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 19 SONY COMPUTER ENTERTAINMENT
 20 AMERICA LLC

21 UNITED STATES DISTRICT COURT
 22 NORTHERN DISTRICT OF CALIFORNIA
 23 SAN FRANCISCO DIVISION

24 In re SONY PS3 "OTHER OS"
 25 LITIGATION

26 CASE NO. 3:10-CV-01811-RS

27 **DECLARATION OF CARTER OTT IN
 28 SUPPORT OF DEFENDANT'S BILL OF
 COSTS**

1 I, Carter Ott, hereby declare as follows:

2 1. I am an attorney admitted to practice law in the State of California and authorized
3 to practice before this Court. I am an associate with the law firm of DLA Piper LLP (US),
4 counsel for defendant Sony Computer Entertainment America Inc. ("SCEA") in the above-
5 captioned action. I have personal knowledge of the matters contained herein and, if called as a
6 witness, I could and would competently testify as follows.

7 2. A judgment was entered in this case in favor of SCEA on December 8, 2011. On
8 this basis, SCEA is seeking to recover costs pursuant to Federal Rule of Civil Procedure 54(d)(1)
9 and Local Rule 54-1.

10 3. This declaration is offered in support of SCEA's Bill of Costs.

11 4. The information contained in this declaration and the attached exhibits is produced
12 from records kept in the regular course of business by DLA Piper LLP. It is the regular practice
13 of DLA to make and keep its own records, and to retain copies of vendor invoices for our files. I
14 am familiar with DLA's billing system, and I am responsible for overseeing the billing of fees
15 and costs at DLA relating to the above-captioned matter. The records I have examined are in the
16 care, custody or control of DLA, and are complete, accurate, and correct to the best of my
17 knowledge.

18 5. Pursuant to 28 U.S.C. section 1924, I have reviewed the Bill of Costs submitted on
19 behalf of SCEA by DLA. With respect to costs under DLA's control, all items are correct and
20 were necessarily incurred by SCEA in the above-captioned matter.

21 6. SCEA is seeking \$72,311.52 in costs.

22 7. Attached hereto as Exhibit A is a description of the fee paid to the Clerk of the
23 U.S. District Court, Eastern District of Wisconsin, and a true and correct copy of the docket
24 supporting payment of that fee. This cost was actually and necessarily incurred by SCEA in this
25 action.

26 8. Attached hereto as Exhibit B is an itemization of the fees for printed or
27 electronically-recorded transcripts necessarily obtained for use in the case, and true and correct
28 copies of the invoices supporting those expenses. These costs were actually and necessarily

1 incurred by SCEA while represented by DLA in this action.

2 9. Attached hereto as Exhibit C is an itemization of the fees and disbursements for
3 printing that were actually and necessarily incurred by SCEA while represented by DLA in this
4 action, and true and correct copies of the invoices supporting those expenses.

5 10. Attached hereto as Exhibit D is an itemization of the fees for exemplification and
6 the costs of making copies of any materials where the copies were necessarily obtained for use in
7 the case, and true and correct copies of the invoices supporting those expenses. Among these
8 costs are Discovery Specialist fees associated with the collection and processing of SCEA's
9 electronically stored information ("ESI") pursuant to plaintiffs' discovery requests and the
10 parties' negotiation of a production protocol (*see* Docket # 184), processing the collected data,
11 creating a database containing that data for review, executing agreed-upon keyword term filters
12 against that data, and creating document productions, including generation of tiff images and the
13 creation of load files with specified parameters. These costs also include monthly storage fees for
14 the housing of the collected ESI database for review and production. These costs were actually
15 and necessarily incurred by SCEA while represented by DLA in this action.

16 11. Attached hereto as Exhibit E is an itemization of other costs actually and
17 necessarily incurred by SCEA while represented by DLA in this action, and true and correct
18 copies of the invoices supporting those expenses. Among these are costs associated with delivery
19 of chambers copies of case papers and expedited service of case papers to opposing counsel, and
20 SCEA's share of costs expended for mediation at JAMS.

21 I declare under penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct to the best of my knowledge, and that this declaration is executed on
23 December 22, 2011 at Sacramento, California.

24
25 /s/ Carter Ott

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CARTER OTT