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Attorneys for Plaintiff
SONY INTERACTIVE ENTERTAINMENT LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SONY INTERACTIVE ENTERTAINMENT LLC, a California limited liability company,

Plaintiff,

v.

TENCENT HOLDINGS LTD., a Cayman Islands corporation; TENCENT TECHNOLOGY (SHANGHAI) COMPANY LTD. d/b/a AURORA STUDIOS and/or POLARIS QUEST, a Chinese company; TENCENT AMERICA LLC, a Delaware limited liability company; PROXIMA BETA PTE LTD. d/b/a TENCENT GAMES and/or LEVEL INFINITE, a Singapore corporation; PROXIMA BETA U.S. LLC, a Delaware limited liability company; and DOES 1-10.

Defendants.

Case No. 3:25-cv-06275-JSC

DECLARATION OF ASAD QIZILBASH IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION

Date: November 20, 2025
Time: 10:00 a.m.
Courtroom: 8 – 19th Floor
Judge: Hon. Jacqueline Scott Corley

REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED.

I, Asad Qizilbash, declare as follows:

1. This declaration is based on my personal knowledge of the facts described herein, unless otherwise noted.

2. I am employed by Sony Interactive Entertainment LLC ("SIE"). I am currently the Senior Vice President of Publishing, Studio Business Group and Head of PlayStation Productions.

3. After graduating with an MBA from the University of San Francisco in 2001, I worked in the product marketing field for four years before joining Sony in 2005.

4. I started at Sony as a Product Marketing Manager for Sony Computer Entertainment America LLC in 2005. After two years, I became a Senior Manager of Product Marketing for Sony Electronics in 2007. The following year, in 2008, I joined SIE, where I have worked for over 17 years. At SIE, I have held various roles, including: Senior Manager, Product Marketing (2008-2012); Senior Director, Marketing Exclusive Games (2012-2017); Vice President Global Marketing, Exclusive Games, Merchandising & IP Expansion (2017-2019); Head of Product, PlayStation World Wide Studios (2019-2024); Head of PlayStation Productions (2019-2025); and SVP of Product, Studio Business Group (2024-2025).

5. In my current role at SIE, I direct sales and marketing activities for PlayStation games and oversee the studio business group portfolio, including franchise development and expansion. My team's overarching goal is to increase the enterprise value of SIE's franchises.

The Expansion of the *Horizon* Franchise

6. The *Horizon* franchise is one of SIE's [redacted] most valuable franchises, not only in terms of direct game sales, but also licensing and merchandising opportunities. To date, the *Horizon* franchise has generated approximately [redacted] in revenue since *Horizon Zero Dawn*'s release and [redacted] in related franchise revenue from licenses and other merchandising fees. Potential partners frequently express interest in developing or licensing the *Horizon* IP as one of SIE's most valuable and recognizable properties.

7. At SIE, we conceive of franchise development as a "flywheel." [redacted]

[redacted]

8. The significant value in franchise expansion is well-known in the gaming industry. For instance, I recently read an article showing research that TV adaptations of video games drive an average player growth of almost 140 percent. The article, "Video game TV adaptations boost player numbers 140% on average, says new report" (available at, https://www.gamesindustry.biz/video-game-tv-adaptations-boost-player-numbers-140-on-average-says-new-report), which I am informed will be provided to the Court as **Exhibit 38** to the Declaration of Diana Rutowski ("Rutowski Declaration"), reports that in the specific case of SIE's *The Last of Us*, Ampere Analysis found that the HBO series increased the franchise's engagement (typically measured by player count, retention rates, and session length of the game) by an average of 150 percent.

9. A copycat game emerging during franchise development risks confusing consumers, diminishing value to licensees and partners, and destabilizing and jeopardizing the whole flywheel.

10. [redacted]

11. [redacted],

[redacted]

12. [redacted]

13. [redacted]

14. Third, we are in development for a film based on *Horizon* in partnership with Columbia Pictures. We already have a working script and are actively searching for a director, with the goal of shooting the picture in 2026 and releasing it in 2027. The live-action film follows the recent collaborations between Columbia Pictures and PlayStation Productions on the 2022 film *Uncharted* and the 2023 film *Gran Turismo*.

