

# Ryan Judge designations on 6-27-23

## Designation List Report



**Ryan, James**  
**RYAN, JAMES**

**2023-04-06**

**2023-04-07**

Defendants' designations	00:44:32
Plaintiff's designations	00:43:48
Defendant's counter counter designations	00:00:47
Plaintiff's counter designations	00:14:20
Defendants' counter designations	00:05:25
<b>TOTAL RUN TIME</b>	<b>01:48:51</b>



Documents linked to video:

PX3106  
PX3109  
PX3110  
PX8001  
RX70  
RX75  
RX79  
RX1162  
RX2059  
RX5000



ID: RyanAllJudge10

RX5059-001

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
11:19 - 11:24	<b>Ryan, James 2023-04-06</b> 11:19 Q. Are you president and CEO of Sony 11:20 Interactive Entertainment? 11:21 A. I am. 11:22 Q. Is Sony Interactive Entertainment 11:23 sometimes call SIE? 11:24 A. It is.	00:00:13	RyanAllJudge10.1
12:07 - 12:11	<b>Ryan, James 2023-04-06</b> 12:07 Q. How long have you worked at SIE? 12:08 A. Close to 29 years. 12:09 Q. How long have you been president and CEO 12:10 SIE? 12:11 A. Four years.	00:00:11	RyanAllJudge10.2
12:22 - 13:06	<b>Ryan, James 2023-04-06</b> 12:22 Q. Mr. Ryan, I've handed you a document 12:23 that's been premarked as PX 8001 and the number I'm 12:24 referring to will be on the bottom right of the 12:25 page. The lawyer numbers, as one of my colleagues 13:01 calls them. Do you recognize this document? 13:02 A. I do. 13:03 Q. Is this the declaration that you submitted 13:04 to the FTC in connection with the FTC's 13:05 investigation of the proposed transaction? 13:06 A. It is.	00:00:31	RyanAllJudge10.3
14:16 - 15:09	<b>Ryan, James 2023-04-06</b> 14:16 Q. Sure. Let me back up. As CEO of SIE, do 14:17 you monitor the sales of SIE's consoles? 14:18 A. We do. 14:19 Q. Do you also track information about the 14:20 sales of Xbox's consoles? 14:21 A. We do. 14:22 Q. Based on tracking that information, how 14:23 would you say that Xbox's Generation 9 consoles has 14:24 performed in terms of sales? 14:25 A. I believe they performed well. 15:01 Q. Can you explain what you mean by that? 15:02 A. I believe that demand for the Xbox Series 15:03 X and S is strong. Like us, they have been troubled 15:04 by supply shortages as we understand, but demand for	00:01:24	RyanAllJudge10.4

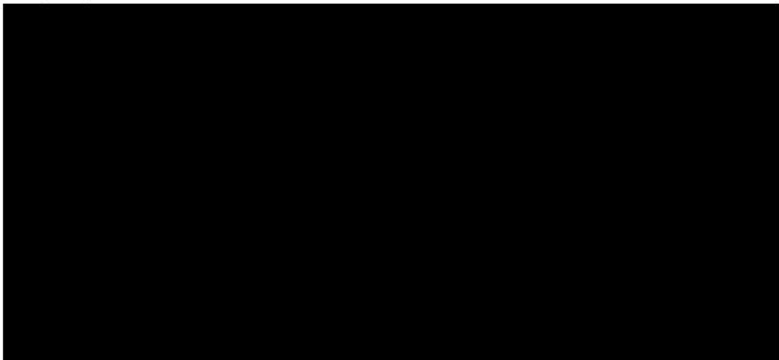

 PX8001.1  
 PX8001.1.1

 Clear

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
	15:05 their products is robust in the United States.		
	15:06 Q. Are Xbox's Gen 9 consoles more popular in		
	15:07 the United States than in other regions of the		
	15:08 world?		
	15:09 A. Typically, yes.		
15:17 - 16:02	<b>Ryan, James 2023-04-06</b>	00:00:49	RyanAllJudge10.5
	15:17 Q. Do you have a sense for why their games		
	15:18 resonate better with customers in the U.S. than		
	15:19 outside the U.S.?		
	15:20 A. The majority of their games, many of their		
	15:21 games, involve an element of shooting. And many of		
	15:22 their games involve elements of online multi-play,		
	15:23 both of which typically are more popular in the U.S.		
	15:24 than they are outside of the U.S.		
	15:25 Q. Are shooting games more popular in the		
	16:01 U.S. than they are in Europe?		
	16:02 A. Typically, yes.		
16:15 - 17:08	<b>Ryan, James 2023-04-06</b>	00:01:29	RyanAllJudge10.6
	16:15 Q. PS Plus Essential does not offer		
	16:16 subscribers access to a library of games, correct?		
	16:17 A. Correct.		
	16:18 Q. Roughly, how many subscribers does PS Plus		
	16:19 Essential have?		
	16:20 A. PS Plus Essential around about – well, do		
	16:21 you mean how many people subscribe only to		
	16:22 PlayStation Plus Essential?		
	16:23 Q. Yes.		
	16:24 A. I would say roughly [REDACTED]		
	16:25 [REDACTED]		
	17:01 Q. And in your view, is PlayStation Plus		
	17:02 Essential similar to Microsoft's Xbox Live Gold?		
	17:03 A. In my view, it is similar.		
	17:04 Q. And why is that?		
	17:05 A. The features the two services provide are		
	17:06 similar. Access to online multiplayer and the		
	17:07 ability to access two monthly downloadable games,		
	17:08 for example.		
17:09 - 17:22	<b>Ryan, James 2023-04-06</b>	00:00:42	RyanAllJudge10.7
	17:09 Q. Are PS Plus' other tiers called Extra and		
	17:10 Premium?		


**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
	17:11 A. They are.		
	17:12 Q. And do those tiers offer subscribers		
	17:13 access to a catalog of games?		
	17:14 A. They do.		
	17:15 Q. And in your view, are the PlayStation Plus		
	17:16 Extra and Premium tiers more like Microsoft's Game		
	17:17 Pass subscription service?		
	17:18 A. They are.		
	17:19 Q. And why is that?		
	17:20 A. Because both, I think, can be		
	17:21 characterized as the principal benefit been the		
	17:22 access to a game library.		
19:01 - 19:08	<b>Ryan, James 2023-04-06</b>	00:00:27	RyanAllJudge10.8
			
19:17 - 19:24	<b>Ryan, James 2023-04-06</b>	00:00:27	RyanAllJudge10.9
			
20:16 - 21:23	<b>Ryan, James 2023-04-06</b>	00:02:10	RyanAllJudge10.1
	20:16 Q. Are Sony's first-party games exclusive to		0
	20:17 PlayStation?		
	20:18 A. Typically, yes.		
	20:19 Q. Why are they typically exclusive to		
	20:20 PlayStation?		
	20:21 A. We wish to use them as a point of		
	20:22 difference when it comes to the decisions that		
	20:23 gamers make about which console to buy.		
	20:24 Q. Can you explain what you mean by point of		

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
	20:25 difference?		
	21:01 A. So consumers are faced between a choice of		
	21:02 an Xbox or a PlayStation. Xbox offers its exclusive		
	21:03 games. We offer our exclusive games. Those games		
	21:04 are one of the factors that gamers take into account		
	21:05 when deciding which console to buy.		
	21:06 Q. When you say consumers are faced with the		
	21:07 choice of Xbox and PlayStation, why did you not list		
	21:08 Nintendo there?		
	21:09 A. We considered Nintendo to participate in a		
	21:10 different market segment to Xbox and PlayStation.		
	21:11 Q. And can you explain what you mean by that?		
	21:12 A. For example, Nintendo's hardware		
	21:13 technology is of a much less sophisticated nature		
	21:14 than PlayStation or Xbox. It's hardware typically		
	21:15 retails for a cheaper price and its audience is		
	21:16 aimed rather younger.		
	21:17 Q. Does Nintendo's less sophisticated		
	21:18 hardware impact what games can be played on it?		
	21:19 A. Yes.		
	21:20 Q. How so?		
	21:21 A. Many of the games that we make for		
	21:22 PlayStation are simply too powerful to be played on		
	21:23 a Nintendo Switch.		
21:24 - 22:03	<b>Ryan, James 2023-04-06</b>	00:00:12	RyanAllJudge10.1
	21:24 Q. Can you explain what you mean by too		1
	21:25 powerful?		
	22:01 A. The Nintendo hardware does not have the		
	22:02 processing power or the graphics capability to be		
	22:03 able to play those games.		
24:20 - 24:23	<b>Ryan, James 2023-04-06</b>	00:00:11	RyanAllJudge10.1
	24:20 Q. Does Sony sometimes reach agreements with		2
	24:21 third-party game studios to make games exclusive on		
	24:22 PlayStation?		
	24:23 A. Yes.		
25:10 - 26:02	<b>Ryan, James 2023-04-06</b>	00:01:15	RyanAllJudge10.1
	25:10 Q. Is it beneficial to PlayStation to have		3
	25:11 points of difference?		
	25:12 A. Yes.		
	25:13 Q. Why is that?		

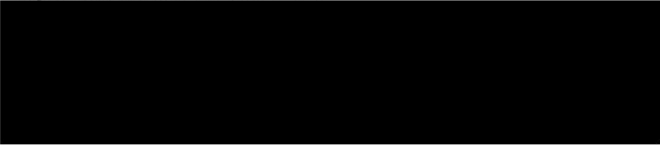
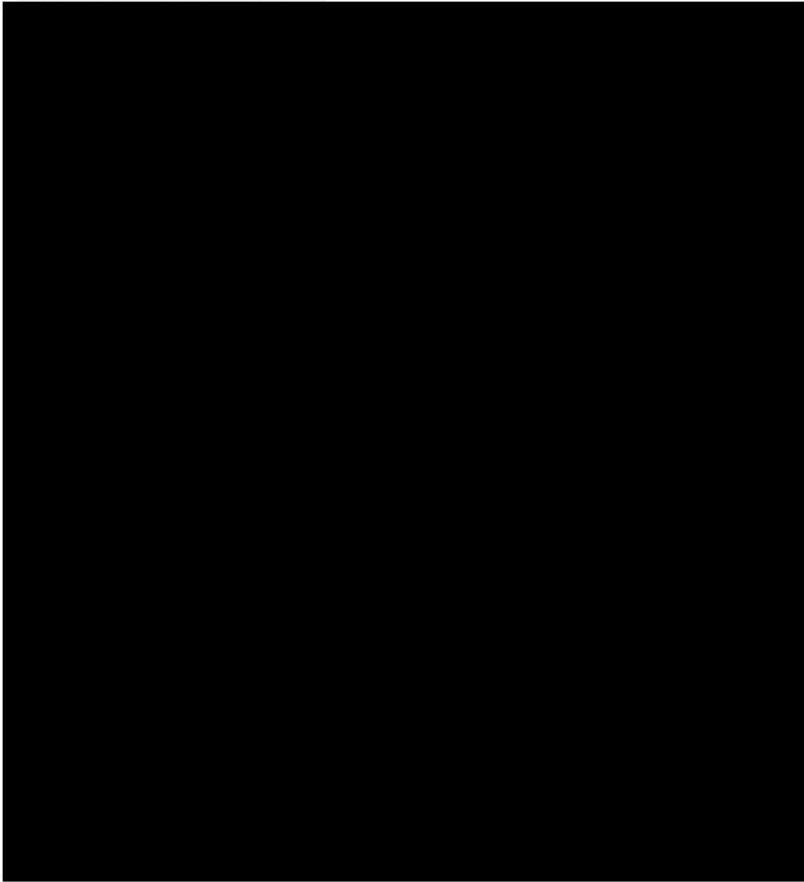
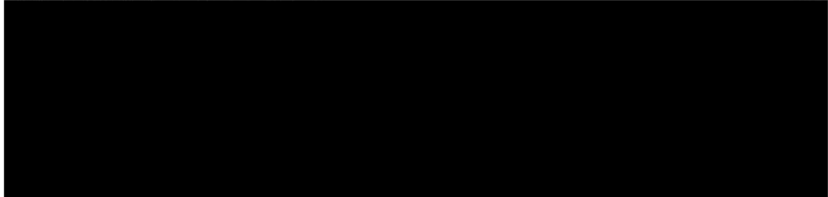
RyanAllJudge10 - Ryan Judge designations on 6-27-23

