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April 11, 2011

Magistrate Judge Chen
U.S. Northern District Court
San Francisco Courthouse, Courtroom C
450 Golden Gate Avenue, 15th Floor
San Francisco, CA 94102

RE: In Re Sony PS3 "Other OS" Litigation"
U.S.D.C. Case No.: 3:10-cv-01811-RS (EMC)

Dear Magistrate Judge Chen:

This letter responds to SCEA's letter dated April 6, 2011.

Plaintiffs met and conferred with SCEA for weeks regarding the issues addressed in the parties' recent letters to the Court, and requested that SCEA cooperate in submitting a joint letter. SCEA refused to cooperate in good faith. Moreover, SCEA's letter is full of misstatements, both on substantive matters (such as the malicious and false allegations regarding Mr. Herz) and procedural matters (such as the supposed agreements that the parties reached, which SCEA never really agreed to). Plaintiffs are ready and eager to provide a full response to SCEA's letter, to submit a chronology of events demonstrating SCEA's bad faith in cooperating to submit a joint submission, and to present evidence demonstrating SCEA's refusal to agree to points to which that it now claims to have agreed. However, Plaintiffs will refrain from doing so unless the Court indicates it would be appropriate and useful.

Plaintiffs also wish to note that, to date, SCEA still has not (a) identified which additional keywords or custodians it will agree to, (b) explained how it arrived at its conclusion that only eight custodians should be identified, (c) provided any response to Plaintiffs' proposed document production protocol, other than the vague assertion that Plaintiffs' protocol is "burdensome," (d) produced any documents as instructed by the Court's February 2011 Order, or (e) made any counter-proposal to Plaintiffs' proposed discovery plan relating to the SCEI issue pursuant to the Court's February 10, 2011 order.¹

¹ Plaintiffs have now served a global Rule 30(b)(6) deposition notice that incorporates Plaintiffs' proposed SCEI categories.

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Plaintiffs object to SCEA's proposed order and request a hearing to address the matters raised in Plaintiffs' letter.

Dated: April 11, 2011

Very truly yours,

CALVO FISHER & JACOB LLP

By: /s/Rebecca Coll
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Interim Co-Lead Counsel

Dated: April 11, 2011

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