

# ARNOLD RUESS

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## Legal Notice

**Sony Computer Entertainment Europe Ltd. ./ Amir Ariff**

Dear Sir,

This is a legal notice which we are sending to you on behalf of our client Sony Computer Entertainment Europe Ltd. (SCEE), 10 Great Marlborough Street, W1F 7LP London, Great Britain. Due power of attorney is assured.

It has come to our attention that you are involved in operating websites found at

<http://grafchokolo.com/ps3-development-page.html>

<http://www.ps3crunch.com>

<http://www.dukio.com>

which contains the zipped file with the name "coolstuff.rar" and links relating thereto. The information and data provided under the link is copyright-protected all over the world under international treaties and national copyright laws. The file consists of copies, decrypted copies and reverse-engineered information of files belonging to the confidential core firmware used in the PlayStation3 which is distributed by our client. Permission for reproducing, decrypting and reverse engineering this material was neither asked nor granted by our client.

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Our Ref.: BA138/11-1  
Doc.-No: D10/19-11

24.02.2011

This is without any doubt a violation of the applicable copyright law. For example, in the US, such conduct can be qualified as a violation of the anti-circumvention provisions of the Digital Millennium Copyright Act, 17 U.S.C. § 1201; the anti-hacking Computer Fraud and Abuse Act, 18 U.S.C. § 1030; the California Computer Crime Act, Cal. Penal Code § 502; copyright infringement; breach of contract, trespass; tortious interference with contractual relations; and common law misappropriation, see recent decision *Sony Computer Entertainment LLC v. Hotz et al*, No. 11-CV-00167-SI, 2011 WL 347137 (N.D. Cal., S.F. Div. Jan. 27, 2011).

The links above are being (mis-) used for offering copyright-infringing files by a hacker called Alexander Egorenkov, alias "Graf Chokolo". Our client has obtained an *ex parte* injunction by the competent Hamburg District Court (Docket no. 310 O 24/11) relating to content in these very files. The amount in controversy has been set at € 1,000,000. As per the court order, Mr. Egorenkov's apartment has been searched and the police have seized his equipment into custody. By uploading the file in question, Mr. Egorenkov willingly ignored a judge's order.

**With receipt of this notice, you are fully aware of the fact that having Mr. Egorenkov continue his unlawful behavior will qualify as support of a criminal and – by court order – unlawful action.** Our client fully intends to vigorously pursue all available legal options to resolve this matter. We will report all file hosters, fora and platforms we have put on notice to the authorities and record continued support of Mr. Egorenkov if necessary.

**In the light of the foregoing, we hereby ask you to immediately remove the aforementioned links and the infringing information and data from your website and refrain from allowing any similar infringing material being posted on the Internet or any other online service in the future.**

If you do not comply with our request, you will leave us with no other choice but to pursue all available legal and equitable remedies against you.

Sincerely



Prof. Dr. Peter Ruess

(Attorney-at-law, German Bar)