122-3252

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

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

In the Matter of **SONY COMPUTER ENTERTAINMENT AMERICA LLC,** **a limited liability company.**	**DOCKET NO. C-**

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, offered 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 game 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 writing game titles for use on its PS3 and PS Vita game consoles. At the time the PS Vita was launched, "MLB 12: The Show," "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, save 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,

advertisements represented that consumers could access a 3G network to play games live with others ("multiplayer gaming").

4. The acts and practices of Respondent alleged in this complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act.

5. Respondent has disseminated or has caused to be disseminated advertisements for the PS Vita, including but not necessarily limited to the attached Exhibits A through H. These advertisements contain the following statements and depictions:

A. Internet Advertisement and Promotional Video (Exhibit A, transcript, and Exhibit B, DVD containing ad)

[*Voice Over*]: "With PlayStation's Cross Platform Play, you've got game, wherever you go." [Depiction of television set and PS3 console, with PS3 game running on the television screen]

[*Voice Over*]: "With Cross Platform Gaming, you can play your PS3 game, pause it, then pick up right where you left off on your Vita."

[Depiction of a PS3 game being played on a television set, with the words "CROSS PLATFORM GAME" appearing above it. An animated hand pushes a button to pause the game on a PS3 remote, and the PS3 remote morphs into a PS Vita. Then the hand pushes a button on the PS Vita, and the same PS3 game begins to play on the PS Vita screen]

. . .

[Depiction of a PS Vita console with game title, Killzone 3, playing on screen]

[*Voice Over*]: "And with Remote Play, your PS Vita can tap into your PlayStation 3, so PlayStation 3 games and content are easily accessible on the go." [Depiction of images from Killzone 3 game being played on a television in a living room setting. Also depicts Killzone 3 being played on the PS Vita, but handheld console moves away from the living room to a bakery or cafe setting]

[*On-screen Super*]: "**KILLZONE 3**"

[*On-screen Super*]: "**REMOTE PLAY**"

[*Voice Over*]: "The world is in play, with PlayStation Vita. PlayStation."

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

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 the same screen shot from a baseball game.] "

D. Internet Advertisement (Exhibit F)

"**PlayStation Vita System Features**

. . .

3G/AT&T

The new PS Vita 3G/Wi-Fi 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 cross-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"

[*On-screen Super*]: "**PS VITA**"

6. Through the means described in Paragraph 5, Respondent has represented, expressly or by implication, that:

A. With remote play, PS Vita users can easily access their PS3 games on the PS Vita.

B. With remote play, PS Vita users can easily access Killzone 3 and other similar, data-rich PS3 games on the PS Vita.

C. PS Vita users are able to pause any PS3 game they are playing on their PS3 consoles at any point in the game, and continue to play that game where they left off on the PS Vita.

D. PS Vita users who own the 3G version are able to engage in live, multiplayer gaming through a 3G network.

7. In truth and in fact:

A. With remote play, PS Vita users cannot easily access their PS3 games on the PS Vita. Most PS3 games are not remote playable on the PS Vita. Respondent did not specifically design the PS3 system to support remote play functionality.

B. With remote play, PS Vita users cannot easily access Killzone 3 and other similar, data-rich PS3 games on the PS Vita. Respondent never enabled remote play on its Killzone 3 title, and very few, if any, other PS3 games of similar size and complexity are remote play compatible.

C. PS Vita users are not able to pause any PS3 game they are playing on their PS3 consoles at any point in the game, and continue to play that game where they left off on the PS Vita. This cross platform gaming feature is only available for a limited number of PS3 game titles, and the pause and save feature varies significantly by game. For example, with respect to "MLB 12: The Show," consumers are only able to pause and save the game to the PS Vita after having finished the entire baseball game (all nine innings) on the PS3.

D. PS Vita users who own the 3G version are not able to engage in live, multiplayer gaming through a 3G network. PS Vita users are restricted to asynchronous or "turn-based" multiplayer gaming with the 3G version of the PS Vita.

Therefore, the representations set forth in Paragraph 6 were, and are, false or misleading.

8. Through the means described in Paragraph 5, Respondent has represented, expressly or by implication, that consumers can play PS3 games, such as "MLB 12: The Show," on the PS3, pause the game, and continue that game on the PS Vita. Respondent has failed to disclose that to use this feature, consumers must own two versions of the same game for each console (*e.g.*, two versions of "MLB 12: The Show"), one for the PS3 and one for the PS Vita. This fact would be

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

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

THEREFORE, the Federal Trade Commission this day of , , has issued this complaint against Respondent.

By the Commission.

Donald S. Clark
Secretary

SEAL: