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Interim Co-Lead Counsel for Plaintiffs and the Proposed Class

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In re SONY PS3 "OTHER OS" LITIGATION

Case No. 4:10-CV-01811-YGR

**PLAINTIFFS' EXEMPLARS AND WRITTEN
INFORMATION IN FURTHER SUPPORT OF
MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

Date: August 5, 2016
Judge: Honorable Yvonne Gonzalez Rogers

During oral argument on the motion for preliminary approval, the Court asked Plaintiffs to supplement the record by submitting an example sufficient to satisfy each of the Consumer Class A proof requirements set forth in the settlement agreement to show that each is “viable.” Order, p. 5:25-6:2 (asking “so each of these you can send to me to supplement the record, documents that satisfy each of these categories?”). Pursuant to the Court’s request, Plaintiffs hereby submit examples of each of the proof requirements applicable to Consumer Class A to confirm that all are viable.

A. Categories (A) & (B): Proof of Purchase or Proof of Download before April 1, 2010 of a Version of Linux

There were several versions of Linux that were compatible with and marketed to PS3 users, including Yellow Dog Linux, OpenSUSE, Fedora, and Ubuntu.¹ In fact, Yellow Dog Linux 5.0 was specifically designed for the PS3.² Most downloads were free,³ but some early versions had to be purchased.⁴ Categories (A) and (B) ensure that both class members who purchased Linux as well as those who obtained a free download have a ready mechanism of proof. Attached hereto as **Exhibit A** are examples of Linux download offerings online. The first example in Exhibit A is a free download of YellowDog Linux for PlayStation 3. The second example in Exhibit A is a \$19.97 download of PS3Magic for the Fat PS3. Plaintiffs believe that some Consumer Class A members will submit emails or receipts confirming downloads and/or purchases of these versions of Linux. Plaintiffs, for example, obtained Linux through free downloads. Also acceptable proof of download is a photograph of the consumers’ Linux disk itself. Attached hereto as **Exhibit B** for example, are photographs of CDs onto which Plaintiffs Huber and Alba downloaded Linux for their Fat PS3s. These photographs are sufficient to satisfy categories A and B of the “proof of use” requirements articulated in the settlement agreement.

B. Category (C): Screenshot Showing Linux Operating

Attached hereto as **Exhibit C** is a photograph of Linux running on a PS3. A photograph like Exhibit C is sufficient to satisfy category (C), as articulated in the Settlement Agreement.

¹ See <https://www.playstation.com/ps3-openplatform/>

² https://en.wikipedia.org/wiki/Yellow_Dog_Linux

³ See, e.g., <http://ps3magic.com>; <https://www.linux.com/news/terra-soft-provide-linux-sony-ps3>

⁴ <http://www.neogaf.com/forum/showthread.php?t=132916>

1 **C. Category (D): Screenshot Showing Hard Drive Formatting**

2 To use Linux on a PS3, Class members first had to format their hard drive to reserve 10GB of
3 memory for the Linux installation, i.e., they had to “partition” their hard drive. Attached hereto as
4 **Exhibit D** is a photograph of a screen showing a partitioned PS3 hard drive formatted to run Linux.
5 Such a photograph satisfies Category (D), as articulated in the Settlement Agreement.

6 **D. Category (E): Communications Regarding Other OS**

7 Category (E) provides that “proof of communication between [a] Class Member and SCEA prior
8 to December 31, 2010 that discusses the Class Member’s use of the Other OS or discusses concerns with
9 Update 3.21 due to the Class Member’s use of the Other OS” shall suffice as a valid proof of use of
10 Other OS. Attached hereto as **Exhibit E**, Bates numbered SCEA0004929, is a March 30, 2010 email
11 produced by SCEA from a PS3 user in which the user articulates his/her concerns regarding Update 3.21
12 and the removal of Other OS. Attached hereto as **Exhibit F**, Bates numbered SCEA0004931-34, is a
13 March 10, 2010 email produced by SCEA from a PS3 user in which the user articulates his/her concerns
14 regarding Update 3.21 and the removal of Other OS. Attached hereto as **Exhibit G**, Bates numbered
15 SCEA0004948-4953, is a May 10, 2010 email produced by SCEA from a PS3 user in which the user
16 articulates his/her concern with the removal of Other OS. All of these emails are sufficient form of
17 proof of use of Other OS under Category (E).
18

19 In addition to proof of communication between Class Members and SCEA, Category E allows
20 class members to submit a “communication between Class Members ... or a third party dated prior to
21 December 31, 2010 that discusses the Class Member’s use of the Other OS or discusses concerns with
22 Update 3.21 due to the Class Member’s use of the Other OS.” Such communications include posts on
23 forums and blogs across the Internet related to gaming, the PS3, and Linux. These forums or blogs are
24 used and contributed to by highly technical and niche PS3 users like those found in Consumer Class A.
25 Attached hereto as **Exhibit H** is such a forum where Plaintiff Ventura, posting as “antron,” complains of
26 the removal of Other OS. In this exhibit, other PS3 users and potential Consumer Class A members also
27 post about their concern with Update 3.21. Such posts continue to be available on the Internet. As such,
28 posts like Exhibit H would satisfy Category E, as articulated in the Settlement Agreement.

E. Category (F): Any Other Documentary Proof

Precisely because the parties were uncertain about the universe of other types of proof that existed, they agreed to a “catch-all” provision that would allow claimants to submit other types of documentary evidence related to their use of the Other OS or Linux on the PS3. Attached hereto as **Exhibit I**, for example, is a copy of a November 2, 2007 communication between Plaintiff Ventura and the company PetitionOnline that was produced in this litigation. In this communication, Plaintiff Ventura states that he does, in fact, use Other OS on the PS3 and thus shows that Plaintiff used Other OS prior to April 1, 2010.⁵ The claims administrator will review forms of proof submitted pursuant to Category F and has broad discretion to determine whether they are sufficient to show Other OS use prior to April 1, 2010.

CONCLUSION

For the reasons set forth above, Plaintiffs request that the Court enter the previously submitted Order Preliminarily Approving Class Action Settlement and Certification of Settlement Class.

DATED: August 5, 2016

Respectfully submitted,

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⁵ The Court should note that this is a communication between a Class Member and third party that discusses the Class Member’s use of Other OS prior to December 31, 2010, and thus satisfies Category E as well. Further, the parties are aware that some categories of the “proof of use” requirements bleed into one another, and Plaintiffs’ counsel will advise potential class members on which category their proof of use fits into.

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Interim Co-Lead Counsel for Plaintiffs

EXHIBIT A

Free Download of Yellow Dog Linux for Playstation 3

<http://news.softpedia.com/news/Free-Download-of-Yellow-Dog-Linux-f...>

Free Download of Yellow Dog Linux for Playstation 3

Linux for Playstation 3

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Dec 28, 2006 10:10 GMT · By Marius Nestor · Share: [Dribbble](#) [Facebook](#) [Twitter](#) [Google+](#)

Originally released on 27 November, Yellow Dog Linux 5.0 is now available for download to general public. Yellow Dog Linux 5.0 is a Fedora-based distribution created special for the new Sony PlayStation 3 gaming console.

"Yellow Dog Linux combines a minimal interaction graphical installer with support for a wide range of Power architecture hardware, leading (but not bleeding) edge kernels and stable, functional compilers for code development. And of course, the foundation applications and servers expected for web, database, email, and network services." - says Terra Soft.

Yellow Dog Linux comes with 2248 applications available for both beginners and advanced users. Terra Soft created a set of packages installed by default which offer all that you need in order to enjoy your Linux desktop experience. Let's have a look under the hood of Yellow Dog Linux version 5.0:

- Kernel v2.6.16
- Kboot
- GCC 3.4.4
- Glibc 2.4
- Cell SDK v1.1
- GCalctool
- Evolution
- Screen Capture
- Gedit
- VNC Viewer
- Gnome Games
- Evince
- Gimp
- GThumb
- Thunderbird



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NEW LINUX APPS

ArchStrike: An Arch Linux based Linux distribution designed especially for

Exh. A-2

Free Download of Yellow Dog Linux for Playstation 3

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...and many, many more interesting and useful applications.

The software categories included in Yellow Dog Linux are as follows:

■ [Amusement](#)■ [Amusements](#)■ [Application](#)■ [Applications](#)■ [Desktop](#)■ [Development](#)■ [Documentation](#)■ [Internet](#)■ [Libraries](#)■ [Networking](#)■ [Security](#)■ [System](#)■ [System Environment](#)■ [Systems Management](#)■ [Text Editors](#)■ [Text Processing](#)■ [User Interface](#)■ [Utilities](#)■ [Y-HPC](#)Download Yellow Dog Linux 5.0 for PlayStation 3 now from [Softpedia](#).

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LXLE: An extended version of the Lubuntu Linux operating system suitable



DragonFly BSD: A BSD distribution and environment that borrows



Elive: A Live CD based on Debian and designed to demonstrate the



GParted LiveCD: A Live CD Linux distribution built around the GParted



Toutou Linux: An custom Puppy Linux based distribution designed for

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Nexus 6 Is Now an Unofficial Ubuntu Phone, Wi-Fi & Bluetooth Support Coming Soon - Exclusive

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Free Download of Yellow Dog Linux for Playstation 3

http://news.softpedia.com/news/Free-Download-of-Yellow-Dog-Linux-f...

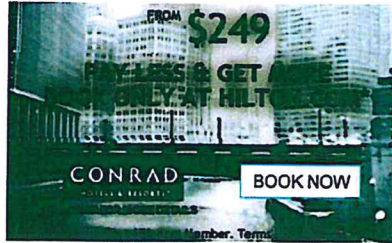
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PlayStation 3Linux Kernel Gains
New Real-Time
SupportSUSE Linux 10.1
"Remastered"
AvailableLinux Kernel 2.6.18
Is Finally Out

26 Comments

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vishalgaaurav

8 Jan 2007, 11:35 GMT

good softwares in linux.Linux is best

- 1b 1d

↩ REPLY

paulo vila

16 Dec 2007, 18:49 GMT

i like this kind of sites, because we can learn a lot with yours/ours opinions.

- 1b 1d

↩ REPLY

DJ Webb

21 Jan 2008, 17:35 GMT

just looking to use my PS3 for all its worth

- 1b 1d

↩ REPLY

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Support Coming Soon -
Exclusive**

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Exh. A-4

Free Download of Yellow Dog Linux for Playstation 3

<http://news.softpedia.com/news/Free-Download-of-Yellow-Dog-Linux-f...>

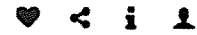
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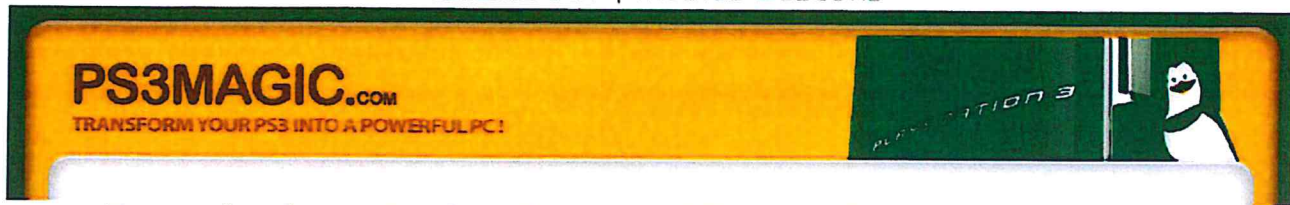
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Exh. A-5

PS3Magic.com - Ultimate Product To Install Linux On Your Ps3

<http://ps3magic.com/>

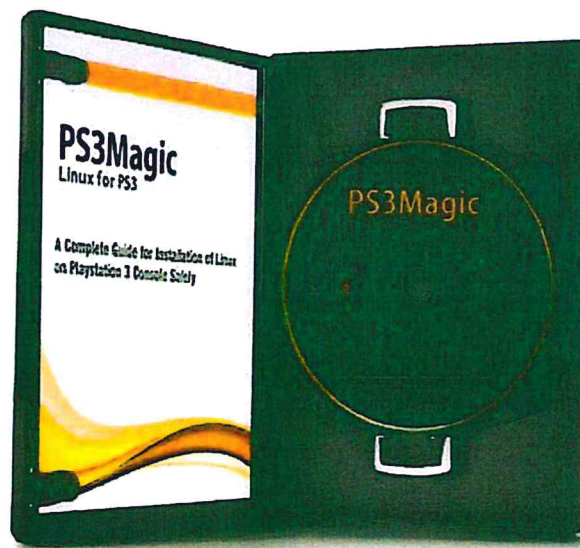
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CLICKBANK™ | TRUSTED 🔒 SECURE



To people who want to install Linux on PS3 but can't get started..

**PS3Magic, Astonishingly Simple Linux
Installation Software Guide.. Allows
You To Play Movies, Music, DVDs,
Classic Games and Over 2100+ Other
PC applications On Your PS3
Instantly!**

**Everywhere People Are Raving About This Amazing Product, Over
148,656 People Have Already Installed LINUX On Their PS3 Using
PS3Magic - Now You Can Too..**



Download Now!

Take all the frustration out of your time and install Linux or Windows in your PS3 quickly and

Exh. A-6

easily with this Brand New Software Guide - **PS3Magic!** Install YellowDog or Ubuntu Linux on Your PS3 Effortlessly even If you Have No Technical Know-How about the PS3

PlayStation3 - The Most Powerful Gaming Console in the Planet

Generally Gaming consoles are designed so that foreign systems can't run on them, but PS3 goes in the total opposite direction, allowing an experienced Linux user to personalize their system. Most gaming systems are "locked" so that other systems can't be run, so PS3 is unconventional in allowing this.

What's really cool about the Playstation 3 is that - it's the same processor used in some of the high end IBM systems. That means you can use the PS3 as a Fun, Game Playing console as well as the front end of **super computing systems** for larger performance like ,Game development, Internet programs, Open Office, Movies and other type of functionality we have in our Desktops. The only thing you can't do on the PS3 is run accelerated graphics.

Benefits Of Using **Linux Operating System on PS3**

PS3 comes with it's own operating system that enables you to surf through it's interface and play games on your PS3. In addition to the games you can also run an entire **Linux Operating system**.

Linux operating system will allow you to play **Movies, MP3, PC applications, development tools, Internet programs, web browsers** - most applications that are found in usual Desktop PCs.

- **Use your Play Station like a PC**, with a keyboard and mouse. Not all PC programs will run on the PS3
- **Run your own operating system**. This is a boon to those who want to personalize their system
- **Run Office suites** - like Open Office or Microsoft Office
- **Run MAME** and other kinds of emulators. This means you can play all your favorite games from yesteryear on your brand new shiny Play Station 3 - like SNES, Sega.
- Play different types of **media, such as DVDs, ROMs and CDs** . Running Linux, you can watch movies or listen to music on your PS3
- Never have an Unplayable file again
- Use the internet with Advanced web browsers like **Firefox, Opera, Internet Explorer**
- Enjoy over **2000 Software applications** to make your life as easy as Desktop PC
- **Install Windows** through Emulators
- Connect to network shares. This feature allows you to save and retrieve files on another server, thus saving your memory

Which Linux is Best for PS3?

There are six Linux operating systems that are compatible with the PS3, but YellowDog Linux was specially built for the PS3 and it's the most compatible Linux Operating system for the PS3. The other Linux OS like Ubuntu, Fodera, Kubuntu can also be installed but my personal recommendation is YellowDog and Ubuntu.



Yellow Dog Linux is specially customized for the PS3 and was released for only PS3 users. YDL has over 2200 programs and accessories that will give you the ultimate experience of a Desktop PC.



Ubuntu is an operating system built by a worldwide team of expert developers. It contains all the applications you need: a web browser, office suite, media apps, instant messaging and much more.



Fedora is not a good option for the PS3 right now as it doesn't have the required optimization and runs slower than Ubuntu and YDL.



Edubuntu - is packaged for education so that is the concentration I guess (I haven't tried it so I cant offer any useful comments on that)



Kubuntu - uses KDE which looks closer to windows in terms of default color and menu apps. It also offers more options to configure your programs and Desktop.



Xubuntu uses XFCE which is good for older computers, computers with limited resources in terms of ram or storage but is also good on new computer if you want a lean system.

The best Linux would be YellowDog and Ubuntu.

Latest Yellow Dog Linux(YDL) - With the latest Yellow dog which is 100% bug free and compatible with the PS3, this is the best choice of Linux. YellowDog looks slightly geeky though but it gives you complete experience of operating a Home PC. You can use your mouse, Keyword, external Hard drive and do a whole lot more with YDL.

YellowDog offers over 2000 applications to make life easier - the most any Linux offers at the moment. Yellowdog Linux was developed specially for the PS3 Operating system to carry out most PC tasks.

PS3 can be a movie player, MP3 player, watch Home videos. Yellow dog over 2000 applications - everything from Web browsers, Open office, DVD players, Chat, Microsoft Office compatible suite, Email clients, Games practically everything you need on a Desktop PC... Games, Graphics, Office suites, Accessories, Internet Programs, Programming tools.

Latest Ubuntu Linux - Ubuntu on the other hand is easier to use with a much better feel and look but it is not as optimized for the PS3 as YellowDog. Though major applications like Movie players, MP3, browsers are available in Ubuntu but it lacks the Development and programming tools which of course many of us don't need. If you are more keen on having a graphically appealing Operating System then Ubuntu is the way to go. PS3Magic will help you install Yellowdog and Ubuntu both at the same time - you can switch operating system while powering on your PS3 and experience both if needed.

What PS3Magic Does?

If you are still struggling to install Linux your PS3 and feel deceived by all the How-To guides and Softwares available on the net - well all I can say is this **It's Not Your Fault**. I know how confusing they all are. On this page you are going to discover how to choose the right Linux for your PS3 and how to install it without all the technical hassles. PS3Magic will do just that.



PS3Magic is an easy to use software guide that takes away all the guesswork and helps you to install Linux in your PS3 effortlessly.

With PS3Magic you can install Yellowdog Linux(up to latest Version!) and also Ubuntu Linux.



Doing so allows you to Play Movies, Music and most other type of multimedia file formats which your PS3 usually doesn't support. Never have an unplayable file again!



Run Windows with Yellow Dog Linux or Ubuntu Linux - according to your preference.

PS3Magic has also been updated to install Windows. If you are not familiar with Linux Operating system, then our product will also help you install and Run Windows in your PS3 seamlessly.



Receive free lifetime updates and support with the latest features available for your PS3.


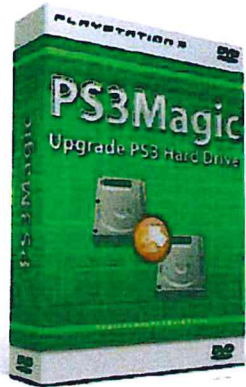
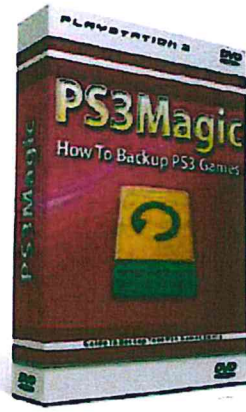
Order and receive 3 AMAZING BONUSES with every purchase For FREE!



Bonus #1

In this short but sweet

Exh. A-9

<p>"How To Backup Saved Games from A PS3 To A PC"</p> <p>\$49 value</p>	<p>bonus I will go through how to back up your precious saved games files to your PC to keep them nice and safe from any harm!</p>	
<p><u>Bonus #2</u></p> <p>"How To Upgrade Your PS3 Hard Drive"</p> <p>\$49 value</p>	<p>In this bonus I will be going through how to upgrade the hard drive in any PS3 console.</p>	
<p><u>Bonus #3</u></p> <p>"How To Backup PS3 Games"</p> <p>\$97 value</p>	<p>With this bonus you will learn how to first set-up your PS3 console so it's ready to install custom firmware. You will install a file on your PS3, this will be the program that you run to load the backup games!</p>	

"Run PC applications like Office Suites, Web

Exh. A-10

**Browsers, Instant Messengers, Email Clients,
Accessories, Internet Programs and Development
Tools Effortlessly on Your PS3!"**



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- ✓ NO Hardware Modification Required
- ✓ NO Voiding Your Original Warranty
- ✓ NO Safety Threat

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Order 24 Hours a Day, 7 Days a Week - Even If It's 3 in the Morning!
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Order with confidence, you are covered with 60 Moneyback Guarantee

free updates for life

Most frequently asked questions

1. How Does PS3Magic Work?

A : Our reference is a complete solution, it comes with a guide plus Softwares in order to make the process a cake walk. All you have to do is download PS3Magic and follow the simple step by step instructions.

All secured download links are provided in a pdf document so that you can just read through the

Exh. A-11

guide and have your PS3 ready in no time just by clicking on the links provided within. The full process takes about 45 minutes to 2 Hours depending on your internet download speed.

2. Why do I need PS3 Magic?

A : PS3Magic is a revolutionary software guide which helps you install Linux and Windows easily without the usual lengthy complicated installation procedures.

3. Payment and Delivery?

A : PS3Magic is a downloadable product you will get access to the software, guide and the bonus pack instantly after successful payment. You can pay by Credit card or by your PayPal account. We use PayPal as our payment processor as they have a reputable buyer protection policy and secure SSL server.

4. Will PS3Magic void my original warranty?

A : This is the main purpose of using PS3Magic as your Linux Installer as this is the only method by which your warranty remains intact.

