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6 Attorneys for Defendant  
SONY COMPUTER ENTERTAINMENT  
7 AMERICA LLC (erroneously sued as “Sony  
Computer Entertainment America Inc.”)  
8

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION  
12

13  
14 In re SONY PS3 “OTHER OS”  
LITIGATION

CASE NO. 3:10-CV-01811 RS (EMC)

**DECLARATION OF CARTER OTT IN  
SUPPORT OF DEFENDANT’S MOTION  
TO COMPEL**

Date: February 9, 2011  
Time: 10:30 a.m.  
Judge: Hon. Edward M. Chen  
Courtroom: C

1 I, Carter Ott, declare:

2 1. I am an attorney at law duly licensed to practice before the courts of the State of  
3 California, and I am an attorney with the law firm of DLA Piper LLP (US), attorneys of record  
4 for defendant Sony Computer Entertainment America LLC in the above-captioned action. I have  
5 personal knowledge of the matters set forth in this Declaration. If called as a witness, I could and  
6 would competently testify to these matters.

7 2. Attached hereto as Exhibit A is a true and correct copy of the System Software  
8 License Agreement (Version 1.4) for the PlayStation®3 System. I obtained this document on  
9 September 9, 2010 from the Internet at [www.scei.co.jp/ps3-eula/ps3\\_eula\\_en.html](http://www.scei.co.jp/ps3-eula/ps3_eula_en.html).

10 3. Attached hereto as Exhibit B is a true and correct copy of the Terms Of Service  
11 And User Agreement for the PlayStation®Network, Version 7.0. I obtained this document on  
12 September 9, 2010 from the Internet at [legaldoc.dl.playstation.net/ps3-](http://legaldoc.dl.playstation.net/ps3-eula/psn/u/u_tosua_en.html)  
13 [eula/psn/u/u\\_tosua\\_en.html](http://legaldoc.dl.playstation.net/ps3-eula/psn/u/u_tosua_en.html).

14 4. Attached hereto as Exhibit C is a true and correct copy of an email I sent to  
15 Plaintiff Anthony Ventura's counsel at Meiselman Denlea Packman Carton & Eberz P.C. on June  
16 6, 2010 at 11:27 a.m.

17 5. Attached hereto as Exhibit D is a true and correct copy of an email chain ending  
18 with an email I sent to Plaintiff Anthony Ventura's counsel at Meiselman Denlea Packman  
19 Carton & Eberz P.C. on June 6, 2010 at 3:17 p.m.

20 6. Attached hereto as Exhibit E is a true and correct copy of an email chain ending  
21 with an email I sent to Jeffrey Carton and Rebecca Coll, with a carbon copy to Luanne Sacks, on  
22 June 7, 2010 at 11:11 a.m.

23 7. Attached hereto as Exhibit F is a true and correct copy of a letter I received via  
24 email from Jeffrey Carton on June 7, 2010.

25 8. Attached hereto as Exhibit G is a true and correct copy of a letter I transmitted, on  
26 behalf of Luanne Sacks, via email to Jeffrey Carton and Rebecca Coll on June 9, 2010.

27 9. Attached hereto as Exhibit H is a true and correct copy of an email Luanne Sacks  
28 received from Jeffrey Carton on June 10, 2010 at 5:28 a.m.

1           10. Attached hereto as Exhibit I is a true and correct copy of an email Tony  
2 Wichowski sent on August 26, 2010 on my behalf to James Pizzirusso, with carbon copies to  
3 Luanne Sacks, Kathleen Fischer, and me, attaching a letter dated August 26, 2010.

4           11. Attached hereto as Exhibit J is a true and correct copy of an email I received on  
5 September 16, 2010 at 12:05 p.m. from James Pizzirusso attaching a letter dated September 16,  
6 2010.

7           12. Attached hereto as Exhibits K, L, M, N, and O are true and correct copies of the  
8 Notice of Deposition and Requests for Production of Documents SCEA served on Plaintiffs  
9 Jonathan Huber, Anthony Ventura, Antal Herz, Jason Baker, and Elton Stovell, respectively, on  
10 September 24, 2010.

