Directed Any Infringing Activity Towards the Forum.**

7 Because copyright and trademark infringement are both “tort-like cause[s] of action,” the
 8 “purposeful direction” or “effects test” applies. *Mavrix Photo, Inc.*, 647 F.3d at 1228 (copyright);
 9 *Facebook, Inc. v. Pedersen*, 868 F. Supp. 2d 953, 958 (N.D. Cal. 2012) (trademark). Under the
 10 “effects test,” Sony must establish that Tencent Holdings “(1) committed an intentional act, (2)
 11 expressly aimed at the forum state, (3) causing harm that [Tencent Holdings] knows is likely to be
 12 suffered in the forum state.” *Mavrix Photo, Inc.*, 647 F.3d at 1228; *see also Axiom Foods, Inc.*,
 13 874 F.3d at 1069. None of the allegations against Tencent Holdings contained in the Complaint
 14 are sufficient to establish that Tencent Holdings expressly aimed any infringing activity towards
 15 California (or the United States) that caused Sony harm. Sony thus fails to meet its burden on the
 16 first prong.

17 a. The March 2024 San Francisco Meeting

18 Sony contends that Tencent Holdings “knowingly availed itself of the forum in conducting
 19 both in-person and electronic meetings in San Francisco concerning the subject matter of this
 20 dispute.” Compl. ¶ 36. This contention relies entirely on a March 2024 meeting where “Tencent
 21 executives pitched a project to SIE,” *id.* ¶ 65; *see id.* (“In March, 2024, several individuals who
 22 represented themselves to be Tencent Holdings, Tencent America and Aurora Studios executives

23 _____
 24 jurisdiction of any state court of general jurisdiction,” and if “the federal court’s exercise of
 25 personal jurisdiction . . . comport[s] with due process.” *Axiom Foods, Inc.*, 874 F.3d at 1072.
 26 California’s long-arm statute “is coextensive with federal due process requirements,” *Mavrix
 27 Photo, Inc. v. Brand Techs., Inc.*, 647 F.3d 1218, 1223 (9th Cir. 2011), and the due process analysis
 28 under Rule 4(k)(2) is “nearly identical to traditional personal jurisdiction analysis” except that
 “rather than considering contacts between [the defendant] and the forum state, [the court]
 consider[s] contacts with the nation as a whole.” *Axiom Foods, Inc.*, 874 F.3d at 1072. Federal
 long-arm jurisdiction under Rule 4(k)(2) is “disfavored,” however, and Sony “faces a high bar to
 demonstrate minimum contacts with the nation as a whole.” *Om Recs., LLC v. OM
 Developpement, SAS*, 2024 WL 3049449, at *10 (N.D. Cal. June 17, 2024) (internal quotation
 marks omitted).

1 approached SIE executives at the annual Game Developers Conference in San Francisco.”); *id.*
 2 ¶ 19 (“Tencent Holdings’ executives approached Sony in person in San Francisco to seek a license
 3 for *Light of Motiram*”). But no Tencent Holdings executives or employees were at this meeting.
 4 See Liang Decl. ¶ 6. Without the presence of any Tencent Holdings employee at this single
 5 meeting in San Francisco, the meeting provides no basis for asserting that Tencent Holdings
 6 engaged in an “an intentional act . . . expressly aimed at the forum[.]” See *Brooks v. Y.Y.G.M. SA*,
 7 2021 WL 5450232, at *3 (E.D. Cal. Nov. 22, 2021) (rejecting plaintiff’s contention that the
 8 defendant intentionally directed its activities towards California through its website, where the
 9 defendant presented a declaration contradicting the complaint’s allegations that the defendant
 10 owned or operated that website); see also *LNS Enters. LLC v. Cont’l Motors, Inc.*, 22 F.4th 852,
 11 862–63 (9th Cir. 2022) (refusing to credit an allegation, “directly refute[d]” by the defendant’s
 12 declaration, because courts cannot “assume the truth of allegations in a pleading which are
 13 contradicted by affidavit” (internal quotation marks omitted)).¹¹

14 But even if the pitch meeting between Sony and *other* Tencent entities could somehow be
 15 attributed to Tencent Holdings, Sony has failed to make a prima facie showing that any actions at
 16 this meeting caused harm to Sony. See *Est. of Daher v. LSH Co.*, 661 F. Supp. 3d 981, 990 (C.D.
 17 Cal. 2023) (failure to satisfy the “harm” prong of the “effects” test means that the plaintiff has
 18 failed to show that the court has specific personal jurisdiction over the defendant). Nothing that
 19 occurred at the San Francisco meeting—*i.e.*, a request to a “license in the *Horizon* intellectual
 20 property”, Compl. ¶ 22—is alleged to be an act of copyright or trademark infringement. Indeed,
 21 the Complaint does not allege that Tencent was seeking a license for the *creation* of the *Light of*
 22 *Motiram* game (as opposed to something like a crossover¹²). Instead, Sony alleges that “Tencent
 23

24 ¹¹ When deciding a motion to dismiss for lack of personal jurisdiction under Rule 12(b)(2), the
 25 court may “consider declarations and other evidence outside the pleadings to determine whether it
 26 has personal jurisdiction.” *Lee v. Plex, Inc.*, 773 F. Supp. 3d 755, 769 (N.D. Cal. 2025) (internal
 27 quotation marks omitted); see also *Mavrix Photo, Inc.*, 647 F.3d at 1223. The court “may not
 28 assume the truth of allegations in a pleading which are contradicted by affidavit.” *Lee*, 773 F. Supp.
 3d at 768 (internal quotation marks omitted); *LNS Enters. LLC*, 22 F.4th at 862–63.

¹² For example, the spin-off game *LEGO Horizon Adventures* was “created by Guerilla . . . and
 Studio Gobo, working in close partnership with the team at LEGO.” Ex. 5 (cited in Compl. at 14
 n.11).

1 executives” pitched “licens[ing] Sony’s intellectual property rights in the *Horizon* Franchise to
 2 create a mobile video game set in the *Horizon* universe,” Compl. ¶ 65 (emphasis added). *Light of*
 3 *Motiram* is not “set in the *Horizon* universe,” *see id.* ¶ 89 (alleging that the *Light of Motiram* setting
 4 is “similar” to the *Horizon* setting), nor is it expected to be solely a mobile game, as evidenced by
 5 details on its Steam page—cited in footnote 2 of the Complaint—identifying it as a “PC” (*i.e.*, a
 6 desktop or laptop computer) game, *see* Ex. 4 (listing “Windows 10, 64-bit or higher” as a minimum
 7 system requirement).

8 At any rate, as Sony itself alleges, development of the purportedly infringing *Light of*
 9 *Motiram* video game began *before* the meeting in March 2024. *See id.* ¶ 5 (“Upon information
 10 and belief, sometime in 2023 . . . Tencent started developing a video game called ‘*Light of*
 11 *Motiram*’”). And development continued thereafter. *See id.* ¶ 6. The meeting was thus not a
 12 contact with the forum “from which the alleged harm arose.” *Heiting v. Marriott Int’l, Inc.*, 743
 13 F. Supp. 3d 1163, 1171 (C.D. Cal. 2024) (explaining that the court “does not focus on [] attenuated
 14 contacts” in determining the applicability of specific jurisdiction); *see Allergan, Inc. v. Merz*
 15 *Pharmaceuticals, LLC*, 2011 WL 13323227, at *4–6 (C.D. Cal. Aug. 1, 2011) (finding the plaintiff
 16 failed to satisfy the third prong of the “effects test” where the “connection between [the
 17 d]efendant’s actions and [the p]laintiff’s harm” was too attenuated); *cf. Pangaea, Inc. v. Flying*
 18 *Burrito LLC*, 647 F.3d 741, 747 (8th Cir. 2011) (finding no personal jurisdiction over a non-
 19 resident defendant based on a single in-forum meeting to license a trademark).

20 In short, Sony has not alleged a sufficient connection between the San Francisco meeting
 21 and any alleged act of copyright or trademark infringement causing harm.

22 b. The conclusory allegation that Tencent Holdings “intentionally
 23 planned, authorized, and facilitated infringing acts that have or will
 24 take place in California”

25 Sony’s barebones allegation that Tencent Holdings “has intentionally planned, authorized,
 26 and facilitated infringing acts that have or will take place in California, including licensing and
 27 distributing infringing material,” Compl. ¶ 36, is also insufficient to satisfy Sony’s burden to
 28 establish the existence of specific personal jurisdiction. “[M]ere ‘bare bones’ assertions of
 minimum contacts with the forum or legal conclusions unsupported by specific factual allegations

1 will not satisfy a plaintiff’s pleading burden.” *Swartz v. KPMG LLP*, 476 F.3d 756, 766 (9th Cir.
 2 2007). The Complaint offers no specific factual allegations to back up Sony’s contention that
 3 Tencent Holdings has planned, authorized, or facilitated any infringement (including by licensing
 4 or distributing “infringing material”). Indeed, just nine paragraphs in Sony’s 150-paragraph
 5 complaint mention Tencent Holdings by name.¹³ The only allegation that “supports” Sony’s
 6 conclusory jurisdictional allegation that Tencent Holdings “has intentionally planned, authorized,
 7 and facilitated infringing acts,” Compl. ¶ 36, is *itself* too conclusory to satisfy Sony’s pleading
 8 burden. *See id.* ¶ 18 (alleging that Tencent Holdings “intends to publish and distribute, or to
 9 license or otherwise authorize the publishing and distribution of, the game *Light of Motiram* in the
 10 United States.” (emphasis added)). Without more, Sony’s allegations that Tencent Holdings is
 11 engaged in hypothetical infringing acts “that have or will take place in California” and that Tencent
 12 Holdings knows these acts “will harm a resident of this District” are woefully deficient. *See, e.g.,*
 13 *Golden State Water Co. v. 3M*, 2021 WL 221787, at *3 (C.D. Cal. Jan. 20, 2021) (finding that a
 14 conclusory allegation that the defendants “engaged in marketing, development, manufacture,
 15 distribution, release, training of users of, production of instructional materials about, sale and/or
 16 use of [PFAS]-containing materials, including in California” was insufficient to support personal
 17 jurisdiction).

18 c. The *Light of Motiram* Trademark Application and Sony’s
 19 Remaining Allegations

20 The only other specific allegation levied against Tencent Holdings in the Complaint is its
 21 application to the United States Patent and Trademark Office to register the trademark LIGHT OF
 22 MOTIRAM for downloadable computer application software and related entertainment services.

24 ¹³ *See* Compl. ¶ 1 (identifying Tencent Holdings as a defendant); *id.* ¶ 17 (alleging that Tencent
 25 Holdings is incorporated in the Cayman Islands and headquartered in Shenzhen, China); *id.* ¶ 18
 26 (alleging that Tencent Holdings applied to register a trademark with the U.S. Patent & Trademark
 27 Office and that it intends to publish, distribute, license, or otherwise authorize the publishing and
 28 distribution of *Light of Motiram*); *id.* ¶ 19 (alleging that “Tencent Holdings’ executives approached
 Sony in person in San Francisco”); *id.* ¶ 65 (similar); *id.* ¶ 20 (alleging that Tencent Shanghai is
 controlled by Tencent Holdings); *id.* ¶ 23 (alleging that Tencent America is the “United States arm
 of Tencent Holdings”); *id.* ¶ 26 (referring to “Tencent Holdings’ Level Infinite global video game
 publishing brand”); *id.* ¶ 36 (alleging that Tencent Holdings is subject to specific jurisdiction in
 this District); *id.* ¶ 42 (alleging that venue is proper as to Tencent Holdings).

1 Compl. ¶ 18. Sony does not allege that this trademark application supports personal jurisdiction.
2 Even if it did, that allegation would still fall short, as Sony fails to allege that the *Light of Motiram*
3 *trademark* (as opposed to the game itself) infringes any of its own marks or causes it harm. *See*
4 *Heiting*, 743 F. Supp. 3d at 1171 (“[T]he Court . . . looks only to the contacts from which the
5 alleged harm arose[.]”); *see also Fumoto Giken Co. v. Mistuoka*, 2015 WL 12766167, at *5 (C.D.
6 Cal. Apr. 16, 2015) (rejecting argument that “the mere registration of a trademark with the PTO,
7 without more, amounts to the type of minimum contacts which would justify haling a foreign
8 defendant into federal court” under Rule 4(k)(2)); *Om Recs., LLC*, 2024 WL 3049449, at *13
9 (“Subsequent district court decisions have followed *Fumoto*’s reasoning to find that trademarks or
10 trademark applications do not, without more, establish express aiming.”).

11 Further, any other allegations that might implicate Tencent Holdings are vague, referencing
12 “Defendants” or “Tencent” “ambiguously without attributing any conduct to [Tencent Holdings]
13 specifically.” *Lee*, 773 F. Supp. 3d at 769. Such group pleading is improper and cannot support
14 personal jurisdiction over Tencent Holdings specifically. *See id.* (rejecting group pleading
15 allegations for personal jurisdiction analysis and noting that “[a] complaint cannot ‘engage[] in
16 undifferentiated pleading that fails to make clear what allegations are being made against’ each
17 defendant”). *See also infra* Part III.B.

18 To the extent Sony seeks to attribute specific allegations against other defendants to
19 Tencent Holdings under an alter ego or agency theory¹⁴ based on Tencent Holdings’ status as a
20 parent company, that attempt also fails. Simply stating that “Tencent Shanghai is controlled by
21 Tencent Holdings,” Compl. ¶ 20, or that Proxima Beta Singapore is a “member of the Tencent
22 group of companies,” *id.* ¶ 27, does not suffice under Ninth Circuit law. “[A]s a general rule, where
23

24 ¹⁴ The viability of the agency test after the Supreme Court’s decision in *Daimler AG v. Bauman*,
25 571 U.S. 117 (2014) is unclear. *See Williams v. Yamaha Motor Co.*, 851 F.3d 1015, 1024–25 (9th
26 Cir. 2017) (assuming without deciding that “some formulation of agency analysis” was relevant
27 to specific personal jurisdiction and noting that “[n]otwithstanding *Daimler*’s express reservation
28 on the question of agency theory’s application to specific jurisdiction, more than one district court
within our circuit has expressed some uncertainty on that point post-*Daimler*, as the rationale set
forth in *Daimler* . . . would seem to undermine application of [our agency test] even in specific
jurisdiction cases.” (internal quotation marks omitted)); *see also Soelect, Inc. v. Hyundai Motor*
Co., 2024 WL 4293911, at *6 (N.D. Cal. Sept. 24, 2024) (“[T]he agency test might no longer be
valid.”).

1 a parent and a subsidiary are separate and distinct corporate entities, the presence of one . . . in a
2 forum state may not be attributed to the other.” *Axiom Foods*, 874 F.3d at 1071; *see also Ranza v.*
3 *Nike, Inc.*, 793 F.3d 1059, 1070 (9th Cir. 2015) (“The existence of a parent-subsidiary relationship
4 is insufficient, on its own, to justify imputing one entity’s contacts with a forum state to another
5 for the purpose of establishing personal jurisdiction.”).

6 Sony’s inability to satisfy the first prong of the specific personal jurisdiction test justifies
7 dismissal of all claims against Tencent Holdings. *See Soelect, Inc. v. Hyundai Motor Co.*, 2024
8 WL 4293911, at *9 (N.D. Cal. Sept. 24, 2024) (“Because [the plaintiff] has not met its burden on
9 the “purposeful direction” prong, the Court need not reach the “arises out of” prong.”); *see also*
10 *Tradin Organics USA LLC v. Terra Nostra Organics, LLC*, 2024 WL 4312215, at *9 (N.D. Cal.
11 Sept. 26, 2024) (granting motion to dismiss without considering the second and third prongs of the
12 specific personal jurisdiction test).

13 **2. Prong Two: Sony’s Claims Do Not Arise Out of Any “Forum-Related** 14 **Activities” by Tencent Holdings**

15 Even if Sony could establish that Tencent Holdings purposefully directed activities at the
16 forum and that those activities caused Sony harm (which it cannot), Sony must also demonstrate
17 that Tencent Holdings’ forum-related activities were either a “but-for” cause of the harm
18 underlying Sony’s claims—*i.e.*, that there is a “direct nexus” between Tencent Holdings’ forum-
19 related contacts and “the cause[s] of action”—or that there is a “close connection” between
20 Tencent Holdings’ “contacts” with the forum and Sony’s “injury.” *Yamashita v. LG Chem, Ltd.*,
21 62 F.4th 496, 504, 506 (9th Cir. 2023) (internal quotation marked omitted); *see also id.* at 506
22 (“[R]elate to ‘does not mean anything goes’” (quoting *Ford Motor Co. v. Montana Eighth Jud.*
23 *Dist. Ct.*, 592 U.S. 351, 362 (2021)). Sony fails to meet its burden on this prong, too, because
24 Sony’s alleged injury does not arise out of or relate to any of Tencent Holdings’ alleged forum-
25 related activity.

26 a. Sony’s Copyright Infringement Claim

27 Sony has not carried its burden to show that its copyright claim is “close[ly] connect[ed]”
28 or arises out of any purported forum-related activities by Tencent Holdings. *Yamashita*, 62 F.4th

1 at 506. Sony alleges that its copyrights in the *Horizon* franchise are being infringed because
2 “Defendants” are (1) “[p]reparing an unauthorized derivative work . . . in the form of *Light of*
3 *Motiram*,” (2) “[r]eproducing copyrighted elements of the *Horizon* franchise in *Light of Motiram*,”
4 (3) “distributing copies of promotional materials for *Light of Motiram*,” and (4) “[p]ublicly
5 performing *Light of Motiram*.” Compl. ¶ 130. But the Complaint is devoid of any allegations
6 tying specific actions by **Tencent Holdings** to any of these allegedly harmful activities. The
7 Complaint identifies Tencent Shanghai as the “developer” of the *Light of Motiram* videogame and
8 Proxima Beta Singapore as the company “responsible for the publication of numerous pre-release
9 marketing materials” for *Light of Motiram*. Compl. ¶¶ 21-22, 28-30. In contrast, no non-
10 conclusory allegations identify Tencent Holdings as playing any role in *Light of Motiram*’s
11 development, design, or marketing. While a single allegation in the Complaint references
12 “Tencent Holdings’ Level Infinite global video game publishing brand,” other allegations make
13 clear that Proxima Beta Singapore is the company that actually “does business under the brand
14 ‘Level Infinite.’” *Id.* ¶¶ 26, 29. In reality, Tencent Holdings does not, in fact, conduct any business
15 directly under the Level Infinite brand. Liang Decl. ¶ 7. And while the Complaint alleges that
16 Tencent Holdings “intends to publish and distribute, or to license or otherwise authorize the
17 publishing and distribution of, the game *Light of Motiram* in the United States,” Compl. ¶ 18
18 (emphasis added), this conclusory allegation, without any supporting factual allegations, cannot
19 justify the exercise of jurisdiction. *See supra* Part III.A.1.b. At any rate, Tencent Holdings is **not**
20 the developer or publisher of *Light of Motiram*. *Id.* ¶ 4. That Tencent Holdings applied to register
21 the LIGHT OF MOTIRAM trademark does not suggest otherwise. As Ms. Liang explains, the
22 vast majority of overseas trademarks in the Tencent portfolio are registered by Tencent Holdings
23 for trademark management purposes, *id.* ¶ 5, not because Tencent Holdings is the entity that will
24 develop, publish, create marketing materials for, or beta test the game.

25 b. Sony’s False Designation of Origin Claim

26 None of the specific forum-related activities that Sony alleges Tencent Holdings
27 participated in relate to Sony’s false designation of origin claim under 15 U.S.C. § 1125(a), either.
28 That claim is premised on the allegation that “Tencent has, without license, adopted and used a

1 redhaired tribal huntress image, the Aloy lookalike, as a brand identifier for Light of Motiram
 2 across Steam banners, website mastheads, social-media avatars (Facebook, Instagram, X, Discord,
 3 YouTube, Reddit), app-store icons, and trailer stills.” Compl. ¶ 138. The Complaint is devoid of
 4 any allegations that Tencent Holdings runs any *Light of Motiram* Steam page, website, or social
 5 media pages, or the like. Sony thus fails to demonstrate a “direct nexus” or “close connection”
 6 between any alleged forum-related contacts by Tencent Holdings and Sony’s purported injury
 7 from the use of a “red haired tribal huntress image” in marketing materials.

8 c. Sony’s California Common Law Trademark Infringement Claim

9 Nor is there a “direct nexus” or “close connection” between any activities by Tencent
 10 Holdings (forum-related or otherwise) and the allegations underpinning Sony’s common law
 11 trademark infringement claim. The basis for that allegation is that “Tencent’s use of the Aloy
 12 lookalike infringes on SIE’s rights.” Compl. ¶ 148. But there are no allegations in the Complaint
 13 regarding Tencent Holdings’ use of any “Aloy lookalike” at all.

14 * * *

15 Because Sony fails to meet its burden on the first two prongs of the specific jurisdiction
 16 test, Tencent Holdings’ motion to dismiss should be granted. *See Schwarzenegger*, 374 F.3d at
 17 802 (“If the plaintiff fails to satisfy either of these prongs, personal jurisdiction is not established
 18 in the forum state.”).

19 **3. Prong Three: Exercising Personal Jurisdiction Over Tencent Holdings**
 20 **Is Not Reasonable**

21 Even if the Court finds that Sony has somehow satisfied the first two prongs of the specific
 22 jurisdiction test (it has not), exercising personal jurisdiction over Tencent Holdings would not be
 23 reasonable in this case.

24 “In determining whether the exercise of jurisdiction comports with fair play and substantial
 25 justice, and is therefore reasonable,” courts in the Ninth Circuit consider seven factors: “(1) the
 26 extent of the defendants’ purposeful injection into the forum state’s affairs; (2) the burden on the
 27 defendant of defending in the forum; (3) the extent of conflict with the sovereignty of the
 28 defendant’s state; (4) the forum state’s interest in adjudicating the dispute; (5) the most efficient

1 judicial resolution of the controversy; (6) the importance of the forum to the plaintiff’s interest in
2 convenient and effective relief; and (7) the existence of an alternative forum.” *Dole Food Co.*,
3 303 F.3d at 1114 (internal quotation marks omitted). All but one of the factors weigh in favor of
4 exercising jurisdiction here.

5 *Factor 1:* Tencent Holdings has not purposefully injected itself into the affairs of either
6 California or the United States for the same reasons that it lacks sufficient contacts with those fora
7 under the first prong of the specific personal jurisdiction test. *See Sinatra v. Nat’l Enquirer, Inc.*,
8 854 F.2d 1191, 1199 (9th Cir. 1988) (“The factor of purposeful interjection is analogous to the
9 purposeful direction analysis”).

10 *Factors 2 and 3:* Tencent Holdings is a foreign company incorporated in the Cayman
11 Islands and headquartered in China. Liang Decl. ¶ 2. As a foreign corporation with few, if any,
12 forum-related contacts, Tencent Holdings would be significantly burdened if forced to adjudicate
13 this dispute in California. *See Asashi Metal Indus. Co. v. Superior Ct. of California*, 480 U.S. 102,
14 114 (1987) (“The unique burdens placed upon one who must defend oneself in a foreign legal
15 system should have significant weight in assessing the reasonableness of stretching the long arm
16 of personal jurisdiction over national borders.”); *see also Fed. Deposit Ins. Corp. v. Brit.-Am. Ins.*
17 *Co.*, 828 F.2d 1439, 1444 (9th Cir. 1987) (“In a case . . . in which the defendant has done little to
18 reach out to the forum state, the burden of defending itself in a foreign forum militates against
19 exercising jurisdiction.” (internal quotation marks omitted)). And because Tencent Holdings is a
20 foreign corporation, the “sovereignty barrier” is higher here than if Tencent Holdings were an
21 American company headquartered in another state. *See Gelasio v. Zafar*, 2024 WL 4634058, at
22 *10 (N.D. Cal. Oct. 30, 2024) (finding that the third factor weighed in favor of defendants where
23 they were “residents of foreign nations”); *see also ChemRisk, LLC v. Chappel*, 2011 WL 1807436,
24 at *7 (N.D. Cal. May 12, 2011) (explaining that where a defendant is “from a foreign nation rather
25 than another state, the sovereignty barrier is high and undermines the reasonableness of personal
26 jurisdiction” (internal quotation marks omitted)).

27 *Factors 4 and 5:* First, any interest that California or the United States may have in this
28 dispute is minimal. While Sony may reside here, *see* Compl. ¶¶ 14–15, Sony’s claims are premised

1 on alleged actions occurring abroad, *see id.* ¶¶ 21–22, 30 (alleging that foreign companies Tencent
 2 Shanghai and Proxima Beta PTE are involved in the development and marketing of the yet-to-be-
 3 released *Light of Motiram* game). Indeed, U.S. copyright and trademark law do not even extend
 4 to extraterritorial acts of infringement. *See Subafilms, Ltd. v. MGM-Pathe Commc 'ns Co.*, 24 F.3d
 5 1088, 1094 (9th Cir. 1994) (“United States copyright law has no extraterritorial application” (citing
 6 3 Nimmer on Copyright § 12.04[A][3][b], at 12–86)); *Abitron Austria GmbH v. Hetronic Int'l,*
 7 *Inc.*, 600 U.S. 412, 415 (2023) (holding that 17 U.S.C. § 1125(a)—the provision of the Lanham
 8 Act under which Sony brings a claim—is “not extraterritorial”); *see also Microsoft Corp. v. AT &*
 9 *T Corp.*, 550 U.S. 437, 454 (2007) (“United States law governs domestically but does not rule the
 10 world.”). Second, litigating this dispute in California will not offer the most efficient judicial
 11 resolution because presumably the vast majority of the relevant witnesses and evidence will be
 12 located abroad.¹⁵ *See Corwin v. Swanson*, 2010 WL 11598013, at *5 (C.D. Cal. Apr. 27, 2010)
 13 (finding that this factor weighed in the defendant’s favor where the defendant’s headquarters and
 14 “a substantial amount of relevant evidence” would be located in a different forum); *see also Young*
 15 *v. Actions Semiconductor Co.*, 386 F. App’x 623, 629 (9th Cir. 2010) (“[A]djudicating this case in
 16 California would be inefficient because nearly all the witnesses and evidence are located in
 17 China.”); *Instasol, LLC v. EM Digit. Ltd.*, 2018 WL 3831292, at *4 (W.D. Wash. Aug. 13, 2018)
 18 (“Normally, the most efficient forum is the site where the evidence is located”).

19 *Factors 6 and 7:* Finally, while it would probably be more convenient for Sony to litigate
 20 this case in California (where it resides), Sony would not be precluded from adjudicating this
 21 dispute in a different forum, such as China. *See, e.g., King.com Ltd. v. 6 Waves LLC*, 2014 WL
 22 1340574, at *3 (N.D. Cal. Mar. 31, 2014) (internal citation omitted) (finding China to be an
 23 adequate alternative forum for copyright dispute regarding allegedly similar videogames);
 24 *Creative Tech., Ltd. v. Aztech Sys. Pte., Ltd.*, 61 F.3d 696, 701 (9th Cir. 1995) (finding Singapore
 25

26 ¹⁵ As alleged, the *Light of Motiram* game was designed, developed, and marketed by foreign
 27 companies located in Asia. *See* Compl. ¶¶ 20–22, 27–30, 73. These allegations alone make clear
 28 that the physical evidence and main witnesses will not be in the United States. And the Complaint
 does not allege specific facts showing that *any* relevant evidence or witnesses would be located in
 California, or even the United States more broadly. *See also infra* Part III.B (explaining that the
 complaint fails to state any claim against either U.S. defendant).

1 to be an adequate alternative forum in copyright dispute regarding software). Sony carries the
2 burden on this final factor to show that an alternative forum is unavailable, and [a] mere preference
3 on the part of the plaintiff for [its] home forum does not affect the balancing.” *Rippey v. Smith*,
4 1999 WL 1012316, at *8 (N.D. Cal. Oct. 28, 1999). The relevant question is whether Sony “would
5 be *precluded* from adjudicating the dispute in a different forum.” *Long v. Authentic Athletix LLC*,
6 2016 WL 6024591, at *7 (N.D. Cal. Oct. 14, 2016). Sony cannot make such a showing because
7 China and Singapore’s copyright laws both provide avenues for Sony to adjudicate its claims.

8 **B. Sony Fails to State a Claim Against Tencent Holdings, Tencent America, or**
9 **Proxima Beta U.S. for Copyright or Trademark Infringement**

10 To survive a motion to dismiss under Rule 12(b)(6), “a complaint must contain sufficient
11 factual matter, accepted as true, to state a claim for relief that is plausible on its face.” *Ashcroft v.*
12 *Iqbal*, 556 U.S. 662, 678 (2009) (internal quotation and citation omitted). The factual allegations
13 “must plausibly suggest an entitlement to relief, such that it is not unfair to require the opposing
14 party to be subjected to the expense of discovery and continued litigation.” *Eclectic Prop. E., LLC*
15 *v. Marcus & Millichap Co.*, 751 F.3d 990, 996 (9th Cir. 2014) (internal citation omitted). A court
16 need not accept as true allegations that are “merely conclusory, unwarranted deductions of fact, or
17 unreasonable inferences.” *Daniels-Hall v. Nat’l Educ. Ass’n*, 629 F.3d 992, 998 (9th Cir. 2010)
18 (internal citation omitted). The allegations must be both “sufficiently detailed to give notice to
19 [the opposing party] of the nature of [the plaintiff’s] claim against him and to give him fair
20 opportunity to defend against it” and sufficiently plausible such that “it is not unfair to require the
21 opposing party to be subjected to the expense of discovery. *Starr v. Baca*, 652 F.3d 1202, 1216
22 (9th Cir. 2011). A district court may dismiss a complaint without leave to amend if “amendment
23 would be futile.” *Leadsinger, Inc. v. BMG Music Pub.*, 512 F.3d 522, 532 (9th Cir. 2008).

24 Sony’s claims for copyright infringement, false designation of origin, and common law
25 trademark infringement should all be dismissed as against Tencent Holdings, Tencent America,
26 and Proxima Beta U.S. because Sony fails to plead any nonconclusory allegations regarding
27 conduct by any one of those Defendants in support. All of Sony’s claims against the Served
28 Defendants are based on improper group pleading, which do not suffice to state a claim.

1 Additionally, Sony’s claims for false designation and trademark infringement under California
2 common law are deficient because Sony’s allegations fail to plausibly allege a protectable
3 trademark that was used in commerce.

4 **1. Sony Fails to Allege Any Conduct by Tencent America, Proxima Beta**
5 **U.S., or Tencent Holdings to Support Its Claims.**

6 Sony utterly fails to plead any nonconclusory allegations of conduct by any of the Served
7 Defendants to support its claims for copyright, false designation, or trademark infringement.

8 As a preliminary matter, the vast majority of Sony’s allegations rest on improper group
9 pleading; rather than plead factual allegations concerning specific conduct by the Served
10 Defendants, Sony instead lumps together all five named defendants as a single entity to assert its
11 claims. *See* Compl. ¶¶ 71, 120, 125, 130 (making collective allegations against “Defendants”); *id.*
12 ¶¶ 1, 5–7, 9, 11, 12, 61, 66–71, 74–81, 85–88, 93, 95, 103, 104, 123–24, 127, 132–34, 138, 139,
13 141–144, 146, 148–150 (making collective allegations against “Tencent”). It is well-established
14 that such group pleading is improper as it does not satisfy Rule 8’s notice requirement. *Gauvin v.*
15 *Trombatore*, 682 F. Supp. 1067, 1071 (N.D. Cal. 1988) (“Plaintiff must allege the basis of his
16 claim against *each defendant* to satisfy Federal Rule of Civil Procedure 8(a)(2)[.]”) (emphasis
17 added); *In re iPhone Application Litig.*, 2011 WL 4403963, at *8 (“[B]y lumping all [Defendants]
18 together, Plaintiff[] ha[s] not stated sufficient facts to state a claim for relief that is plausible
19 against *one* Defendant.”); *Stewart v. West*, 2013 WL 12120232, at *3 (C.D. Cal. Sept. 6, 2013)
20 (“[U]ndifferentiated pleading[s] against multiple defendants is improper.” (internal quotation and
21 citation omitted)). Instead, “Defendants may be accused of a violation only by supporting
22 allegations that specifically refer to that defendant.” *Gen-Probe, Inc. v. Amoco Corp.*, 926 F. Supp.
23 948, 962 (S.D. Cal. 1996).

24 To meet Rule 8’s pleading requirements, Sony was required to plead facts providing “*each*
25 *defendant* with fair notice of the allegations made against them[.]” *Russo v. Fed. Med. Servs., Inc.*,
26 744 F. Supp. 3d 914, 922 (N.D. Cal. 2024) (emphasis added). That means that, with respect to
27 each defendant, Sony had to “plead some non-speculative facts about what [that defendant]
28 infringed and how.” *Synopsys, Inc. v. ATopTech, Inc.*, 2013 WL 5770542, at *4 (N.D. Cal. Oct.

24, 2013). Setting aside the allegations directed at “Defendants” or “Tencent” collectively, the Complaint is nearly devoid of any allegations regarding the Served Defendants. Only nine paragraphs in Sony’s 48-page, 150-paragraph complaint mention Tencent Holdings, *see supra* note 13, only eight mention Tencent America,¹⁶ and just five mention Proxima Beta U.S.¹⁷ These sparse references do not provide the Served Defendants with notice of the conduct purportedly giving rise to liability for Sony’s claims of (i) copyright infringement, (ii) false designation under the Lanham Act, and (iii) common law trademark infringement, and warrant dismissal for the reasons described below. *See, e.g., In re iPhone Application Litig.*, 2011 WL 4403963, at *8 (N.D. Cal. Sept. 20, 2011) (granting motion to dismiss where plaintiffs “fail[ed] to allege what role each Defendant played in the alleged harm,” making it “exceedingly difficult, if not impossible, for individual Defendants to respond to Plaintiffs’ allegations”).

a. Copyright Infringement (Claim 1)

To state a claim for copyright infringement, Sony must plead “(1) ownership of a valid copyright, and (2) copying [by each defendant] of constituent elements of the work that are original.” *Beijing Meishe Network Tech. Co., Ltd. v. TikTok Inc.*, 2024 WL 1772833, at *4 (N.D. Cal. Apr. 23, 2024) (quoting *Feist Publ’ns, Inc. v. Rural Tel. Serv. Co.*, 499 U.S. 340, 361 (1991)). Sony’s copyright infringement claim is premised on the following allegedly infringing acts: (1) “[p]reparing an unauthorized derivative work of the *Horizon* Franchise in the form of *Light of Motiram*”; (2) “[r]eproducing copyright elements of the *Horizon* Franchise in *Light of Motiram*”; (3) “distributing copies of promotional materials for *Light of Motiram*”; and (4) “publicly performing *Light of Motiram*.” Compl. ¶ 130. There are no specific, non-conclusory factual allegations in the Complaint showing that Tencent America, Proxima Beta U.S., or Tencent Holdings participated in any of those acts of infringement.

¹⁶ *See* Compl. ¶ 1 (defining “Tencent” or “Defendants” collectively to include Tencent America); *id.* ¶¶ 23–26 (identifying the company); *id.* ¶ 38 (alleging Tencent America is subject to this Court’s general and specific jurisdiction); *id.* ¶ 42 (alleging venue is proper as to Tencent America); *id.* ¶ 65 (allegations concerning March 2024 meeting).

¹⁷ *See* Compl. ¶ 1 (defining “Tencent” or “Defendants” collectively to include Proxima Beta U.S.); *id.* ¶¶ 31–32 (identifying the company); *id.* ¶ 40 (alleging Proxima Beta U.S. is subject to this Court’s general and specific jurisdiction); *id.* ¶ 42 (alleging venue is proper as to Proxima Beta U.S. LLC).

1 ***Preparing an unauthorized derivative work or reproducing copyrighted elements.*** Sony
2 alleges no facts at all to show that Tencent America has or will participate in the development of
3 the *Light of Motiram* game, the alleged derivative work that Sony contends reproduces copyright
4 elements of the *Horizon* Franchise. Sony alleges that Tencent America “has intentionally planned,
5 authorized, and facilitated” unspecified infringing acts (or will do so in the future). Compl. ¶ 38.
6 Those allegations fail to meet even the generous Rule 8 pleading standard. *See, e.g., Coto*
7 *Settlement v. Eisenberg*, 593 F.3d 1031, 1034 (9th Cir. 2010) (the court cannot “assume the truth
8 of legal conclusions merely because they are cast in the form of factual allegations”); *McCarthy v.*
9 *Johannesson*, 2012 WL 12887540, at *5 (C.D. Cal. Dec. 11, 2012) (granting dismissal where
10 “form pleadings provide[d] [] little factual content and amount to little more than conclusory
11 statements.”). Sony’s allegation that Tencent America participated in a pitch meeting to
12 potentially license *Horizon* IP to make a mobile game is not tantamount to an allegation that
13 Tencent America “[p]repar[ed] an unauthorized derivative work of the *Horizon* Franchise in the
14 form of *Light of Motiram*” or that it “[r]eproduc[ed] copyright elements of the *Horizon* Franchise
15 in *Light of Motiram*.” Compl. ¶ 130.

16 While slightly more specific, the Complaint’s allegations regarding Tencent Holdings and
17 Proxima Beta U.S. are still too conclusory and speculative to state a claim without any supporting
18 facts (of which there are none). All Sony alleges is that Tencent Holdings intends to “publish and
19 distribute, *or* to license *or* otherwise authorize the publishing and distribution of, the game *Light*
20 *of Motiram* in the United States,” *id.* ¶ 18 (emphasis added); *see also id.* ¶ 19, and that Proxima
21 Beta U.S. employees “will assist in the publication *and/or* distribution of *Light of Motiram*,” *id.* ¶
22 32 (emphasis added). These allegations fail to identify any *specific* actions taken by Tencent
23 Holdings or Proxima Beta U.S. regarding any intention or plan to “publish,” “distribute,” “license
24 or otherwise authorize the publishing and distribution” of the *Light of Motiram* game. *See*
25 *YellowCake, Inc. v. DashGo, Inc.*, 2022 WL 172934, at *7 (E.D. Cal. Jan. 19, 2022) (“Stating that
26 [the defendant] sold, distributed, reproduced, publicly performed, and made derivative works is
27 simply restating terms that are expressly listed as exclusive rights in 17 U.S.C. § 106. . . . Without
28 further factual descriptions that give some examples and explain the acts of infringement, the

1 allegations merely track the language of § 106 and are thus, conclusory.”); *N. Star Innovations,*
2 *Inc. v. Toshiba Corp.*, 2016 WL 7107230, at *2 (D. Del. Dec. 6, 2016) (granting motion to dismiss
3 where plaintiff failed to allege “that either Defendant [took] part in any *specific* infringing act” and
4 instead “vaguely alleged that they may commit one ‘or’ another ‘or’ some ‘or’ all of the relevant
5 possible acts that would amount to direct infringement.”).

6 Moreover, Sony also fails to allege any non-speculative facts demonstrating that any
7 purported publishing and distribution by the Served Defendants will occur *in the United States*,
8 which is necessary to maintain a claim for infringement under the Copyright Act. *See MMAS*
9 *Rsch. LLC v. Charite*, 2022 WL 17218074, at *6 (C.D. Cal. Nov. 4, 2022) (dismissing a copyright
10 claim where the plaintiff’s complaint did not “demonstrate that [the d]efendants’ alleged
11 infringements were completed within the United States.”).¹⁸ Sony thus fails to allege that any of
12 the three Served Defendants “prepar[ed] a derivative work” or “reproduce[ed] copyrighted
13 elements” of the *Horizon* franchise to support their infringement claim. Compl. ¶ 130.

14 ***Public performance.*** The Complaint lacks any allegations whatsoever that any of the
15 Served Defendants have or will publicly perform *Light of Motiram*.

16 ***Distributing copies of promotional materials.*** The Complaint does not allege that Tencent
17 Holdings or Proxima Beta U.S. has or will distribute allegedly infringing promotional materials
18 for *Light of Motiram*. And Sony’s bare-bones allegation that Tencent America is “currently
19 involved” in various activities (“marketing, promoting, organizing, preparing, and/or operating the
20 forthcoming beta test and release of *Light of Motiram*”), Compl. ¶ 25, is insufficient because it is
21 too general to support a claim without any supporting facts. *See, e.g., Epstein v. Wash. Energy*
22 *Co.*, 83 F.3d 1136, 1140 (9th Cir. 1996) (“[C]onclusory allegations of law and unwarranted
23 inferences are insufficient to defeat a motion to dismiss for failure to state a claim.”).

24 In short, Sony’s vague, undifferentiated allegations do not provide Tencent America,
25 Proxima Beta U.S., or Tencent Holdings with “sufficient notice of the allegations against them”

26 _____
27 ¹⁸ “[T]he issue of extraterritoriality concerns the Court’s subject matter jurisdiction” over Sony’s
28 copyright claim, and *Sony*—not Tencent Holdings—“bears the burden of proving that the case is
properly in federal court.” *MMAS Rsch.*, 2022 WL 17218074, at *6 (citing *Superama Corp. v.*
Tokyo Broadcasting Sys. Television, Inc., 830 F. App’x 821, 823-24 (9th Cir. 2020)).

1 regarding their purported copyright infringement. *Yu v. Design Learned, Inc.*, 2016 WL 1621704,
2 at *5 (N.D. Cal. Apr. 22, 2016) (internal citation omitted). Because Sony does not plausibly allege
3 any conduct to support claims for copyright infringement against Tencent America, Proxima Beta
4 U.S., or Tencent Holdings, that claim against them must be dismissed.

5 b. False Designation (Claim 2), Trademark Infringement (Claim 3)

6 Sony’s allegations against the three Served Defendants regarding false designation and
7 trademark infringement are similarly deficient. To state a claim for false designation of origin
8 under 15 U.S.C. § 1125(a)(1)(A), Sony must allege that: (1) each defendant “used a designation
9 (any word, term, name, device, or any combination thereof) or false designation of origin;” (2)
10 “the use was in interstate commerce;” (3) “the use was in connection with goods or services;” (4)
11 “the designation or false designation is likely to cause confusion, mistake, or deception as to [] the
12 affiliation, connection, or association of [each defendant] with another person, or [] as to the origin,
13 sponsorship, or approval of [each defendant’s] goods, services, or commercial activities by another
14 person;” and (5) Sony “has been or is likely to be damaged by these acts.” *JUUL Labs, Inc. v.*
15 *Chou*, 557 F. Supp. 3d 1041, 1053 (C.D. Cal. 2021). To state a claim for common law trademark
16 infringement, Sony must allege: (1) that it has an “ownership interest in a mark;” and (2) that there
17 is a likelihood of the infringing mark “being confused” with Sony’s mark. *Sebastian Brown*
18 *Prods., LLC v. Muzooka, Inc.*, 143 F. Supp. 3d 1026, 1039 (N.D. Cal. 2015).

19 There is not a single allegation in the Complaint—conclusory or otherwise—that Tencent
20 America, Proxima Beta U.S., or Tencent Holdings adopted or used any of Sony’s purported
21 trademarks, let alone any likelihood of confusion. The only trademark-related allegation levied
22 against any of these three entities is that Tencent Holdings “applied to the United States Patent and
23 Trademark Office to register the trademark LIGHT OF MOTIRAM.” Compl. ¶ 18. But Sony
24 does not allege that the LIGHT OF MOTIRAM trademark itself is infringing. Sony’s false
25 designation and trademark infringement claims are both premised on the allegation that “Tencent”
26 (defined in paragraph 1 to include all five named defendants collectively) “adopted and used a red
27 haired tribal huntress image, the Aloy lookalike, as a brand identifier for Light of Motiram across
28 Steam banners, website mastheads, social-media avatars (Facebook, Instagram, X, Discord,

1 YouTube, Reddit), app-store icons, and trailer stills.” *Id.* ¶ 138; *see id.* ¶ 148. The complaint lacks
2 a *single* allegation that Tencent America, Proxima Beta U.S., or Tencent Holdings “adopted and
3 used” an “Aloy lookalike” as a brand identifier in marketing materials. The complete dearth of
4 factual allegations as to the Served Defendants bars Sony’s claims as to those defendants. *Better*
5 *Homes Realty, Inc. v. Watmore*, 2017 WL 1400065, at *4 (S.D. Cal. Apr. 18, 2017) (granting
6 individual defendants’ motion to dismiss trademark claim where the “complaint [did] not
7 distinguish between the actions” of the entity and the individuals, observing that “cursory
8 references to the individual defendants and the allegations against all defendants generally fail to
9 give the individual defendants notice of their infringing acts”). Sony’s false designation and
10 trademark infringement claims, too, must be dismissed as against the Served Defendants.

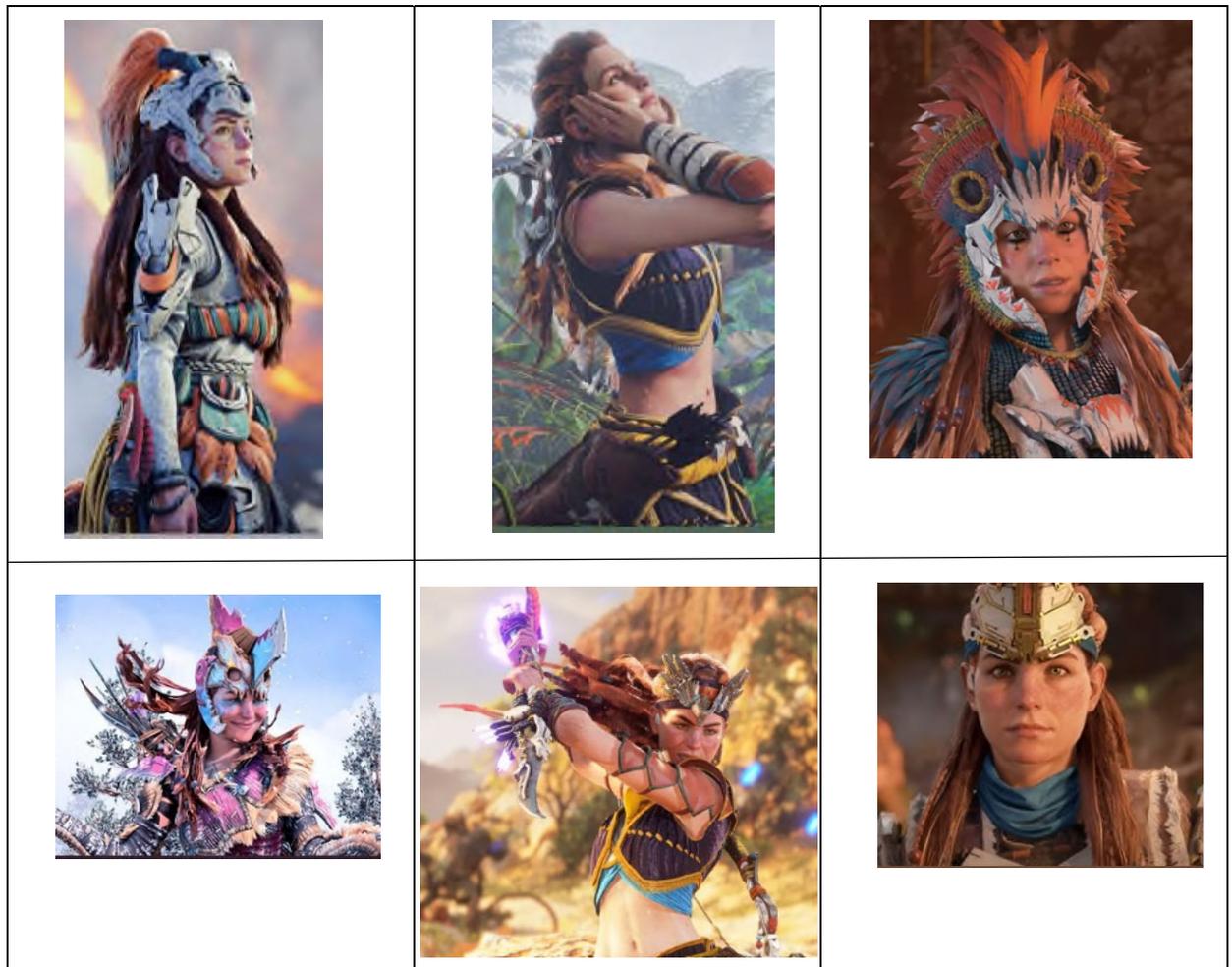
11 **2. Sony Also Fails To Adequately Plead Essential Elements of Its False**
12 **Designation and Common Law Trademark Infringement Claims.**

13 In addition to resting on improper group pleading, Sony’s false designation claim and
14 California common law trademark infringement claims fail for two additional, independent
15 reasons. *First*, Sony does not adequately identify the trademark it seeks to protect. Sony’s
16 descriptions of the Aloy character mark in the Complaint are inconsistent, and they do not align
17 with the images of Aloy included in the Complaint. *Second*, Sony fails to adequately allege
18 specific evidence to show the use of the alleged Aloy character mark in commerce as a signifier
19 of the *Horizon* Franchise. As a result, even if its allegations with respect to the U.S. Defendants
20 were sufficient (they are not), it still could not maintain these claims.

21 ***Failure to allege protectable mark.*** The elements of claims for false designation of origin
22 under 15 U.S.C. § 1125 and California common law trademark infringement are the same: they
23 “require[] a showing that the claimant holds a protectable mark, and that the alleged infringer’s
24 imitating mark is similar enough to cause confusion, or to cause mistake, or to deceive.”
25 *Sarieddine v. Connected Int’l Inc.*, 2025 WL 1768104, at *3 (E.D. Cal. June 26, 2025) (internal
26 citation omitted). A complaint that fails to identify the trademarks at issue “fail[s] to plead the
27 basic background facts necessary to support a claim for trademark infringement.” *Coach, Inc. v.*
28 *Celco Custom Servs. Co.*, 2012 WL 12883972, at *4 (C.D. Cal. Oct. 31, 2012). A plaintiff must

1 “allege with specificity which of its particular alleged marks the [defendants] infringed upon and
 2 how.” *Ketab Corp. v. Mesriani & Assocs., P.C.*, 734 F. App’x 401, 406 (9th Cir. 2018).

3 Sony claims a trademark in “the Aloy character.” Compl. ¶¶ 16, 48. But Sony does not
 4 present a single, consistent identification of this purported mark. Sony alleges that Aloy is
 5 characterized by, among other things, her “tribal-inspired attire, specific-colored accessories, and
 6 distinctive facial markings.” *Id.* ¶ 3; *see also* ¶ 48. But even the images included in the Complaint
 7 show that the Aloy’ character’s appearance—including her attire, accessories, and facial
 8 markings—varies significantly. Sony does not specify which particular version of the Aloy
 9 character is its claimed trademark, or even which attire, accessories, and facial markings are
 10 essential elements of that mark. Paragraph 98 of the Complaint is illustrative. In this single
 11 paragraph, the Complaint presents Aloy with *six* totally different appearances:



28 Crucially, Aloy differs *in precisely the aspects that Sony claims characterize her appearance*:

1 **Attire:** Her attire is different: she wears, variously, bone-like armor; a sleeveless crop top
2 with red lower-arm bracers; feathered shoulder-garb; a fuchsia layered robe with a hair-like
3 neckpiece; another crop top, but this time with scale-like upper-arm rerebraces; and a teal neck
4 bandana with hide-like shoulder pieces. To the extent Sony considers Aloy’s headgear to be part
5 of her “attire” (it does not say), this, too, differs: she is depicted, variously, with a white bone
6 headpiece with a rising red plume; a bare head; a jagged white, green, and red bone headpiece with
7 splayed, multicolored feathers; a white and fuchsia headpiece with extended horizontal
8 protrusions; a wing-like gold tiara; and a broad, flat gold tiara with a red vertical center line.

9 **Facial Markings:** Her facial markings are different: Aloy is depicted, variously, with no
10 facial markings (first and last two images above); tear-drop markings under dark bottom-lid
11 eyeliner (third image); and icy blue wave-like lines under her eyes and on her cheeks (fourth
12 image).

13 **Accessories:** Her accessories are different, too: in five of the six images above, she has *no*
14 *visible accessories at all*—in other words, the “trademark” lacks one of the very features Plaintiffs
15 identified as essential to the mark. In the other image above, Aloy carries a staff with purple
16 tassels, a curved blade at one end and a glowing purple flame at the other. Elsewhere in the
17 Complaint, Aloy appears with completely different accessories, including: a straight staff with no
18 ornamentation, no curved blade, and no flames of any color, Compl. ¶ 6; a beige, white, and orange
19 bow, *id.* ¶ 93; or a black-and-white bow, *id.* ¶ 95.

20 Sony also alleges that “vibrant orange, deep teal, and earthy browns across her gear” are
21 essential features of the Aloy character mark. *Id.* ¶ 48. But again, these colors are not consistently
22 prominent—or even visible—in Aloy’s gear in the images included in the Complaint and thus
23 cannot reasonably be said to identify a single trademark. For example, Aloy variously appears in
24 the Complaint in predominantly hot pink and icy blue (with no visible orange, teal, or brown);
25 predominantly white (with no visible brown); and brown and gold (with no visible orange). *See,*
26 *e.g., id.* ¶ 98.

27 Finally, Sony claims that Aloy has a distinctive “silhouette” that is “immediately
28 recognizable from a distance.” *See id.* ¶ 48; *see also id.* ¶¶ 113, 137. But the Complaint’s

1 descriptions of this so-called silhouette are barebones, confusing, and fail to describe the silhouette
2 with the specificity required to identify it as a trademark. A “silhouette” is a “portrait obtained by
3 tracing the outline of a profile, head, or figure by means of its shadow or in some other way, and
4 filling in the whole with black,” or a “dark outline, a shadow in profile, thrown up against a lighter
5 background.”¹⁹ On the one hand, Sony describes Aloy as having “a layered silhouette that mirrors
6 the fusion of primitive and futuristic elements in the game world.” Compl. ¶ 48. This description
7 does not make sense; a silhouette is a “two-dimensional” shape or an “outline,” and so it cannot
8 be “layered.” It is also vague, and does not explain what the silhouette actually looks like. Yet
9 Sony also provides a different, equally vague description, referring to Aloy’s “fanciful silhouette
10 with tribal accoutrements.” *Id.* ¶ 137. But here too, there is no description of what exactly makes
11 the silhouette fanciful, or what “tribal accoutrements” are visible.

12 To the extent Sony intends “silhouette” to refer to the shape of Aloy’s face or body in
13 profile, the images in the Complaint do not depict any such silhouette, nor do the images in the
14 Complaint present Aloy in a single, consistent pose. Based on the Complaint, Aloy appears to
15 have no consistent “silhouette.” Her outline varies based on her outfits and accessories, at times
16 appearing bulky, *see id.* ¶ 93, and at other times appearing slim and streamlined when viewed in
17 profile, *see id.* ¶¶ 95, 112.

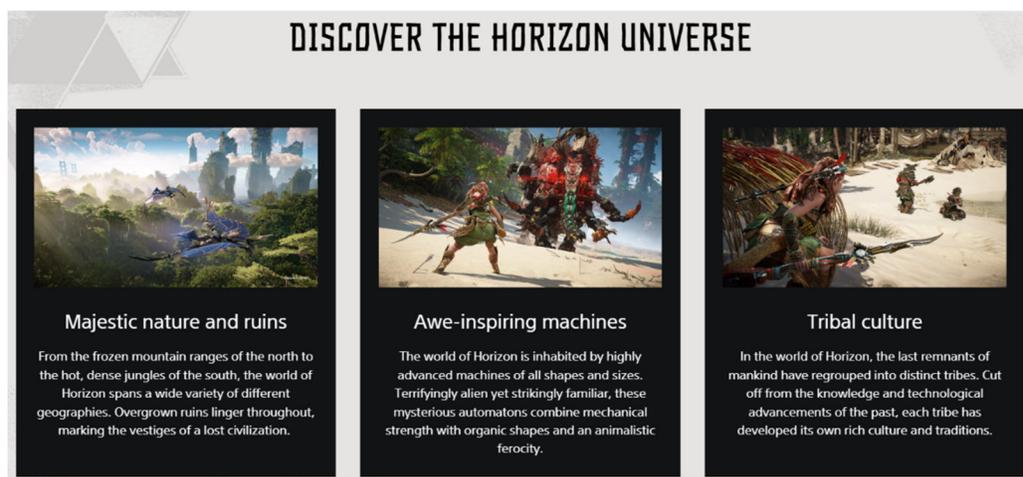
18 In sum, as the images in the Complaint show, the visual depiction of Aloy varies wildly
19 even in the course of the handful of images Sony chose to feature. Neither the descriptions in the
20 Complaint, nor the images included therein, are sufficient to identify exactly which features Sony
21 believes comprise its trademark. Sony’s trademark claims fail because the Complaint pleads
22 insufficient allegations to identify the purported trademark with specificity. *See, e.g., Sony*
23 *Pictures Ent., Inc. v. Fireworks Ent. Grp., Inc.*, 137 F. Supp. 2d 1177, 1196 (C.D. Cal. 2001),
24 *vacated pursuant to settlement*, 2002 WL 32387901 (C.D. Cal. Nov. 5, 2002) (finding that
25 plaintiffs failed to specifically identify “exactly what Plaintiffs claim as their trademark . . . rights
26 in the character Zorro”).

27 ¹⁹ *Silhouette*, Oxford English Dictionary, https://www.oed.com/dictionary/silhouette_n (last
28 visited Sept. 10, 2025). Courts may also take judicial notice of dictionary definitions. *See*
Threshold Enters. Ltd., 445 F.Supp.3d at 146.

1 ***Failure to allege use of the mark in commerce.*** A trademark is only protectable if it is
2 used in commerce to designate the source of a product or service. *Soc. Techs. LLC v. Apple Inc.*,
3 4 F.4th 811, 817 (9th Cir. 2021) (trademark requires “bona fide use in commerce . . . an applicant
4 must show use in commerce in a way sufficiently public to identify or distinguish the marked
5 goods in an appropriate segment of the public mind.”) (cleaned up). An “allegation that [the mark]
6 is used in commerce,” “[w]ithout any accompanying evidence in the complaint or incorporated by
7 reference, [] is too bare and conclusory to survive a motion to dismiss.” *Dfinity Found. v. Meta*
8 *Platforms, Inc.*, 2022 WL 16857036, at *4 (N.D. Cal. Nov. 10, 2022) (cleaned up).

9 Here, the Complaint contains only bare-bones, conclusory statements about use of the
10 purported trademark in commerce. Sony alleges that the Aloy character mark has been used
11 “continuously since at least February 2017 as a source-identifying brand for the *Horizon*
12 *Franchise.*” Compl. ¶ 48. Sony alleges that the Aloy character mark has been used in “the *Horizon*
13 videogames, packaging, digital store banners, marketing, social-media avatars, trailers, and
14 merchandise,” yet provides almost no evidence of any such use. *See id.* The Complaint includes
15 just a handful of promotional images, which appear to be still images from the *Horizon* games,
16 depicting Aloy, as well as mechanical animals, among nature and various ruins. In these images,
17 Aloy is depicted as just one of the game’s many elements, and not as *Horizon’s* cardinal, source-
18 identifying brand (*see id.* at 14 & n.11, ¶ 122):





10 Moreover, the Complaint does not contain or attach any evidence whatsoever to support

11 Sony’s claim that the purported character mark is used on “packaging, digital store banners,”

12 marketing materials, or merchandise, or as a social media avatar. *See* Compl. ¶ 48. Sony thus has

13 not “[laid] a foundation . . . to show [the mark] is actually used in commerce” to identify the

14 *Horizon* Franchise. *See BuzzBallz, L.L.C. v. BuzzBox Beverages, Inc.*, 2016 WL 7496769, at *3

15 (C.D. Cal. Apr. 12, 2016) (finding that evidence of trademark applications, registrations, and the

16 homepage of the company’s website was insufficient to show trademark was used in commerce).

17 Sony’s trademark claims fail because it does not adequately allege that Aloy is used in commerce

18 a brand-identifier. *See In Re Stallard*, 2023 WL 5607600, at *5–6 (TTAB 2023) (affirming denial

19 of proposed character trademark because the mark “identifies only a particular character in a

20 creative work, and it does not function as a trademark to identify and distinguish Applicant’s goods

21 from those of others and to indicate the source of Applicant’s goods”).

22 **C. Sony’s Claims Are Not Ripe for Adjudication.**

23 As the vague allegations of the Complaint already preview, Sony’s claims against the

24 Served Defendants specifically amount to nothing more than speculation, based almost entirely on

25 future conduct that has not—and may never—occur. The claims are accordingly unripe for

26 adjudication.

27 Federal courts may only adjudicate actual “cases” or “controversies” under Article III. U.S.

28 Const. Art. III, § 2; *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560 (1992). A case is unripe

1 when it depends on “contingent future events that may not occur as anticipated, or indeed may not
2 occur at all.” *Texas v. United States*, 523 U.S. 296, 300 (1998); *see also S. Pac. Transp. Co. v.*
3 *City of Los Angeles*, 922 F.2d 498, 502–505 (9th Cir. 1990). Because ripeness “pertain[s] to
4 federal courts’ subject matter jurisdiction,” it is “properly raised in a Rule 12(b)(1) motion to
5 dismiss.” *Chandler v. State Farm Mut. Auto. Ins. Co.*, 598 F.3d 1115, 1122 (9th Cir. 2010). “In a
6 facial attack, the challenger asserts that the allegations contained in a complaint are insufficient on
7 their face to invoke federal jurisdiction.” *Edison v. United States*, 822 F.3d 510, 517 (9th Cir.
8 2016) (internal quotation omitted). A court treats a facial subject matter jurisdiction challenge in
9 the same way as a Rule 12(b)(6) motion, *see Leite v. Crane Co.*, 749 F.3d 1117, 1121 (9th Cir.
10 2014), and “cannot construe the complaint so liberally as to extend [its] jurisdiction beyond its
11 constitutional limits,” *W. Mining Council v. Watt*, 643 F.2d 618, 624 (9th Cir. 1981).

12 Sony’s allegations against the Served Defendants are insufficient to allow this Court to
13 exercise jurisdiction. As an initial matter, the core of Sony’s claims concerns conduct that has not
14 yet occurred: the “forthcoming” release of a video game that *may* infringe Sony’s copyrights in
15 the *Horizon* audiovisual works, as well as the purported Aloy character brand, based on early
16 promotional materials. *See* Compl. ¶¶ 6, 10. But *Light of Motiram* is not slated for release for
17 **more than two years**. Ex. 4; *see LegalForce RAPC Worldwide, P.C v. LegalForce, Inc.*, 2023 WL
18 6930330, at *6–7 (N.D. Cal. Oct. 19, 2023) (dismissing trademark infringement claims because
19 the accused product had not yet launched and was not yet for sale). It is still under development,
20 as its evolving promotional materials reflect. Indeed, Sony concedes that the supposed Aloy
21 “lookalike” character on which it bases its trademark claims has been “modified” from the
22 character in early promotional images, reflecting the game’s continued development. Compl.
23 ¶ 123; *see also id.* ¶ 7 n.1 (acknowledging that older “promotion” images have been removed and
24 replaced on the *Light of Motiram* Steam page). These allegations underscore that Sony’s core
25 claims are based on speculation regarding possible infringement that “may not occur as
26 anticipated, or indeed may not occur at all,” making Sony’s claims, and indeed, its Complaint
27 entirely, unripe for decision. *Texas*, 523 U.S. at 300; *see, e.g., Kelly v. Univ. Press of Mississippi*,
28 2016 WL 4445986, at *4 (C.D. Cal. Aug. 16, 2016) (dismissing copyright claim based on

1 “forthcoming” book because “no copyright infringement ha[d] yet occurred”); *Washington v.*
2 *ViacomCBS, Inc.*, 2020 WL 5823568, at *5 (C.D. Cal. Aug. 20, 2020) (holding that a proposed
3 movie remake was not ripe because it “ha[d] not been produced and no screenplay yet exist[ed]”);
4 *Silverman v. CBS Inc.*, 632 F. Supp. 1344, 1355 (S.D.N.Y. 1986) (holding infringement claim
5 based on forthcoming Broadway play was not ripe because “[u]ntil the plaintiff presents his
6 characters on stage, we cannot tell how closely they duplicate the appearance of the [allegedly
7 infringed] television characters”).²⁰

8 The handful of allegations regarding conduct by Tencent America, Proxima Beta U.S., and
9 Tencent America consist almost entirely of speculative allegations regarding conduct related to
10 *Light of Motiram*’s future release. *See supra* III.B. Sony alleges that Proxima Beta U.S. “**will**
11 **assist**” in the eventual “publication and/or distribution of *Light of Motiram*” sometime in the future,
12 Compl. ¶ 32 (emphasis added), and that Tencent Holdings “**intends** to publish and distribute, *or* to
13 license *or* otherwise authorize the publishing and distribution of, the game *Light of Motiram* in the
14 United States,” *id.* ¶ 18 (emphases added). The Complaint also alleges that Tencent America “is
15 currently involved **and/or will be involved** in marketing, promoting, organizing, preparing, and/or
16 operating the **forthcoming** beta test and release of *Light of Motiram* that **will be** accessible in the
17 United States.” *Id.* ¶ 25 (emphases added). These allegations of hypothetical future involvement
18 in preparations for a **forthcoming** beta test and **eventual** game release—and vague allegations of
19 unspecified “current” involvement in the same—are insufficient to support the exercise of subject
20 matter jurisdiction.²¹

21 The Court therefore lacks jurisdiction to decide the claims against the Served Defendants
22 (even if they were adequately pled, which they are not, *see supra* III.B.) and should dismiss them
23 on this independent basis.

24
25
26 ²⁰ To the extent that Sony’s claims are based on promotional materials themselves—some of which
27 Sony admits have been taken down and replaced, *see* Compl. ¶ 7 n.1—this constitutes only a small,
peripheral aspect of Sony’s claims.

28 ²¹ To the extent Sony’s claims against these entities are based on past conduct (*e.g.*, Tencent
America’s executives’ alleged participation in a pitch meeting and request for a license), Sony’s
allegations are insufficient to state a claim, as discussed *supra* III.B.

1 **IV. CONCLUSION**

2 For the foregoing reasons, Tencent America, Proxima Beta U.S., and Tencent Holdings
3 respectfully request dismissal of the claims alleged against them in the Complaint.

4
5 Dated: September 17, 2025

Respectfully submitted,

LATHAM & WATKINS LLP

6
7 By /s/ Sarang V. Damle

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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

17 SONY INTERACTIVE ENTERTAINMENT
18 LLC, a California limited liability company,

19 Plaintiff,

20 v.

21 TENCENT HOLDINGS LTD., a Cayman
Islands corporation; TENCENT
22 TECHNOLOGY (SHANGHAI) COMPANY
LTD. d/b/a AURORA STUDIOS and/or
23 POLARIS QUEST, a Chinese company;
TENCENT AMERICA LLC, a Delaware
limited liability company; PROXIMA BETA
24 PTE LTD. d/b/a TENCENT GAMES and/or
LEVEL INFINITE, a Singapore corporation;
25 PROXIMA BETA U.S. LLC, a Delaware
limited liability company; and DOES 1-10,

26 Defendants.
27

Case No. 3:25-cv-06275-JCS

**DECLARATION OF FENGXIA LIANG
IN SUPPORT OF TENCENT AMERICA
LLC’S, PROXIMA BETA U.S. LLC’S,
AND TENCENT HOLDINGS LTD.’S
MOTION TO DISMISS**

Hearing: November 19, 2025
Time: 9:30 a.m.
Location: Courtroom D, 15th Floor
Judge: Hon. Joseph C. Spero

1 I, Fengxia Liang, hereby declare as follows:

2 1. I am Associate General Counsel of Defendant Tencent Holdings Limited (“Tencent
3 Holdings”). I have personal knowledge of the facts in this declaration or base them on business
4 records which I have reviewed. If called to testify as a witness in this matter, I could and would
5 testify competently to the facts set forth herein.

6 2. Tencent Holdings is incorporated in the Cayman Islands with its headquarter in
7 Shenzhen, China.

8 3. Tencent Holdings is a holding company and does not operate or market any
9 products or services, including games such as *Light of Motiram*.

10 4. Tencent Holdings is not the developer or publisher of *Light of Motiram*, nor has it
11 created marketing materials or prepared beta tests for *Light of Motiram*.

12 5. For the sole administrative purpose of managing trademarks outside of mainland
13 China, Tencent Holdings registered the trademark LIGHT OF MOTIRAM. The vast majority of
14 overseas trademarks (i.e., outside of mainland China) for Tencent products and services are
15 registered by Tencent Holdings.

16 6. No employee or executive of Tencent Holdings attended any in-person or electronic
17 meeting in San Francisco with Sony Interactive Entertainment LLC (“Sony”) in or around March
18 2024. Tencent Holdings further had no involvement in any materials prepared for this meeting or
19 any interactions with Sony related to this meeting.

20 7. Tencent Holdings does not conduct any business directly under the Level Infinite
21 brand.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 15 day of September 2025 in Shanghai, China.



Fengxia Liang

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12 *Attorneys for Defendants Tencent America,*
13 *LLC, Proxima Beta U.S. LLC, and Tencent Holdings Ltd.*

14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **SAN FRANCISCO DIVISION**

17 SONY INTERACTIVE
18 ENTERTAINMENT LLC, a California
limited liability company,

19 Plaintiff,

20 v.

21 TENCENT HOLDINGS LTD., a Cayman
22 Islands corporation; TENCENT
23 TECHNOLOGY (SHANGHAI) COMPANY
LTD. d/b/a AURORA STUDIOS and/or
24 POLARIS QUEST, a Chinese company;
TENCENT AMERICA LLC, a Delaware
25 limited liability company; PROXIMA BETA
PTE LTD. d/b/a TENCENT GAMES and/or
26 LEVEL INFINITE, a Singapore corporation;
PROXIMA BETA U.S. LLC, a Delaware
limited liability company; and DOES 1-10,

27 Defendants.
28

Case No. 3:25-cv-06275-JCS

**DECLARATION OF IVANA DUKANOVIC
IN SUPPORT OF TENCENT AMERICA
LLC’S, PROXIMA BETA U.S. LLC’S, AND
TENCENT HOLDINGS LTD.’S MOTION TO
DISMISS COMPLAINT FOR COPYRIGHT
AND TRADEMARK INFRINGEMENT**

Hearing: November 19, 2025
Time: 9:30 a.m.
Location: Courtroom D, 15th Floor
Judge: Hon. Joseph C. Spero

1 I, Ivana Dukanovic, declare as follows:

2 1. I am an attorney with the law firm Latham & Watkins LLP and am counsel for
3 Defendants Tencent America LLC, Proxima Beta U.S. LLC, and Tencent Holdings Ltd.
4 (collectively, the “Served Defendants”), in the above-referenced litigation. I have been admitted
5 to practice before this Court.

6 2. I submit this declaration in support of the Served Defendants’ Motion to Dismiss
7 Complaint for Copyright and Trademark Infringement.

8 3. Attached hereto as **Exhibit 1** is a true and correct copy of an internet message
9 board entitled, “The Setting (and Protagonist) Reminds Me of Enslaved Odyssey to the West,”
10 which is publicly available online at <https://gamefaqs.gamespot.com/boards/168644-horizon-zero-dawn/72011144>.

12 4. Attached hereto as **Exhibit 2** is a true and correct copy of an internet message
13 board entitled, “This Game Reminds Me of Enslaved: Odyssey to the West,” which is publicly
14 available online at
15 <https://steamcommunity.com/app/1151640/discussions/0/1745647427619691996>.

16 5. Attached hereto as **Exhibit 3** is a true and correct copy of an internet message
17 board entitled, “This game reminds me of,” which is publicly available online at
18 <https://www.playstationtrophies.org/forum/topic/284853-this-game-reminds-me-of/>.

19 6. Attached hereto as **Exhibit 4** is a true and correct copy of a product page entitled,
20 “Light of Motiram” with a “Planned Release Date: Q4 2027,” which is publicly available online
21 at https://store.steampowered.com/app/3319630/LIGHT_OF_MOTIRAM.

22 7. Attached hereto as **Exhibit 5** is a true and correct copy of a product page entitled,
23 “Horizon, The Official Site,” which is publicly available online at
24 <https://www.playstation.com/en-us/horizon/#discover>.

25 I declare under penalty of perjury that the foregoing is true and correct, and that I
26 executed this Declaration on September 17, 2025, in San Francisco, California.

27
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By: /s/ Ivana Dukanovic
Ivana Dukanovic

SIGNATURE ATTESTATION

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I am the ECF User whose identification and password are being used to file the foregoing Declaration of Ivana Dukanovic in Support of Tencent America LLC’s, Proxima Beta U.S. LLC’s, and Tencent Holdings Ltd.’s Motion to Dismiss Complaint for Copyright and Trademark Infringement. Pursuant to L.R. 5-1(i)(3) regarding signatures, I, Sy Damle, attest that concurrence in the filing of this document has been obtained.

