

ORIGINAL

Perfect 10 Inc v. Google Inc et al

Doc. 131

1 Andrew P. Bridges (SBN: 122761)
2 Jennifer A. Golinveaux (SBN: 203056)
3 WINSTON & STRAWN LLP
4 101 California Street, 39th Floor
5 San Francisco, CA 94111-5894
6 Telephone: 415-591-1000
7 Facsimile: 415-591-1400
8 abridges@winston.com, jgolinveaux@winston.com

9 Attorneys for Defendant
10 GOOGLE INC.

FILED
CLERK, U.S. DISTRICT COURT
MAR 22 2006
CENTRAL DISTRICT OF CALIFORNIA
BY

SCANNED

Bill _____
Fees Pd _____
Frms Gvn _____
CAD _____
TDO _____
Ntc/Dkt Mld _____
FP Frms Gvn _____

11 UNITED STATES DISTRICT COURT
12 CENTRAL DISTRICT OF CALIFORNIA

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5894

13 PERFECT 10, INC., a California
14 corporation

15 Plaintiff,

16 vs.

17 GOOGLE INC., a corporation; and
18 DOES 1 through 100, inclusive

19 Defendant.

20 AND COUNTERCLAIM

21 PERFECT 10, INC., a California
22 corporation

23 Plaintiff,

24 vs.

25 AMAZON.COM, INC., a corporation;
26 A9.COM, INC., a corporation; and
27 DOES 1 through 10, inclusive,

28 Defendants.

Case No. CV04-9484 AHM (SHx)
[Consolidated with Case No. CV 05
4753 AHM (SHx)]

NOTICE OF APPEAL (CROSS-
APPEAL) BY DEFENDANT
GOOGLE INC.

PRELIMINARY INJUNCTION
APPEAL

I HEREBY CERTIFY THAT THIS DOCUMENT WAS SERVED BY
FIRST CLASS MAIL, POSTAGE PREPAID, TO ALL COUNSEL
(OR PARTIES) AT THEIR RESPECTIVE, MOST RECENT, ADDRESS OF
RECORD, IN THIS ACTION, ON THIS DATE.
DATED: MAR 24 2006
C. Brizuela
DEPUTY CLERK

DOCKETED ON CM
MAR 24 2006
BY *CPJ* 029

131.

SCANNED

1
2 Defendant GOOGLE INC. HEREBY GIVES NOTICE THAT it
3 appeals to the United States Court of Appeals for the Ninth Circuit from the
4 ORDER GRANTING IN PART AND DENYING IN PART PERFECT 10'S
5 MOTION FOR PRELIMINARY INJUNCTION AGAINST GOOGLE
6 entered February 21, 2006, as well as any further orders flowing from it.

7 **Google Inc. believes that this notice is likely to be premature as to**
8 **it, because no order granting an injunction has yet issued from the**
9 **District Court. In its order entered on February 21, 2006, the District**
10 **Court indicated it was granting in part and denying in part the motion**
11 **for preliminary injunction by Plaintiff Perfect 10, Inc., but the District**
12 **Court has not yet actually issued an injunction order and the parties do**
13 **not yet know the terms of an order. While believing this notice to be**
14 **premature, in an abundance of caution Google Inc. files it pursuant to**
15 **Rule 4(a)(2), Fed. R. App. P.**

16 Pursuant to Circuit Rule 3-2, a Representation Statement is attached to
17 this notice.

18 Pursuant to Circuit Rule 3-4, a Civil Appeals Docketing Statement
19 accompanies this notice.

20
21 Dated: March 22, 2006

Respectfully submitted,

WINSTON & STRAWN LLP

22
23
24 By: Andrew P. Bridges

25 Andrew P. Bridges
26 Jennifer A. Golinveaux
27 Attorneys for Defendant and
28 Counterclaimant Google Inc.

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5894

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

SCANNED

<p>PERFECT 10, INC.,</p> <p>Appellant and Cross-Appellee,</p> <p>v.</p> <p>GOOGLE INC.,</p> <p>Appellee and Cross-Appellant.</p>

No. _____

D.C. Case No. CV 04-9484 AHM (SHx) (C.D. Cal. Los Angeles)

REPRESENTATION STATEMENT BY GOOGLE INC.