11           13. Attached hereto as Exhibit P is a true and correct copy of an email I received on  
12 October 4, 2010 at 10:35 a.m. from Anna Galloway, on behalf of James Pizzirusso, attaching a  
13 letter dated October 4, 2010.

14           14. Attached hereto as Exhibit Q is a true and correct copy of an email chain ending  
15 with an email from James Pizzirusso dated October 8, 2010, 3:32 p.m.

16           15. Attached hereto as Exhibit R is a true and correct copy of an email chain ending  
17 with an email from Luanne Sacks dated October 19, 2010, 4:38 p.m.

18           16. Attached hereto as Exhibit S is a true and correct copy of an email chain ending  
19 with an email from Luanne Sacks dated October 21, 2010, 5:39 p.m.

20           17. Attached hereto as Exhibits T, U, V, W, and X are true and correct copies of the  
21 Responses and Objections to SCEA's Requests for Documents and Things served by Plaintiffs  
22 Jonathan Huber, Anthony Ventura, Antal Herz, Jason Baker, and Elton Stovell, respectively, on  
23 October 28, 2010.

24           18. Attached hereto as Exhibit Y is a true and correct copy of excerpts from the  
25 transcript of the November 4, 2010 hearing regarding SCEA's Motion to Dismiss and Motion to  
26 Strike.

27           19. Attached hereto as Exhibit Z is a true and correct copy of an email chain ending  
28 with an email from James Quadra dated November 8, 2010, 10:46 a.m.

1           20.     Attached hereto as Exhibit AA is a true and correct copy of an email chain ending  
2 with an email from James Pizzirusso dated November 9, 2010, 11:53 a.m.

3           21.     Attached hereto as Exhibit BB is a true and correct copy of an email chain ending  
4 with an email from James Quadra dated November 10, 2010, 11:05 a.m.

5           22.     Attached hereto as Exhibit CC is a true and correct copy of an email chain ending  
6 with an email from Luanne Sacks dated November 12, 2010, 4:50 p.m.

7           23.     Attached hereto as Exhibit DD is a true and correct copy of an email chain ending  
8 with an email from Luanne Sacks dated November 15, 2010, 3:30 p.m.

9           24.     Attached hereto as Exhibit EE is a true and correct copy of an email that I received  
10 from Rosemary Rivas on November 18, 2010 at 3:20 p.m.

11           25.     Attached hereto as Exhibit FF is a true and correct copy of an email chain ending  
12 with an email I sent to Rosemary Rivas, James Quadra, James Pizzirusso, and Rebecca Coll, with  
13 a carbon copy to Luanne Sacks, on November 23, 2010 at 7:13 p.m.

14           26.     Attached hereto as Exhibit GG is a true and correct copy of an email chain ending  
15 with an email I sent to Rebecca Coll, James Quadra, Daniel Warshaw, James Pizzirusso,  
16 Genevieve Rapadas, Kevin Moon, and Rosemary Rivas, with a carbon copy to Luanne Sacks, on  
17 November 23, 2010, at 7:29 p.m.

18           27.     Attached hereto as Exhibit HH is a true and correct copy of an email chain ending  
19 with an email from Rosemary Rivas dated November 24, 2010, 8:26 a.m.

20           28.     Attached hereto as Exhibit II is a true and correct copy of an email chain ending  
21 with an email from James Pizzirusso dated December 1, 2010, 5:57 p.m.

22           29.     Attached hereto as Exhibit JJ and KK are true and correct copies of relevant  
23 documents produced by Messrs. Huber and Herz, respectively, on December 2, 2010.

24           30.     Attached hereto as Exhibit LL, MM, and NN are true and correct copies of  
25 relevant documents produced by Messrs. Ventura, Baker, and Stovell, respectively, on December  
26 7, 2010.

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