15. [redacted].

16. [redacted]

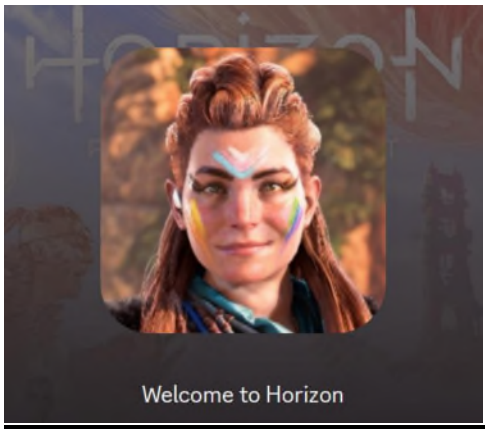
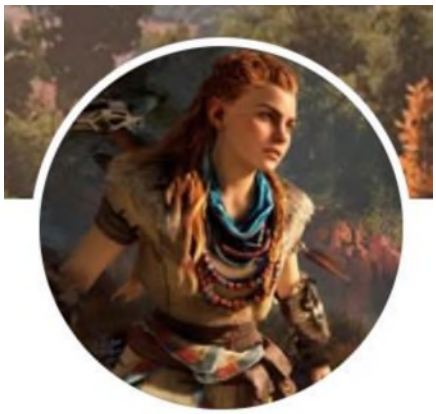
17. [redacted]

18. These new *Horizon* projects are expected to provide substantial additional game revenue, as well as licensing and merchandizing opportunities. SIE and its partners have already invested significant time, money, and effort into these new *Horizon* projects. In carefully crafting the flywheel, SIE did not account for a copycat game to upset the already delicate balance.

<u>The Aloy Brand</u>

19. A key component of the *Horizon* IP is Aloy, the main character. Since her debut in 2017, she has been featured on *Horizon* materials associated with the games, including video-game packaging, digital storefront banners, official PlayStation website headers, and social-media

banners on Facebook, Instagram, X, Discord, YouTube, and Reddit. Aloy's iconic placement in these types of *Horizon* materials is shown in the images below:

Discord	**Facebook**
	
Video-Game Packaging	

20. Aloy is also featured in merchandise such as collectible statues, limited-edition apparel, museum-quality art prints, and other promotional materials. A few of the many examples of merchandise featuring Aloy are depicted below:

21. In the lower left of the table above, Aloy is a main character in the LEGO Horizon Adventures "Aloy & Varl vs. Shell-Walker & Sawtooth" collectible fantasy gaming toy for kids.

22. As another example, Aloy has been licensed for use in *Fortnite*, where players can purchase an Aloy "skin" or outfit as part of the *Horizon Zero Dawn* set (*see* https://fortnite.fandom.com/wiki/Aloy, a printout of which I am informed will be submitted to the Court as **Exhibit 42** to the Rutowski Declaration), and for use in *Monster Hunter* (*see* https://www.monsterhunter.com/world/us/topics/dlc_horizon/, a printout of which I am informed will be submitted to the Court as **Exhibit 43** to the Rutowski Declaration).

23. In 2021, The Gamer ranked Aloy as one of the top ten most-iconic video game characters introduced over the last decade in an article accessible at https://www.thegamer.com/iconic-video-game-characters-last-decade/, which I am informed is attached as **Exhibit 26** to the Rutowski Declaration. The Gamer wrote that "[e]ven though Horizon Zero Dawn is a masterpiece that stands on its own, Aloy makes it even better, which is why her face is recognizable to almost everyone in the PlayStation community." Aloy was also ranked as one of the best video game characters of the 2010s in an article by Polygon entitled "The 70 best video game characters of the decade: The people, animals and robots we've loved" (available at https://www.polygon.com/features/2019/11/27/20974490/greatest-video-game-characters-2019-2010-skyrim-witcher-splatoon, which I am informed is attached as **Exhibit 27** to the Rutowski Declaration), and as one of the best new game characters of 2017 by Paste Magazine (available at https://www.pastemagazine.com/games/best-of-2017/the-best-new-games-characters-2017, which I am informed is attached as **Exhibit 52** to the Rutowski Declaration).

24. As a result of her extensive public use and promotion over the last eight years, Aloy is widely recognized as a brand, not only of the *Horizon* franchise, but for Sony PlayStation itself. For example, Game Rant recognizes Aloy as a PlayStation Mascot in its article entitled "Horizon Forbidden West Will Only Further Cement Aloy as a PlayStation Mascot," which is available at https://gamerant.com/horizon-forbidden-west-aloy-playstation-mascot/, and which I am informed is attached as **Exhibit 29** to the Rutowski Declaration. In fact, the opening animation that plays before every PlayStation Productions film features Aloy. The animation can be viewed at the following link: https://www.youtube.com/watch?v=UvXVA_ZLAWo. I am informed a copy of this animation is being submitted to the Court as **Exhibit 44.B** to the Rutowski Declaration.

25. The Aloy character appears in other SIE PlayStation games. She is referenced in SIE's *Astro Bot* game, which was released in celebration of PlayStation's 30th anniversary. One of the robots bears Aloy's red hair, alluding to the iconic *Horizon* protagonist. She has also made cameo appearances as an easter egg in other games, such as *The Last of Us Part I*, *Death Standing*, *Ghost of Tsushima*, and *God of Ragnarök*.

26. A visual icon as distinctive as Aloy is very important to the flywheel of franchise building. For example, Aloy is also intended to be a key icon in the anticipated film [redacted]

Light of Motiram's Threat to the _Horizon_ Franchise

27. After Tencent announced and released trailers for *Light of Motiram*, SIE attempted to resolve the matter informally. In February 2025, SIE executives spoke with Tencent executives, including Steven Ma (identified as Ma Xiaoyi (Steven Ma), Senior Vice President, on Tencent's website here: https://www.tencent.com/en-us/about.html) about our concern that *Light of Motiram* infringed SIE's IP in the *Horizon* franchise. Tencent again asked if SIE would be interested in licensing the *Horizon* intellectual property for *Light of Motiram*, and SIE said no.

28. In March 2025, after reviewing *Light of Motiram*'s promotional materials, SIE executives met with Tencent executives in San Francisco for the March 2025 Game Developer Conference. SIE asked that Tencent stop developing the game and agree not to release it. But Tencent refused to withdraw the game and instead continued actively promoting *Light of Motiram*.

29. *Light of Motiram* jeopardizes the *Horizon* franchise at this critical point in its expansion. The *Light of Motiram* promotions have already created significant marketplace confusion just as SIE is increasing our efforts to reach new audiences with the [redacted] and live-action film. This confusion will only escalate as SIE begins to actively market its planned activations with video and social marketing.

30. [redacted]

[redacted]

31. [redacted] One reason is that *Light of Motiram* has caused significant confusion as to its affiliation with *Horizon* and will continue to do so unless stopped. A second reason is that Tencent is one of the largest game distributors in the world, [redacted]

32. [redacted].

33. The uncertainty that Tencent's promotion of *Light of Motiram* creates [redacted]. There is uncertainty regarding when Tencent will release *Light of Motiram* and the impact its release will have [redacted] That is just one reason why it is so important for SIE to obtain immediate relief to prevent Tencent from continuing to develop, test, promote and/or release *Light of Motiram*. [redacted]

34. [redacted]

35. [redacted]

36. Our portfolio team has developed data looking at the overlap of different genres and games, showing that competition between games that look alike stifles sales. The closer the game, the greater the impact.

37. Unless Tencent is stopped from continuing to advertise its copycat game and promote a future release date, SIE will be damaged in a way that we cannot quantify. For example, we will not be able to identify (i) how many persons will be influenced by Tencent's competing product in deciding whether to purchase and play *Horizon* games; (ii) how many existing or future licensees will be reluctant to invest in the *Horizon* franchise with a copycat product in the marketplace; or (iii) how many opportunities such as films, books, shows, or merchandising will be lost over concern about the *Light of Motiram* game's impact on potential revenue. Trying to quantify the financial and non-financial impact of *Light of Motiram* on our *Horizon* franchise will be impossible. The longer that *Light of Motiram* is still in the marketplace, the more difficult it will be to assess its impact on our business.

38. This risk is particularly acute given Tencent's size and global reach. Tencent is invested in so many companies around the world that its impact is not limited to the gaming industry or even the services and products of its direct subsidiaries or divisions. As such, it makes all our

business dealings with Tencent-invested companies fragile right now. Indeed, making this situation even more difficult is the fact that SIE, its affiliates, and Tencent are worldwide business partners, have joint investments, and Tencent distributes a number of SIE games, especially in China.

39. If such an obvious copy of a high-value intellectual property asset is permitted to continue, it will not only affect the *Horizon* franchise, but it will have broader implications on SIE's ability to develop future new, unique game franchises. Companies will not be willing to pay for exclusive rights to our intellectual property, particularly if when disregarded, our intellectual property rights cannot be enforced. Additionally, our talented artistic teams would be disincentivized from pouring their passion into development of future games. And SIE will be reluctant to invest the millions of dollars required to release and promote a new game franchise if someone can simply copy the game and sidestep the time and money required to develop a successful game. No longer will any studio (at SIE or elsewhere) be confident that long-term investments in game franchises and associated intellectual property are protected. This will adversely impact not just SIE, but the richness and diversity of games available to the public. Had SIE known in 2011 that *Horizon* could be simply copied if successful, it likely would not have invested the many years and [redacted] of dollars into *Horizon* to make it the iconic and beloved game it has become.

40. Finally, even if SIE prevails at trial in this case after several years of litigation, such a victory will not undo the damage caused by Tencent's copying. I cannot emphasize enough how pivotal this particularly point in time is to the successful expansion of the *Horizon* franchise. The uncertainty caused by *Light of Motiram* jeopardizes all our current expansion plans, including those already underway. Tencent's statements that it will not release *Light of Motiram* until Q4 2027 only exacerbate the risk, as the uncertainty and confusion created by the game will linger for the next two to three years as we implement our business plans to reach a much broader audience.

The Confidentiality of SIE's Business Information and Expansion Strategies

41. Based on my current position at SIE and years of experience in the gaming industry generally, and at SIE specifically, I understand what types of business information must be maintained as confidential to protect SIE's competitive position in the marketplace.

42. Given the significant financial revenue that popular video games can generate, as well as their potential for spin-off licensing and merchandizing opportunities, the gaming industry is highly competitive. Given the highly-competitive nature of the industry, maintaining confidentiality of SIE business information and expansion plans is critical. For example, confirming even the existence of business negotiations or relationships can jeopardize expansion opportunities.

43. To protect the confidentiality of SIE business information and expansion plans, SIE maintains strict confidentiality protocols, including employee confidentiality agreements, nondisclosure agreements with potential business partners, and limiting information available to SIE employees regarding future plans on a need-to-know basis.

44. To support SIE's preliminary injunction motion seeking to stop the promotion of *Light of Motiram* from further harming SIE, this declaration provides highly confidential and strategic information relating to SIE's business model and strategy for expanding game franchises generally and the *Horizon* franchise specifically. This includes confidential information on franchise-specific investments (¶¶6, 40); long-term company strategies (¶7); active franchise expansion plans (¶¶11-13, 15-18, 27, 30-36); and contractual licensing relationships and arrangements (¶¶12-13, 32-34). This information is only shared on a need-to-know basis with proper confidentiality and nondisclosure protections in place.

45. SIE implements extensive Information Security policies across the business to ensure information relating to game development, franchise expansions, licensing negotiations, and future deals remains confidential and appropriately protected. For example, games are given project names for use in these contexts.