DESIGNATION	SOURCE	DURATION	ID
	<p>25:14 A. Because, particularly in the early stages</p> <p>25:15 of a console generation, consumers are faced with a</p> <p>25:16 decision about which console to buy. And consumers</p> <p>25:17 typically don't know or care whether a game is</p> <p>25:18 first-party or third-party, they just see the game</p> <p>25:19 and are either interest in it or not.</p> <p>25:20 Q. Why would it be beneficial for a</p> <p>25:21 third-party studio to have one of its games be</p> <p>25:22 exclusive for a period on PlayStation?</p> <p>25:23 A. The development effort required to make</p> <p>25:24 that game reduces, [REDACTED]</p> <p>25:25 [REDACTED]</p> <p>26:01 [REDACTED]</p> <p>26:02 [REDACTED]</p>		
26:21 - 26:24	<p><b>Ryan, James 2023-04-06</b></p> <p>26:21 Q. And does Xbox offer exclusive games?</p> <p>26:22 A. Yes, they do.</p> <p>26:23 Q. Does Nintendo?</p> <p>26:24 A. Yes, they do.</p>	00:00:08	RyanAllJudge10.1 4
27:18 - 28:11	<p><b>Ryan, James 2023-04-06</b></p> <p>27:18 Q. This paragraph further down references two</p> <p>27:19 upcoming Bethesda releases. What is Bethesda?</p> <p>27:20 A. Bethesda is the consumer facing brand of</p> <p>27:21 ZeniMax. People talk about Bethesda games, they</p> <p>27:22 don't talk about ZeniMax.</p> <p>27:23 Q. And the two games that are mentioned there</p> <p>27:24 are Starfield and Elder Scrolls VI. Do you see</p> <p>27:25 that?</p> <p>28:01 A. I do.</p> <p>28:02 Q. Prior to Microsoft's acquisition of</p> <p>28:03 ZeniMax, did you expect these two games to be</p> <p>28:04 available on PlayStation?</p> <p>28:05 A. I did.</p> <p>28:06 Q. What was the basis of that expectation?</p> <p>28:07 [REDACTED]</p> <p>28:08 [REDACTED]</p> <p>28:09 [REDACTED] and the fact that, I think, pretty much I</p> <p>28:10 believe, pretty much every other Bethesda game had</p> <p>28:11 been multi-platform prior to the acquisition.</p>	00:01:21	RyanAllJudge10.1 5
 PX8001.17.1			
 Clear			
28:12 - 28:19	<p><b>Ryan, James 2023-04-06</b></p>	00:00:24	RyanAllJudge10.1

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**



DESIGNATION	SOURCE	DURATION	ID
	28:12 Q. When you say multi-platform, to your 28:13 knowledge, was ZeniMax's prior games available on 28:14 both Xbox and PlayStation? 28:15 A. To my knowledge, yes. 28:16 Q. After Microsoft acquired ZeniMax, did Sony 28:17 learn that these games would be exclusive to Xbox? 28:18 A. We learned that they would not be 28:19 available on PlayStation.		6
29:08 - 29:17	<b>Ryan, James 2023-04-06</b>	00:00:33	RyanAllJudge10.1
	29:08 Q. In the time since Microsoft has acquired 29:09 ZeniMax, two ZeniMax games have launched as timed 29:10 exclusives on PlayStation, correct? 29:11 A. Those games may or may not have launched 29:12 before the transaction closed. I don't know. They 29:13 certainly launched post the announcement of the 29:14 acquisition. 29:15 Q. Were those games Ghostwire and Deathloop? 29:16 29:17 A. They were.		7
29:18 - 29:21	<b>Ryan, James 2023-04-06</b>	00:00:11	RyanAllJudge10.1
	29:18 Q. At the time of the Microsoft acquisition 29:19 of ZeniMax, did SIE already have contracts in place 29:20 with ZeniMax for Ghost Fire and Death Loop? 29:21 A. We did.		8
30:17 - 31:15	<b>Ryan, James 2023-04-06</b>	00:01:43	RyanAllJudge10.1
	30:17 Q. You mentioned these earlier but what are 30:18 haptic controls? 30:19 A. Haptic controls basically -- well, the 30:20 previous generation of controller feedback 30:21 technology was kind of binary, either it was -- 30:22 either you got feedback or you didn't. The feedback 30:23 was a constant level. Haptic allows radiation 30:24 in the way that the feedback comes so it can be very 30:25 gentle or it can be very strong. 31:01 Q. By feedback do you mean like vibration? 31:02 A. I do. 31:03 Q. How did Activision and SIE collaborate on 31:04 the development of haptic controls? 31:05 A. So when we develop a new generation of 31:06 hardware, clearly it's important for us to include		9

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
	<p>31:07 the features on that hardware that developers are</p> <p>31:08 going to be able to use and make the most of and</p> <p>31:09 make wonderful gaming experiences for PlayStation</p> <p>31:10 games.</p> <p>31:11 So from an early stage in the development</p> <p>31:12 of our future consoles we consult with the most</p> <p>31:13 valued and prestigious development partners to get</p> <p>31:14 their input into what features our next generation</p> <p>31:15 hardware should offer.</p>		
31:16 - 31:18	<p><b>Ryan, James 2023-04-06</b></p> 	00:00:08	RyanAllJudge10.2 0
31:19 - 32:13	<p><b>Ryan, James 2023-04-06</b></p> 	00:01:18	RyanAllJudge10.2 1
32:14 - 32:17	<p><b>Ryan, James 2023-04-06</b></p> 	00:00:11	RyanAllJudge10.2 2



**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
34:01 - 34:24	<b>Ryan, James 2023-04-06</b>	00:01:35	RyanAllJudge10.2
			3
 PX8001.16.1	<p>34:05 Q. If you look at the next sentence of the</p> <p>34:06 very last sentence on the page, that reads: This</p> <p>34:07 partnership would be lost. And it goes on to the</p> <p>34:08 next page, it continues: Once Microsoft acquired</p> <p>34:09 Activision and SIE could no longer share</p> <p>34:10 confidential details about its next console in</p> <p>34:11 development. Do you see that language?</p> <p>34:12 A. I do.</p> <p>34:13 Q. Why could SIE no longer share confidential</p> <p>34:14 details about its next console and development once</p> <p>34:15 Microsoft acquired Activision?</p> <p>34:16 A. We simply could not run the risk of a</p> <p>34:17 company that was owned by our direct competitor having</p> <p>34:18 access to that information.</p> <p>34:19 Q. What would be the risk of your direct</p> <p>34:20 competitor having access to that information?</p> <p>34:21 A. That information could leak into other</p> <p>34:22 parts of Microsoft and potentially allow them to be</p> <p>34:23 able to develop similar features to the ones that we</p> <p>34:24 would argue that we invented.</p>		
35:09 - 35:17	<b>Ryan, James 2023-04-06</b>	00:00:29	RyanAllJudge10.2
 PX8001.16.2	<p>35:09 Q. Looking at the next sentence that reads:</p> <p>35:10 Even if some Activision games remained on</p> <p>35:11 PlayStation, SIE could not share in-development</p> <p>35:12 console features with a Microsoft controlled</p> <p>35:13 Activision and Activision would have less of an</p> <p>35:14 incentive to develop its games to take advantage of</p> <p>35:15 unique PlayStation features or help SIE develop</p> <p>35:16 better consoles. Do you see that language?</p> <p>35:17 A. I do.</p>		4
36:01 - 36:06	<b>Ryan, James 2023-04-06</b>	00:00:20	RyanAllJudge10.2
	<p>36:01 Q. Why do you think that a Microsoft owned</p> <p>36:02 Activision would not be incentivized to do that?</p> <p>36:03 A. I believe that their incentives -- their</p> <p>36:04 primary incentive will, post-acquisition, would</p>		5

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
	36:05 be to optimize its overall Xbox business, not the 36:06 business of Activision.		
36:07 - 36:13  Clear	<b>Ryan, James 2023-04-06</b> 36:07 Q. What, in your view, is Activision's 36:08 primary incentive right now, as an independent 36:09 company? 36:10 A. As an independent company, Activision is 36:11 incentivized to make great games on all platforms. 36:12 Q. Is that what they do? 36:13 A. That's what they do.	00:00:18	RyanAllJudge10.2 6
37:03 - 37:14	<b>Ryan, James 2023-04-06</b> 37:03 Q. When Microsoft acquired Mojang, did Sony 37:04 have a pre-existing agreement with Mojang for 37:05 Minecraft to be on PlayStation? 37:06 A. Yes, we did. 37:07 Q. If you look at the next sentence it reads: 	00:00:40	RyanAllJudge10.2 7
37:15 - 37:18	<b>Ryan, James 2023-04-06</b> 37:15 Q. Does that go back to your concern about 37:16 your direct competitor having access to your 37:17 information about consoles in development? 37:18 A. It does.	00:00:12	RyanAllJudge10.2 8
38:01 - 38:19  Clear	<b>Ryan, James 2023-04-06</b> 38:01 Q. Does a game studio need a development kit 38:02 in order to make a game work on a given console? 38:03 A. Yes. 38:04 Q. So a game developer would need a 38:05 development kit to make a game that runs on 38:06 PlayStation 5? 38:07 A. They would. 38:08 Q. Are development kits sometimes called dev 38:09 kits? 38:10 A. I believe so.	00:01:01	RyanAllJudge10.2 9

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
	38:11 Q. Do you know if Sony provides development kits to Microsoft owned studios later than it does to other studios?		
	38:12		
	38:13		
	38:14 A. We do.		
	38:15 Q. Why is that?		
	38:16 A. For the reasons already discussed, that		
	38:17 the development kits allow people, allow developers,		
	38:18 to have visibility and to work on the feature set		
	38:19 that our new console will deploy.		
38:20 - 38:24	<b>Ryan, James 2023-04-06</b>	00:00:29	RyanAllJudge10.3
	38:20 Q. What impact does providing development kits later have?		0
	38:21		
	38:22 A. It will typically mean that the developer		
	38:23 may bring its content to the new platform later than		
	38:24 would otherwise be the case.		
38:25 - 39:01	<b>Ryan, James 2023-04-06</b>	00:00:07	RyanAllJudge10.3
	38:25 Q. Is that detrimental to Sony's gamers?		1
	39:01 A. I believe so.		
39:09 - 39:15	<b>Ryan, James 2023-04-06</b>	00:00:28	RyanAllJudge10.3
	39:09 Q. Why can't the decrease in collaboration be prevented contractually?		2
	39:10		
	39:11 A. Because the risks -- the commercial risks		
	39:12 associated with this knowledge of these feature sets		
	39:13 leaking to our principal competitor is not something		
	39:14 that we would choose to rely on any contract to		
	39:15 enforce.		
42:12 - 42:20 PX3109.1.1	<b>Ryan, James 2023-04-06</b>	00:00:44	RyanAllJudge10.3
			3
43:08 - 43:11	<b>Ryan, James 2023-04-06</b>	00:00:15	RyanAllJudge10.3
			4

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

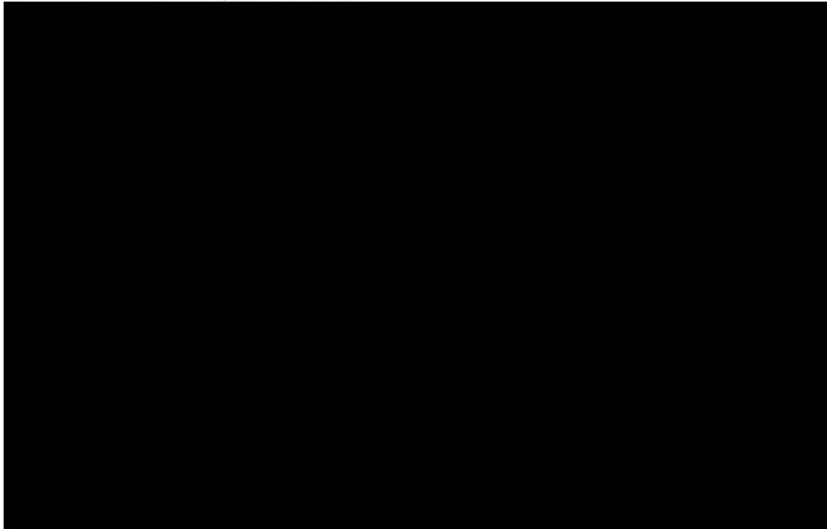
DESIGNATION	SOURCE	DURATION	ID
	[REDACTED]		
43:12 - 43:18	<b>Ryan, James 2023-04-06</b>	00:00:24	RyanAllJudge10.3
<a href="#">PX3109.1.2</a>	[REDACTED]		5
<a href="#">PX3109.7.1</a>	[REDACTED]		
43:19 - 44:01	<b>Ryan, James 2023-04-06</b>	00:00:25	RyanAllJudge10.3
<input type="button" value="Clear"/>	[REDACTED]		6
44:18 - 44:25	<b>Ryan, James 2023-04-06</b>	00:00:20	RyanAllJudge10.3
	[REDACTED]		7
	44:25 (Exhibit No. PX 3105 was marked)		
45:05 - 45:15	<b>Ryan, James 2023-04-06</b>	00:00:42	RyanAllJudge10.3
<a href="#">RX1162.1</a>	45:05 Q. PX 3105 is an e-mail from Phil Spencer to		8
<a href="#">RX1162.1.1</a>	45:06 you, dated 5/23, 2022, with the subject, follow-up		
	45:07 on content discussions. If you look at the first		
	45:08 sentence of the second paragraph that reads: When		
	45:09 we last spoke on April 28, 2022 you shared Sony's		
	45:10 counteroffer to our proposed agreement. Do you see		
	45:11 that language?		
	45:12 A. I do.		
	45:13 Q. Did you share Sony's counteroffer with		
	45:14 Mr. Spencer around April 28th, 2022?		

