

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Edith Ramirez, Chairwoman  
Julie Brill  
Maureen K. Ohlhausen  
Joshua D. Wright  
Terrell McSweeney

In the Matter of

SONY COMPUTER ENTERTAINMENT  
AMERICA LLC ,  
a limited liability company .

DOCKET NO. C-4514

COMPLAINT

The Federal Trade Commission, having reason to believe that Sony Computer Entertainment America LLC, a limited liability company (“Respondent” or “SCEA”), has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Sony Computer Entertainment America LLC is a limited liability company with its principal office or place of business at 2207 Bridgepoint Pkwy, San Mateo, California 94404.
2. Respondent has manufactured, advertised, labeled for sale, sold, and distributed products to the public, including the PlayStation Vita (“PS Vita”). The PS Vita is a game console that Respondent first offered for sale in the United States on February 22, 2012, for approximately \$250. The PS Vita is part of Respondent’s line of game consoles, including the PlayStation 3 video game console (“PS3”) that allows consumers to play video games on their television sets. Unlike the PS3, the PS Vita is a handheld, portable console that allows consumers to play games away from their television sets. In addition to selling game consoles, Respondent is one of the many game developers in the game titles for use on its PS3 and PS Vita game consoles. At the time the PS Vita was launched, “Killzone 3,” and “Unit 13” were popular SCEA titles for the PS3.
3. Respondent’s advertisements promoted, among other things, three notable features of the PS Vita. First, it promoted the “remote play” feature as a way that consumers could access games already residing on their PS3 consoles and play them remotely on the PS Vita anywhere with a Wi-Fi connection. Second, advertisements represented that, with the “cross platform gaming” or “cross save” feature, consumers could begin playing a game on a PS3, their progress at any point in the game and then continue that game where they left off on the PS Vita. Third, with the “3G version” of the PS Vita available for an extra \$50 and monthly fees,



B. Television Commercial (Exhibit C, transcript, and Exhibit D, DVD containing ad)

[Depiction of a young man sitting on a couch, playing the PS3 game, "MLB 12: The Show"]

[Voice Over]: "It's a problem as old as gaming itself. Stay home and just keep playing, or get to work on time so your coffee breath boss doesn't ride you like a rented scooter."

[Depiction of the inside of a subway car]

[On-screen Super]: "Simulated screen visual"

[Voice Over]: "Who says you have to choose?"

[On-screen Super]: "CROSS PLATFORM PLAY"

[Depiction of the man pausing the PS3 game, picking up the PS Vita, viewing a download screen, and walking out the door, continuing to play the same game on his PS Vita while walking down the street]

[Voice Over]: "Your PS3 stays home, but the game goes with you."

[On-screen Super]: "#GAMECHANGER"

[Voice Over]: "Never stop playing."

[On-screen Super]: "NEVER STOP PLAYING"

[Voice Over]: "PlayStation Vita"

[On-screen Super]: "PS VITA"

C. In-Store Advertisement (Exhibit E)

"NEVER STOP PLAYING.

[Depiction of PS Vita]

ALWAYS COMPETITIVE WITH 3G.

Game with your friends when you want and in more places

...

## Cross Platform Game Save

Play on your PS3 system and then continue your game on the go with PS Vita

[Depictions of the game MLB 12: The Show including a depiction of a PS3 and a PS Vita connected by arrows, displaying some screen shot from a baseball game.] ”

### D. Internet Advertisement (Exhibit F)

“PlayStation Vita System Features

...

#### 3G/AT&T

The new PS Vita 3G/WiFi System, powered by AT&T’s Mobile Broadband Network, will change the way you game with real time scores and game ranking news feeds, competitive multiplayer game sessions, and game text messaging with Party. Game at the speed of your mobile life” style.

### E. Television and Internet Commercial (Exhibit G, transcript, and Exhibit H, DVD containing ad)

[Depiction of a young man walking down the street, playing the shooting game, “Unit 13” on his PS Vita]

[Voice Over]: “Suddenly it doesn’t feel so safe out there.”

[On-screen Super]: “Simulated screen visual

[Voice Over]: “People are lookin’ at ‘cha with bad intentions. Because with Vita, your spot on the leader board is always up for grabs.”

[Depiction of the young man passing strangers on the street who also appear to be playing on a PS Vita. They look furtively at each other. A man passing by on a bus, who also appears to be playing a PS Vita, nods to the young man.]

[Voice Over]: Find a friend, find an enemy, find a game anywhere, anytime.”

[On-screen Super]: “3G GAMING ”

[On-screen Super]: “#GAMECHANGER”

[Voice Over]: “Never Stop Playing”

[On-screen Super]: “NEVER STOP PLAYING ”

[Voice Over]: “PlayStation Vita”



material to consumers in their purchase use of the PS VitaThe failure to disclose this fact in light of the representation made, was is a deceptive practice.

9. The acts and practices Respondent as alleged in this complaint constitute deceptive acts or practices or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this twenty fourth day of March, 2015, has issued this complaint against Respondent

By the Commission.

Donald S. Clark  
Secretary

SEAL: