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13
14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17
18 SONY COMPUTER ENTERTAINMENT
19 AMERICA LLC, a Delaware limited liability
company,

20 Plaintiff,

21 v.

22 GEORGE HOTZ, et al.,

23 Defendants.

Case No. 11-CV-000167 SI

**DECLARATION OF GEORGE HOTZ RELAT-
ING TO MOTION TO DISMISS AND IM-
POUNDMENT ORDER**

Date: April 8, 2011
Time: 9:00 a.m.
Place: Courtroom 10, 19th Floor

24
25 I, George Hotz, declare:

26 1. I am of required age and competent in all respects to testify regarding the matter
27 set forth herein. I have personal knowledge of the facts stated herein and know them to be true.

28 2. Prior to January 11, 2011 when plaintiff Sony Computer Entertainment America,

DECLARATION OF GEORGE HOTZ
(No. 11-CV-00167-SI)

1 LLC ("SCEA") sued me, I had no knowledge of SCEA. Further, prior to that date I had no knowl-
2 edge of SCEA's relationship to the Playstation Computer. I did not know that SCEA was located
3 in California.

4 3. Prior to January 11, 2011, I had no knowledge of the location of SCEA's state of
5 organization, the location of its headquarters, or the location of its principal place of business.
6 In short, I had never heard of SCEA until they sued me.

7 4. While creating the code that achieves interoperability between computer pro-
8 grams ("the Code"), I believed the Playstation and its firmware were owned by the Japanese
9 company Sony Computer Entertainment, Inc. I still believe this to be true.

10 5. The impounded hard drives and calculator were and are the only storage devices
11 in my possession, custody or control, containing the Code that achieves interoperability between
12 computer programs at the time of the impoundment order.

13 6. The Blue USB Stick did contain the Code shown in my YouTube video but no
14 longer contains such Code. I deleted the Code from it prior to this litigation.

15 7. The Code was stored on the web server for geohot.com but was deleted from the
16 server on January 27, 2011 to comply with the Temporary Restraining Order [Docket No. 50].
17 The Code was also posted on Pastie.org and Github.com. Originally, it did not occur to me that
18 these locations counted as within my custody or control. However, seeing as the Code was
19 stored there, and in the interest of openness and completeness, I am now identifying those loca-
20 tions.

21 8. Other than the above-identified, I have not stored the Code anywhere else.

22 9. I did not receive any money, and specifically stated on my website that I did not
23 want any money for the Code. I did not track users who accessed my website.

24 10. I never opened the instruction manual and related documentation that came with
25 the Playstation3 that I purchased new. The instruction manuals were included in a sealed plastic
26 bag that remains sealed, as I have not ever opened it. I placed all of my Playstation 3 consoles
27 and the instruction manual in the custody and care of my attorney Mr. Stewart Kellar.

28 11. The Playstation 3 consoles I received used did not include any instruction manu-

1 als or other accompanying literature whatsoever. I believe the used Playstation I purchased from
2 Gamestop may have come with instruction manuals, which I never opened or read. I believe I
3 threw the manuals out when I threw away the ugly box that the used Playstation came with. The
4 reason I kept the slim box (for the Playstation I purchased new) was because it was pretty.

5 12. Examining my Playstation computer only lists Sony Computer Entertainment,
6 Inc. Nowhere on the Playstation computer does it list SCEA.

7 13. I downloaded the Playstation firmware version 3.55 via direct link and not from
8 the Playstation network or us.playstation.com. During installation, the firmware only listed So-
9 ny Computer Entertainment, Inc. and did not refer to SCEA.


10 14. Although I have a blog, the number of responses to my posts is overwhelmingly
11 large. I do not, and it is not feasible for me to, read all the comments. Nonetheless, I have never
12 read any posting on my blog that alleges the existence of SCEA.

13 15. I could not have sought employment with SCEA because I did not know of SCEA's
14 existence.

15 16. Communicating with my attorneys across the country has been difficult. Because
16 SCEA has been actively pursuing me, I have had to communicate with my attorneys nearly every
17 day, often numerous times each day, at all hours.

18 17. I believe SCEA is a huge company with comparatively limitless resources. I, in
19 comparison, have very limited resources to devote to this lawsuit. At this time, New Jersey is
20 clearly a more convenient forum for me.

21 I declare under penalty of perjury under the laws of the United States of America that the
22 foregoing is true and correct and that this declaration was executed on March 25, 2011.

23
24 
George Hotz

25 4824-5258-0105, v. 3
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