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DESIGNATION	SOURCE	DURATION	ID
	45:15 A. I did.		
45:23 - 46:07	<b>Ryan, James 2023-04-06</b>	00:00:53	RyanAllJudge10.3
PX3106.1.1	<p>45:23 Q. PX 3106 is an e-mail string with the top</p> <p>45:24 e-mail from Phil Spencer to you, dated 8/26/2022</p> <p>45:25 with the subject, Microsoft's commitment to</p> <p>46:01 Activision games on PlayStation post merger. If you</p> <p>46:02 look down at the second e-mail on this page, that's</p> <p>46:03 an e-mail from you dated May 26, 2022 to</p> <p>46:04 Mr. Spencer. Looking at that e-mail from you, is</p> <p>46:05 that your response to Mr. Spencer's e-mail dated May</p> <p>46:06 23rd, 2022 that we just reviewed as PX 3105?</p> <p>46:07 A. I believe that to be the case.</p>		9
46:08 - 46:18	<b>Ryan, James 2023-04-06</b>	00:00:36	RyanAllJudge10.4
PX3106.1.2	<p>46:08 Q. Looking at your e-mail, again, on PX 3106,</p> <p>46:09 the beginning of the second paragraph that reads:</p> <p>46:10 We believe there are two fundamental principles that</p> <p>46:11 are critical to mitigating the potential negative</p> <p>46:12 impact to gamers from the Activision acquisition.</p> <p>46:13 The first principle is that the commitment to</p> <p>46:14 availability of Call of Duty and other Activision</p> <p>46:15 games on PlayStation must be sufficiently broad to</p> <p>46:16 fully align with gamer expectations. Do you see</p> <p>46:17 that language?</p> <p>46:18 A. I do.</p>		0
47:09 - 47:18	<b>Ryan, James 2023-04-06</b>	00:00:39	RyanAllJudge10.4
Clear			1
48:03 - 48:17	<b>Ryan, James 2023-04-06</b>	00:00:59	RyanAllJudge10.4
	<p>48:03 Q. Is it important to PlayStation to have</p> <p>48:04 Activision's future games on PlayStation consoles?</p> <p>48:05 A. I believe it is.</p>		2



**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
			
	<p>51:09 Q. When you say that many developers,</p> <p>51:10 publishers, have tried over a significant period of</p> <p>51:11 time to emulate Activision's brilliant model with</p> <p>51:12 Call of Duty and failed, what are some of the</p> <p>51:13 examples of that?</p>		
			
52:01 - 52:19	<b>Ryan, James 2023-04-06</b>	00:01:22	RyanAllJudge10.4
	<p>52:01 Q. You referred to Activision's brilliant</p> <p>52:02 model with Call of Duty, what model are you</p> <p>52:03 referring to?</p> <p>52:04 A. The way that they have been able to</p> <p>52:05 organize themselves to release basically new games</p> <p>52:06 every single year. And the games are different,</p> <p>52:07 unique games. There's nothing like it in the</p> <p>52:08 industry.</p> <p>52:09 Q. What makes the games different and unique?</p> <p>52:10 A. They have different themes. They have</p> <p>52:11 different story lines. They have different game</p> <p>52:12 play. They're made by different studios. The</p> <p>52:13 closest analogy would be of annual iterations of the</p> <p>52:14 major sports franchises, but that situation is</p> <p>52:15 totally different. The developer and publisher</p> <p>52:16 build incrementally on the previous year's version</p> <p>52:17 of the game. Activision manages somehow to make a</p> <p>52:18 new game every single year. The situation is very</p> <p>52:19 different.</p>		5
54:02 - 54:13	<b>Ryan, James 2023-04-06</b>	00:00:56	RyanAllJudge10.4
	<p>54:02 Q. In your view, if Microsoft was able to</p>		6






RyanAllJudge10 - Ryan Judge designations on 6-27-23

DESIGNATION	SOURCE	DURATION	ID
	[REDACTED]		
61:02 - 61:04	Ryan, James 2023-04-06	00:00:09	RyanAllJudge10.5 1
	[REDACTED]		
61:05 - 61:11	Ryan, James 2023-04-06	00:00:42	RyanAllJudge10.5 2
Clear	[REDACTED]		
61:12 - 63:08	Ryan, James 2023-04-06	00:04:16	RyanAllJudge10.5 3
	[REDACTED]		
62:04	So just to illustrate that our PlayStation		
62:05	Plus Extra tier, we charge a gamer \$100 for a 12		
62:06	month subscription to that service and the 12 month		
62:07	subscription is the most commonly used form of		
62:08	subscriptions. [REDACTED]		
62:09	[REDACTED]		
62:10	[REDACTED]		
62:11	[REDACTED]		



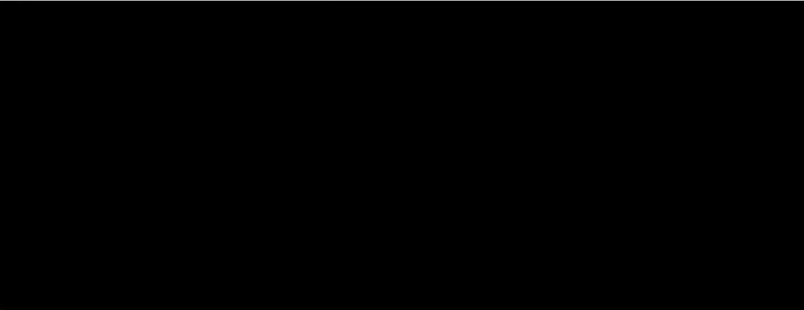
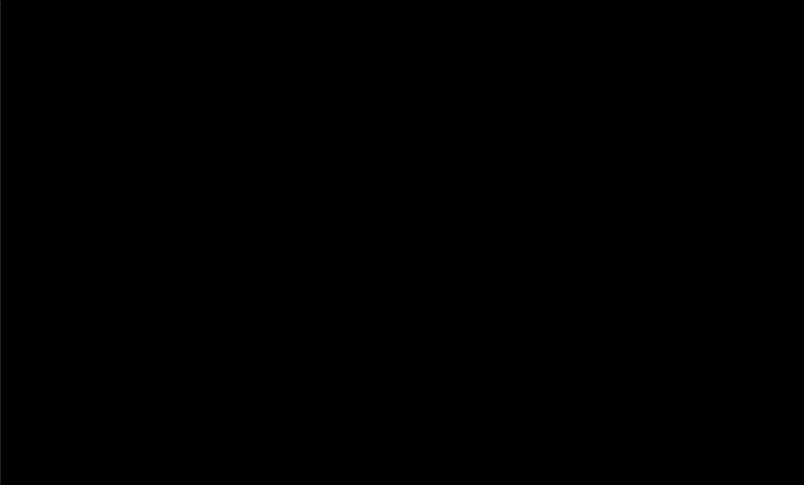
**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
	[REDACTED]		
63:16 - 63:19	Ryan, James 2023-04-06	00:00:12	RyanAllJudge10.5 4
	[REDACTED]		
63:20 - 63:20	Ryan, James 2023-04-06	00:00:01	RyanAllJudge10.5 5
	[REDACTED]		
63:21 - 63:24	Ryan, James 2023-04-06	00:00:16	RyanAllJudge10.5 6
	[REDACTED]		
63:25 - 64:05	Ryan, James 2023-04-06	00:00:35	RyanAllJudge10.5 7
	[REDACTED]		
 PX3110.42.1	[REDACTED]		

RyanAllJudge10 - Ryan Judge designations on 6-27-23

DESIGNATION	SOURCE	DURATION	ID
64:10 - 64:15	<b>Ryan, James 2023-04-06</b> [Redacted]	00:00:28	RyanAllJudge10.5 8
65:10 - 65:19 Clear	<b>Ryan, James 2023-04-06</b> 65:10 Q. And why is parity language critical? 65:11 A. It's very important that the version of 65:12 Call of Duty that's made available to PlayStation 65:13 gamers is equivalent to the version that's made 65:14 available to Xbox, whether it be in terms of release 65:15 date, game quality, frequency of bugs, and there are 65:16 other such vectors. [Redacted] [Redacted]	00:00:52	RyanAllJudge10.5 9
65:23 - 66:05 PX3110.28.1	<b>Ryan, James 2023-04-06</b> [Redacted]	00:00:31	RyanAllJudge10.6 0
66:17 - 66:20 PX3110.29.1	<b>Ryan, James 2023-04-06</b> [Redacted]	00:00:24	RyanAllJudge10.6 1
66:21 - 67:06	<b>Ryan, James 2023-04-06</b> [Redacted]	00:00:51	RyanAllJudge10.6 2

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
			
67:07 - 67:13	<b>Ryan, James 2023-04-06</b>	00:00:21	RyanAllJudge10.6 3
			
70:13 - 70:23	<b>Ryan, James 2023-04-06</b>	00:00:56	RyanAllJudge10.6 4
			
80:09 - 80:14	<b>Ryan, James 2023-04-06</b>	00:00:23	RyanAllJudge10.6 5
	<p>80:09 Q. So let's go back to my question. Did you</p> <p>80:10 become concerned about the transaction on January</p> <p>80:11 31st, 2022?</p> <p>80:12 A. My recollection is that at that stage I</p> <p>80:13 hoped that we could still come to some sort of</p> <p>80:14 agreement between PlayStation and Microsoft.</p>		
81:06 - 81:12	<b>Ryan, James 2023-04-06</b>	00:00:19	RyanAllJudge10.6 6
	<p>81:06 Q. So after you had received a written</p> <p>81:07 proposal from Mr. Spencer you did not provide a</p> <p>81:08 written counterproposal, did you?</p> <p>81:09 A. We did not.</p>		



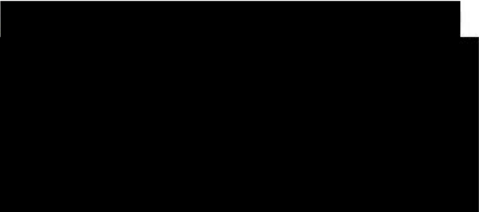
**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
	81:10 Q. You called him and gave him these very 81:11 generalized terms, right? 81:12 A. Yes.		
81:19 - 82:03	<b>Ryan, James 2023-04-06</b>	00:00:35	RyanAllJudge10.6 7
	81:19 Q. At this time when you sent these terms, 81:20 were you concerned about the transaction? 81:21 A. My recollection is that at this stage it 81:22 would still be possible for us to reach agreement. 81:23 Q. On May 23rd, 2023 you believed that there 81:24 would still be some form of agreement between SIE 81:25 and Xbox? 82:01 MR. GELFAND: You mean 2022. 82:02 Q. 2022, thank you? 82:03 A. I believe so.		
82:21 - 83:01	<b>Ryan, James 2023-04-06</b>	00:00:17	RyanAllJudge10.6 8
	82:21 Q. And then if you look at PX 3106 you write 82:22 him three days later on May 26, 2022, correct? 82:23 A. Correct. 82:24 Q. So you weren't concerned when you wrote 82:25 him back three days later? 83:01 A. No, I don't think I'm confused.		
83:02 - 83:18	<b>Ryan, James 2023-04-06</b>	00:00:57	RyanAllJudge10.6 9
	83:02 Q. You weren't concerned in May at all about 83:03 the transaction? 83:04 A. I wouldn't say I wasn't concerned at all, 83:05 but it was really his response three months after my 83:06 e-mail of Thursday, May 26th which really set alarm 83:07 bells ringing. 83:08 Q. That would have been August 26, 2022? 83:09 A. Correct. 83:10 Q. So the thing that caused you major concern 83:11 about the transaction was the August 26 e-mail from 83:12 Mr. Spencer? 83:13 A. That was a significant factor. 83:14 Q. Was there any other significant factor 83:15 before that time? 83:16 A. As I said earlier, I wasn't particularly 83:17 happy with the January 31st proposal. But hoped 83:18 that it was an opening salvo.		

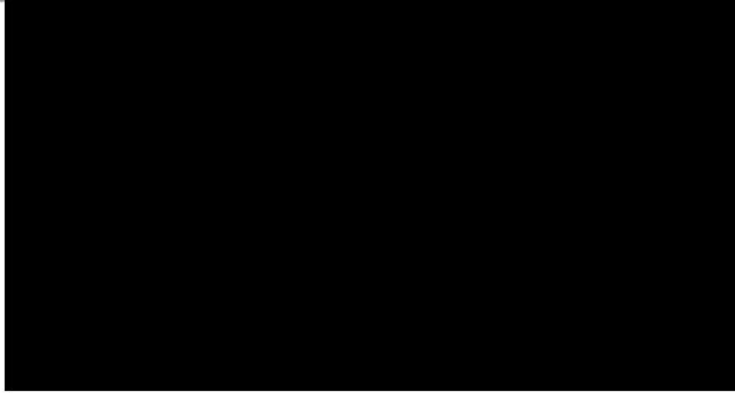

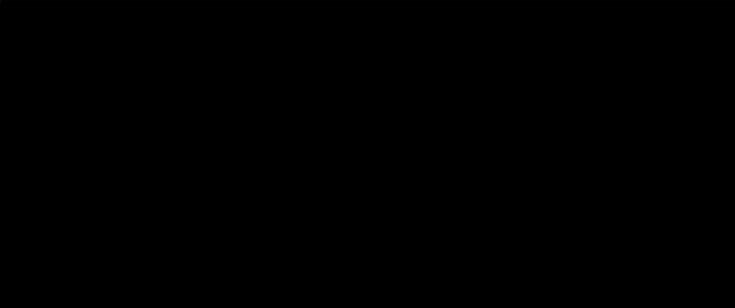
**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
84:15 - 84:17	<b>Ryan, James 2023-04-06</b> 84:15 Q. As of today, you believe that this 84:16 transaction between Microsoft and Activision would 84:17 harm competition; is that right?	00:00:09	RyanAllJudge10.7 0
84:20 - 84:25	<b>Ryan, James 2023-04-06</b> 84:20 A. I believe that this transaction is bad for 84:21 competition. 84:22 Q. When did you come to that determination? 84:23 A. I don't think it's possible to ascribe a 84:24 particular day to it, but I think that e-mail of the 84:25 26th of August was an important moment.	00:00:28	RyanAllJudge10.7 1
85:14 - 85:19	<b>Ryan, James 2023-04-06</b> 85:14 Q. You just tied it to the e-mail of August 85:15 26, 2022 and I'm asking you did you or anyone at 85:16 your direction on behalf of SIE go to regulators 85:17 anywhere in the world and say that this transaction 85:18 was anticompetitive or bad for competition before 85:19 August 26, 2022?	00:00:21	RyanAllJudge10.7 2
85:22 - 86:01	<b>Ryan, James 2023-04-06</b> 85:22 A. I don't remember. We certainly had one 85:23 meeting with the CMA over the summer. 85:24 Q. You don't remember whether that was before 85:25 August 26th or after? 86:01 A. No.	00:00:13	RyanAllJudge10.7 3
91:08 - 91:17	<b>Ryan, James 2023-04-06</b> 91:08 Q. How would you quantify the harm to SIE if 91:09 this transaction goes through? 91:10 A. I think the harm to SIE arises from 91:11 ██████ gamers deserting our platform and going 91:12 to Xbox. So it's -- it goes way beyond the narrow 91:13 contribution that those gamers spend on Call of Duty 91:14 itself. It would include the amount of money that 91:15 those gamers spend on consoles, that they spend on 91:16 peripherals, that they spend on other games and that 91:17 they spend on subscription services.	00:00:45	RyanAllJudge10.7 4
92:17 - 93:05	<b>Ryan, James 2023-04-06</b> 92:17 Q. You're saying that but for the Activision 92:18 games, you would have ██████ fewer PlayStation 92:19 gamers, is that your testimony?	00:00:56	RyanAllJudge10.7 5

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
	92:20 A. Yes.		
	92:21 Q. How many fewer?		
	92:22 A. It's obviously a hypothetical question,		
	92:23 but we have ██████ PlayStation gamers who spend		
	92:24 ██████ or more of their time playing Call of		
	92:25 Duty. That population would certainly be a		
	93:01 ██████ risk. In the U.S., ██████ of the		
	93:02 Call of Duty gamers play -- sorry, ██████ of		
	93:03 PlayStation gamers play Call of Duty, only Call of		
	93:04 Duty, for ██████ or more of their time. That		
	93:05 population would be at ██████ risk.		
100:24 - 101:10	<b>Ryan, James 2023-04-06</b>	00:00:44	RyanAllJudge10.7 6
			
106:02 - 106:10	<b>Ryan, James 2023-04-06</b>	00:00:26	RyanAllJudge10.7 7
			
108:09 - 108:22	<b>Ryan, James 2023-04-06</b>	00:00:38	RyanAllJudge10.7 8
	108:09 deposition. Go 		

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
			
108:24 - 108:24	<b>Ryan, James 2023-04-06</b> 	00:00:01	RyanAllJudge10.7 9
110:20 - 111:01	<b>Ryan, James 2023-04-06</b> 	00:00:19	RyanAllJudge10.8 0
112:17 - 112:19	<b>Ryan, James 2023-04-06</b> 112:17 Q. Do you agree that the PC platform and 112:18 mobile platforms are not competitor platforms to 112:19 PlayStation platform or SIE platforms?	00:00:11	RyanAllJudge10.8 1
112:21 - 112:22	<b>Ryan, James 2023-04-06</b> 112:21 A. I would say the PC platform is a very 112:22 direct competitor to the PlayStation platform.	00:00:06	RyanAllJudge10.8 2
113:20 - 113:22	<b>Ryan, James 2023-04-06</b> 113:20 Q. On a global basis, assuming the console 113:21 market contains only Xbox and PlayStation, what 113:22 percentage of that global market is yours?	00:00:15	RyanAllJudge10.8 3
113:25 - 114:04	<b>Ryan, James 2023-04-06</b> 113:25 A. At what point in time? 114:01 Q. Let's start with 2021? 114:02 A. For the current generation of consoles. 114:03 Q. Is that how you count them when you report 114:04 to the regulators?	00:00:17	RyanAllJudge10.8 4
114:06 - 114:07	<b>Ryan, James 2023-04-06</b> 114:06 A. We have somewhere between 60 and 65	00:00:06	RyanAllJudge10.8 5



RyanAllJudge10 - Ryan Judge designations on 6-27-23

DESIGNATION	SOURCE	DURATION	ID
	114:07 percent of that market.		
115:25 - 116:04	<b>Ryan, James 2023-04-06</b>	00:00:15	RyanAllJudge10.8 6
	[REDACTED]		
116:06 - 117:17	<b>Ryan, James 2023-04-06</b>	00:01:51	RyanAllJudge10.8 7
<a href="#">RX5000.1.1</a>	[REDACTED]		
<a href="#">RX5000.1.3</a>	[REDACTED]		

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
			
136:10 - 136:15	<b>Ryan, James 2023-04-06</b> 136:10 Q. In all the earnings calls that have 136:11 happened since the transaction was announced, do you 136:12 recall anyone from Sony Group or SIE ever saying 136:13 that this transaction would harm Sony? 136:14 A. I don't know because I don't listen to the 136:15 calls.	00:00:16	RyanAllJudge10.8 8
136:21 - 136:24	<b>Ryan, James 2023-04-06</b> 136:21 Q. Have you ever told an investor that you 136:22 don't think you can be competitive, meaning SIE, if 136:23 this transaction goes through? 136:24 A. I don't know.	00:00:16	RyanAllJudge10.8 9
145:10 - 145:14	 Clear <b>Ryan, James 2023-04-06</b> 145:10 Q. What do you believe is going to happen 145:11 after the transaction with the Activision games? 145:12 A. I believe that they're going to use Call 145:13 of Duty some how to damage us. And it may be 145:14 complete foreclosure, it may be partial foreclosure.	00:00:13	RyanAllJudge10.9 0
145:15 - 145:18	<b>Ryan, James 2023-04-06</b> 145:15 Q. You don't have any opinion about where 145:16 they're more likely to do one or the other? 145:17 A. I have no idea what's going on in their 145:18 heads, so no.	00:00:08	RyanAllJudge10.9 1
145:19 - 145:24	<b>Ryan, James 2023-04-06</b> 145:19 Q. So if there's partial foreclosure, would 145:20 that be a  harm to your business? 145:21 A. In our opinion, yes. 145:22 Q. Why is that? 145:23 A. Because it would result in some form of 145:24 degraded experience for PlayStation gamers.	00:00:16	RyanAllJudge10.9 2
166:07 - 166:11	<b>Ryan, James 2023-04-06</b> 166:07 Q. Let's talk about ZeniMax if we could. Do 166:08 you recall when Microsoft made the announcement that 166:09 Microsoft was going to purchase ZeniMax?	00:00:14	RyanAllJudge10.9 3

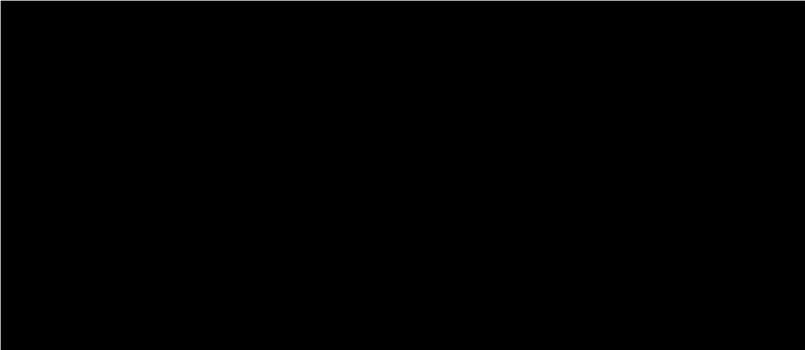
**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
	166:10 A. It was at some point in the middle of 166:11 2020.		
167:08 - 167:08  RX70.1	<b>Ryan, James 2023-04-06</b> 167:08 Q. Let's look at Rx 70.	00:00:02	RyanAllJudge10.9 4
167:09 - 167:13  RX70.1.1	<b>Ryan, James 2023-04-06</b> 167:09 (Exhibit No. RX 70 was marked) 167:10 Q. You see that e-mail dated 9/22/2020? 167:11 A. I do. 167:12 Q. And were you copied on that e-mail? 167:13 A. Yes, I was copied.	00:00:16	RyanAllJudge10.9 5
168:01 - 168:04  RX70.11.1	<b>Ryan, James 2023-04-06</b> 168:01 folks. But if you go to what I count as page 9, the 168:02 topic is key discussion topics for next steps? 168:03 A. Yup. 168:04 Q. And --	00:00:11	RyanAllJudge10.9 6
168:06 - 168:22  RX70.11.2	<b>Ryan, James 2023-04-06</b> 168:06 Q. The first thing that's discussed there is 168:07 how to proceed with those two key partnership 168:08 agreements, right? 168:09 A. Correct. 168:10 Q. Deathloop and Ghostwire Tokyo had been 168:11 promised to you as exclusives? 168:12 A. Correct.  Clear 168:13 Q. You had a contract with ZeniMax? 168:14 A. Correct. 168:15 Q. And Microsoft honored that contract, did 168:16 they not? 168:17 A. They did. 168:18 Q. You had no reason to believe they wouldn't 168:19 honor the contracts because they had honored their 168:20 contracts with you despite them purchasing ZeniMax 168:21 Bethesda who developed Deathloop and Ghostwire? 168:22 A. Correct.	00:00:38	RyanAllJudge10.9 7
169:24 - 170:02	<b>Ryan, James 2023-04-06</b> 169:24 Q. You don't think there's anything wrong 169:25 with doing exclusives, do you? 170:01 A. As a point of difference, which I think 170:02 these games were, yes.	00:00:11	RyanAllJudge10.9 8
173:14 - 173:18	<b>Ryan, James 2023-04-06</b>	00:00:08	RyanAllJudge10.9

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
	173:14 Q. So you don't have any quarrel with Redfall 173:15 becoming exclusive? 173:16 A. I don't like it but I have no fundamentally no 173:17 quarrel with it. 173:18 Q. And you don't have		9
173:18 - 173:22	<b>Ryan, James 2023-04-06</b> 173:18 Q. any quarrel with 173:19 Starfield becoming exclusive on Xbox when it's 173:20 released? 173:21 A. I don't like it but I don't view it as 173:22 anticompetitive.	00:00:10	RyanAllJudge10.1 00
175:15 - 175:24	<b>Ryan, James 2023-04-06</b> 175:15 Q. On February 21st, 2023 did you attend a 175:16 meeting with the European commission? 175:17 A. Yes. 175:18 Q. Were representatives from Microsoft and 175:19 Xbox also present at that meeting? 175:20 A. Yes. 175:21 Q. Mr. Kotick was there on behalf Activision? 175:22 A. Yes. 175:23 Q. You spoke to him? 175:24 A. Yes.	00:00:25	RyanAllJudge10.1 01
176:15 - 177:01	<b>Ryan, James 2023-04-06</b> 176:15 Q. Did he say he would stay to try and 176:16 negotiate a deal regarding Call of Duty after the 176:17 transaction closed? 176:18 A. He said he would like to have discussions 176:19 about negotiating a deal. 176:20 Q. Did you tell him that you were not 176:21 interested in doing a deal? 176:22 A. I told him that I thought the transaction 176:23 was anticompetitive and I hope that the regulators 176:24 would do their job and block it. 176:25 Q. If you were on the other end, wouldn't you 177:01 take that as you didn't want to do a deal?	00:00:36	RyanAllJudge10.1 02
177:04 - 177:10	<b>Ryan, James 2023-04-06</b> 177:04 A. I think there's a lot of confusion here. 177:05 My comment was specifically in the context of 177:06 Microsoft acquisition of Activision. I think what	00:00:22	RyanAllJudge10.1 03

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
	177:07 Bobby wanted to do was to cover himself by extending 177:08 the marketing collaboration between Sony and 177:09 Activision, in the event the transaction not 177:10 proceeding.		
179:01 - 179:08	<b>Ryan, James 2023-04-06</b> 179:01 Q. Do you and your colleagues negotiate deals 179:02 with publishers all the time? 179:03 A. Microsoft is not a publisher. Microsoft 179:04 is a platform holder. That's why this deal is so 179:05 difficult. There is complete difference in 179:06 incentive -- between the incentives that Activision 179:07 has and the incentives that Microsoft would have 179:08 post-acquisition.	00:00:27	RyanAllJudge10.1 04
179:09 - 179:13	<b>Ryan, James 2023-04-06</b> 179:09 Q. You believe that Microsoft Xbox is not a 179:10 publisher? 179:11 A. I believe that they are principally a 179:12 platform holder in the way that we are principally a 179:13 platform holder.	00:00:11	RyanAllJudge10.1 05
179:14 - 179:15	<b>Ryan, James 2023-04-06</b> 179:14 Q. They are a publisher, aren't they? 179:15 A. They are.	00:00:03	RyanAllJudge10.1 06
179:16 - 179:18	<b>Ryan, James 2023-04-06</b> 179:16 Q. You have deals with Microsoft already, 179:17 don't you? 179:18 A. We do.	00:00:07	RyanAllJudge10.1 07
179:25 - 180:02	<b>Ryan, James 2023-04-06</b> 179:25 Q. You have deals with Microsoft to put Xbox 180:01 games on PlayStation currently, correct? 180:02 A. Correct.	00:00:10	RyanAllJudge10.1 08
180:23 - 181:11	<b>Ryan, James 2023-04-06</b> 	00:00:45	RyanAllJudge10.1 09

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
	[REDACTED]		
	181:08 Q. Why is it not necessary?		
	181:09 A. Because publishers have every incentive to		
	181:10 provide an equal gaming experience or as good a		
	181:11 gaming experience as possible on all platforms.		
183:08 - 183:12	<b>Ryan, James 2023-04-06</b>	00:00:19	RyanAllJudge10.1
	183:08 Q. I want to go back to January of 2022. Do		10
	183:09 you remember talking to the Wall Street Journal		
	183:10 after the Activision Microsoft transaction was		
	183:11 announced?		
	183:12 A. No.		
184:04 - 184:08	<b>Ryan, James 2023-04-06</b>	00:00:25	RyanAllJudge10.1
	184:04 Q. In January early February? If a Sony		11
	184:05 spokesperson or an SIE spokesperson made a comment		
	184:06 to the Wall Street Journal about the transaction,		
	184:07 would that have been approved by you?		
	184:08 A. I would say that it should have been.		
184:18 - 186:04	<b>Ryan, James 2023-04-06</b>	00:01:52	RyanAllJudge10.1
	184:18 Q. Well, on January 20th, 2022 did you		12
	184:19 believe that Microsoft would abide by contractual		
	184:20 agreements and continue to ensure Activision games		
	184:21 are multi-platform?		
	184:22 A. Did I believe that or did I say it?		
	184:23 Q. Did you believe it?		
	184:24 A. Yes, I did believe it at that stage.		
	184:25 Q. So if that's in the Wall Street Journal,		
	185:01 you don't agree with that statement as of January		
	185:02 20th, 2022?		
	185:03 A. As of that date, correct.		
	185:04 Q. What were you relying on to come to that		
	185:05 belief that they would abide by their contractual		
	185:06 agreements and continue to ensure Activision games		
	185:07 are multi-platform?		
	185:08 A. At that stage on the conversation that I		
	185:09 had with Mr. Spencer.		
	185:10 Q. What did Mr. Spencer tell you?		
	185:11 A. He told me that it was his intention to		
	185:12 ensure that that Activision content continued to be		
	185:13 made available on PlayStation.		

RyanAllJudge10 - Ryan Judge designations on 6-27-23

DESIGNATION	SOURCE	DURATION	ID
<a href="#">PX3109.1.3</a>	[REDACTED]		
186:18 - 186:21	<b>Ryan, James 2023-04-06</b>	00:00:12	RyanAllJudge10.1 13
<a href="#">PX3109.7</a>	[REDACTED]		
186:22 - 187:04	<b>Ryan, James 2023-04-06</b>	00:00:31	RyanAllJudge10.1 14
Clear	<p>186:22 Q. At that point did you have a agreement</p> <p>186:23 with Microsoft to have Minecraft on PlayStation?</p> <p>186:24 A. The existing publisher agreement with</p> <p>186:25 Microsoft was in force.</p> <p>187:01 Q. You've never brought any action against</p> <p>187:02 Microsoft regarding Minecraft and the version that</p> <p>187:03 had been on PlayStation, correct?</p> <p>187:04 A. Correct.</p>		
197:01 - 197:08	<b>Ryan, James 2023-04-06</b>	00:00:18	RyanAllJudge10.1 15
	[REDACTED]		

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
197:20 - 198:07	<b>Ryan, James 2023-04-06</b>	00:00:31	RyanAllJudge10.1
RX75.1.1	197:20 Q. On January 20th, 2022 did you believe 197:21 Mr. Spencer when he said the Activision deal was 197:22 basically a mobile play? 197:23 A. I was not convinced about that.		16
Clear	197:24 Q. You weren't? 197:25 A. No. 198:01 Q. You know Mr. Deering, right? 198:02 A. Yes. 198:03 Q. Who is Mr. Deering? 198:04 A. He was my original boss in PlayStation 198:05 Europe. 198:06 Q. Would you consider him a mentor? 198:07 A. Yes.		
198:23 - 199:02	<b>Ryan, James 2023-04-06</b>	00:00:14	RyanAllJudge10.1
RX2059.1	198:23 Q. You've looked at this e-mail before, 198:24 haven't you, RX 32, which is -- I'll hand it to you 198:25 in a moment, which is an e-mail exchange between you 199:01 and Mr. Deering on January 20th, 2022. 199:02 (Exhibit No. RX 32 was marked)		17
RX2059.1.7			
199:18 - 201:14	<b>Ryan, James 2023-04-06</b>	00:02:12	RyanAllJudge10.1
RX2059.1.1	199:18 Q. And this is an exchange where Mr. Deering 199:19 wrote to you first on January 19th of 2022, right? 199:20 A. Correct. 199:21 Q. And the subject matter is the Microsoft 199:22 acquisition of -- Microsoft acquisition of 199:23 Activision? 199:24 A. Correct.		18
RX2059.1.2	199:25 Q. And then you write back to him on January 200:01 20th, right above where he writes you on the 19th? 200:02 A. Correct.		
RX2059.1.3	200:03 Q. And you say, talking about the transaction 200:04 it is not an Xbox exclusivity play at all, correct? 200:05 A. Correct. 200:06 Q. You believed that when you wrote it? 200:07 A. When I wrote it, yes.		
RX2059.1.4	200:08 Q. They're thinking bigger than that and they 200:09 have cash to make moves like this. You believe 200:10 that, correct? 200:11 A. Correct.		



**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
RX2059.1.5	<p>200:12 Q. You said I've spent a fair amount of time</p> <p>200:13 with both Phil and Bobby over the past day, was that</p> <p>200:14 true?</p> <p>200:15 A. I think that may -- 10 or 15 minutes each.</p> <p>200:16 Q. What did you discuss with Bobby Kotick?</p> <p>200:17 A. Bobby wanted to assure me that Call of</p> <p>200:18 Duty would continue to be made available on</p> <p>200:19 PlayStation.</p> <p>200:20 Q. So both he and Phil assured you of that?</p> <p>200:21 A. Yes.</p> <p>200:22 Q. Separately?</p> <p>200:23 A. Separately.</p>		
RX2059.1.8	<p>200:24 Q. And you say there I'm pretty sure we will</p> <p>200:25 continue to see COD on PlayStation for many years to</p> <p>201:01 come, right?</p> <p>201:02 A. Correct.</p>		
RX2059.1.9	<p>201:03 Q. You also said we have some good stuff</p> <p>201:04 cooking. Keep your eyes peeled. What were you</p> <p>201:05 referring to?</p> <p>201:06 A. I was probably referring to the imminently</p> <p>201:07 to be announced acquisition of Bungie.</p> <p>201:08 Q. You announced that days after this deal</p> <p>201:09 was announced?</p> <p>201:10 A. I believe so.</p>		
RX2059.1.10	<p>201:11 Q. You say, I'm not complacent and I'd rather</p> <p>201:12 this hadn't happened but we'll be okay, more than</p> <p>201:13 okay. We'll be okay means SIE?</p> <p>201:14 A. I believe so.</p>		
201:22 - 202:01	<b>Ryan, James 2023-04-06</b>	00:00:17	RyanAllJudge10.1
RX2059.1.11	<p>201:22 Q. Mr. Deering wrote to you on the 19th and</p> <p>201:23 he said he had seen Phil Spencer on CNBC saying that</p> <p>201:24 this deal would cement Microsoft as a player in</p> <p>201:25 mobile games, right?</p> <p>202:01 A. That's what it says.</p>		19
202:13 - 202:16	<b>Ryan, James 2023-04-06</b>	00:00:10	RyanAllJudge10.1
RX2059.1.12	<p>202:13 Q. He said it strikes me as more of a king</p> <p>202:14 play than COD, you did not disagree with that,</p> <p>202:15 right?</p> <p>202:16 A. I did not.</p>		20
204:18 - 204:20	<b>Ryan, James 2023-04-06</b>	00:00:08	RyanAllJudge10.1