5. Can I use PS3Magic to play downloaded games, videos and music from the internet?

A : Yes, of course! This is the whole purpose of installing the Linux Operating System on your PS3.

6. Can Linux be removed later?

A : Yes, Linux can easily and safely be removed from your console. You can uninstall everything that you would be installing from our guides to restore your PS3 back to its original state.

7. Will PS3Magic hamper my usual PS3 gaming experience?

A : No, you will still be able to use your PS3 as usual along with the added advantages of having an OS to use various other features.

8. Is PS3Magic easy to use?

A : PS3Magic is definitely the easiest solution available to you. It makes the entire process an One-Click process and gets your desired OS installed in a breeze.
The guide is written in easy to follow English, if for any reason you can't understand our support is always there to help you.

9. Can I update my PS3 with PS3Magic installed?

A : Yes you can, Sony updates will not affect PS3Magic.

10. How many PS3s can I use PS3Magic on?

A : Unlimited. There is no restriction, you can use Ps3Magic on unlimited consoles, infact once you have all the minimum requirements in handy it will be much faster on other consoles.

11. Do you guarantee that PS3Magic will work on my PS3?

A : Yes absolutely. We are so confident that you will be satisfied with PS3Magic that we are offering a 60 Day No Questions asked 100% Moneyback Guarantee. That means, if by any chance you are not completely happy with your purchase simply email us and we would happily reverse your payment.

12. What if my PS3 is located in Europe or Japan?

A : PS3Magic will work for any PS3 through out the world. There are no Limitations to geographic production.

Exh. A-12

13. What if my PS3 is imported or relocated from another country?

A : PS3Magic can be installed in any relocated or Imported PS3 console irrespective of the country manufactured or being played in.

With our complete PS3 solution you can instantly install Linux (Ubuntu or Yellow Dog) and also Windows in a snap. You can run most Desktop PC applications after installing PS3Magic - allowing you to play more types of games, music, movies and other software applications to make your PS3 far more entertaining and productive.

Remember with our complete PS3 unlock solution, you are also covered with our Iron Clad **60 Day Moneyback guarantee**. If you are not completely thrilled with PS3Magic, simply let us know and we will refund your entire payment immediately. You have nothing to lose and everything to gain as the risk is completely on us.



CLICK HERE TO ORDER NOW!

PS : You won't regret buying PS3Magic, so many people are enjoying their new linux on their ps3 consoles playing, downloading, browsing all the actions you can do on your home pc, **order today and be one of them!**



Contact us for any presales questions by [clicking here](#) or email at customers@ps3magic.com

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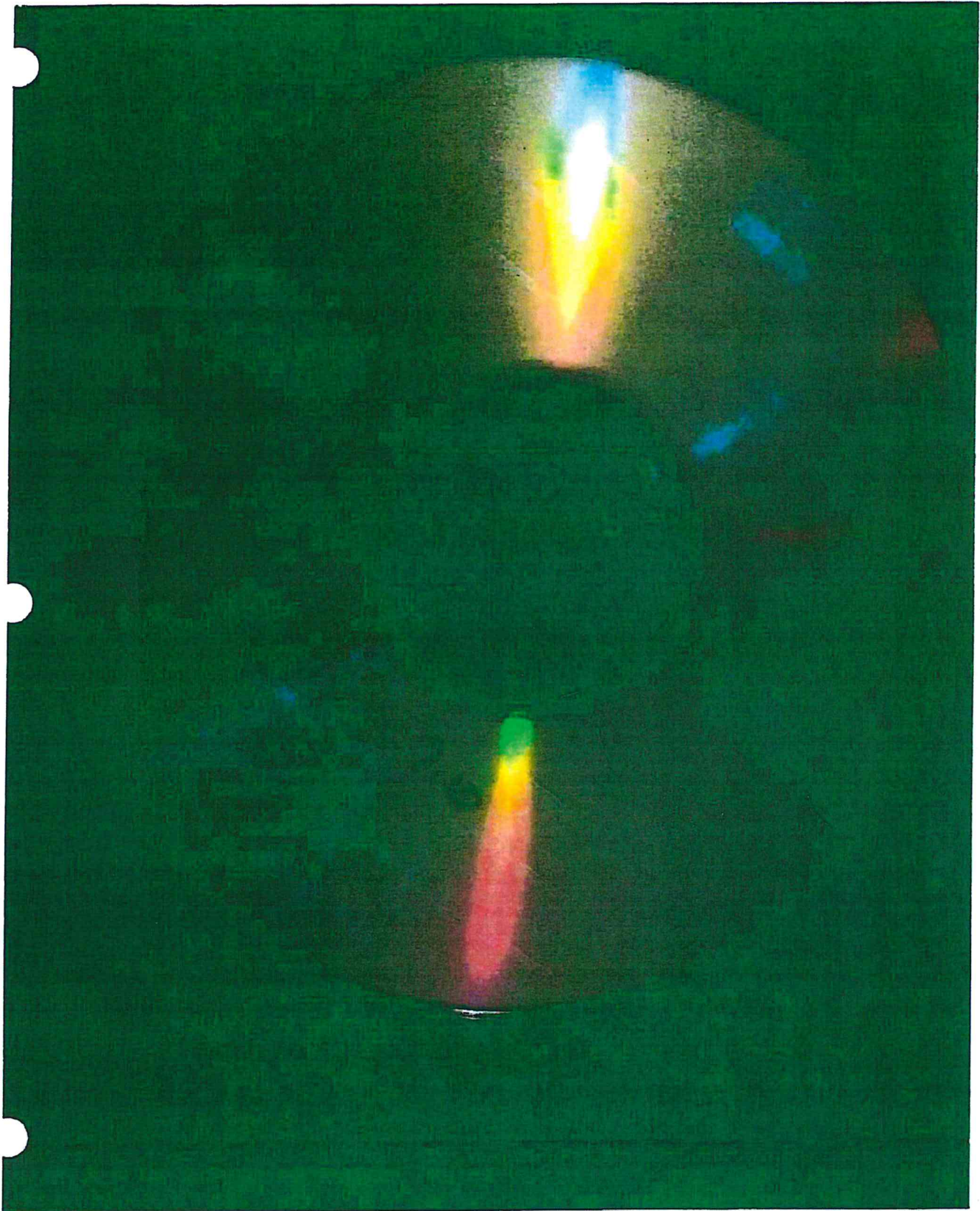
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PS3Magic.com - Ultimate Product To Install Linux On Your Ps3