Dated: September 17, 2025

/s/ Sarang V. Damle
Sarang V. Damle

Exhibit 1



The setting (and protagonist) reminds me of Enslaved Odyssey to the West.

Horizon Zero Dawn

PlayStation 4



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Boards » Horizon Zero Dawn » The setting (and protagonist) reminds me of Enslaved Odyssey to the West.

Z_Zaw 10 years ago #1

This lush, colorful, vibrant post apocalyptic world. I just love it. I loved the gameplay, really dig the design and style. The graphics were beautiful (too beautiful, wont even be mad if it gets downgraded at some point to achieve stable performance) My favorite game from E3 by far.

"Having hatred and immaturity for a company, isn't going to achieve you anything but ignorance."- TalesRevenant

Estabon1 10 years ago #2

I never played Enslaved, just the demo, but I do get a familiar vibe with the tribal characters and the colorful setting.

I wanna put on my Reeboks, and get on top of his esophagus, and watch the apocalypse drop him in necropolis ^S^

kretea 10 years ago #3

I also got a strong "Enslaved" vibe watching the demo as well.

PSN: Kretea

NolocNoax 10 years ago #4

Agree, tc

PSN: NolocNoax GT: Noloc Noax
Unapologetic invader, ganker extraordinaire, stoic duelist, devious troll, and jolly cooperater

Famine_10f4 10 years ago #5

I loved enslaved buy it wasn't without its flaws. Hopefully this will be better. Graphically speaking it's amazing.

In an insane world, a sane man must appear insane.

xOmniCloudx 10 years ago #6

Said it as soon as I saw it. Even stars a redhead as well.

This is GameFAQs. People here take great pride in ignoring common sense.

RetsuZaiZen 10 years ago #7

Could never finish that game. It was fantastic though.

Why do nerds *always* get caught up on the details?

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RetsuZaiZen 10 years ago #7

Could never finish that game. It was fantastic though.

Why do nerds *always* get caught up on the details?
Michael Jordan is both the greatest and most overrated basketball player of all time.

Boards » Horizon Zero Dawn » The setting (and protagonist) reminds me of Enslaved Odyssey to the West.

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| Favorite machine(s) to fight? | 2 posts, 4/29 9:27PM |
| Glinthawks are the bane of my existence | 2 posts, 3/22 1:25AM |
| Interesting transmog glitch | 8 posts, 3/21 7:02PM |

GameFAQs Q&A

| | |
|--|-----------|
| How do I get out of a couldron? TECH SUPPORT | 4 Answers |
| How to release machines? BUILD | 2 Answers |
| Where to find freeze bellowback? ENEMY/BOSS | 2 Answers |
| Where can i find workbench? SIDE QUEST | 2 Answers |
| How do you turn the lock to open the door? MAIN QUEST | 1 Answer |

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Exhibit 2



Horizon Zero Dawn™ Complete Edition

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Horizon Zero Dawn™ Complete Edition > General Discussions > Topic Details



Mällgan ▾ Mar 10, 2020 @ 12:48pm

This game reminds me of Enslaved: Odyssey to the West

Anyone else getting those vibes?



YouTube™ Video:

Views: 0

Date Posted: Mar 10, 2020 @ 12:48pm

Posts: 4

Search this topic



Discussions Rules and Guidelines

Showing 1-4 of 4 comments



PlasM ▾ Mar 13, 2020 @ 10:11am

They almost did not make it because of that. Consider watching the NoClip documentary about the making of HZD.



YouTube™ Video: The Making of Horizon Zero Dawn

Views: 2,705,662

How does a studio known for linear first person shooters design one of the most well regarded open world games of the generation on their first attempt?

#1



Mällgan ▾ Mar 13, 2020 @ 10:38am

Originally posted by PlasM:

They almost did not make it because of that. Consider watching the NoClip documentary about the making of HZD.



YouTube™ Video: The Making of Horizon Zero Dawn

Views: 2,705,662

How does a studio known for linear first person shooters design one of the most well regarded open world games of the generation on their first attempt?

Timestamp of where they mention Enslaved?

#2

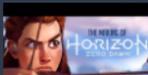


GamerdaXtremz ▾ Mar 13, 2020 @ 11:26am

Originally posted by Generic Player:

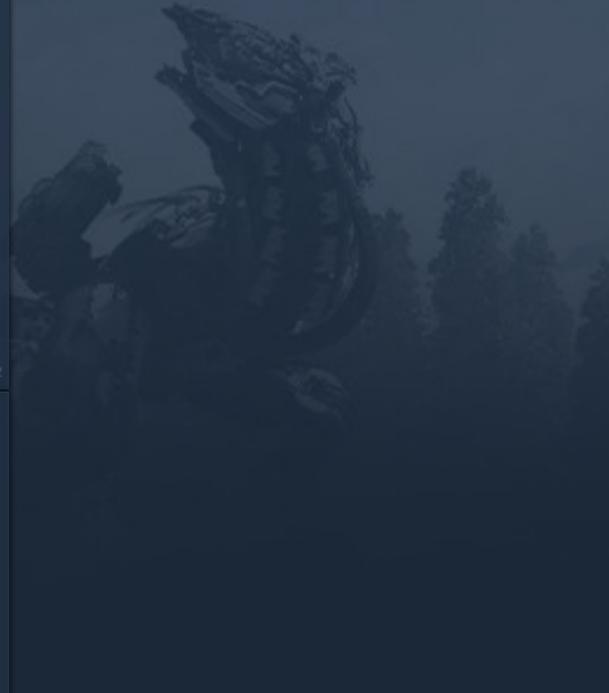
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YouTube™ Video: The Making of Horizon Zero Dawn
Views: 2,705,662
How does a studio known for linear first person shooters design one of the most well regarded open world games of the generation on their first attempt?

Timestamp of where they mention Enslaved?

14:21

#3



WhiteKnight ▾ Mar 13, 2020 @ 6:52pm

I love Enslaved. I wished there was Enslaved 2 but I do hope Ninja Theory makes a similar game like it now that they are with Microsoft.

#4

Showing 1-4 of 4 comments

Per page: 15 30 50

Horizon Zero Dawn™ Complete Edition > General Discussions > Topic Details



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Exhibit 3



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Horizon Zero Dawn Remastered

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This game reminds me of...



By Warbear

February 28, 2017 in Horizon: Zero Dawn

Share

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Warbear

Posted February 28, 2017



Members

8.8k



Total awards: 52 (View all)

So, what are some similarities/features that this game has that reminded you of another specific game? So far the whole scanning thing with reminded me of the Dead Space series, and the whole stealth eye feature reminded me of Skyrim. Heck, the eye even looks similar.

Are there any other features that reminded you of another certain game?

Floyd

Posted February 28, 2017



Members

472



Strong female lead using a bow gave me instant Tomb Raider associations before even playing it lol.



472



Total awards: 3
(View all)

Killbomb

Posted February 28, 2017



Members

1k



Total awards: 3
(View all)

✓ **Floyd said:**

Strong female lead using a bow gave me instant Tomb Raider associations before even playing it lol.

The combat kinda feels like the recent Tomb Raiders as well. Then we have the Mass Effect dialogue wheel, Far Cry's crafting and Uncharted's climbing.

Warbear

Posted February 28, 2017

Author



Members

8.8k



Total awards: 52
(View all)

Yeah... even the way you save is similar to Rise of The Tomb Raider; by starting a fire with firewood resources. 😊

Suporex

Posted February 28, 2017



Members

967



for me it is Tomb Raider with Uncharted and Assassins Creed but on steroids. (the rock throwing reminded me of Far Cry 3 as well). Absolutely love the game and am devastated that I can't play in 4k with HDR because I want to record for youtube...



Total awards: 7
(View all)

jh7459

Posted February 28, 2017



Members

206

The whole post apocalyptic setting with giant robotic animals reminded me of Enslaved when I first heard about this game.

Total awards: 5
(View all)

mort_hbeb9786

Posted February 28, 2017 (edited)



Members

1.3k

Reminds me of Turok, mostly Turok 2 seeds of evil. The dinosaurs where not robotic but had a robotic quality about them due to them being weaponize in a post apocalyptic world.

Then again maybe not... Nostalgia is a funny mistress

[ame]

Total awards: 9
(View all)





[/ame] Edited February 28, 2017 by mort_hbeb9786

mort_hbeb9786

Posted February 28, 2017



Members

1.3k



Total awards: 9
(View all)

Suporex said:

for me it is Tomb Raider with Uncharted and Assassins Creed but on steroids. (the rock throwing reminded me of Far Cry 3 as well). Absolutely love the game and am devastated that I can't play in 4k with HDR because I want to record for youtube...

Can you not put a HDMI splitter (that does 4k pass through/HDR/RGB) between the PS4 and the capture card so that your TV can receive the data directly from the PS4 while your capture card gets the second stream?

Ashbo

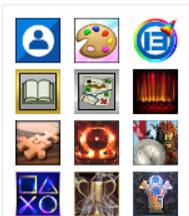
Scoopy Banoopy!

Posted March 1, 2017



Subscribing Member

16.8k



Total awards: 41
(View all)

Im currently playing RotTR which will abruptly end later lol. Only Score Attacks but they are meh! 😞

From what I have seen it looks very similar & can imagine it will feel similar.

Cant wait to try it out.

Puzzler

Facts don't care about your feelings

Posted March 1, 2017



Members

Floyd said:

Strong female lead using a bow gave me instant Tomb Raider associations before even playing it lol.

Warbear said:



Strong female lead using a bow gave me instant Tomb Raider associations before even playing it lol.



Members

5.8k



Total awards: 27 (View all)

Warbear said:

Yeah... even the way you save is similar to Rise of The Tomb Raider; by starting a fire with firewood resources.

I was watching the IGN review last night and immediately thought the same. Rise of the Tomb Raider is what I'm currently playing too, so the game is very much fresh in my mind. There was even a clip of the main character zipping down a wire like you do in Tomb Raider.

Horizon: Zero Dawn does look awesome though, definitely planning on buying it!

Blaze Naruto Shippuden



Members

35.7k



Total awards: 59 (View all)

Posted March 1, 2017

Reminds me of Egret from Game of Thrones

<http://i.imgur.com/QC3BIWy.jpg>

Technically is her in inspiration form.

They could be sisters.

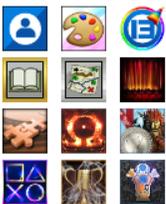
Ashbo

Scoopy Banoopy!



Subscribing Member

16.8k



Total awards: 41 (View all)

Posted March 1, 2017

Blaze Naruto Shippuden said:

Reminds me of Egret from Game of Thrones

<http://i.imgur.com/QC3BIWy.jpg>

Technically is her in inspiration form.

They could be sisters.



Jon Snooooouuww! (Strong Northern English accent!)



Total awards: 41
(View all)

MHST_Guy

Posted March 1, 2017 (edited)



Members

6.4k

5000

Total awards: 1
(View all)

I was really surprised, but the first time I got control of Aloy, it instantly felt like God of War (I even pressed trying to smash something).

The gameplay itself really reminds me of FarCry Primal, but I just got that a week ago, so it's fresh in my memory.

Edited March 1, 2017 by MHST_Guy

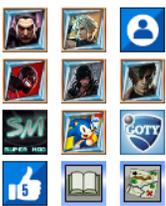
Sellers

ah ca't be 'avin this



Super Moderators

16.3k



Total awards: 66
(View all)

Posted March 1, 2017

Ashbo82 said:



Jon Snooooouuuww! (Strong Northern English accent!)

You kno nuffin, ash bo!

Ashbo

Scoopy Banoopy!



Subscribing Member

16.8k



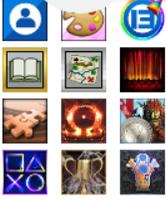
Posted March 1, 2017

Sellers said:

You kno nuffin, ash bo!

Hahahahhaahhaahhahahah.

Hathee Nobee sithee!



Total awards: 41
(View all)

Floyd

Posted March 1, 2017



Members

472

After getting a few hours in yesterday afternoon and evening, it's definitely a best of all worlds combination of Tomb Raider, Far Cry, and even Assassin's Creed to me.



Total awards: 3
(View all)

Shanehi185

Posted March 1, 2017 (edited)



Members

10.8k

I've been playing Tomb Raider so I can't help but to think of her as Lara's descendant. 🤔 I did think of Game of Thones though the first time I saw this game advertised. Haven't got to play yet so can't say anything about the mechanics but from reading everyone comments I want to play even more.