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
 Clear	204:18 Q. Did you ever ask Mr. Kotick to put COD on 204:19 PlayStation exclusively? 204:20 A. No, not to my knowledge.		21
205:03 - 205:25	<b>Ryan, James 2023-04-06</b> 205:03 Q. You've never asked him to put COD on your 205:04 content subscription service day and date? 205:05 A. Not to my knowledge. 205:06 Q. In fact, you don't have any games in your 205:07 content subscription service that are day and date, 205:08 do you? 205:09 A. I don't believe so. 205:10 Q. You've made that strategy decision? 205:11 A. Yes. 205:12 Q. And that's your business decision at SIE? 205:13 A. It's my business decision. 205:14 Q. And Microsoft Xbox has made a different 205:15 decision? 205:16 A. That's true. 205:17 Q. And if you wanted to, you could put your 205:18 games in day and date if you thought it was a wise 205:19 strategy? 205:20 A. That's true. 205:21 Q. So if Xbox chooses to compete against you 205:22 by putting their games in day and date, that's just 205:23 a matter of strategy and competition, right? 205:24 A. That is a regular matter of strategy and 205:25 competition.	00:00:52	RyanAllJudge10.1 22
210:01 - 210:06	<b>Ryan, James 2023-04-06</b> 210:01 Q. You recall that you met with some Fidelity 210:02 investors sometime in February of 2022? 210:03 A. I recall that I met with them, it was 210:04 either January or February. 210:05 Q. Did you do most of the talking to those 210:06 investors?	00:00:16	RyanAllJudge10.1 23
210:07 - 210:19	<b>Ryan, James 2023-04-06</b> 210:07 A. In the session that related to the gaming 210:08 business segment, yes. 210:09 Q. Did anyone else do any of the talking with 210:10 regard to gaming? 210:11 A. I don't remember.	00:00:52	RyanAllJudge10.1 24

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
	210:12 (Exhibit No. RX 79 was marked)		
RX79.1	210:13 Q. Let me show you a document so we can see		
	210:14 if it's accurate about who was there. This is RX 79,		
RX79.1.1	210:15 which is a February 23rd, 2022 e-mail attaching what		
	210:16 it says are your opening remarks. Let me know if		
	210:17 you recognize that.		
	210:18 A. I don't recall it but I have no reason to		
	210:19 question it.		
212:09 - 212:14	<b>Ryan, James 2023-04-06</b>	00:00:24	RyanAllJudge10.1
	212:09 Q. Let's turn to page 899 down there at the		25
RX79.4.1	212:10 bottom, if you look down to the production number		
	212:11 the last three numbers are 899?		
	212:12 A. Yeah.		
	212:13 Q. And take a look at that question that you		
	212:14 were asked at the top,		
212:14 - 212:17	<b>Ryan, James 2023-04-06</b>	00:00:06	RyanAllJudge10.1
	212:14 you see your answer for that		26
	212:15 question?		
	212:16 A. Can I just read it, please?		
	212:17 Q. Of course.		
212:18 - 213:05	<b>Ryan, James 2023-04-06</b>	00:00:35	RyanAllJudge10.1
	212:18 A. Yup.		27
	212:19 Q. The question starts with Sony has a nice		
	212:20 royalty business and your first-party business was		
	212:21 originally designed to differentiate your platform.		
	212:22 Do you agree with that?		
	212:23 A. Yes.		
	212:24 Q. And then you down here in the middle of		
	212:25 the answer it says, therefore, one of the reasons		
	213:01 why we are investing massively in first-party		
	213:02 development and publishing is to provide us with a		
	213:03 hedge against pressure on the historic business		
	213:04 model, right?		
	213:05 A. Yes.		
213:18 - 214:03	<b>Ryan, James 2023-04-06</b>	00:00:43	RyanAllJudge10.1
	213:18 Q. So here you're telling the investors that		28
	213:19 you are investing massively to hedge against that,		
	213:20 right?		
	213:21 A. Massively in the context of our business.		

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
RX79.4.3	213:22 Q. And you say having a business model where 213:23 you own elements from top to bottom increases your 213:24 ability to be self-determinant. What do you mean by 213:25 that? 214:01 A. I would say that I meant that it would 214:02 insulate us from pressures applied to the 214:03 third-party margin.		
214:04 - 214:13	<b>Ryan, James 2023-04-06</b>	00:00:31	RyanAllJudge10.1
RX79.5.1	214:04 Q. Go down to the bottom of that page, 214:05 please, and you say, we aspire to grow our 214:06 community, grow engagement with our games, grow the 214:07 number of people who are playing those games, 214:08 grow the amount of time people are spending on those 214:09 games, move across PC and mobile and grow the number 214:10 of people playing with each other. That was 214:11 accurate, right, or you believed that at the time? 214:12 A. Yeah, as a statement of aspiration. 214:13 It was accurate.		29
216:03 - 216:11	<b>Ryan, James 2023-04-06</b>	00:00:33	RyanAllJudge10.1
RX79.5.2	216:03 Q. The next question and answer you say that 216:04 Bungie can give us way more than a 69 billion 216:05 acquisition of Activision and that's before 216:06 considering the relative value of that particular 216:07 transaction. What did you mean by that? 216:08 A. By that I meant that Bungie has particular 216:09 skills in the area of life service games that we 216:10 don't possess and that we need as we seek to grow 216:11 that area of our business.		30
216:16 - 216:22	<b>Ryan, James 2023-04-06</b>	00:00:16	RyanAllJudge10.1
RX79.5.3	216:16 Q. You were asked directly about whether 216:17 Microsoft in the next decade is going to turn off 216:18 their supply of games to you, right? 216:19 A. Right. 216:20 Q. And you said, I honestly believe that will 216:21 not happen. You meant that at the time? 216:22 A. I meant that at the time.		31
217:13 - 217:19	<b>Ryan, James 2023-04-06</b>	00:00:22	RyanAllJudge10.1
	217:13 Q. You then say, and ongoing availability of 217:14 Activision games on competitive platforms is going		32

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
	217:15 to be central for them to be successful in the mission, right?		
	217:16 A. Right.		
	217:17 Q. You meant that when you said it?		
	217:18 A. Yes.		
	217:19 Q. You agree with that today, don't you?		
217:21 - 217:21	<b>Ryan, James 2023-04-06</b>	00:00:02	RyanAllJudge10.1
	217:21 Q. Do you agree with that?		33
217:23 - 217:23	<b>Ryan, James 2023-04-06</b>	00:00:02	RyanAllJudge10.1
	217:23 A. Largely, yes.		34
217:24 - 218:07	<b>Ryan, James 2023-04-06</b>	00:00:25	RyanAllJudge10.1
	217:24 Q. You think it would be better if Microsoft		35
	217:25 kept Activision games on PlayStation's platform?		
	218:01 A. That's not what I said.		
	218:02 Q. Well, do you?		
	218:03 A. If Activision kept their games available		
	218:04 on --		
	218:05 Q. No, Microsoft, when they acquired		
	218:06 Activision, kept those games on your platform and		
	218:07 other platforms?		
218:09 - 218:12	<b>Ryan, James 2023-04-06</b>	00:00:11	RyanAllJudge10.1
	218:09 A. Yes, I do.		36
	218:10 Q. So do you believe it's in Xbox's interest		
	218:11 to make Activision games available on multiple		
	218:12 platforms?		
218:15 - 218:15	<b>Ryan, James 2023-04-06</b>	00:00:02	RyanAllJudge10.1
	218:15 A. No, I don't agree with that one.		37
218:16 - 219:01	<b>Ryan, James 2023-04-06</b>	00:00:23	RyanAllJudge10.1
	 Clear		38
	218:16 Q. So if you were running Xbox you would		
	218:17 recommend making Call of Duty another Activision		
	218:18 games exclusive to Xbox and PC?		
	218:19 A. That's a hypothetical question that I		
	218:20 don't wish to answer.		
	218:21 Q. Well, you don't get to not answer?		
	218:22 MR. GELFAND: Objection. If you can't		
	218:23 answer it, you can just say I can't answer		
	218:24 that.		
	218:25 A. I don't have enough knowledge to answer		
	219:01 that question.		

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
219:02 - 219:04	<b>Ryan, James 2023-04-06</b> 	00:00:06	RyanAllJudge10.1 39
219:07 - 219:13	<b>Ryan, James 2023-04-06</b> 	00:00:19	RyanAllJudge10.1 40
225:23 - 226:06  RX79.5.4	<b>Ryan, James 2023-04-06</b> 225:23 Q. Go back to RX 79, please, which was the 225:24 memo about your meeting with Fidelity at the bottom 225:25 of page 900 where we were, you say, but as I 226:01 answered in the previous question, we feel extremely 226:02 confident that Call of Duty and other Activision 226:03 games will continue to be published on our platform. 226:04 Actually, these days we see ourselves in a lot more 226:05 partnerships like the one we have with Microsoft. 226:06 Was that accurate?	00:00:33	RyanAllJudge10.1 41
226:07 - 226:08	<b>Ryan, James 2023-04-06</b> 226:07 A. That's certainly what I said, or 226:08 certainly what's transcribed.	00:00:04	RyanAllJudge10.1 42
226:23 - 227:05  Clear	<b>Ryan, James 2023-04-06</b> 226:23 Q. What is PlayStation's Generation 9 share 226:24 versus Xbox in the U.S.? 226:25 A. It's lower. Markedly the ship has 227:01 oscillated a little bit. We lead the market but I 227:02 believe our market share is something like 55 227:03 percent in America. 227:04 Q. By America you mean the United States? 227:05 A. I'm sorry, I mean the United States.	00:00:29	RyanAllJudge10.1 43
229:11 - 229:12	<b>Ryan, James 2023-04-06</b> 229:11 Q. Do you have any evidence that there will 229:12 be full or partial foreclosure post-transaction?	00:00:06	RyanAllJudge10.1 44
229:14 - 229:20	<b>Ryan, James 2023-04-06</b>	00:00:34	RyanAllJudge10.1 45

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
	229:14 A. I believe that the stance that Microsoft		RyanAllJudge10.1 45
	229:15 is taking with regard to subscription services		
	229:16 pricing over the course of the last year is evidence		
	229:17 of, at best, partial foreclosure, planned partial		
	229:18 foreclosure, [REDACTED]		
232:24 - 233:04	<b>Ryan, James 2023-04-06</b>	00:00:20	RyanAllJudge10.1 46
	232:24 Q. But you do know that mobile gaming is more		
	232:25 prevalent in the Asian markets?		
	233:01 A. Yes, I would say that if we consider the		
	233:02 USA, that on a relative basis, console gaming is the		
	233:03 more prevalent form of gaming than it is elsewhere		
	233:04 in the world.		
233:05 - 233:18	<b>Ryan, James 2023-04-06</b>	00:00:52	RyanAllJudge10.1 47
	233:05 Q. I'm going to ask you to pull back out a		
	233:06 document that Ms. Wilkinson covered with you. It's		
RX2059.1	233:07 RX 32, the e-mail string between you and Chris		
RX2059.1.13	233:08 Deering?		
	233:09 A. Yes.		
	233:10 Q. Looking at your e-mail in the middle of		
	233:11 the page, do you see the last sentence where you		
	233:12 write, I'm not complacent and I'd rather this hadn't		
	233:13 happened, but we'll be okay, more than okay. Do you		
	233:14 see that language?		
	233:15 A. Yeah.		
	233:16 Q. Were you telling Mr. Dearing that SIE		
	233:17 would be okay if Microsoft took Activision content		
	233:18 exclusive?		
233:19 - 234:02	<b>Ryan, James 2023-04-06</b>	00:00:38	RyanAllJudge10.1 48
Clear	233:19 A. I don't know. At the time, bear in mind,		
	233:20 this was -- this exchange took place within the 24		
	233:21 hours of the transaction being announced. I was		
	233:22 still -- I had only just spoken to Phil Spencer and		
	233:23 Bobby and I was of the belief that Call of Duty		
	233:24 would be continued to be made available on		
	233:25 PlayStation.		
	234:01 Q. Has that belief changed over time?		
	234:02 A. Yes.		