46. SIE employees are subject to confidentiality obligations as part of their contracts of employment. Project information relating to current and future development is shared on a need-to-know basis for people who are advising and working on the project. It is not information that is generally shared across the organization.

47. Between SIE and business partners, nondisclosure agreements require confidentiality as to any discussions and business arrangements, including communications regarding any public announcements. Our standard nondisclosure agreement requires third-parties

to take all necessary measures to safeguard the relevant confidential information to avoid disclosure and to use a high degree of care and security as is consistent with the protection of valuable trade secrets by companies in high-technology industries.

48. If the confidential information in this declaration is disclosed to the public, it would place SIE at a competitive disadvantage in the highly-competitive gaming industry. Additionally, it would jeopardize existing and ongoing negotiations for future expansion opportunities. This highly sensitive information falls into a few general categories.

49. **Franchise Expansion Information**: Our strategy and current activities relating to the development and expansion of the *Horizon* game and franchise are highly proprietary and restricted by employee confidentiality agreements to those on a need-to-know basis. Disclosing objectives and plans for game expansion, including the nature of such expansion, could adversely impact both short- and long-term opportunities. Information relating to unannounced projects is disclosed to only third-parties needed for the project, and only under confidentiality agreements. SIE game development and franchise expansion plans are highly confidential and their disclosure would provide competitors with key information they could use to inform their strategies to compete with SIE.

50. It is critically important for SIE to control the point in time at which it announces games in development. This allows SIE to take advantage of marketing strategies and timing around the announcement so as to build consumer interest and market traction. A premature confirmation that a game is in development will significantly impact this ability to maximize the timing of new releases. It also places SIE at a disadvantage in talent negotiations when an announcement has been made before SIE has had a chance to approach returning or new talent about potential development plans. Additionally, competitors can adjust their own development and release plans and schedules if they know SIE's expansion plans.

51. **SIE IP/Licensing Information**: To the extent we discuss developing the *Horizon* franchise with existing business partners or licensing the *Horizon* intellectual property to potential collaborators and/or licensees, the disclosure of the nature, content or even existence of those discussions and negotiations could jeopardize those discussions and adversely impact our strategic

goals of developing the *Horizon* franchise. Our existing and potential business partners expect information pertaining to their dealings with SIE to be maintained as confidential and not publicly disclosed. Public disclosure of game development plans would be significantly damaging in connection with confidentiality obligations SIE has to its licensees and damaging from a relationship and commercial perspective.

52. **Financial and Franchise Investment Information**: Financial records and budgets are not matters of public record, nor are they widely divulged within the business. Tencent is a competing developer and publisher of games, and publicly disclosing SIE financial information would provide Tencent and other competitors with an insight into our game budgets that they otherwise would not have. Disclosing information relating to our investment in a particular game would allow other development studios to benchmark against these sums and information. Public disclosure of the human and dollar amounts SIE invests in titles would allow competing studios to gain a competitive advantage by knowing the resources required to develop a game of a similar standard to SIE titles. Public disclosure of this information is also likely to impact SIE's position in future negotiations with third parties in the development of future titles if they are aware of the size of budgets for similar AAA SIE titles (e.g., increased fees/royalties on talent, vendors, licensors etc.).

53. While the public has a general understanding that the *Horizon* game franchise has been financially successful, detailed financial information relating to SIE's financial investment in *Horizon* is highly confidential to SIE. If others in the industry are aware of this information, it could be used in connection with future business dealings and contract negotiations, thereby placing SIE at a competitive disadvantage, causing harm to SIE.

54. Publication and promotion of Tencent's *Light of Motiram* game has already harmed SIE and jeopardized future expansion plans for the *Horizon* franchise in the ways described in this declaration. Protecting the confidential information in this declaration is necessary to ensure that SIE is not further harmed and competitively disadvantaged by Tencent refusing to withdraw *Light of Motiram*.

I declare under penalty of perjury the laws of the United States of America that the foregoing is true and correct.

Executed on this 16th day of October 2025, in San Francisco, California.

Asad Qizilbash