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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

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 14 In re SONY PS3 "OTHER OS"
 LITIGATION

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

**DECLARATION OF CARTER OTT IN
 SUPPORT OF ADMINISTRATIVE
 MOTIONS TO FILE UNDER SEAL AND
 REMOVE INCORRECTLY FILED
 DOCUMENTS**

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

1 I, Carter Ott, declare as follows:

2 1. I am 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. Exhibits I and J to the Declaration of Carter Ott In Support of Opposition to
8 Motion to Compel and Motion for Protective Order (Docket #130) contain explicit instructions on
9 how to circumvent the Technological Protection Measures (“TPMs”) in the PlayStation®3 game
10 console (the “PS3”). Exhibit I consists of slides from a seminar titled “Console Hacking 2010”
11 regarding the hacking of the PS3. *See* Ott Decl. (Docket #130), ¶ 10. Exhibit J is a true and
12 correct transcript of the discussion during this seminar. *See* Ott Decl. (Docket #130), ¶ 11.
13 Pursuant to Local Rule 79-5, I have submitted to the Court a redacted copy of the slides initially
14 filed as Exhibit I and excerpts of Exhibit J that SCEA cited in its underlying briefs, with only
15 those portions containing sensitive information redacted.

16 3. Exhibits I and J are the subject of *Sony Computer Entertainment America LLC v.*
17 *George Hotz et al.*, United States District Court, Northern District of California (Case No. CV11-
18 0167-SI). The *Hotz* action was initiated, in part, to halt the illegal conduct discussed in these
19 exhibits, including circumventing the PS3s’ TPMs. SCEA does not want the means of such
20 circumvention – the very practice it is aiming to stop in the *Hotz* action – to be a matter of public
21 record, thereby making the information further available and enabling others to engage in this
22 illegal practice. To this end, after discovering the error in publicly filing these documents, I
23 called the ECF Help Desk and asked that they put a temporary lock on Exhibits I and J.

24 4. SCEA’s request is narrowly tailored to seal only those materials for which good
25 cause to seal has been established. In fact, SCEA seeks only to seal certain portions of Exhibit J
26 that contain the sensitive instructions on how to circumvent TPMS. In addition, in the *Hotz*
27 action, Judge Susan Illston granted a similar request to seal the materials contained in Exhibit I.
28 Attached hereto as Exhibit A is a true and correct copy of that order. In addition, pursuant to

1 Civil Local Rule 7-11(a), I conferred with Plaintiffs' counsel regarding SCEA's intention to
2 replace Exhibits I and J with redacted copies of these documents, and they informed me that they
3 would not oppose our request.

4 I declare under penalty of perjury under the laws of the State of California that the
5 foregoing is true and correct. Executed this 7th day of February, 2011, in San Francisco,
6 California.

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/s/ Carter Ott
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