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
234:03 - 234:11	<p><b>Ryan, James 2023-04-06</b></p> <p>234:03 Q. So you weren't trying to tell Mr. Deering            234:04 here that your view was that SIE would be more than            234:05 okay if Call of Duty was no longer available on            234:06 PlayStation?            234:07 A. No.            234:08 Q. And you weren't trying to tell him that            234:09 SIE would be more than okay if Activision games, in            234:10 general, were not available on PlayStation?            234:11 A. No.</p>	00:00:25	RyanAllJudge10.1 49
236:02 - 236:17	<p><b>Ryan, James 2023-04-06</b></p> <p>236:02 Q. I believe you said earlier that Activision            236:03 games have been offered on PlayStation Plus; is that            236:04 correct?            236:05 A. Yes, catalog games for relatively short            236:06 periods of time.            236:07 Q. That includes versions of Call of Duty?            236:08 A. It does.</p> 	00:00:52	RyanAllJudge10.1 50
237:09 - 237:12	<p><b>Ryan, James 2023-04-06</b></p> <p>237:09 Q. This meeting with Fidelity was about a            237:10 month after the proposed transaction was announced,            237:11 correct?            237:12 A. Correct.</p>	00:00:08	RyanAllJudge10.1 51
237:13 - 237:21	<p><b>Ryan, James 2023-04-06</b></p> <p>237:13 Q. Are you extremely confident now that Call            237:14 of Duty and other Activision games will continue to            237:15 be published on PlayStation post-transaction?            237:16 A. No.            237:17 Q. Are you confident of that at all?            237:18 A. I have significant concerns.</p>	00:00:25	RyanAllJudge10.1 52



RyanAllJudge10 - Ryan Judge designations on 6-27-23

DESIGNATION	SOURCE	DURATION	ID
	237:19 Q. And your views on this evolved over time, 237:20 correct? 237:21 A. Correct.		
240:24 - 241:20	<b>Ryan, James 2023-04-06</b>	00:01:02	RyanAllJudge10.1 53
			
253:14 - 253:17	<b>Ryan, James 2023-04-06</b>	00:00:09	RyanAllJudge10.1 54
	253:14 Q. When you pointed, you meant RX 79, the 253:15 document that memorializes your discussion with 253:16 Fidelity? 253:17 A. Correct.		
255:14 - 255:23	<b>Ryan, James 2023-04-06</b>	00:00:30	RyanAllJudge10.1 55
 RX79.7.1	255:14 Q. At the bottom you say large M&A gets all 255:15 the headlines but there's a lot going on in growing 255:16 your studios organically successfully is a smart 255:17 thing to do, right? 255:18 A. Yup. 255:19 Q. So after Microsoft announced that it was 255:20 purchasing Activision, you told investors that the 255:21 smart thing to do would be to grow your own studios		

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
	255:22 organically?		
	255:23 A. Yeah.		
255:24 - 256:01	<b>Ryan, James 2023-04-06</b>	00:00:27	RyanAllJudge10.1
RX79.8.1	255:24 Q. On page 903, is it accurate that for SIE 255:25 in 2022 that first-party games were 15 percent of 256:01 the profits that you make?		56
256:02 - 256:24	<b>Ryan, James 2023-04-06</b>	00:01:10	RyanAllJudge10.1
	256:02 A. I don't know.		57
	256:03 Q. What were you referring to there when you 256:04 said we want to grow beyond 15 percent?		
	256:05 A. I was mirroring the questioner's number.		
	256:06 Q. And that number is operating income which 256:07 is profit, right?		
	256:08 A. Correct.		
	256:09 Q. You said doubling market share should be 256:10 possible, do you still think that's true?		
	256:11 A. I don't know.		
	256:12 Q. On behalf of SIE, does SIE believe that's 256:13 possible?		
	256:14 A. I said here it should be possible, I 256:15 believe.		
	256:16 Q. Still today?		
	[REDACTED]		
RX79.8.3	256:18 Q. The competitiveness of our first-party 256:19 games is increasing, that's SIE's current position, 256:20 right?		
	256:21 A. Yes.		
RX79.8.4	256:22 Q. And the performance of each title is 256:23 increasing, that's true today?		
	[REDACTED]		
257:14 - 257:18	<b>Ryan, James 2023-04-06</b>	00:00:14	RyanAllJudge10.1
RX79.8.2	257:14 Q. You were then asked about the Game Pass 257:15 business model. And just to be clear, when you're 257:16 speaking to investors, you're speaking on behalf of 257:17 SIE, right?		58
	257:18 A. That is correct.		
258:10 - 258:25	<b>Ryan, James 2023-04-06</b>	00:00:53	RyanAllJudge10.1
RX79.9.1	258:10 Q. You say, that has driven them to make the 258:11 large acquisition. I talked to all publishers and		59

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
	258:12 they unanimously do not like Game Pass because it's		
	258:13 value destructive. Was that true at the time?		
	258:14 A. I believe it to have been true.		
	258:15 Q. You said you talked to all the publishers,		
	258:16 did you?		
	258:17 A. I talk to publishers all the time and this		
	258:18 is a very commonly held view over many years on		
	258:19 publishers.		
	258:20 Q. You have no reason to believe that		
	258:21 Mr. Kotick and Activision would put Call of Duty on		
	258:22 a subscription service like Game Pass for any length		
	258:23 of time or day and date if this transaction is not		
	258:24 completed, right?		
	258:25 A. Correct.		
259:19 - 259:24	<b>Ryan, James 2023-04-06</b>	00:00:19	RyanAllJudge10.1
RX79.9.2	259:19 Q. You also say that Microsoft had announced		60
	259:20 in January that they had 25 million subscribers and		
	259:21 that you were expecting a larger number, given all		
	259:22 the money they have spent. That was accurate when		
	259:23 you said it, right?		
	259:24 A. It was.		
260:06 - 260:09	<b>Ryan, James 2023-04-06</b>	00:00:09	RyanAllJudge10.1
RX79.9.3	260:06 Q. And when you were speaking to investors		61
	260:07 you compared that number to your 50 million PS Plus		
	260:08 subscribers, didn't you?		
	260:09 A. I did.		
260:19 - 260:21	<b>Ryan, James 2023-04-06</b>	00:00:06	RyanAllJudge10.1
	260:19 Q. And you say we believe we have a		62
	260:20 meaningful subscription service, correct?		
	260:21 A. Correct.		
261:15 - 261:19	<b>Ryan, James 2023-04-06</b>	00:00:13	RyanAllJudge10.1
	261:15 Q. So what did you mean by we believe we have		63
	261:16 a meaningful subscription service?		
	261:17 A. Exactly what I said. We have -- we		
	261:18 believe we have a strong and healthy PlayStation		
	261:19 Plus subscription business.		
263:07 - 263:07	<b>Ryan, James 2023-04-06</b>	00:00:04	RyanAllJudge10.1
Clear	263:07 Q. I want you to look at RX 20.		64
263:08 - 263:12	<b>Ryan, James 2023-04-06</b>	00:00:20	RyanAllJudge10.1

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
	263:08 A. I have RX 20.		65
	263:09 Q. Is this your most recent co-marketing		
	263:10 agreement between Sony Interactive Entertainment and		
	263:11 Activision Publishing regarding Call of Duty?		
	263:12 A. I believe so.		
264:04 - 264:08	<b>Ryan, James 2023-04-06</b>	00:00:19	RyanAllJudge10.1
	264:04 Q. Do they have an obligation today to keep		66
	264:05 Call of Duty games on your platform?		
	264:06 A. They do.		
	264:07 Q. That extends through 2024 or until 2024?		
	264:08 A. Until the end of 2024.		
267:11 - 267:14	<b>Ryan, James 2023-04-06</b>	00:00:14	RyanAllJudge10.1
	267:11 Q. And did you ever ask Activision whether		67
	267:12 you could put the current version of COD into your		
	267:13 subscription service?		
	267:14 A. No.		
267:15 - 267:25	<b>Ryan, James 2023-04-06</b>	00:00:55	RyanAllJudge10.1
	267:15 Q. Why not?		68
	267:16 A. We have no particular -- a PlayStation		
	267:17 Plus model for us is about catalog games, strong		
	267:18 range of catalog games, and we knew that Bobby had		
	267:19 been very public and very vocal that he did not see		
	267:20 that as a route he wanted to take Activision Blizzard down.		
	267:21 Q. So you didn't ask because you thought		
	267:22 there was no way he would even consider putting the		
	267:23 current Call of Duty into your content subscription		
	267:24 service or put it in day and date?		
	267:25 A. Correct.		
268:06 - 268:10	<b>Ryan, James 2023-04-06</b>	00:00:17	RyanAllJudge10.1
			69
4:10 - 4:14	<b>Ryan, James 2023-04-07</b>	00:00:11	RyanAllJudge10.1
			70

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
8:07 - 8:24	<p><b>Ryan, James 2023-04-07</b></p> <p>8:07 Q. And you then said that you never asked</p> <p>8:08 Activision to put the current Call of Duty games in</p> <p>8:09 day and date because you thought -- you knew</p> <p>8:10 Mr. Kotick would never agree to that, right?</p> <p>8:11 A. I certainly said the first part of that</p> <p>8:12 sentence, yes, I did.</p> <p>8:13 Q. Do you think Mr. Kotick would have agreed</p> <p>8:14 to it?</p> <p>8:15 A. I don't know, but I don't believe he would</p> <p>8:16 have agreed to it.</p>	00:00:59	RyanAllJudge10.1 71
17:05 - 17:13	<p><b>Ryan, James 2023-04-07</b></p>	00:00:25	RyanAllJudge10.1 72
17:22 - 18:08	<p><b>Ryan, James 2023-04-07</b></p>	00:00:35	RyanAllJudge10.1 73

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
			
18:18 - 19:01	<b>Ryan, James 2023-04-07</b>	00:00:23	RyanAllJudge10.1 74
			
	18:23 Q. When there's only two participants you're 18:24 measuring in the market, you're taking market share, 18:25 somebody else is losing market share, right? 19:01 A. That's correct.		
25:19 - 25:24	<b>Ryan, James 2023-04-07</b>	00:00:19	RyanAllJudge10.1 75
	25:19 Q. You did have some supply chain constraints 25:20 when you were trying to sell PS 5s in 2021? 25:21 A. Correct. 25:22 Q. Is that the time period when you saw Xbox 25:23 sales do better for a short term period than PS 5 25:24 sales?		
26:01 - 26:08	<b>Ryan, James 2023-04-07</b>	00:00:28	RyanAllJudge10.1 76
	26:01 A. Correct. 26:02 Q. Otherwise, can you name a time period 26:03 where Xbox sales materially exceeded PlayStation 5 26:04 sales? 26:05 A. No. 26:06 Q. How long was that time period where Xbox 26:07 sales were larger than the PS 5 sales? 26:08 A. I believe about three months.		
28:15 - 28:25	<b>Ryan, James 2023-04-07</b>	00:00:43	RyanAllJudge10.1 77
	28:15 Q. Microsoft has offered, most recently, to 28:16 agree to keep Call of Duty games on your platform 28:17 for at least 10 years, correct? 28:18 A. Correct.		
			

RyanAllJudge10 - Ryan Judge designations on 6-27-23

DESIGNATION	SOURCE	DURATION	ID
	[REDACTED]		
29:01 - 29:11	Ryan, James 2023-04-07	00:00:38	RyanAllJudge10.1 78
	[REDACTED]		
	29:07 A. Publishers are fully incentivized to 29:08 publish on PlayStation platforms.		
	[REDACTED]		
29:17 - 30:10	Ryan, James 2023-04-07	00:00:53	RyanAllJudge10.1 79
	[REDACTED]		
30:11 - 30:17	Ryan, James 2023-04-07	00:00:21	RyanAllJudge10.1 80
	[REDACTED]		

RyanAllJudge10 - Ryan Judge designations on 6-27-23

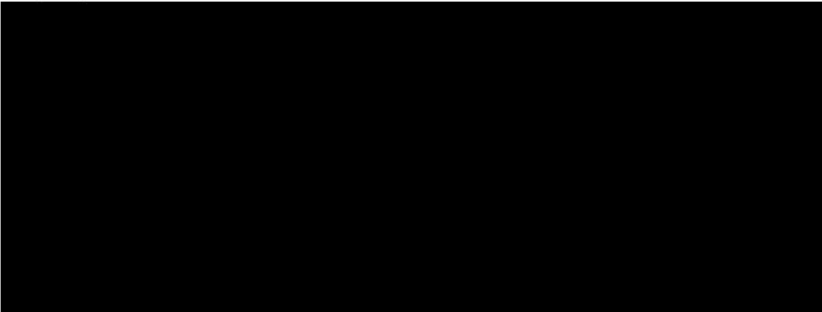
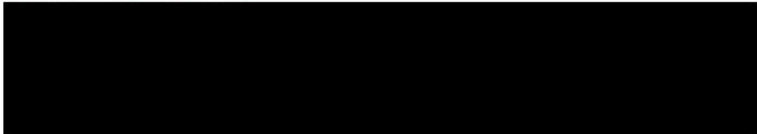
DESIGNATION	SOURCE	DURATION	ID
32:16 - 32:23	<b>Ryan, James 2023-04-07</b> 	00:00:29	RyanAllJudge10.1 81
33:01 - 33:01	<b>Ryan, James 2023-04-07</b> 	00:00:02	RyanAllJudge10.1 82
60:12 - 60:15	<b>Ryan, James 2023-04-07</b> 60:12 Q. Being -- developing a very robust cloud 60:13 platform, for example, that pleases customers is 60:14 quite difficult, isn't it? 60:15 A. Yes.	00:00:15	RyanAllJudge10.1 83
62:16 - 62:24	<b>Ryan, James 2023-04-07</b>  62:21 Q. Do you consider it a platform or do you 62:22 consider it just a service provided? 62:23 A. We consider it as a service component of 62:24 PlayStation Plus.	00:00:31	RyanAllJudge10.1 84
62:25 - 64:20	<b>Ryan, James 2023-04-07</b>  63:07 Q. You've had your service since 2014? 63:08 A. What service? 63:09 Q. Your cloud streaming service?	00:02:41	RyanAllJudge10.1 85



**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
63:10	A. The present PlayStation Plus component of		
63:11	cloud gaming has been in existence since last year.		
63:12	Q. Right, but you had a form of cloud		
63:13	streaming service that you started in 2014, correct?		
63:14	A. Correct.		
63:15	Q. And that means you've had that service		
63:16	eight years at least, available in some form, to		
63:17	gamers?		
63:18	A. I'm not sure. I'd like to reserve		
63:19	judgment on when we introduced PlayStation Now,		
63:20	which is the cloud gaming service.		
63:21	Q. We'll go over that in a moment. But		
63:22	you've had it out there for numerous years?		
63:23	A. For a few years, yeah.		
64:03	Q. It's not used by a large percentage of		
64:04	your gamers, right?		
64:05	A. PlayStation Now had a subscriber base of 3		
64:06	million.		
64:07	Q. That's not very many for your business?		
64:08	A. In the context of our business, no.		
64:09	Q. When do you think it will become a		
64:10	commercial success or a significant part of your		
64:11	business?		
64:12	A. I would say, again, between -- the answer		
64:13	to that question, obviously, depends how you define		
64:14	significant. But I would say the cloud technology		
64:15	will become a meaningful component of how gamers		
64:16	access games between 2025 and 2035.		
64:17	Q. And you can't give a more narrower time		
64:18	period?		
64:19	A. I don't think there's anybody in the world		
64:20	that could.		
64:21 - 64:23	<b>Ryan, James 2023-04-07</b>	00:00:08	RyanAllJudge10.1
64:21	Q. You don't think the cloud gaming		86
64:22	technology is at a tipping point and will be		
64:23	developed and successful in the next three years?		

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
65:01 - 65:04	<b>Ryan, James 2023-04-07</b> 65:01 A. That's certainly not what I said. We're 65:02 making significant investments in cloud in 65:03 anticipation of it becoming a very meaningful way in 65:04 the way that gamers access game content.	00:00:14	RyanAllJudge10.1 87
79:05 - 79:07	<b>Ryan, James 2023-04-07</b> 79:05 Q. Let me start again. Speaking on behalf of 79:06 SIE, do you believe Nintendo is in the console 79:07 market?	00:00:07	RyanAllJudge10.1 88
79:10 - 79:13	<b>Ryan, James 2023-04-07</b> 79:10 A. Nintendo sells consoles. 79:11 Q. That doesn't answer my question. 79:12 A. So, yes, they are in the console market 79:13 but they are not our direct competitor.	00:00:11	RyanAllJudge10.1 89
83:25 - 84:07	<b>Ryan, James 2023-04-07</b> 83:25 Q. Someone from your organization commented 84:01 that cloud gaming is always five to six years away 84:02 no matter when you read an article. Do you see 84:03 that? 84:04 A. I do. 84:05 Q. Do you agree that it's very difficult to 84:06 determine when great cloud gaming will be 84:07 available?	00:00:19	RyanAllJudge10.1 90
84:10 - 84:10	<b>Ryan, James 2023-04-07</b> 84:10 A. I'd certainly agree that it's difficult.	00:00:03	RyanAllJudge10.1 91
93:04 - 94:01	<b>Ryan, James 2023-04-07</b>  93:11 Q. The only other console that Call of Duty 93:12 is available on is Xbox, correct? 93:13 A. Correct. 	00:01:15	RyanAllJudge10.1 92

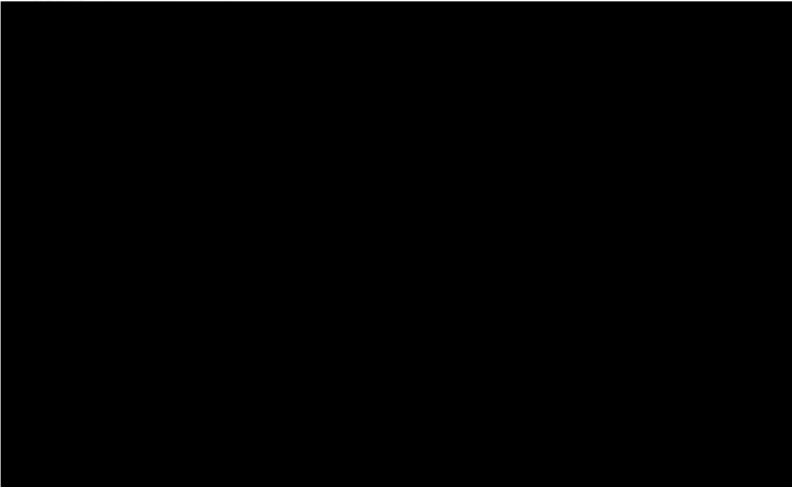

RyanAllJudge10 - Ryan Judge designations on 6-27-23

DESIGNATION	SOURCE	DURATION	ID
	[REDACTED]		
	<p>93:20 Q. Do you compete with Xbox in negotiating</p> <p>93:21 for Activision content?</p> <p>93:22 A. We do.</p> <p>93:23 Q. As far as you know, does Xbox have a</p> <p>93:24 licensing agreement with Activision that covers Call</p> <p>93:25 of Duty?</p> <p>94:01 A. As far as I know they do.</p>		
94:10 - 94:13	<b>Ryan, James 2023-04-07</b>	00:00:12	RyanAllJudge10.1 93
	[REDACTED]		
94:14 - 95:08	<b>Ryan, James 2023-04-07</b>	00:01:02	RyanAllJudge10.1 94
	[REDACTED]		
95:09 - 95:13	<b>Ryan, James 2023-04-07</b>	00:00:15	RyanAllJudge10.1 95
	[REDACTED]		

RyanAllJudge10 - Ryan Judge designations on 6-27-23

DESIGNATION	SOURCE	DURATION	ID
	[REDACTED]		
97:11 - 97:25	Ryan, James 2023-04-07	00:00:54	RyanAllJudge10.1 96
	[REDACTED]		
98:04 - 98:06	Ryan, James 2023-04-07	00:00:11	RyanAllJudge10.1 97
	[REDACTED]		
98:07 - 98:14	Ryan, James 2023-04-07	00:00:21	RyanAllJudge10.1 98
	[REDACTED]		
100:16 - 101:03	Ryan, James 2023-04-07	00:00:35	RyanAllJudge10.1 99
	<p>100:16 Q. Yesterday you testified that Activision</p> <p>100:17 has no incentive to remove games from PlayStation</p> <p>100:18 because PlayStation provides such a large installed</p> <p>100:19 base. Do you recall that testimony?</p> <p>100:20 A. I do.</p> <p>100:21 Q. Activision is an independent publisher as</p> <p>100:22 we have discussed, correct,?</p>		

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
	100:23 A. Correct.		
	100:24 Q. SIE believes that Microsoft would have		
	100:25 different incentives if it owns Activision's content		
	101:01 because Microsoft is Sony's direct platform		
	101:02 competitor; is that right?		
	101:03 A. Correct.		
101:04 - 101:22	<b>Ryan, James 2023-04-07</b>	00:01:20	RyanAllJudge10.2 00
	101:04 Q. You said earlier today that Activision's		
	101:05 experience publishing on Nintendo was not		
	101:06 successful. Do you recall saying that?		
	101:07 A. Yes.		
	101:08 Q. What did you mean by that?		
	101:09 A. I meant that I believe it was in the		
	101:10 context of Call of Duty, that sales of the Call of		
	101:11 Duty SKU were not significant. They have not		
	101:12 published on Nintendo platforms for 10 years.		
	101:13 Q. Based on your role at SIE, did you have a		
	101:14 sense for why Call of Duty sales on Nintendo were		
	101:15 not successful?		
	101:16 A. My opinion would be that the game was		
	101:17 aimed at a very different audience to the standard		
	101:18 Nintendo audience that enjoys Mario and Zelda but		
	101:19 not Call of Duty. That's my opinion.		
	101:20 Q. And that opinion's based on your		
	101:21 experience in the industry?		
	101:22 A. Yes.		
107:10 - 107:20	<b>Ryan, James 2023-04-07</b>	00:00:34	RyanAllJudge10.2 01
			
108:02 - 108:07	<b>Ryan, James 2023-04-07</b>	00:00:13	RyanAllJudge10.2 02
			

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**


DESIGNATION	SOURCE	DURATION	ID
	[REDACTED]		
108:10 - 108:13	Ryan, James 2023-04-07	00:00:07	RyanAllJudge10.2 03
	[REDACTED]		
109:07 - 109:09	Ryan, James 2023-04-07	00:00:08	RyanAllJudge10.2 04
	[REDACTED]		
109:12 - 109:14	Ryan, James 2023-04-07	00:00:10	RyanAllJudge10.2 05
	[REDACTED]		
109:16 - 109:21	Ryan, James 2023-04-07	00:00:15	RyanAllJudge10.2 06
	[REDACTED]		
112:01 - 112:16	Ryan, James 2023-04-07	00:00:44	RyanAllJudge10.2 07

112:05 Q. NBA 22 K is a AAA game?  
 112:06 A. In my opinion, yes.  
 112:07 Q. Spiderman?  
 112:08 A. In my opinion, yes.  
 112:09 Q. FIFA?  
 112:10 A. In my opinion, yes.  
 112:11 Q. Hogwarts Legacy?  
 112:12 A. In my opinion, yes.  
 112:13 Q. God of War Ragnarok?

**RyanAllJudge10 - Ryan Judge designations on 6-27-23**

DESIGNATION	SOURCE	DURATION	ID
	112:14 A. In my opinion, yes. 112:15 Q. Final Fantasy 16? 112:16 A. In my opinion, yes.		
112:17 - 112:19	<b>Ryan, James 2023-04-07</b> 	00:00:15	RyanAllJudge10.2 08
112:20 - 112:24	<b>Ryan, James 2023-04-07</b> 	00:00:13	RyanAllJudge10.2 09

<a href="#">Defendants' designations</a>	00:44:32
<a href="#">Plaintiff's designations</a>	00:43:48
<a href="#">Defendant's counter counter designations</a>	00:00:47
<a href="#">Plaintiff's counter designations</a>	00:14:20
<a href="#">Defendants' counter designations</a>	00:05:25
<b>TOTAL RUN TIME</b>	<b>01:48:51</b>

-  Documents linked to video:
- PX3106
  - PX3109
  - PX3110
  - PX8001
  - RX70
  - RX75
  - RX79
  - RX1162
  - RX2059
  - RX5000