<http://ps3magic.com/>



EXHIBIT B



HUBER 0000013

Exh. B-2

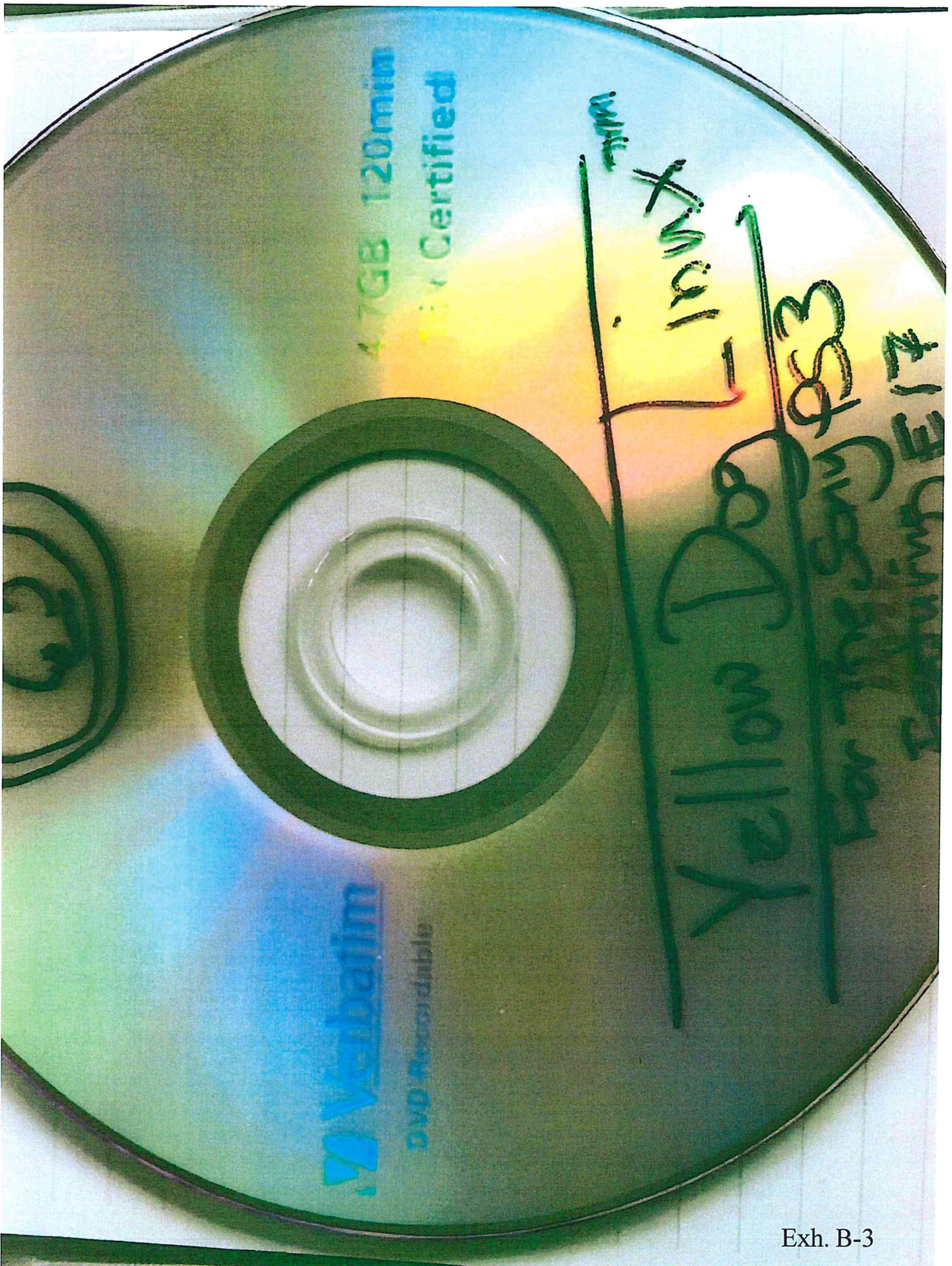


EXHIBIT C

SAMSUNG

EXHIBIT D

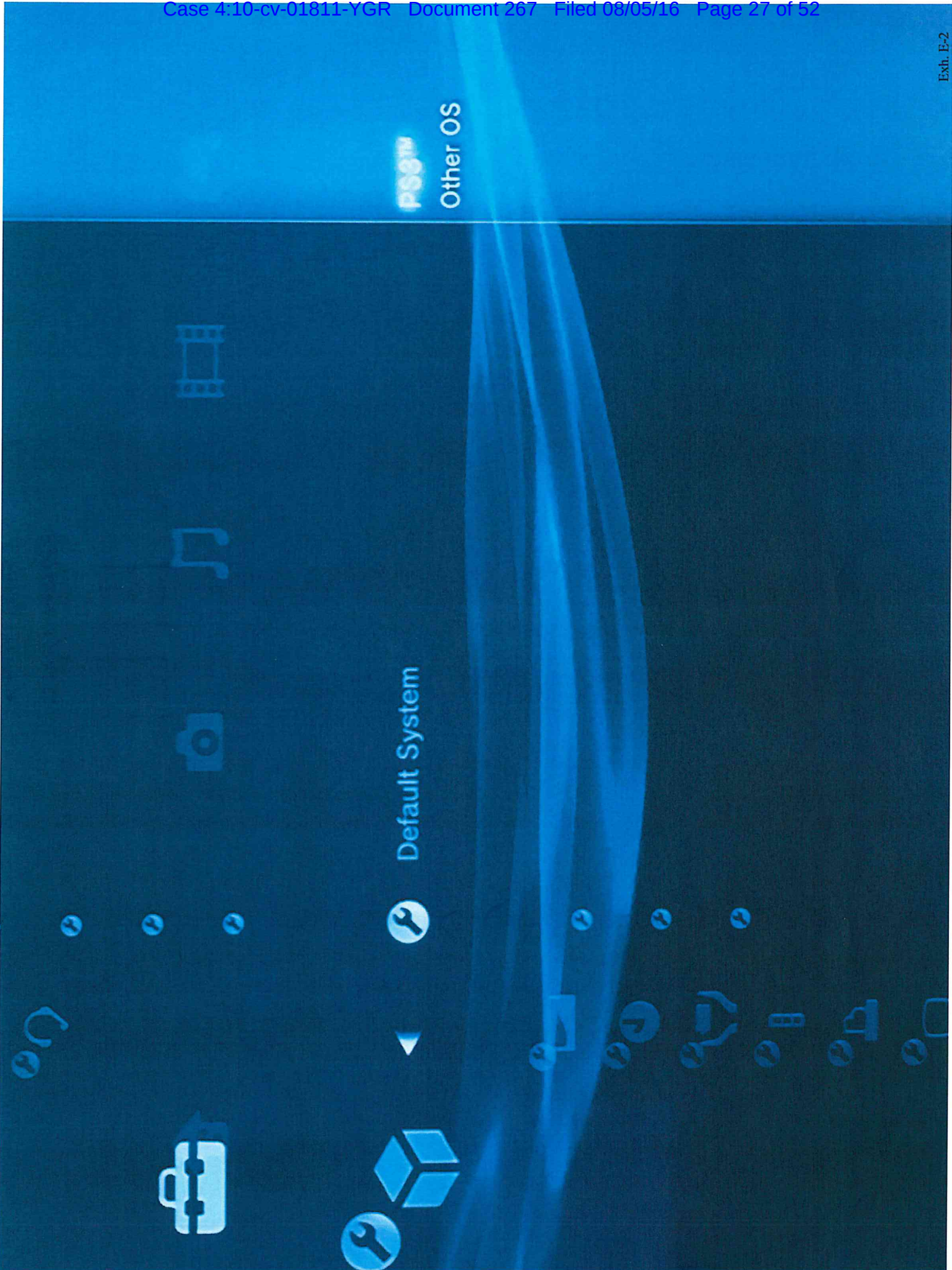


EXHIBIT E

Exh. E-1

From: CN=Jean Galli/OU=CS/O=SCEA
Sent: Tuesday, March 30, 2010 10:25 PM (GMT)
To: yogi_chugh@playstation.sony.com
Subject: Fw: Firmware 3.21

Hi Yogi,

I need a daily report on the Linus/3.21 complaints and inquiries for the next week or so.