Edited March 1, 2017 by Shanehi185



Total awards: 31
(View all)

Boognish777

Posted March 1, 2017



Members

194

Intro reminded me of the The Lion King. Im sure everyone had those thoughts though.





194



Total awards: 6
(View all)

Ressul

Posted March 1, 2017



Members

101

Lol. I definitely thought of the Lion King. Got akuna matata (not sure if that's how you spell it but whatever) stuck in my head because I started thinking about the movie. Lol. XD



Total awards: 5
(View all)

mort_hbeb9786

Posted March 1, 2017



Members

1.3k

After playing this game it is almost the same (apart from perspective) as Far Cry Primal:

- Both games have Cave men (even if these are future cave men)
- Both required you to gather items to craft arrows
- Hunting is a massive part of both games.
- Quest's feel the same
- World feels the same. Very primitive (not graphical)
- You interact with different tribes



Total awards: 9
(View all)

This game could be far cry primal II: third person addition

Aceman417

Posted March 2, 2017



Members

131

Definitely a Tomb Raider/ Far Cry feel. 2 hours in and I'm really enjoying it so far.

butch

Posted March 2, 2017



131

Jaytech

Posted March 2, 2017



Members

5.5k



Total awards: 3
(View all)

feels a lot like far cry primal with some tomb raider mixed in.

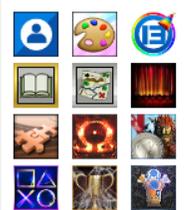
Ashbo *Scoopy Banoopy!*

Posted March 2, 2017



Subscribing Member

16.8k



Total awards: 41
(View all)

It def has a mix of as most are saying TR & FC Primal.

Which for me works great.

FC Primal was my favourite of the recent Far Cry games & RotTR is one of the best games i've played on PS4 to date & certainly in its genre.

I have said that the removal of technology in Primal I felt was refreshing & worked really well, yet the way the primitive concept blends with technology in HZD is excellent & it feels like that mix shouldnt go together but has been done brilliantly well.

I would highly recommend 🙌👍

BassMonstrum

Posted March 2, 2017



Members

13



Total awards: 6
(View all)

I'm considering getting this game or Rise of the Tomb Raider, but can't decide... Love the Uncharted-series, not necessarily because of the gameplay, but the story/characters.

So.. how are the stories in these games?



(View all)

MHST_Guy

Posted March 2, 2017 (edited)



Members

6.4k

5,000

Total awards: 1 (View all)

mort_hbeb9786 said:

After playing this game it is almost the same (apart from perspective) as Far Cry Primal:

- Both games have Cave men (even if these are future cave men)
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- Hunting is a massive part of both games.
- Quest's feel the same
- World feels the same. Very primitive (not graphical)
- You interact with different tribes

This game could be far cry primal II: third person addition

Agreed. I just wish I could gather resources while mounted.

IMO, the control scheme in FarCry Primal was much better. Mashing to make your mount run faster seems odd to me. Should just be

Edited March 2, 2017 by MHST_Guy

1

2

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IMO, the control scheme in FarCry Primal was much better. Mashing to make your mount run faster seems odd to me. Should just be

Edited March 2, 2017 by MHST_Guy

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Exhibit 4



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LIGHT OF MOTIRAM

Community Hub



Make smart use of everything around you to stay alive and face off against formidable bosses, every step is fraught with danger and requires courage. Only by overcoming the challenges of survival can you carve out a place for yourself in this unforgiving land.

ALL REVIEWS: No user reviews

RELEASE DATE: Q4 2027

DEVELOPER: POLARIS QUEST
PUBLISHER: POLARIS QUEST

Popular user-defined tags for this product:

- Adventure Open World Action RPG Sci-fi +



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This game is not yet available on Steam

Planned Release Date: Q4 2027

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ABOUT THIS GAME



In this wilderness where civilization is a distant memory, primal cultures, extreme weather, will constantly test your survival skills. Make smart use of everything around you to stay alive and face off against formidable bosses, every step is fraught with danger and requires courage. Only by overcoming the challenges of survival can you carve out a place for yourself in this unforgiving land.

- Single-player
- MMO
- Online PvP
- Online Co-op
- Cross-Platform Multiplayer

Languages:

| | Interface | Full Audio | Subtitles |
|--------------------|-----------|------------|-----------|
| English | ✓ | ✓ | ✓ |
| French | ✓ | | ✓ |
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STEAM DECK COMPATIBILITY

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Content

Includes Interactive Elements
In-game purchases, Online interactivity, In-game chat

TITLE: LIGHT OF MOTIRAM

GENRE: Action, Adventure, Free To Play

DEVELOPER: POLARIS QUEST

In this wilderness where civilization is a distant memory, primal cultures, extreme weather, will constantly test your survival skills. Make smart use of everything around you to stay alive and face off against formidable bosses, every step is fraught with danger and requires courage. Only by overcoming the challenges of survival can you carve out a place for yourself in this unforgiving land.

Realistic Physics-Based Building

Unleash your creativity with a freeform building system powered by realistic physics simulation. Construct a fortified stronghold or a cleverly designed shelter, every beam and brick is subject to real-world physical forces, ensuring that your structures are both visually stunning and able to withstand environmental challenges. Let your imagination run wild as you explore the endless possibilities of architecture.

Seamless Co-op & Cross-Play

Team up with other players to tackle daunting challenges together. No matter where you are, embark on adventures with your friends anytime and enjoy a seamless gaming experience. From hunting mechanical beasts, gathering resources to construction projects, progress never stops.

SYSTEM REQUIREMENTS

MINIMUM:

Requires a 64-bit processor and operating system
OS: Windows 10, 64-bit or higher
Processor: Intel Core i5 6600K or equivalent
Memory: 8 GB RAM
Graphics: NVIDIA GeForce GTX 1060 5GB or equivalent
DirectX: Version 12
Network: Broadband Internet connection
Storage: 30 GB available space

RECOMMENDED:

Requires a 64-bit processor and operating system
OS: Windows 10, 64-bit or higher
Processor: Intel Core i7 9700 or equivalent
Memory: 16 GB RAM
Graphics: NVIDIA GeForce GTX 3060 Ti or equivalent
DirectX: Version 12
Network: Broadband Internet connection
Storage: 30 GB available space

Content

Includes interactive elements
In-game purchases, Online interactivity, In-game chat

TITLE: LIGHT OF MOTIRAM
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Exhibit 5



HORIZON FORBIDDEN WEST COMPLETE EDITION

Brave the Forbidden West in its entirety, including bonus content and the Burning Shores expansion. Available now on PS5 and for PC.

[Find out more](#)



DISCOVER THE HORIZON UNIVERSE



Majestic nature and ruins

From the frozen mountain ranges of the north to the hot, dense jungles of the south, the world of Horizon spans a wide variety of different geographies. Overgrown ruins linger throughout, marking the vestiges of a lost civilization.



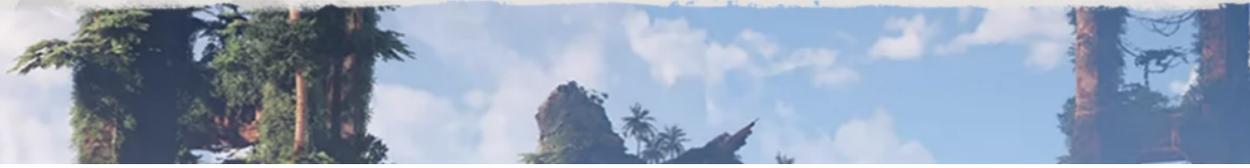
Awe-inspiring machines

The world of Horizon is inhabited by highly advanced machines of all shapes and sizes. Terrifyingly alien yet strikingly familiar, these mysterious automatons combine mechanical strength with organic shapes and an animalistic ferocity.



Tribal culture

In the world of Horizon, the last remnants of mankind have regrouped into distinct tribes. Cut off from the knowledge and technological advancements of the past, each tribe has developed its own rich culture and traditions.





HORIZON FORBIDDEN WEST COMPLETE EDITION

Brave the Forbidden West in its entirety, including bonus content and the Burning Shores expansion. Available now on PS5 and for PC.

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LATEST NEWS



First-look report: PS5 Pro games

Kristen and I got a chance to go eyes on (and hands on) with the PlayStation Pro console for the first time, and first impressions are promising. Though we didn't have to time...



Kristen Zitani (she/her)
Manager, Content Communications, Sony Interactive Entertainment
Sep 25, 2024



Horizon Forbidden West Complete Edition lands on PC today

Hi everyone, we're thrilled for our PC community to join Aloy on her journey as she braves the Forbidden West - a majestic but dangerous frontier that conceals mysterious new threat...



Anne van der Zanden
Senior Community Manager, Guerrilla
Mar 21, 2024



Horizon Forbidden West Complete Edition PC specifications revealed, out March 21

Hey everyone, Horizon Forbidden West Complete Edition is coming to PC soon! Last month, we detailed the main PC features and now that we are getting closer to launch on...



Julian Huijbregts
Communications Manager, Nixxes
Mar 05, 2024



NO DEPTHS I WON'T EXPLORE

COMMUNITY

The Horizon fanbase is just as vibrant and exciting as Aloy's world! Show your creative side in cosplay, fan art, music and videos, and more, and share what Horizon means to you.

Immerse yourself further into Horizon with like-minded individuals, and like Aloy, you might make some friends along the way!

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FAQS

FAQS

- Horizon Zero Dawn
- Horizon Zero Dawn Complete Edition
- Horizon Forbidden West
- Horizon Forbidden West Complete Edition
- LEGO Horizon Adventures**

- Who is LEGO Horizon Adventures for? +
- What sort of game is LEGO Horizon Adventures? +
- Where can I play LEGO Horizon Adventures? +
- How difficult is LEGO Horizon Adventures? +
- What multiplayer features does it have? +
- Does it have cross-play between PS5, PC and Nintendo Switch? +
- Do you need PlayStation Plus to play co-op on PS5? +
- Does LEGO Horizon Adventures have any accessibility features? +
- Which studio has made LEGO Horizon Adventures? -

The game has been created by Guerrilla – the studio behind the acclaimed Horizon games – and Studio Gobo, working in close partnership with the team at LEGO.



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- PlayStation Repairs
- Password reset
- Manuals

Resources

- PSN terms of service
- PS Store cancellation policy
- Age ratings
- Health warning
- Developers
- Glossary
- Official Licensing Program

Connect



- iOS app
- Android APP
- Join our playtesting program



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14
15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**

18 SONY INTERACTIVE ENTERTAINMENT
19 LLC, a California limited liability company,

20 Plaintiff,

21 v.

22 TENCENT HOLDINGS LTD., a Cayman
Islands corporation; TENCENT
23 TECHNOLOGY (SHANGHAI) COMPANY
LTD. d/b/a AURORA STUDIOS and/or
POLARIS QUEST, a Chinese company;
24 TENCENT AMERICA LLC, a Delaware
limited liability company; PROXIMA BETA
25 PTE LTD. d/b/a TENCENT GAMES and/or
LEVEL INFINITE, a Singapore corporation;
26 PROXIMA BETA U.S. LLC, a Delaware
limited liability company; and DOES 1-10,

27 Defendants.
28

Case No. 3:25-cv-06275-JCS

**[PROPOSED] ORDER GRANTING
DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' COMPLAINT**

Hearing: November 19, 2025
Time: 9:30 a.m.
Location: Courtroom D, 15th Floor
Judge: Hon. Joseph C. Spero

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[PROPOSED] ORDER

This matter is before the Court on the Motion to Dismiss Sony Interactive Entertainment’s Complaint for Copyright and Trademark Infringement (the “Motion to Dismiss”) filed by Defendants Tencent America LLC, Proxima Beta U.S. LLC, and Tencent Holdings Limited. After consideration of the briefs and arguments of counsel and all other matters presented, the Court concludes that the Motion to Dismiss should be granted.

Accordingly, IT IS HEREBY ORDERED THAT the Motion to Dismiss is **GRANTED**, and the Complaint for Copyright and Trademark Infringement is **DISMISSED** with prejudice as against Tencent America LLC, Proxima Beta U.S. LLC, and Tencent Holdings Limited.

IT IS SO ORDERED.

Dated: _____

By: _____

HONORABLE JOSEPH C. SPERO
UNITED STATES MAGISTRATE JUDGE