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6 Attorneys for Defendant
 SONY COMPUTER ENTERTAINMENT
 7 AMERICA LLC (erroneously sued as "Sony
 Computer Entertainment America Inc.")
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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

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 14 In re SONY PS3 "OTHER OS"
 LITIGATION

CASE NO. 3:10-CV-01811 RS (EMC)

**DECLARATION OF JOHN KOLLER IN
 SUPPORT OF DEFENDANT'S
 OPPOSITION TO PLAINTIFFS' MOTION
 TO COMPEL**

Date: February 9, 2011
 Time: 10:30 a.m.
 Judge: Hon. Edward M. Chen
 Courtroom: C, 15th Floor

1 I, JOHN KOLLER, declare:

2 1. I am Director of Hardware Marketing at defendant Sony Computer Entertainment
3 America LLC (“SCEA”). I have personal knowledge of the matters set forth in this Declaration.
4 If called as a witness, I could and would competently testify to these matters.

5 2. SCEA distributes and markets the PlayStation®3 game console (the “PS3”) in the
6 United States, and designs and publishes video games for use on the PS3. The game console
7 market is very competitive and consists primarily of three players (SCEA, Microsoft, and
8 Nintendo) which have invested substantial resources to develop and market increasingly
9 sophisticated gaming consoles. The video game market is also very competitive and consists of
10 many companies which, like SCEA, invest substantial resources to develop their products.

11 3. It is my understanding that the discovery requests and disclosures in the this case
12 include various categories of documents and information that could encompass financial
13 information, internal business strategy and planning documents, market surveys and other
14 marketing-related analyses, as well as documents and information regarding the PS3’s System
15 Software functions and features (many of which are unique to the PS3 and not available in
16 competing game consoles), and security measures incorporated in the PS3 to protect SCEA’s
17 intellectual property. These include documents and information that SCEA treats as trade secret,
18 that it maintains confidentially, and/or that are commercially sensitive. Much of this information
19 is particularly sensitive and valuable because it is the result of significant expenditures in research
20 and development, including strategies and business plans related to the distribution and marketing
21 of the PS3 and SCEA’s video games.

22 4. The disclosure of this information to SCEA’s competitors would harm it
23 commercially and competitively because, as a result of the disclosure, those competitors would
24 obtain the results of SCEA’s substantial research without having to incur the expense, and would
25 also obtain knowledge of SCEA’s business and marketing strategies, allowing them to develop
26 their own strategies based upon this information. The disclosure of information related to the
27 PS3’s hardware and software design and security measures would also harm SCEA because the
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1 information could be used to develop methods of circumventing current and future security
2 efforts.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct. Executed this 14th day of January, 2011, in Foster City, California.

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/s/ John Koller
JOHN KOLLER

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9 I, Luanne Sacks, am the ECF User whose identification and password are being used to
10 file the foregoing Declaration of John Koller. I hereby attest that Mr. Koller has concurred with
11 this filing.

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Dated: January 14, 2011

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DLA PIPER LLP (US)

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By: /s/ Luanne Sacks
LUANNE SACKS
Attorneys for Defendant
SONY COMPUTER ENTERTAINMENT
AMERICA LLC

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