

**IN THE HIGH COURT OF JUSTICE**  
**BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES**  
**CHANCERY DIVISION**  
**INTELLECTUAL PROPERTY LIST (ChD)**

**BETWEEN:**

**CRYPTO OPEN PATENT ALLIANCE**

***Claimant***

**- and -**

**CRAIG STEVEN WRIGHT**

***Defendant***

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**CLAIMANT'S RESPONSE TO DEFENDANT'S PART 18  
REQUEST DATED 14 MAY 2021**

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This response is made by the Claimant pursuant to CPR Part 18.

Paragraph numbers below refer to paragraphs in the Particulars of Claim. Terms which are defined in the Particulars of Claim are adopted in this request.

These Responses are made without prejudice to the Claimant's primary contention that the RFI asks for information which is not necessary for the Defendant to know the case against him. The Requests are primarily matters for evidence in due course.

**Under paragraphs 1 and 51**

*Of: 1. ... As at the date of these Particulars of Claim [COPA] has 31 Members.*

*And 50. Several members of [COPA] presently host the Bitcoin White Paper.*

1. Please identify by name all COPA's members and in respect of each state when that person or entity became a member of COPA.

**Response**

As at the date of this RFI Response, the members of COPA and their date of joining are as follows:



| <b><u>Member name</u></b>                                 | <b><u>Date joined COPA</u></b> |
|---|--------------------------------|
| Acria UG (haftungsbeschränkt)<br>trading as Acria Network | 12-FEB-2021                    |
| ARK Ecosystem, SCIC trading as<br>ARK Ecosystem           | 30-SEP-2020                    |
| BDCenter Digital  | 26-MAR-2021                    |
| BitHyve UK Ltd  | 04-NOV-2020                    |
| BitPay Inc.   | 22-MAR-2021                    |
| Blockchain Commons, LLC.                                  | 23-SEP-2020                    |
| Blockchance UG  | 16-FEB-2021                    |
| Stacks Open Internet Foundation,<br>Inc.                  | 21-OCT-2020                    |
| Blockstream Corporation Inc.                              | 23-NOV-2020                    |
| Carnes Validadas SAS                                      | 23-SEP-2020                    |
| Chaincode Labs, Inc.                                      | 23-FEB-2021                    |
| CheckSig S.r.l.   | 18-MAR-2021                    |
| Cloudeya Ltd  | 23-OCT-2020                    |
| Coinbase Global, Inc.                                     | 23-NOV-2020                    |
| Digital Gold Institute                                    | 31-MAR-2021                    |
| Foundation Devices, Inc.                                  | 29-SEP-2020                    |
| Horizontal Systems  | 14-OCT-2020                    |
| Payward Ventures Inc (DBA<br>Kraken)                      | 10-FEB-2021                    |



| <u>Member name</u>                               | <u>Date joined COPA</u> |
|--|-------------------------|
| Lisk Foundation                                  | 23-FEB-2021             |
| Mempool Space K.K. trading as Mempool Space      | 10-FEB-2021             |
| Adventurous Entertainment LLC (DBA Mercury Cash) | 25-OCT-2020             |
| Microstrategy Inc.                               | 2-MAR-2021              |
| OKCoin, Inc.                                     | 12-FEB-2021             |
| Protocol Labs, Inc.                              | 22-OCT-2020             |
| Request Network (Stiftung)                       | 23-SEP-2020             |
| SatoshiLabs (a.s.)                               | 30-SEP-2020             |
| Square, Inc.                                     | 21-SEP-2020             |
| Stakenet.io LLC                                  | 20-JAN-2021             |
| Tjaldur Software Governance Solutions            | 12-FEB-2021             |
| Transparent Financial Systems Inc.               | 05-OCT-2020             |
| VerifyChain Pty Ltd                              | 20-OCT-2020             |

2. Please identify by name all members of COPA who now or who have at any time hosted the White Paper.

Response

See Response to Request 3.



3. In respect of each member identified in response to request 2, please specify where and in what manner the White Paper is alleged to be hosted by that member.

