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9 Attorneys for Plaintiff  
 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  
 15 AMERICA LLC, a Delaware limited liability  
 company,

16 Plaintiff,

17 v.

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

20 Defendants.

CASE NO. 11-cv-00167 SI

**DECLARATION OF HOLLY GAUDREAU  
 IN SUPPORT OF PLAINTIFF'S  
 OPPOSITION TO DEFENDANT'S  
 MOTION RE: TRO**

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

1 I, Holly Gaudreau, declare:

2 1. I am an attorney at Kilpatrick Townsend & Stockton LLP, counsel of record for  
3 plaintiff Sony Computer Entertainment America LLC (“SCEA”) in the above-captioned matter.  
4 I have personal knowledge of the facts stated in this declaration, unless otherwise indicated,  
5 and could and would testify competently thereto.

6 2. Attached hereto as Exhibit A is a true and correct copy of a comment and  
7 hyperlink published by user “geohot” on the <www.psx-scene.com> forum. The hyperlink  
8 directs users to the website referenced below as Exhibit B.

9 3. Attached hereto as Exhibit B is a true and correct copy of a blog, including a  
10 comment published by user “mens rea 717” at page 5.

11 4. Attached hereto as Exhibit C is a true and correct copy of an article entitled  
12 “PS3 Hacking Renders Modern Warfare 2 ‘Unplayable’” dated January 18, 2011.

13 5. After the impoundment order was entered, counsel for SCEA contacted  
14 counsel for Mr. Hotz, Stewart Kellar, and offered to discuss ways to help alleviate any  
15 purported burden on Mr. Hotz. Mr. Kellar, however, rejected these offers and stated that he  
16 would rather go with an “all or nothing” approach to impoundment. Subsequently, on  
17 February 9, 2011, I sent an email to Mr. Kellar regarding the upcoming impoundment to ask  
18 whether he would prefer the location of impoundment to be closer to his client’s residence  
19 than what is currently provided for in the impoundment order. I also informed Mr. Kellar that  
20 SCEA was willing to allow Mr. Hotz to create copies of files that he needed in order to  
21 perform his lawful employment duties and place on a storage device for his use, as long as  
22 the copying did not affect the integrity or location of any files or metadata on the computer(s),  
23 and on the condition that he identify the files he copied and that none could be related to the  
24 PS3 System. I also stated in my email that SCEA was willing to modify the definition of  
25 “circumvention devices” to further clarify that “copyrighted works” refers only to those works  
26 that are accessible through or compatible with the PlayStation®3 computer entertainment  
27 system. As of this writing, Mr. Kellar has not responded to any of these offers.

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

3  
4 DATED: February 9, 2011

/s/ Holly Gaudreau  
HOLLY GAUDREAU

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