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SONY COMPUTER ENTERTAINMENT AMERICA LLC

10
11 UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 SONY COMPUTER ENTERTAINMENT
AMERICA LLC,

15 Plaintiff,

16 v.

17 GEORGE HOTZ; HECTOR MARTIN
18 CANTERO; SVEN PETER; and DOES
1 through 100,

19 Defendants.

Case No. 11-cv-00167 SI

20 **DECLARATION OF KENNETH LAW
21 IN SUPPORT OF PLAINTIFF SONY
COMPUTER ENTERTAINMENT
22 AMERICA LLC'S OPPOSITION TO
DEFENDANT GEORGE HOTZ'S
23 MOTION TO DISMISS FOR LACK OF
PERSONAL JURISDICTION AND
24 IMPROPER VENUE**

25 Date: April 8, 2011
26 Time: 9:00 a.m.
27 Courtroom: 10, 19th Floor
28 Judge: Hon. Susan Illston

29 I, Kenneth Law, declare as follows:

30 1. I am a Senior Project Manager in the Knowledge Services group of Sony
31 Computer Entertainment America, LLC ("SCEA"). I make this declaration on personal
32 knowledge and if called as a witness could and would testify competently thereto.

33 2. The PlayStation®3 computer entertainment system ("PS3 System") features
34 PlayStation® Network ("PSN"), an entertainment network that supports multiplayer online

35 DECLARATION OF KENNETH LAW IN SUPPORT OF PLAINTIFF SONY COMPUTER ENTERTAINMENT
36 AMERICA LLC'S OPPOSITION TO DEFENDANT GEORGE HOTZ'S MOTION TO DISMISS FOR LACK OF
37 PERSONAL JURISDICTION AND IMPROPER VENUE - CASE NO. 11-cv-000167 SI

1 gameplay, access to the PlayStation Store to purchase video games as well as rent or buy
2 feature films, and PS3 System connectivity.

3 3. A PSN account can be created by using the PS3 System or a personal
4 computer. In either case, a user creating a PSN account must provide the following
5 information: a valid email address, date of birth, a unique username and password, the
6 user's first and last name, a physical address, and the country in which the user lives. During
7 the account creation process, whether the account is created using a personal computer or a
8 PS3 console, the user is presented with the PlayStation Network Terms of Service and User
9 Agreement ("PSN User Agreement") and required to either "accept" or "deny" the PSN User
10 Agreement by clicking a corresponding button. The PSN User Agreement specifies that the
11 user has entered a binding agreement with SCEA if he or she chooses to accept it. The PSN
12 User Agreement requires that users "submit to personal jurisdiction in California and further
13 agree that any dispute arising from or relating to this Agreement shall be brought in a court
14 within San Mateo County, California." During the PSN account registration process using a
15 personal computer, there is an email address authentication step in which the user must open
16 an email sent from the PSN to the email address given by the user and then click on a link in
17 order to complete the process.

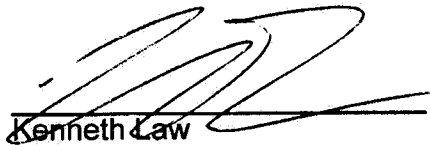
18 4. After creating a PSN account, one can access the account using either a
19 personal computer or a PS3 System.

20 5. I understand that in George Hotz's Response to SCEA's First Demand for
21 Inspection Reflecting Jurisdictional Discovery, Mr. Hotz stated that he purchased a new PS3
22 System in February 2010, bearing Serial No. CG221368477-CECH-2001A. I searched
23 SCEA's records to determine the Console ID assigned to the PS3 System bearing Serial No.
24 CG221368477-CECH-2001A. Attached hereto as Exhibit A are true and correct copies of
25 reports generated from SCEA's electronic records matching Serial No. CG221368477-CECH-
26 2001A with its corresponding Console ID and showing that the Console was used to create a
27 PSN account under the username "blickmaniac" on March 10, 2010. The report also
28

1 provides further details about the "blickmaniac" account, including the fact that the PS3
2 System bearing Serial No. CG221368477-CECH-2001A was purchased at GameStop Store
3 No. 4489 on February 25, 2010. The exhibit is Highly Confidential and is Filed Under
4 Seal.

5 6. The report attached as Exhibit A further shows that the PSN account associated
6 with the Hotz console was created from a particular IP address. I determined the geographic
7 location of this IP address by using the website www.whatismyipaddress.com. Through a
8 search on this website, the location of this IP address was given as Glen Rock, New Jersey.
9 Attached hereto as Exhibit B is a true and correct copy of the results I received from
10 www.whatismyipaddress.com. The exhibit is Highly Confidential and is Filed Under Seal.

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12 Executed on March 18, 2011, at Foster City, California.

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**EXHIBIT A
TO
DECLARATION OF KENNETH LAW IN SUPPORT OF
PLAINTIFF SONY COMPUTER ENTERTAINMENT
AMERICA LLC'S OPPOSITION TO DEFENDANT
GEORGE HOTZ'S MOTION TO DISMISS FOR LACK
OF PERSONAL JURISDICTION AND IMPROPER
VENUE**

FILED UNDER SEAL

**EXHIBIT B
TO
DECLARATION OF KENNETH LAW IN SUPPORT OF
PLAINTIFF SONY COMPUTER ENTERTAINMENT
AMERICA LLC'S OPPOSITION TO DEFENDANT
GEORGE HOTZ'S MOTION TO DISMISS FOR LACK
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