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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

**DECLARATION OF MARVIN MILLER  
 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**

Date: April 8, 2011  
 Time: 9:00 a.m.  
 Courtroom: 10, 19<sup>th</sup> Floor  
 Judge: Hon. Susan Illston

20  
 21  
 22  
 23  
 24 I, Marvin Miller, declare as follows:

25 1. I am an employee of Sony Computer Entertainment America LLC ("SCEA"), and  
 26 work at SCEA's headquarters in Foster City, California. My title at SCEA is Localization  
 27 Manager. I make this declaration on personal knowledge and if called as a witness could and  
 28 would testify competently thereto.

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

1           2.     I understand that in George Hotz's response to SCEA's First Demand for  
2 Inspection Reflecting Jurisdictional Discovery, Mr. Hotz stated that he purchased a new  
3 PlayStation®3 computer entertainment system ("PS3 System") bearing Serial No.  
4 CG221368477-CECH-2001A. This would mean that the system he purchased was a CECH-  
5 2001 model. An individual who purchased a CECH-2001 model in the United States during  
6 2010 would have received at a minimum the following documentation packaged with the PS3  
7 console: an Instruction Manual (offering information about the PS3 System and connecting to  
8 the PlayStation® Network), an Entertainment Software Review Board Content Descriptors  
9 Guide, and a notice explaining SCEA's Return Policy. True and correct copies of this  
10 documentation are attached hereto as Exhibits A – C, respectively.

11           3.     The Instruction Manual for PS3 System CECH-2001A, also available online at:  
12 [http://www.playstation.com/manual/pdf/CECH-2001A\\_2001B-2.85\\_2.pdf](http://www.playstation.com/manual/pdf/CECH-2001A_2001B-2.85_2.pdf), contains the  
13 following references to Sony Computer Entertainment America ("SCEA") and its website:  
14 [www.us.playstation.com](http://www.us.playstation.com):

15  
16           Page 3 (upper left-hand corner): "If you have questions about this product, contact  
17 **SCEA Consumer Services** . . . or write to: **Sony Computer Entertainment America**,  
18 Consumer Services/Technical Support, P.O. Box 5888, **San Mateo, CA** 94402-0888  
(also refers to Sony Electronics Inc. at its **San Diego, CA** address)

19           Page 4 (left side, second section): "For more information, visit  
20 [www.us.playstation.com](http://www.us.playstation.com)."

21           Page 7 (lower right-hand corner; 3rd bullet point): "If damaged, stop use immediately  
22 and contact **SCEA Consumer Services** (back cover)."

23           Page 8 ('Moisture condensation'): "If the system still does not operate properly,  
24 contact **SCEA Consumer Services** (back cover) for assistance."

25           Page 10 (upper left-hand corner): 3 separate references to the  
26 [www.us.playstation.com](http://www.us.playstation.com) website for software updates, official website, and support

27           Page 12 (text box; last bullet point): "For details, visit [www.us.playstation.com](http://www.us.playstation.com)"

28           Page 26 ('Game compatibility' last sentence): "Visit  
<http://www.us.playstation.com/PS3> for the latest information on . . . "

1 Page 26 ('Playing games' last sentence): "For more information, visit  
2 [www.us.playstation.com](http://www.us.playstation.com)"

3 Page 32 (Hints; last bullet point): ". . . create a PlayStationNetwork account at  
4 <http://www.us.playstation.com>"

5 Page 33 (Text box 'System software updates'): "<http://www.us.playstation.com/PS3>"

6 Page 33 (Hint; lower right-hand corner): "If you cannot perform an update in any of the  
7 ways described above, contact **SCEA** Consumer Services (back cover)."

8 Page 35 (first paragraph, last sentence): "For more information on parental control  
9 settings, visit <http://www.us.playstation.com>."

10 Page 35 ('Game rating marks, second paragraph): "For more information, visit  
11 <http://www.us.playstation.com/support>."

12 Page 35 (Hint; lower right-hand corner): ". . . for PlayStationNetwork content and  
13 services, visit <http://www.us.playstation.com/support>."

14 Page 36 (Notices; fourth bullet point): "**SCEA** shall not be liable for any resulting  
15 damages, . . ."

16 Page 40 ('Downloading system software update data'): "Follow the instructions  
17 available on the website to copy the update data from the PC to storage media.  
18 <http://www.us.playstation.com/PS3>"

19 Page 40 (Hints): ". . . contact **SCEA** Consumer services (back cover)."

20 Page 40 (top right, second bullet point): "... refer to the section "Update using a PC" at  
21 our website: <http://www.us.playstation.com/PS3>."

22 Page 49 ('Playable discs'; upper right-hand corner): ". . . visit our website at  
23 <http://www.us.playstation.com>"

24 Page 49 (note \*2; lower right-hand corner): "For more information, visit  
25 <http://www.us.playstation.com>"

26 Page 53 (WARRANTY; 1st sentence): "**Sony Computer Entertainment America**  
27 ("**SCEA**") warrants . . ."

28 Page 53 (WARRANTY; 1st paragraph, last sentence): "You must visit  
<http://www.us.playstation.com/support> or call . . ."

Page 53 (WARRANTY): Multiple other occurrences of "**SCEA**"

Page 54 (WARRANTY; 'Service Policy'): Multiple occurrences of "**SCEA**"

