

1 LUANNE SACKS, Bar No. 120811
 luanne.sacks@dlapiper.com
 2 CARTER W. OTT, Bar No. 221660
 carter.ott@dlapiper.com
 3 **DLA PIPER LLP (US)**
 555 Mission Street, Suite 2400
 4 San Francisco, CA 94105
 Tel: 415.836.2500
 5 Fax: 415.836.2501

6 Attorneys for Defendant
 SONY COMPUTER ENTERTAINMENT
 7 AMERICA LLC (erroneously sued as "Sony
 Computer Entertainment America Inc.")
 8

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12
 13 In re SONY PS3 "OTHER OS"
 14 LITIGATION

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

15 **DECLARATION OF CARTER OTT IN**
 16 **SUPPORT OF OPPOSITION TO MOTION**
 17 **TO COMPEL AND MOTION FOR**
 18 **PROTECTIVE ORDER**

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

1 I, Carter Ott, declare:

2 1. I am an attorney at law duly licensed to practice before the courts of the State of
3 California, and I am an attorney with the law firm of DLA Piper LLP (US), attorneys of record
4 for defendant Sony Computer Entertainment America LLC in the above-captioned action. I have
5 personal knowledge of the matters set forth in this Declaration. If called as a witness, I could and
6 would competently testify to these matters.

7 2. Attached hereto as Exhibit A is a true and correct copy of an email I received from
8 Rosemary Rivas on November 18, 2010.

9 3. Attached hereto as Exhibit B is a true and correct copy of an email I sent on behalf
10 of Luanne Sacks on December 1, 2010, with carbon copies to James Pizzirusso, Rosemary Rivas,
11 Rebecca Coll, Genevieve Rapadas, and Luanne Sacks.

12 4. Attached hereto as Exhibit C is a true and correct copy of the Stipulated Protective
13 Order For Complex Litigation, from *In re Sony PS3 Litigation*, United States District Court,
14 Northern District of California (Case No. CV 09-04701 (MHP)).

15 5. Attached hereto as Exhibit D is a true and correct copy of the Class Action
16 Complaint, from *Jonathan Huber v. Sony Computer Entertainment America LLC*, United States
17 District Court, Northern District of California (Case No. CV 10 2213).

18 6. Attached hereto as Exhibit E is a true and correct copy of the executed Proposed
19 Protective Order, from *Rambus, Inv. v. Nvidia Corporation*, United States District Court,
20 Northern District of California (Case Nos. 3-08-cv-03343-SI and 3:08-cv-05500-SI).

21 7. Attached hereto as Exhibit F is a true and correct copy of the Complaint for
22 Injunctive Relief And Damages Based On Violations Of Digital Millennium Copyright Act;
23 Violations Of The Computer Fraud And Abuse Act; Contributory Copyright Infringement;
24 Violations Of The California Comprehensive Computer Data Access And Fraud Act; Breach Of
25 Contract; Tortious Interference With Contractual Relations; Common Law Misappropriation;
26 And Trespass, from *Sony Computer Entertainment America LLC v. George Hotz et al.*, United
27 States District Court, Northern District of California (Case No. CV11-0167-SI).

28 8. [RESERVED]

1 9. Attached hereto as Exhibit H is a true and correct copy of the Declaration Of Bret
2 Mogilefsky In Support Of *Ex Parte* Motion For Temporary Restraining Order And Order To
3 Show Cause Re Preliminary Injunction; Order For Impoundment, from *Sony Computer*
4 *Entertainment America LLC v. George Hotz, et al.*, United States District Court, Northern District
5 of California (Case No. CV11-0167-SI).

6 10. Attached hereto as Exhibit I are hard copies of slides from a seminar called
7 “Console Hacking 2010,” during the 27th Chaos Communications Congress, on December 29,
8 2010. I obtained these slides from the 27th Chaos Communications Congress’ website,
9 <http://events.ccc.de/congress/2010/Fahrplan/events/4087.en.html>.

10 11. Attached hereto as Exhibit J is a true and correct transcript of the “Console
11 Hacking 2010” seminar, during the 27th Chaos Communications Congress. I obtained a video of
12 this seminar at <http://www.youtube.com/watch?v=hcbaeKA2moE>, and had a copy made of the
13 video. Thereafter, I had my office’s word processing service create a transcript of the audio from
14 this video.

15 12. Attached hereto as Exhibit K is a true and correct copy of a work proposal from
16 Teris, a litigation support service. This proposal was created at my request. I specifically asked
17 Teris’ representatives, Kimberly Pruitt and Shawn Sieck, to provide me with an estimate of the
18 cost of imaging five PlayStation®3 consoles (“PS3”) of the same size as the Class
19 Representatives’ – three with 60 GBs of memory, and two with 80 GBs of memory. As set forth
20 in this proposal, Teris estimated that it would take between two and three hours and cost between
21 \$3,750 and \$5,000 to forensically image these PS3s.

22 13. I have assisted with review and production of documents in this action. To date,
23 SCEA has produced over 2,000 pages of documents to Class Counsel, including images of

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1 advertisements and other marketing, instruction manuals, safety and support manuals, license
2 agreements, warranties, terms of service and user agreements.

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, 2010, in San Francisco,
5 California.

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/s/ Carter Ott
CARTER OTT