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October 13, 2010

By telefax to (415) 355-8566

C. Lewis Ross, Esq.
Circuit Mediator
United States Court of Appeals for the 9th Circuit

Re: *Perfect 10 v. Google*, Case No. 10-56316

Dear Mr. Ross:

Pursuant to our discussions, Perfect 10 requests, and Google consents, that you issue an order increasing the number of words that Perfect 10 may have in its Opening Brief by 2,750 words, so that its brief may be up to 16,750 words. Perfect 10 will stipulate that Google may have up to the same number of words in its Answering Brief, if Google so requests.

This request is made because this appeal presents many important issues of copyright law and right of publicity law, which cannot be briefed in a coherent manner without the additional words. Perfect 10 has been working diligently during the past two weeks to reduce the size of its brief and has deleted several thousand words from its initial drafts. Perfect 10 believes that if the brief is reduced to less than approximately 16,750 words, the quality of the brief will suffer and portions of the brief will be more difficult to understand.

The issues in this appeal are of considerable importance to copyright owners such as Perfect 10 and internet service providers such as Google. Because of the number of issues in the District Court's Orders that are the subject of this appeal (the District Court's Orders consist of 53 single-spaced pages, totaling approximately 17,000 words), and the discussion that is necessary to address each of those issues, these matters cannot be adequately addressed without the additional words requested. Furthermore, the docket in this case in the District Court is now 118 pages and consists of 987 pleadings.

In *UMG v. Veoh*, Case No. 09-56777, a case involving similar but substantially fewer issues, the Appellate Commissioner granted the parties the right to file briefs containing an additional 3,000 words (up to 17,000 words). *See* Docket Entry 29, a copy of which is attached. I have carefully followed the *UMG*

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case because of its relationship to this case, and I am very familiar with the issues there. Compelling reasons exist for granting a request for an additional 2,750 words in the present case, because there are many more issues involved.

In conclusion, good cause exists for Perfect 10 to be able to file a brief of up to 16,750 words. Granting this request serves the interests of justice and of the Court of Appeals by enabling Perfect 10 to file a brief that adequately discusses the issues and fully develops the facts and record. Without the additional words, the brief would be less intelligible. Google consents to Perfect 10's request to have up to 16,750 words in its Opening Brief.

Sincerely,



Jeffrey N. Mausner

Enclosure

cc: Margret Caruso, by email

FILED

UNITED STATES COURT OF APPEALS

JUN 03 2010

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UMG RECORDINGS, INC., a Delaware
corporation; et al.,

Plaintiffs - Appellants,

v.

VEOH NETWORKS, INC., a California
corporation,

Defendant - Appellee,

and

SHELTER CAPITAL PARTNERS LLC, a
Delaware Limited Liability Company; et
al.,

Defendants.

No. 09-56777

D.C. No. 2:07-cv-05744-AHM-
AJW

Central District of California,
Los Angeles

ORDER

Before: Peter L. Shaw, Appellate Commissioner.

Appellants' motion for leave to file an oversized opening brief of 18,320 words is granted in part. The opening brief, not to exceed 17,000 words, is due within 14 days after the date of this order.

The answering brief, not to exceed 17,000 words, is due within 30 days after service of the opening brief. The optional reply brief is due within 14 days after service of the answering brief.

Amici The Recording Industry Associate of America, et al.'s motion for leave to file an amicus brief on behalf of appellants, shall be referred to the panel assigned to decide the merits of the appeal.

Any further motion for leave to file an amicus brief shall be treated in the same fashion.