Response

The following are the members of COPA who, as at the date of this RFI Response, host the White Paper.

| <b>Member name</b>                | <b>Where White Paper is hosted</b>  |
|-----------------------------------|---|
| Square, Inc.                      | <a href="https://squarecrypto.org/bitcoin.pdf">https://squarecrypto.org/bitcoin.pdf</a>   |
| Chaincode Labs, Inc.              | <a href="https://chaincode.com/bitcoin.pdf">https://chaincode.com/bitcoin.pdf</a>   |
| Payward Ventures Inc (DBA Kraken) | <a href="https://blog.kraken.com/post/7615/hosting-the-bitcoin-whitepaper/">https://blog.kraken.com/post/7615/hosting-the-bitcoin-whitepaper/</a>   |
| Microstrategy Inc.                | <a href="https://www.microstrategy.com/en/bitcoin/documents/bitcoin-a-peer-to-peer-electronic-cash-system">https://www.microstrategy.com/en/bitcoin/documents/bitcoin-a-peer-to-peer-electronic-cash-system</a> |
| Coinbase Global, Inc.             | <a href="https://www.coinbase.com/bitcoin.pdf">https://www.coinbase.com/bitcoin.pdf</a>   |

4. Is it COPA's case that any of its members will be bound by any findings of fact made in favour of Dr Wright in this case? If so, please provide particulars of that case.

Response

The normal rules of *res judicata* and issue estoppel apply. COPA's members are therefore not bound by any factual findings as they are not parties to the case.

In any event, COPA will in due course seek to amend to add in certain of its members to make the present claim a representative action pursuant to CPR 19.6. Those members will be bound by the result to the extent required by CPR 19.6(4).



5. Please say whether any members of COPA have agreed to be bound by any findings of fact made in favour of Dr Wright in this case and, if so, please identify the member(s) by name and specify the terms of that agreement.

Response

No such agreement has been made.

**Under paragraph 7**

*Of: 7. ... [The White Paper] was also hosted on Sourceforge from around 9 November 2008 where it was published under the MIT License. It was posted on Sourceforge.net on 24 March 2009.*

6. Please say whether it is COPA's case that the version of the White Paper posted on 24 March 2009 was published under the MIT License (sic).

Response

The White Paper was first published under the MIT License on Sourceforge from around 9 November 2008 or alternatively around 9 December 2008. It was further published on Sourceforge on 24 March 2009 (alongside other of the Bitcoin source files), also under the MIT License. Therefore the MIT License applies.

7. Please say whether it is COPA's case that the MIT License has any relevance to the relief it claims in this case and, if so—
- (1) please provide full particulars of that case in sufficient detail for Dr Wright to know the case he must meet;
  - (2) please identify the terms of the MIT License (sic) which will be relied upon; and
  - (3) please provide particulars of all facts and matters which will be relied upon in support of the case that either the 9 December 2008<sup>1</sup> or the 24 March 2009 (or any other version of the White Paper) was published under the terms of the MIT License (sic).

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<sup>1</sup> As explained at paragraph 9 of the Defence, it is Dr Wright's case that he uploaded the White Paper to the SourceForge Bitcoin Project on 9 December 2008 and not, as pleaded at paragraph 7 of the Particulars of Claim, 9 November 2008.



Response

The Claimant will say that the MIT License is relevant to this claim for two reasons.

First, the Claimant will say, as a matter of evidence, that the authorial intent behind the publication on 9 November and/or 9 December 2008 under the MIT open source licence was that all the associated documentation files relating to the Bitcoin Code were to be free and available to all users if they complied with the MIT open source licence. This matter will be explored further in evidence and cross-examination.

Second, the MIT License serves as a separate and supplemental basis for the declaration of non-infringement relief sought by the Claimant. The Claimant will say that the MIT License means that even if (which is denied) the Defendant owns copyright in the Bitcoin White Paper it cannot be liable for copyright infringement in the White Paper. The Claimant will rely on the full terms and effect of the MIT License. The publications of the White Paper set out in Response 6 on SourceForge accompanied a statement that it was published under the MIT License.

The Claimant only asserts the MIT License as a narrower supplemental basis for the relief they seek because the Claimant accepts that any declaration of non-infringement based on the MIT License would only apply to any entity which complies with the terms of the MIT License.

**Under paragraph 9**

*Of: 9. ... Satoshi had shared a draft of the Bitcoin White Paper on 22 August 2008 ... with a group of individuals. The identities of all those with whom it was shared are not known.*

8. Please specify all facts and matters which will be relied upon in support of the allegation that the draft was shared with “a group of individuals”.

Response

This is a matter for evidence in due course but the Claimant will say that a draft version of the White Paper was circulated in August 2008, including by at least the circulation on 22 August in the Wei Dai email.



9. Please specify the identity of each individual in the alleged group whose name is known to COPA.

Response

This is a matter for evidence.

**Under paragraph 17**

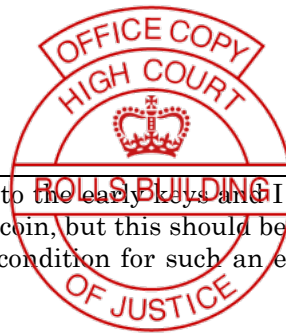
*Of: 17. Wright has failed to provide any credible evidence that he is Satoshi despite publicly pronouncing he would do so on numerous occasions. On several occasions when Wright has chosen to proffer evidence that supports his claim, that evidence has been shown to be inauthentic, or of, at the very least, questionable authenticity or provenance.*

10. Please specify in sufficient detail to enable Dr Wright to know the case he must meet each of the allegedly “numerous occasions” on which COPA alleges that Dr Wright has “publicly pronounced” that he would provide evidence that he is Satoshi.

Response

In the Amended Reply in the McCormack proceedings, Wright referred to his: *"repeatedly expressed desire to prove his identity as Satoshi Nakamoto by reference to and independent authentication of his past academic work, including early drafts of the Bitcoin Whitepaper."* The occasions on which Wright has expressed such desire are within his knowledge and Wright is invited to confirm whether he has never expressed such a desire. The Claimant is aware of at least the following occasions on which Wright has either implicitly or explicitly expressed a desire to prove that he is Satoshi by reference to the documentation set out below:

| Date       | Source & Title  | Quote   |
|------------|---|---|
| 2 May 2016 | BBC – <a href="#">‘Australian Craig Wright claims to be Bitcoin creator’</a>          | ‘Mr Wright said he planned to release information that would allow others to cryptographically verify that he is Satoshi Nakamoto.’   |
| 2 May 2016 | The Economist – <a href="#">‘Craig Wright claims to be Satoshi Nakamoto. Is he?’</a>  | ‘On May 2nd he published a blog post offering what he says is cryptographic proof that he is indeed the creator of bitcoin.’  |
| 3 May 2016 | BBC – <a href="#">‘The Bitcoin affair: Craig Wright promises extraordinary proof’</a> | ‘Craig Wright's spokesman told the BBC that the Australian would "move a coin from an early block" known to belong to the crypto-currency's inventor "in the coming days".’ |



|                      |   |   |
|----------------------|---|---|
| 3 May 2016           | Wright's Blog – <a href="#">‘Extraordinary claims require extraordinary proof’</a>  | <p>‘I can prove access to the early keys and I can and will do so by moving bitcoin, but this should be a necessary, but not sufficient, condition for such an extraordinary claim.’</p> <p>‘So, over the coming days, I will be posting a series of pieces that will lay the foundations for this extraordinary claim, which will include posting independently-verifiable documents and evidence addressing some of the false allegations levelled, and transferring bitcoin from an early block’</p> <p>‘I will present what I believe to be “extraordinary proof” and ask only that it be independently validated.’</p> |
| 5 May 2016           | Wright's Blog – <a href="#">‘I’m Sorry’</a>   | ‘But, as the events of this week unfolded and I prepared to publish proof of access to the earliest keys, I broke. I do not have the courage. I cannot’   |
| 12 April 2019        | Wright's Blog – <a href="#">‘Evidence and Law’</a>  | <b>‘I am the person behind the moniker Satoshi Nakamoto</b> , and as a result of all the trolls and haters, I’m going to provide evidence. Not in a way that anonymous cowards would do. I’m going to use courts and law.’  |
| 30 April 2019        | Wright's Oxford Union appearance – <a href="#">‘Dr Craig Wright &amp; Jimmy Nguyen   Bitcoin and Blockchain   Oxford Union’</a>           | ‘Sorry, I'm going to court on this. That simple. I don't need to face trolls in rooms. That's why we have evidence. So, here's the thing. evidence. We have courts. You know what happens when you lie in a court? You know, the maximum penalty in this country for perjury? It's about 20 years. Great. I'm going to be in court. Prove it. In court. You get to send me to jail for 20 years. I get to put my evidence and other people get to put theirs. That's how real things work in the real world.’   |
| Unknown, assume 2021 | Wright's Slack Channel – available on <a href="#">Telegram</a>  | <p>‘Mr McCormick [<i>sic</i>] has dropped his defence in truth. After providing Mr McCormick’s [<i>sic</i>] lawyers with evidence, Mr McCormick [<i>sic</i>] dropped his defamation defence where he would state that he was using truth to make a statement that was based on fact.’</p> <p>‘So, he is effectively admitting that he has no evidence that I’m not Satoshi and that I have a lot of evidence, an overwhelming amount that I am.’</p>  |
| 24 Feb 2021          | Wright's Slack Channel – available on <a href="#">Telegram</a>  | ‘This is very simple. I will be in court proving the creator of bitcoin, demonstrating how it works, recovering bitcoin and ensuring that global law enforcement know all of this.’   |
| 24 April 2021        | CNBC – <a href="#">A new lawsuit could weigh in on who’s the real inventor of bitcoin – why its creation is still shrouded in mystery</a> | <p>‘And in fact, Wright says he has evidence that can prove he is the author of the white paper.’</p> <p>“In bringing this copyright claim our client, Dr. Wright, will be serving evidence in support of his assertion that he authored the bitcoin white paper, that he released in 2008,” Simon Cohen, a lawyer with British law firm Ontier who is representing Wright, said in a statement provided to CNBC Make It. “The case will turn on whether the court is satisfied that Dr. Wright did indeed author — and owns the copyright in — the white paper and, therefore, that he is Satoshi Nakamoto.”</p>           |





11. Please specify each of the allegedly “*several occasions*” which will be relied upon in sufficient detail for Dr Wright to know the case he must meet.

Response

To the extent this is not covered by Response 10 above, the remainder of this Request is a matter for evidence.

12. In respect of each occasion identified in response to request 11 please specify the “*evidence*” which Dr Wright will be alleged to have proffered.

Response

To the extent this is not covered by Response 10 above, the remainder of this Request is a matter for evidence.

13. In respect of each item of “*evidence*” identified in response to request 12—
- (1) please say whether COPA’s case is that it is (a) inauthentic (b) of questionable authenticity or (c) of questionable provenance;
  - (2) provide particulars of all facts and matters which will be relied upon in support of any case that COPA will make that such evidence is (a) inauthentic (b) of questionable authenticity or (c) of questionable provenance;
  - (3) please provide full particulars of the allegation that such evidence has been “*shown*” to be (a) inauthentic (b) of questionable authenticity or (c) of questionable provenance including particulars of when, where and by whom such evidence is alleged to have been so shown.

Response

To the extent this is not covered by Response 10 above, the remainder of this Request is a matter for evidence.

**Under paragraphs 14, 20, 21, 23, 24 and 25**

*Of: 14. ... Wright has ... maintained that he is Satoshi but has failed to validate that claim.*



And: 20. *When the reports, including the GQ article, were made public on 2 May 2016 following the lifting of the reporting embargo, Wright also made simultaneous public proclamations on his own on his blog on 2 May 2016 that he was indeed Satoshi.*

And: 21. *Accordingly, Wright has publicly asserted that one of the ways he can prove he is Satoshi is by referencing his ability to make transactions associated with the Genesis Block and other early Blocks. To date, Wright has failed to do so.*

And: 23. *On 2 May 2016, the various press outlets with whom Wright had collaborated to try to demonstrate he was Satoshi published their articles on the 'proof' that Wright had given. Wright had sought to show that he was Satoshi to BBC and Economist journalists by demonstrating current possession of one of Satoshi's private keys. Wright sought to demonstrate his possession of such a private key by signing a message with the private key.*

And: 24. *Wright claimed to present a message, a hash of the message, and a signature of the hash in the form of the text of a speech by Jean-Paul Sartre (the "Sartre Message"). The signature was purported to correspond to a private key associated with Bitcoins mined in Block 9 of the Bitcoin blockchain (which are believed to be Bitcoins mined by Satoshi).*

And: 25. *However, the Sartre Message offered no such proof. Rather, it is averred that Wright took a signature from a transaction on the public Bitcoin blockchain published first in 2009 and republished it. Wright presented a fragment of the Sartre Message and claimed that the signature corresponded to the Sartre Message. However, the provided signature was that of a 2009-era Bitcoin transaction that was publicly available in the blockchain and not one that was contemporaneously generated with regard to the Sartre Message (or one that corresponded to the Sartre Message).*

14. Please identify the articles and reports which are alleged to have been published on 2 May 2016 and which are referred to in paragraphs 20 and 23 on which COPA will rely.



Response

This is a matter for evidence. However, the Claimant will say that the following were published on that date:

The BBC article shown online under the title 'Australian Craig Wright claims to be Bitcoin creator' at <https://www.bbc.co.uk/news/technology-36168863>

The Economist article shown online under the title 'Craig Wright reveals himself as Satoshi Nakamoto' at <https://www.economist.com/briefing/2016/05/02/craig-wright-reveals-himself-as-satoshi-nakamoto>

The Economist article shown online under the title 'Craig Steven Wright claims to be Satoshi Nakamoto. Is he?' at <https://www.economist.com/briefing/2016/05/02/craig-steven-wright-claims-to-be-satoshi-nakamoto-is-he>

The Economist article shown online under the title 'Craig Wright's claims to be Satoshi Nakamoto come under fire' at <https://www.economist.com/briefing/2016/05/02/craig-wrights-claims-to-be-satoshi-nakamoto-come-under-fire>

The GQ article shown online under the title 'Dr Craig Wright outs himself as Bitcoin Creator Satoshi Nakamoto', at <https://web.archive.org/web/20160503115324if/https://www.gq-magazine.co.uk/article/bitcoin-creator-satoshi-nakamoto-craig-wright>

15. Are the demonstrations referred to in paragraph 23, the interviews given by Dr Wright in April 2016 with Rory Cellan-Jones of the BBC and Ludwig Siegele of The Economist?

Response

Wright was in attendance at these interviews, and the extent and nature of what went on in those interviews will be a matter for disclosure in due course. So far as COPA is aware, the demonstrations were made as part of the interviews with Rory Cellan-Jones and Ludwig Siegele. The dates, number of times Wright was interviewed and content of those interviews are not personally known to COPA.

16. Please say what case COPA makes with regard to the 2 May blog post referred to in paragraph 20 of the Particulars of Claim and in particular what relevance the



post is alleged to have to this case. Without prejudice to the generality of that request—

- (1) insofar as any particular passages are relied upon, please identify those passages; and
- (2) please say what case COPA will make in relation to each passage which is identified.

### Response

COPA will rely upon the full context of the blog post on 2 May 2016 entitled ‘Jean-Paul Sartre, signing and significance’ for its meaning and significance. The 2 May blog post was Wright’s simultaneous explanation posted on that date to coincide with the publications in the BBC, the Economist and GQ.

COPA will rely on the content of the blog post as showing that Wright failed to prove that he was Satoshi as he was claiming, and still claims, to be. This is therefore a matter for evidence.

17. Please specify all facts, matters and documents which will be relied upon in support of any case that COPA will make that during the interviews with Mr Cellan-Jones and Mr Siegele Dr Wright did not sign a message using the private key for block 9. Without prejudice to the generality of that request—
  - (1) If COPA relies upon any documents in support of that case, please now identify and provide copies of those documents.
  - (2) If COPA relies upon any statements made regarding or reports of those interviews, please identify and provide full particulars of such statements or reports.
  - (3) Please provide full particulars of all facts and matters which will be relied upon in support of the allegation that the signature used at those interviews was of the kind specified in paragraph 25 of the Particulars of Claim.



Response

The Request 17(1) is an early disclosure request. Disclosure will be provided in due course.

Requests 17(2) and (3) are a matter for evidence following disclosure. COPA's case on the Sartre message is sufficiently set out in the Particulars of Claim for the Defendant to know the case against him.

18. Does COPA admit that—

- (1) Dr Wright held meetings with Mr Jon Matonis and Mr Gavin Andresen in March and April 2016 respectively; and
- (2) at those meetings Dr Wright demonstrated to each of them that he had access to the private keys associated with blocks 1 and 9.

Response

As to Requests 18(1) and (2), COPA understands that Wright held meetings with Mr Jon Matonis and Mr Gavin Andresen in March and April 2016 respectively, but it does not have first-hand knowledge of this in the way that Wright does. This is framed as a notice to admit and is therefore not a request for further information. Wright will have to disclose, in due course, the nature of those meetings and they will then be addressed in evidence.

19. If the response to request 18(2) above is that such is denied or not admitted, please provide full particulars of any positive case COPA will make in support of that position.

Response

See Response to Request 18. This is a matter within Wright's knowledge, and if he claims that he demonstrated access to the private key associated with blocks 1 and 9 he is required to prove such.

**Under paragraphs 26 and 27**

*Of: 26. On 10 February 2019, Wright published a picture of an abstract on Twitter regarding a project entitled 'BlackNet' which he asserts is an early iteration of the Bitcoin White Paper (the "**BlackNet Abstract**"). This abstract published by Wright*



*appears to describe a Peer-to-Peer transaction system for sending “online consideration” without the use of a central intermediary. Wright asserts that the BlackNet Abstract was written in 2001 and submitted to the Australian Government.*

*And: 27. ... despite Wright’s assertions that [the BlackNet Abstract] was written in 2001 ...*

20. Please specify each occasion on which Dr Wright is alleged to have made the assertion that the BlackNet Abstract was written in 2001. If an assertion is alleged to have been in writing, please identify the relevant documents. If an assertion is alleged to have been made orally, please say when and where and to whom the words are alleged to have been spoken and state the words used or the gist of the words used.

Response

The assertion was made in the Twitter post referred to in paragraph 26 of the Particulars of Claim.

**Under paragraph 28**

*Of: The 12 March 2008 Kleiman email set out under paragraph 28.*

21. Please explain what relevance COPA will say that the email has to this case.

Response

COPA alleges that this email is doctored as set out in paragraph 29 of the Particulars of Claim. COPA will therefore rely on this email as indicative of a propensity on the part of Wright to act in the way described in paragraph 35 of the Particulars of Claim. These matters will be put to Wright in cross-examination in due course.

**Under paragraphs 30 and 35 under the heading “The SSRN Submission”**

*Of: 30. On or about 21 August 2019, Wright uploaded to the Social Science Research Network (SSRN) a document which he asserts to be the ‘final’ version of the Bitcoin White Paper, in which he is named as the author. The post claims that the document was written on 21 August 2008. Wright posted two versions of what he claims to be his original version of the Bitcoin White Paper within SSRN.*



And: 35. In the premises, on several occasions when Wright has sought to prove he is Satoshi by way of documentary evidence, it has been shown that the documents he relies on are not what he claims they are.

22. Please state where Dr Wright is alleged to have asserted that the document uploaded on 21 August 2019 is the “final version” of the White Paper.

Response

In paragraph 20 of the Reply in the McCormack proceedings, Wright asserted that the final version of the Bitcoin White Paper “was only published in 2019”. COPA is unaware of any other publications by, or endorsed by, Wright, in 2019 of the Bitcoin White Paper save for the uploads referred to in paragraphs 30-35 of the Particulars of Claim. In the premises, COPA says that Wright has asserted that he only uploaded the ‘final’ version of the Bitcoin White Paper in August 2019.

23. Please identify each of the “several occasions” which will be relied upon by COPA and provide sufficient particulars of them so that Dr Wright can understand the case he must meet.

Response

This is a matter for evidence. The several occasions referred to in paragraph 35 of Particulars of Claim refers back to the pleaded case already set out, as is clear by the use of the words ‘in the premises’. Wright therefore knows the case against him.

24. Please give particulars of all facts, matters and documents which will be relied upon in support of any case that COPA intends to make that the documents uploaded by Dr Wright to SSRN were efforts by him to seek to “prove that he is Satoshi by way of documentary evidence”.

Response

This is a matter for evidence following disclosure. COPA will adduce expert evidence showing how Wright altered and tampered with the metadata.



**Under paragraph 52**

*Of: 52. The Claimant, and its members, must be free to post, discuss, comment upon and otherwise utilise the Bitcoin White Paper in order to freely promote innovation.*

25. Please explain the basis on which the inability to “post” the White Paper will restrict the ability of COPA or its members “to freely promote innovation”.

**Response**

This is a matter for evidence. The Bitcoin White Paper is regarded as the foundational paper for cryptocurrency and COPA and its members need to be able to publish, and otherwise deal with, the paper to promote innovation in the fast-moving field that is cryptocurrency.

26. Please explain the basis on which it is said that the assertion of copyright in the White Paper inhibits the discussion or comment or use of the White Paper and insofar as any such inhibition is identified, please explain the basis on which such inhibition will restrict the ability of COPA or its members “to freely promote innovation”.

**Response**

This is a matter for evidence. See the Response to Request 25.

**Under paragraph 54**

*Of: 54. The Bitcoin White Paper is essential to the Claimant, its members and the cryptocurrency community at large, from a technical, historical, cultural and economic perspective. Wright’s actions to date, which seek to suppress the publication of the Bitcoin White Paper by entities with whom he does not agree, cause harm both to the Claimant and its members, but also to the wider cryptocurrency community. Wright should not be able to suppress the Bitcoin White Paper as he is not the author.*

27. Please identify and explain what is meant by “the cryptocurrency community”.





Response

The cryptocurrency community are those members of the wider public who are involved in, interested in, or associated with cryptocurrency. It is clear from the context of the pleading what is meant by the phrase 'cryptocurrency' and COPA will rely on this question as being one of a number of RFI requests whose sole purpose is to divert from the issues of the case. Wright fully understands the case against him.

28. Please identify and explain the *“technical, historical, cultural and economic perspective[s]”* referred to in the first sentence.

Response

This is a matter for evidence. It is clear from the context of the pleading what COPA is asserting.

29. Please identify the harm which is alleged is and will be caused to (a) COPA (b) its members and (c) *“the cryptocurrency community at large”* if Dr Wright asserts copyright in the White Paper and why the White Paper is *“essential”* to such persons.

Response

This is a matter for evidence. It is clear from the context of the pleading what COPA is asserting.

30. Please specify what are Dr Wright's *“actions to date”* referred to in the second sentence.

Response

It is clear from the context of the pleading what is meant by the phrase 'actions to date'. It is those matters set out in the Particulars of Claim of which COPA makes complaint. COPA will rely on this question as being one of a number of RFI requests whose sole purpose is to divert from the issues of the case. Wright fully understands the case against him.



**Under paragraph 61**

*Of: 61. Wright has publicly asserted that he can prove he is Satoshi by reference to the Genesis Block.*

31. Please specify each occasion on which it is alleged that Dr Wright has asserted that he can prove he is Satoshi by reference to the Genesis Block.

**Response**

The Claimant will rely on the assertion in the GQ interview referenced in paragraph 19 of the Particulars of Claim.

32. If any such assertion is said to have been made in writing, please identify and provide copies of the relevant documents and identify the passages relied by marking up the copies or in some other convenient way. If any such assertion is said to have been made orally, please say when, where and to whom the assertion is alleged to have been made and state the words used or the gist of the words used.

*Of: 61.1. That he has control over Satoshi's private key and the Genesis Block.*

33. Please explain precisely what "Satoshi's private key" means in the context of this allegation.

**Response**

"Satoshi's private key", refers to the key that allows someone to sign a transaction of Bitcoin made in the Genesis Block. It was the key initially owned and controlled by Satoshi at the time of the creation of the Genesis Block.

34. Please explain what is meant by "control over ... the Genesis Block" and explain how that control can or could be exercised and how such control would support Dr Wright's case that he was the author of the White Paper.

**Response**

By transferring a Bitcoin from the Genesis block, a user could show either that they are the person, or persons, who were involved in the creation of the Genesis Block (i.e. Satoshi) or that they are the successor in title to that person or persons. It is averred that Wright is neither.



*Of: 61.2. That he has access to and control over the various email accounts used by Satoshi.*

35. Please list each email account which will be relied upon.

Response

The email accounts include, so far as COPA is aware: [satoshi@vistomail.com](mailto:satoshi@vistomail.com); [satoshin@gmx.com](mailto:satoshin@gmx.com); [satoshi@anonymousspeech.com](mailto:satoshi@anonymousspeech.com).

*Of: 61.3. That he has access to and control of Satoshi's bitcointalk forum login.*

36. Please identify the account to which the login is said to relate and say when it is alleged that account was created.

Response

The account user name was "satoshi" and was registered on 19 November 2009 on the Bitcoin.org forum, which was subsequently migrated to Bitcointalk.org.

**Under paragraph 63**

*Of: 63. The Claimant will rely upon a number of findings in the Kleiman Litigation which are probative of Wright's conduct, specifically his conduct in relation to his inability to produce tangible evidence to back up his assertions that he is Satoshi.*

37. Having regard to the rule established in *Hollington v Hewthorn* [1943] 1 KB 587 please explain the basis on which COPA will say that findings in the Kleiman Litigation are admissible as evidence in this case.

Response

This is a legal submission and will be dealt with in due course. This is not a request for further information and Wright knows the case against him.

38. Without prejudice to the generality of the foregoing, please identify each of the "number of findings in the Kleiman Litigation" which COPA will seek to rely upon and explain the basis on which it will be said that such finding is admissible as evidence in this case.



Response

The findings referred to are set out in paragraphs 63-65 of the Particulars of Claim. Questions of admissibility are for legal submissions. Furthermore, the Kleiman Litigation is ongoing, and to the extent that further documents arise from those proceedings, the Claimant will seek to adduce those in evidence as required.

**Under paragraphs 66 and 67**

*Of: 66. In the Kleiman Litigation, Wright proffered an email from Dave Kleiman to Uyen Nguyen to the court as evidence supporting Wright's request for the court to dismiss the action for lack of subject-matter jurisdiction. This email was purportedly dated 20 December 2012. When the email became public, members of the public showed that the PGP signature on the email was created a year after the death of Dave Kleiman. Wright subsequently withdrew the e-mail from evidence, stating that he could not verify the date of the email exchange.*

*And: 67. In the premises, it is averred that Wright has a history of producing false documentation and making assertions which he cannot back up when required by a court.*

39. Please explain the basis on which it is said that the allegations made in paragraphs 66 and 67 are admissible as evidence in this case.

Response

This is legal submission and will be dealt with in due course. This is not a request for further information and Wright knows the case against him. This will be dealt with in evidence and at that point Wright is entitled to seek to make any application to exclude evidence. For the avoidance of doubt, and in any event, these matters will be put to Wright in cross-examination to show that his evidence cannot be relied upon.

**Under paragraph 68**

*Of: 68. The Claimant therefore seeks declarations as follows:*

*68.1. A declaration that Wright is not the author of the Bitcoin White Paper.*

*68.2. A declaration that Wright is not the owner of the copyright in the Bitcoin White Paper.*



68.3. *A declaration that any use by the Claimant of the Bitcoin White Paper will not infringe any copyright owned by Wright.*

40. Is it COPA's case that the declaration set out in paragraph 68.1 raises any issues of law? If so, please identify those issues so far as relevant (a) to the United Kingdom and (b) any other jurisdiction in respect of which the declaration is sought.

Response

This is legal submission and will be dealt with in due course. This is not a request for further information and Wright knows the case against him. The declaration is that Wright is not the author for the purposes of copyright, i.e. he is not the author under s.9 of the CDPA 1988 in that he did not create the Bitcoin White Paper.

41. Does COPA rely upon any facts, matters or points of law other than its case that Dr Wright is not the author of the White Paper in support of its case that Dr Wright is not the owner of the copyright which subsists in the White Paper? If so, please give full particulars of all those facts, matters and points of law so far as they relate to (a) the United Kingdom and (b) any other jurisdiction in respect of which the declaration is sought.

Response

COPA has set out its pleaded case in the Particulars of Claim.

42. Does COPA rely upon any facts, matters or points of law other than its case that Dr Wright is not the author of the White Paper in support of its claim for the declaration set out in paragraph 68.3? If so, please give full particulars of all those facts, matters and points of law so far as they relate to (a) the United Kingdom and (b) any other jurisdiction in respect of which the declaration is sought.

Response

This is legal submission and will be dealt with in due course. This is not a request for further information and Wright knows the case against him. For the avoidance of doubt, COPA says it is entitled to the declaration at 68.3 as Wright is not the author, and therefore not the owner, of any copyright in the Bitcoin White Paper; and that in any



event the Bitcoin White Paper was published under the MIT License which allows it to be hosted.

**Under paragraph 71**

*Of: 71. In the premises, injunctive relief is sought to restrain him from (1) claiming he is the author of and/or owner of copyright in the Bitcoin White Paper and (2) taking steps which involve him asserting the same.*

43. Does COPA rely upon any facts, matters or points of law other than its case that Dr Wright is not the author of the White Paper in support of its claim for the injunctions set out in paragraph 71(1) and (2)? If so, please give full particulars of all those facts, matters and points of law so far as they relate to (a) the United Kingdom and (b) any other jurisdiction in respect of which the injunction is sought.

**Response**

This is a matter for evidence and legal submission in due course. COPA will rely on all the conduct set out in the Particulars of Claim as justifying the granting of the injunctions sought. Wright has, as is set out in the Particulars, sought to claim he is Satoshi when he is not. COPA therefore seeks relief as pleaded to require him to prove his assertions or cease making them.

44. Please explain the legal basis on which COPA will contend that it is entitled to each of the injunctions sought.

**Response**

As is clear from the wording of this request, this is a matter for legal submission in due course.

**JONATHAN MOSS**



**Statement of Truth**

The Claimant believes that the facts stated in this Response to the Defendant's Part 18 Request dated 14 May 2021 are true. The Claimant understands that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth. I am duly authorised by the Claimant to sign this statement.

Signed .....

Full name: Philip Nathan Sherrell

Position or office held: Partner, Bird & Bird LLP

Dated: 15 June 2021

**SERVED** this 15<sup>th</sup> day of June 2021 by Bird & Bird LLP of 12 New Fetter Lane, London, EC4A 1JP (reference: PNQS/GJH/NIXL/CRYOP.0001), Solicitors for the Claimant.