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19 Attorneys for Defendant George Hotz

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

23 SONY COMPUTER ENTERTAINMENT
 24 AMERICA LLC, a Delaware limited liability
 25 company,

26 Plaintiff,

27 v.

28 GEORGE HOTZ, et al.,

Defendants.

Case No. 11-CV-000167 SI

**DECLARATION OF STEWART KELLAR
 IN REPLY TO SCEA'S OPPOSITION TO
 DEFENDANT HOTZ'S MOTION TO
 DISMISS**

Date: April 8, 2011
 Time: 9:00 am
 Courtroom: 10, 19th Floor
 Judge: Hon. Susan Illston

1 I, Stewart Kellar, declare:

2 1. I am counsel of record for Mr. George Hotz in the above-captioned matter.
3 I have personal knowledge of the facts stated in this declaration, unless otherwise indi-
4 cated, and could and would testify competently thereto.

5 2. Attached hereto as Exhibit A is a true and correct copy of a photograph
6 showing the inside of the box for Mr. Hotz's Playstation 3 console that he purchased
7 new. The contents are one Playstation 3 console, a promotional card for Netflix, and the
8 unopened instruction manuals, still wrapped in sealed plastic. The photograph was tak-
9 en by me on March 25, 2011 using a Canon EOQ Rebel T2i camera on default settings. I
10 am familiar with the functionality of this camera and know it to be in good working or-
11 der.

12 3. Attached hereto as Exhibit B is a true and correct copy of a photograph
13 showing the unopened instruction manuals, still wrapped in sealed plastic. The visible
14 portions bear no mention of SCEA or California. The photograph was taken by me on
15 March 25, 2011 using a Canon EOQ Rebel T2i camera on default settings. I am familiar
16 with the functionality of this camera and know it to be in good working order.

17 4. Attached hereto as Exhibit C is a true and correct copy of a photograph
18 showing the reverse side of the unopened instruction manuals, still wrapped in sealed
19 plastic. The manual reads "© 2009 Sony computer Entertainment Inc. All Rights Re-
20 served". The photograph was taken by me on March 25, 2011 using a Canon EOQ Rebel
21 T2i camera on default settings. I am familiar with the functionality of this camera and
22 know it to be in good working order.

23 5. Attached hereto as Exhibit D is a true and correct copy of a photograph
24 showing a close up of the reverse side of the unopened instruction manuals, still
25 wrapped in sealed plastic. The manual reads "© 2009 Sony computer Entertainment
26 Inc. All Rights Reserved". The photograph was taken by me on March 25, 2011 using a
27 Canon EOQ Rebel T2i camera on default settings. I am familiar with the functionality of
28 this camera and know it to be in good working order.

1 6. Attached hereto as Exhibit E is a true and correct copy of a photograph
2 showing the unbroken seal of the plastic wrap surrounding the unopened instruction
3 manuals. The photograph was taken by me on March 25, 2011 using a Canon EOS Rebel
4 T2i camera on default settings. I am familiar with the functionality of this camera and
5 know it to be in good working order.

6 7. Attached hereto as Exhibit F is a true and correct copy of a Business
7 Agreement between Sony Japan ("SCEI") and SCEA. The document was produced by
8 SCEA on February 24 at 8:12pm. The Agreement contains acknowledgments by SCEA
9 that SCEI is the owner of all rights in the Playstation 3 system and related IP rights. The
10 produced business agreement has been modified to a shade of light grey. Because of the
11 lightening of the file and the normal black text of the Bates stamps, I was unable to run
12 optical character recognition software (OCR) on the file or any other file from SCEA that
13 was produced in this form. Because the exhibit was marked by SCEA's counsel as Attor-
14 neys Eyes Only, it has been **filed under seal**.

15 8. Paragraph Omitted.

16 9. Paragraph Omitted.

17 10. Attached hereto as Exhibit I is a true and correct copy of a photograph
18 showing Mr. Hotz's Playstation 3 console that he purchased new. The serial number
19 reads in full: CG221368477-CECH-2001A. The photograph was taken by me on March
20 25, 2011 using a Canon EOQ Rebel T2i camera on default settings. I am familiar with
21 the functionality of this camera and know it to be in good working order.

22 11. Attached hereto as Exhibit J is a Google Search for "Bob Blick" conducted
23 on March 25, 2011. The top search result is <bobblick.com>, an independent technical
24 consultant.

25 12. Attached hereto as Exhibit K is a copy of the website at
26 <<http://www.ps3hax.net/2011/03/rumourgeorge-hotz-runs-away-to-south-america-lies-about-having-psn-account/#ixzz1HUoXDw3S>>, accessed on March 25, 2011. Fo-
27 rum post 78 is from a person named eppog who states that she created the PSN account
28

1 in question. Irrelevant portions of the 32 page document have been omitted.

2 13. Attached hereto as Exhibit L is the Declaration of Bricker as produced to
3 Hotz's counsel. Unlike the filed document, the produced declaration has been modified
4 by SCEA or its counsel to a shade of light grey. Because of the lightening of the file and
5 the normal black text of the Bates stamps, I was unable to run optical character recogni-
6 tion software (OCR) on the file or any other file from SCEA that was produced in this
7 form.

8 14. Attached hereto as Exhibit M are the Interrogatory Responses submitted
9 by SCEA. SCEA designated this document Highly Confidential—Attorneys' Eyes Only.
10 Therefore, it is being filed **under seal**.

11

12 I declare under penalty of perjury on this date under the laws of the United States
13 of America in San Francisco, California that the foregoing is true and correct.

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15 Dated: March 25, 2011.

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/s/ Stewart Kellar
Stewart Kellar

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