

EXHIBIT 4

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11
12 UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 SONY COMPUTER ENTERTAINMENT
16 AMERICA LLC,

17 Plaintiff,

18 v.

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

21 Defendants.
22

Case No. 11-cv-00167 SI

**[PROPOSED] ORDER RE
23 PROTOCOL FOR
24 JURISDICTIONAL DISCOVERY
25 ON IMPOUNDED DEVICES**

26 On March 10, 2011, the Court ordered plaintiff Sony Computer Entertainment America
27 LLC (“SCEA”), Defendant George Hotz (“Hotz”), and the third party neutral, The Intelligence
28 Group (“TIG”), to meet and confer on a protocol for the search of the impounded devices to
determine whether: (1) they contain all or portions of the development tools for the

1 PlayStation 3 System (“PS3 System”) and (2) the impounded devices have been used to access
2 or connect to the PlayStation Network (“PSN”).

3 The following is the proposed protocol:

4 (1) TIG will forensically image the impounded devices in their encrypted state.

5 (2) Mr. Hotz will make an appointment for the week of March 21 – 25, 2011 to respond
6 to TIG with the computer that the hard drives were installed in for the purpose of
7 creating an un-encrypted image. If Mr. Holtz does not provide the encryption
8 password then he will need to remain at TIG or close by until the process is finished
9 which is estimated at least six hours since the system contains two mirrored 1TB
10 drives.

11 (3) Counsel for SCEA shall provide copies of the following items which will be copied
12 into evidence files:

13 (a) A copy of the PS3 System Software Development Kit (“SDK”)

14 (b) A list of URLs, and cookies and other information agreed upon by the parties
15 which might appear on a user’s computer if they accessed the “Secure” area
16 of PlayStation Network (“PSN”) which requires a valid user name and
17 password. (“PSN Secure Area”).

18 (4) SCEA shall provide a copy of the SDK to Mr. Hotz’s counsel and shall:

19 (a) Provide Mr. Hotz’s counsel with a written declaration that the SDK does, or
20 does not, contain information showing that SCEA is in California; and

21 (b) Identify which portion(s) of the SDK contain information demonstrating
22 that SCEA is in California, if any.

23 (5) Counsel for the parties will review and agree to search terms that TIG shall use
24 to conduct searches in an effort to prove or disprove access to the PSN Secure Area. These
25 agreed upon terms will be provided to TIG no later than March 22, 2011.

26 (7) TIG shall review the URLs, and cookies provided by counsel for SCEA and verify
27 that the sites are located on the secure area of the PSN.

28 (8) Once the forensic images of the un-encrypted drives has been pre-processed,

1 TIG shall conduct the following procedures:

2 (a) TIG shall search the hard drives for the URLs and cookies provided by
3 SCEA in an attempt to prove or disprove that the computer system had accessed the PSN
4 Secure Area.

5 (b) TIG shall conduct keyword searches as agreed to by both parties in an
6 effort to prove or disprove that the computer system had accessed the PSN Secure Area.

7 (c) TIG shall search the devices and determine if all or parts of the SDK
8 provided to TIG by SCEA exists on the devices.

9 (10) Once the searches and processes have been completed, TIG will provide them to
10 Mr. Hotz's Attorney for a privileged/not relevant review. Mr. Holtz's Attorney shall have
11 seven days to review the data and complete the privileged/not relevant logs. Items marked as
12 not relevant indicate that Mr. Holtz's Attorney is objecting to the production as the items so
13 marked have nothing to do with access to the PSN Secure Area.

14 (11) Once the Privileged/Not Relevant logs are received by TIG, items not included
15 can be produced to Sony Corporation. Counsel for Mr. Hotz shall be provided the results of
16 the searches after executing a Non-Disclosure Agreement. The results of the searches shall be
17 designated as HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY.

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20 **IT IS SO ORDERED.**

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22 DATED: _____

23 HON. JOSEPH C. SPERO
24 UNITED STATES MAGISTRATE
25 JUDGE
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