Consumers are requesting a refund and i need to know how many and tone of consumer.

May I get the query run today to cover since the announcement- calls, emails and KB hits?

This is high priority as I need to talk to Glenn about this today if possible.

Thanks

----- Forwarded by Jean Galli/CS/SCEA on 03/30/2010 02:23 PM -----

Jean Galli/CS/SCEA
03/30/2010 02:22 PM

To
Patrick Seybold/Mktg-PR/SCEA
cc
Nolan Hass/CS/SCEA
Subject
Re: Fw: Firmware 3.21

Hi Patrick,

We will hope to call the consumer or ask to talk by phone.

Yes, we are getting some inquiries.

I have asked Yogi to run a daily query for awhile as this may be a sensitive topic.

I expected some refund requests so i will check in and see if Glenn is ok we handle those case by case. I would recommend we resolve the refund for 1st party items.

Jean

Patrick Seybold/Mktg-PR/SCEA
03/30/2010 01:46 PM

To
Jean Galli/CS/SCEA@Playstation
cc

Subject
Fw: Firmware 3.21

I just landed in tokyo and have a few of these in my inbox. are you guys responding to them? can you add the ones I'm going to send you?

Patrick Seybold
Sr. Director, Corporate Communications & Social Media
Sony Computer Entertainment America
650-655-7549
PSN ID: Seybold

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----- Forwarded by Patrick Seybold/Mktg-PR/SCEA on 03/30/10 01:45 PM -----

[REDACTED]
03/30/10 12:09 PM

To
Patrick Seybold/Mktg-PR/SCEA@PLAYSTATION
cc

Subject
Firmware 3.21

Dear Mr. Seybold,

I am extremely displeased with the recent announcement that firmware update v3.21 will disable the "Other OS" functionality on my PS3.

As one of the early PS3 adopters, I chose the platform for three main reasons (in no particular order):

- a) solid gaming console
- b) blu-ray player
- c) general purpose computing platform allowing tinkering with Linux & the Cell processor

If you are going to intentionally cripple a product by removing one of the prominently advertised capabilities (and one of the main features I paid for), then I expect a full refund for said product and all the associated peripherals (games, controllers, remote, etc).

Please provide shipping information and instructions on how to proceed to receive my refund.

I will try to avoid hassles like this in the future and stick to products from companies with more respect for their customers.

Regards,
[REDACTED]

EXHIBIT F

From: CN=Glenn Nash/OU=Ops/O=SCEA
Sent: Wednesday, March 31, 2010 12:42 AM (GMT)
To: CN=Jean Galli/OU=CS/O=SCEA@Playstation
Subject: Re: Fw: About the "Other OS" feature been removed on the PS3

Yes

Glenn J. Nash
Vice President, Operations
Sony Computer Entertainment America
Phone: (650) 655-3556

Jean Galli/CS/SCEA
03/30/2010 02:30 PM

To
glenn_nash@playstation.sony.com
cc

Subject
Fw: About the "Other OS" feature been removed on the PS3

Hi Glenn,

Consumer refund requests for everything they own are starting to trickle into CS and Patrick's area due to upcoming 3.14 firmware update and related impact to PSN, Linux.

I will give you an overview this afternoon of all contacts, total refund requests, tone of consumer.

Would you like Riley copied on this update?

I need to know if I may handle these case by case and refund the consumer for

their system and 1st party items, or how CS should respond to these exceptions.

Thanks,

Jean

----- Forwarded by Jean Galli/CS/SCEA on 03/30/2010 02:27 PM -----

Patrick Seybold/Mktg-PR/SCEA

03/30/2010 02:07 PM

To

Jean Galli/CS/SCEA@Playstation

cc

Subject

Fw: About the "Other OS" feature been removed on the PS3

Patrick Seybold
Sr. Director, Corporate Communications & Social Media
Sony Computer Entertainment America
650-655-7549
PSN ID: Seybold

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----- Forwarded by Patrick Seybold/Mktg-PR/SCEA on 03/30/10 02:06 PM -----

03/30/10 01:04 PM

To
Patrick Seybold/Mktg-PR/SCEA@PLAYSTATION
cc

Subject
About the "Other OS" feature been removed on the PS3

Good day Mr. Seybold,

I've been hearing news about Sony's intentions to remove the "Other OS" feature from the PS3. In fact I've seen a blog post anticipating that the upcoming firmware update 3.21 will remove such feature.

It makes me very angry to know that one of the features for what I've purchased the PS3 over the competition will be simply ripped away from my very expensive system. I paid +600.00 USD for a system that supposedly "Does Everything".

I understand that this "Update" is optional for customers to apply, and that you have given directions to backup our systems before updating, but the fact that if I don't update I won't be able to access the PSN network, nor have access to the online content I've paid for, and the rest of the thinks that my PS3 is good for does not make it really optional.

As you, I'm concerned about the platform security. I comprehend that you want to prevent piracy among other things, but as a programmer I know that other technological solution to enhance system security exist.

There is a lot of concern about this in your forums and in the tech blogging community overall. We feel that an added value feature wants to be taken away from us, regardless of EULAs, the Linux feature was advertised and was a deciding factor for some of us.

You should reconsider your customer relationships and PR, this gives nothing but bad image to your company. Don't take away the good things still remain in your platform.

Regards,



EXHIBIT G

From: CN=Jean Galli/OU=CS/O=SCEA
Sent: Tuesday, June 1, 2010 5:18 PM (GMT)
To: Hayes, Carolyn <Carolyn_Hayes@sony.ca>
Subject: Re: You are about to lose a customer.

Please note-SCEA is not reimbursing or refunding consumers on this inquiry.

From: "Hayes, Carolyn" [Carolyn_Hayes@sony.ca]
Sent: 06/01/2010 11:46 AM AST
To: Jean Galli
Subject: FW: You are about to lose a customer.

Hi Jean,

Here's another hot one ... can you arrange to have someone contact him?
According to our contact person here, he is looking for \$100.00 compensation.

Tks,
Carolyn

From: [REDACTED]
Sent: Monday, May 31, 2010 8:38 PM
To: sonystylereail
Subject: RE: You are about to lose a customer.
Importance: High

Sony Retail Feedback

I have already done this...TWICE, as well as called them, TWICE and they refuse to do anything about it, telling me that basically that they are not going to

do anything about it. This is unacceptable, YOU sold me the product YOU deal with it!!

If someone at Sony, SCEA, Sony Style...(I DON'T CARE YOU ARE ALL THE SAME COMPANY), other than a minimum wage phone rep, reading a script does not get in contact with me WITH SOME FORM OF COMPENSATION, I will be looking towards filing a lawsuit against your Port Coquitlam location, where this unit was purchased, as you have left me no other choice.

Please respond properly, or I will be seeking legal action. I am tired of this passing the buck by various representatives of your company.

I request that this email be escalated to someone who can do something.



From: sonystyleretail[mailto:sonystyleretail@sony.ca]
Sent: Monday, May 31, 2010 2:10 PM
To: [REDACTED]
Subject: RE: You are about to lose a customer.

Hello [REDACTED]

Thank you for informing us. I spoke with customer care at SCEA trying to find out if they received your email and was told the customer has to go through below link and submit;

<http://us.playstation.com/support/ask/>

I am sorry you have go thorough this step all over again, but please rest assured this will ensure your concerns are looked at

Please let us know if we could be of any further help.

Regards and thank you for your patience.
Sony Retail Feedback

From: [REDACTED]
Sent: Monday, May 31, 2010 11:19 AM
To: sonystylereail
Subject: RE: You are about to lose a customer.
Importance: High

It has been several weeks and I have still not received a response from SCEA. Please be aware that if I do not receive some form of compensation for this matter soon, you are leaving me no choice but to investigate legal action against your Port CoquitlamBCstore for breach of contract, and fraud. I have lost all confidence in Sony as a company to resolve this issue in a reasonable fashion.

Thanks

From: sonystylereail[mailto:sonystylereail@sony.ca]
Sent: Wednesday, May 19, 2010 7:19 AM
To: [REDACTED] feedback_canada@playstation.sony.com
Subject: RE: You are about to lose a customer.

Hello [REDACTED]

Thank you for your feedback.

We contacted Sony Computer Entertainment group and received the below answer re your matter;

"SCEA does not comment on legal matters through PR or marketing channels".

To ensure your matter is addressed, we have forwarded your email to the PlayStation support group = I am confident you will hear back from them shortly.

Regards

Sony Retail Feedback

From: [REDACTED]
Sent: Monday, May 10, 2010 8:38 PM
To: sonystyletaylor
Subject: You are about to lose a customer.

Dear SonyStyle.

In late 2007 I purchased a Playstation 3 Computer Entertainment System from your store in Port Coquitlam British Columbia. At the time of purchase, it was discussed with the sales person, on the features of the system, including the

ability to run the Linux operating system, enabling me to use this system as a basic home computer. This factored into me choosing the more expensive 80 gb unit, over the 40 gb unit.

Recently SCEA has released an update, forcing end users to either give up this feature, or render any online functionality, including some that are quite heavily used for some of the software sold for this system.

I have contacted my local store, as well as SCEA and have received no compensation for the removal of this feature that I paid for, nor any form of an apology. This is absolutely outrageous, and not acceptable. I have lost all faith in any products you sell, as well as the Sony brand, and the SonyStyle retail outlets.

I wanted you to know that unless something is done about this, I will never buy another Sony product again, and encourage as many people as I can to do the same. I have bought many of your products over the years, and even was a salesperson for your products in the past.

I do not like paying \$500 for a product, that is crippled by your company only 2 years after it's been purchased. These systems are supposed to have a 10 year lifespan. This is not acceptable, not what I purchased, and quite likely illegal.

I want a refund or credit for the amount of \$100. The cost of a second hand computer system so I am able to continue to run the features you are removing from my system.

DO NOT tell me to call the SCEA number. I have already done this and they are useless. I bought they system from YOU....YOU lied to me....YOU fix it!

Thanks



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EXHIBIT H

1/16/2015

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PS3--upgrading to FW ver. 3.21 loses Install Other OS option

Moderators: [spadgy](#), [BulletMagnet](#), [nZero](#), [Shatterhand](#), [undamned](#), [Ghegs](#), [Dave_K](#).

Page 1 of 1 [11 posts]

[Print view](#)[Previous topic](#) | [Next topic](#)**Author****Message****PC Engine Fan X!**
Post subject: PS3--upgrading to FW ver. 3.21 loses Install
Other OS option
Posted: Thu Apr 01, 2010 6:27 am
 Joined: 26 Jan 2005
 Posts: 8657

Got the message that another PS3 update was available. D/I'd it and it said something about if you have another OS on the older PS3 consoles, you'll lose this ability to use it if you decide to go ahead with the latest update. Not to mention if you decide not to go ahead with FW ver. 3.20, you'll lose the ability to chat, check msgs, not be able to go on/log on to the PSN site, etc. Lastly, it mentioned something about not being able to run the latest PS3 software that runs on firmware ver. 3.21 and beyond.

So that means you won't be able to use Linux Mame emulation either on the PS3 anymore if you do decide to update to the latest FW version. Still am wondering if I should upgrade to latest FW version & lose the option of have other OS to work with the PS3. What would you do with your PS3 (assuming it's an older PS3 console)? I've got a 1st gen USA region 60GB PS3 console with FW ver. 3.15 as of right now.

PC Engine Fan X! ^_~

Last edited by [PC Engine Fan X!](#) on Wed Apr 21, 2010 6:53 pm, edited 1 time in total.[Top](#)
[offline](#) [profile](#)
gundamalpha
Post subject: Re: PS3--upgrading to FW ver. 3.20 loses Install
Other OS option
Posted: Thu Apr 01, 2010 7:12 am
 Joined: 07 Apr 2005
 Posts: 383
 Location: Australia

I'm just not happy with threats of losing abilities to access the PSN, playing latest games and watching BD without the update, and also the way they keep on disabling functions that they had been promoting. Gaming wise I'm fine with the update since my non BC PS3 is used just to play PS3 games, not even bother with BD.

[Top](#)

1/16/2015

shmups.system11.org • View topic - PS3--upgrading to FW ver. 3.21 loses Install Other OS option

• offline • profile

Jockel



Joined: 20 May 2008
Posts: 3491
Location: Berlin, Germany

Top

Post subject: Re: PS3--upgrading to FW ver. 3.20 loses Install Other OS option

Posted: Thu Apr 01, 2010 9:09 am

Dont upgrade if you want homebrew.
That's why they're removing it, they're afraid of USB ISO Loaders.

Fuck shmups. Fuck signatures.

• offline • profile

aarenlaine

Joined: 29 Mar 2010
Posts: 4

Post subject: Re: PS3--upgrading to FW ver. 3.20 loses Install Other OS option

Posted: Thu Apr 01, 2010 11:32 am

I also would suggest here not to go for an up-gradation. The above mentioned reason of USB ISO loader is correct here.

Defeat is not bitter unless you swallow it.

Top

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Elixir



Joined: 26 Jun 2005
Posts: 5687
Location: #shmups@efnet

Top

Post subject: Re: PS3--upgrading to FW ver. 3.20 loses Install Other OS option

Posted: Thu Apr 01, 2010 11:55 am

ISOs of PS3 games? I don't think so.

<http://twitter.com/shmups>
<http://twitter.com/elixir68k>

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Jockel



Joined: 20 May 2008
Posts: 3491
Location: Berlin, Germany

Top

Post subject: Re: PS3--upgrading to FW ver. 3.20 loses Install Other OS option

Posted: Thu Apr 01, 2010 11:57 am

The official statement is "security concerns", from what i've read.
Which is basically what i was saying ;D
Because George Hotz (of Jailbreak fame) was able to use Linux to directly talk to the hypervisor, which basically means full fledged access to any aspect of the PS3 hardware.

Fuck shmups. Fuck signatures.

• offline • profile

speedlolita

Post subject: Re: PS3--upgrading to FW ver. 3.20 loses Install Other OS option

Posted: Thu Apr 01, 2010 12:04 pm

1/16/2015

shmups.system11.org • View topic - PS3--upgrading to FW ver. 3.21 loses Install Other OS option

Joined: 15 Aug 2009
Posts: 570
Location: Europe

Elixir wrote:

ISOs of PS3 games? I don't think so.

What games? 😊

I'd be more interested in region free playback of PS2/PS1 games personally.

Top

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antron

Post subject: Re: PS3--upgrading to FW ver. 3.20 loses Install Other OS option

📅 **Posted:** Thu Apr 01, 2010 2:44 pm

Class action. I want the whole \$500 back.



PS3 linux was my only Blu-ray data drive.

Joined: 22 Feb 2006
Posts: 2847
Location: Egret 29, USA

Top

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👤 profile

Udderdude

Post subject: Re: PS3--upgrading to FW ver. 3.20 loses Install Other OS option

📅 **Posted:** Thu Apr 01, 2010 2:53 pm



Jockel wrote:

Because George Hotz (of Jailbreak fame) was able to use Linux to directly talk to the hypervisor, which basically means full fledged access to any aspect of the PS3 hardware.

Joined: 16 Feb 2006
Posts: 4872
Location: Toronto, ON

They are only speeding up the process, now they will just find a way to do it without Linux, probably using custom firmware.

Top

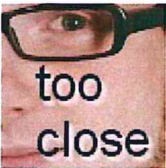
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Jockel

Post subject: Re: PS3--upgrading to FW ver. 3.20 loses Install Other OS option

📅 **Posted:** Fri Apr 02, 2010 7:04 pm



Who knows, once the PS3 gets homebrew-raped like the PSP it actually gets worth owning.

Fuck shmups. Fuck signatures.

Joined: 20 May 2008
Posts: 3491
Location: Berlin, Germany

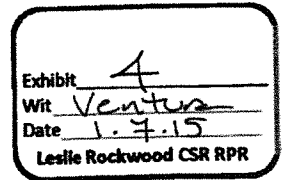
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Post subject: Re: PS3--upgrading to FW ver. 3.20 loses Install

EXHIBIT I



REDACTED

From: PetitionOnline <petitions@petitiononline.com>
Date: Fri, Nov 2, 2007 at 7:19 AM
Subject: Signature Confirmation - Open PS3's RSX for other OS - 10886 - RSX
To: Anthony Ventura <amventura@gmail.com>

Dear Anthony Ventura,

This email message is sent to you from PetitionOnline.com to confirm your signature as "Anthony Ventura" on the online petition:

"Open PS3's RSX for other OS"

hosted on the web by our free online petition service, at:

<http://www.PetitionOnline.com/RSX/>

Your signature on the petition is already complete, and there is no need to reply to this message.

Your signature number for this petition is 10886.

At PetitionOnline.com, we host the petition you've signed, but we didn't create it. If you would like to comment on the petition, or otherwise communicate directly with the petition author, you can contact the author at:

Hugues Gelis, h.gelis@gmail.com
PS3 users

-- * --

Please contribute \$1.00 or more to PetitionOnline and help maintain this premiere free speech forum. Your contribution is completely voluntary -- and generous support from visitors like you is what keeps PetitionOnline going! Contributing is quick, easy, private, and secure, either directly to PetitionOnline.com:

https://artifice.securesites.com/cgi-bin/support_petitiononline.cgi

or with PayPal, including international currencies and eChecks:

https://www.paypal.com/xclick/business=support%40petitiononline.com&item_name=PetitionOnline&no_shipping=1&cn=Comments

-- * --

If you would like to help some more to support the cause of this petition, it would be great to take a moment now and send a quick email message to let some friends and allies know about it.

Here's some text you can just copy and paste into your own email message to help spread the word about this petition:

+ ----- copy from here ----- +

Dear Friends,

I have just read and signed the online petition:

"Open PS3's RSX for other OS"

hosted on the web by PetitionOnline.com, the free online petition service, at:

<http://www.PetitionOnline.com/RSX/>

I personally agree with what this petition says, and I think you might agree, too. If you can spare a moment, please take a look, and consider signing yourself.

Best wishes,

Anthony Ventura

+ ----- down to here ----- +
+ paste into your own email, & send +

A note along those lines, sent from you to your friends, can make an especially effective contribution to the petition. A successful petition is a grassroots collaborative effort, and now it's your turn.

The power of the Internet is in your hands -- so spread the word!

Note, however, that in helping to promote this petition you are expressly prohibited from sending unsolicited bulk mail messages ("junk mail" or "spam"). This includes, but is not limited to, bulk-mailing of commercial advertising, information announcements, and political tracts. Such material may only be sent to those who have specifically requested it.

Confirmation in Error?

On the other hand, if you believe you have received this confirmation of signature in error, and, if you received the email directly from PetitionOnline.com, then please forward THIS ENTIRE MESSAGE, with a brief explanation, to:

support@PetitionOnline.com

An erroneous signature confirmation is most often caused by a typographic error by a legitimate signer. With millions of email addresses on the internet, there are very many addresses that are only one letter apart. However, an erroneous signature confirmation could also be caused by abuse of the petition system, so all confirmation errors will be investigated carefully.

By the way, we don't keep any email distribution lists associated with petition signers at PetitionOnline.com, so there is never any mail list here you'd need to be unsubscribed from.

We honor you for the courage of your convictions. And we thank you for participating in the free and open expression of public opinion.

Best wishes,

Kevin Matthews
Director
PetitionOnline.com

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<http://www.PetitionOnline.com>

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Or if you prefer, via the Amazon.com Honor System, online at:

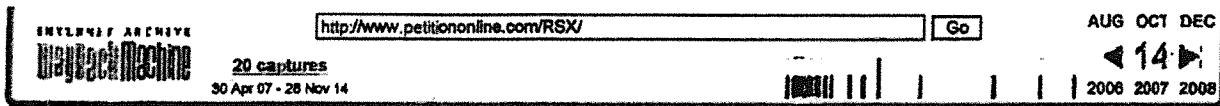
<https://www.amazon.com/paypage/P3KXN6BPYN3FLV>

Or if you prefer to contribute offline, please make checks payable to:

Artifice, Inc.
PetitionOnline.com
PO Box 1588
Eugene, OR 97440

Thank you!

+ - - - - - +



Open PS3's RSX for other OS

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update: to give news from the petition and to bring communication space a site had been created, www.psfree.org is now online to receive your ideas.

To: Sony

We, Playstation 3 users, ask Sony to allow the use of the RSX trough Other OS.

Right now because of the PS3 firmware limitation we can't...

- Easily watch movies in various formats
- Correctly use 2D applications
- Friendly run lite 3D applications

Useless when it comes to fight against piracy, this limitation is a trouble for honest users but not for pirates: it makes operating systems as Linux not interesting enough and this fabulous project of Other Os on PS3 seems to drown. A huge number of disappointed comments in many forums are proving this.

Dear Sony, you made us dream, please now don't leave us alone with lost hopes.

Sincerely,

The Undersigned

[Click Here to Sign Petition](#)

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The Open PS3's RSX for other OS Petition to Sony was created by PS3 users and written by Hugues Gella (h.gella@gmail.com). This petition is hosted here at www.PetitionOnline.com as a public service. There is no endorsement of this petition, express or implied, by Artifice, Inc. or our sponsors. For technical support please use our simple Petition Help form.

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<http://www.PetitionOnline.com/RSX/petition.html>
dg

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