The undersigned represents GOOGLE INC., Defendant and Counterclaimant in the court below and Appellant and Cross-Appellee in this appeal, and no other party. Attached is a Service List that shows all of the parties to the action below, and identifies their counsel by name, firm, address, telephone number, facsimile number, and email address. This statement is made pursuant to Fed. R. App. P. 12(b) and Circuit Rule 3-2(b).

Dated: March 22, 2006

Respectfully submitted,

WINSTON & STRAWN LLP

By: Andrew P. Bridges
 Andrew P. Bridges
 Jennifer A. Golinveaux
 Attorneys for Appellee and Cross-Appellant Google Inc.

SERVICE LIST

SCANNED

Counsel for GOOGLE INC.

Andrew P. Bridges
Jennifer A. Golinveaux
WINSTON & STRAWN LLP
101 California Street, 39th Floor
San Francisco, CA 94111-5894
Telephone: (415) 591-1000
Facsimile: (415) 591-1400
abridges@winston.com, jgolinveaux@winston.com

Counsel for PERFECT 10, INC.

Russell J. Frackman, Esq.
Jeffrey D. Goldman, Esq.
MITCHELL SILBERBERG & KNUPP LLP
11377 West Olympic Boulevard
Los Angeles, CA 90064-1683
Telephone: (310) 312-2000
Facsimile: (310) 312-3100
rjf@msk.com

Jeffrey N. Mausner, Esq.
BERMAN, MAUSNER & RESSER
11601 Wilshire Boulevard, Suite 600
Los Angeles, CA 90025-1742
Telephone: (310) 473-3333
Facsimile: (310) 473-8303
jeffmausner@bmrlaw.com

Daniel J. Cooper, Esq.
PERFECT 10, INC.
72 Beverly Park Drive
Beverly Hills, CA 90210
Telephone: (310) 205-9817
Facsimile: (310) 205-9638
dan@perfect10.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss

CANNED

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Winston & Strawn LLP, 333 South Grand Avenue, 38th Floor, Los Angeles, California 90071-1543. On March 22, 2006, I served the within document(s):

**NOTICE OF APPEAL (CROSS-APPEAL)
BY DEFENDANT GOOGLE INC.**

by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California, addressed as set forth below.

SEE ATTACHED SERVICE LIST

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than on day after the date of deposit for mailing an affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on March 22, 2006, at Los Angeles, California.

Rebecca L. Willis

Rebecca L. Willis

Service List

SCANNED

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

Russell J. Frackman, Esq.
Jeffrey D. Goldman, Esq.
MITCHELL SILBERBERG & KNUPP LLP
11377 West Olympic Boulevard
Los Angeles, CA 90064-1683
(310) 312-3100

Jeffrey N. Mausner, Esq.
BERMAN, MAUSNER & RESSER
11601 Wilshire Boulevard, Suite 600
Los Angeles, CA 90025-1742
(310) 473-8303

Daniel J. Cooper, Esq.
PERFECT 10, INC.
72 Beverly Park Drive
Beverly Hills, CA 90210
(310) 205-9638

Anthony J. Malutta, Esq.
Mark T. Jansen, Esq.
TOWNSEND, TOWNSEND & CREW
2 Embarcadero Center, 8th Floor
San Francisco, CA 94111
(415) 576-0300

Google
Images



See full-size image.

www.3thehardway.nl/.../vibe_sorenson006.jpg

485 x 730 pixels - 152k

Image may be scaled down and subject to copyright.

Remove Frame

Image Results

SCANNED
SCANNED

Below is the image in its original context on the page: www.3thehardway.nl/.../vibe_sorenson006.html

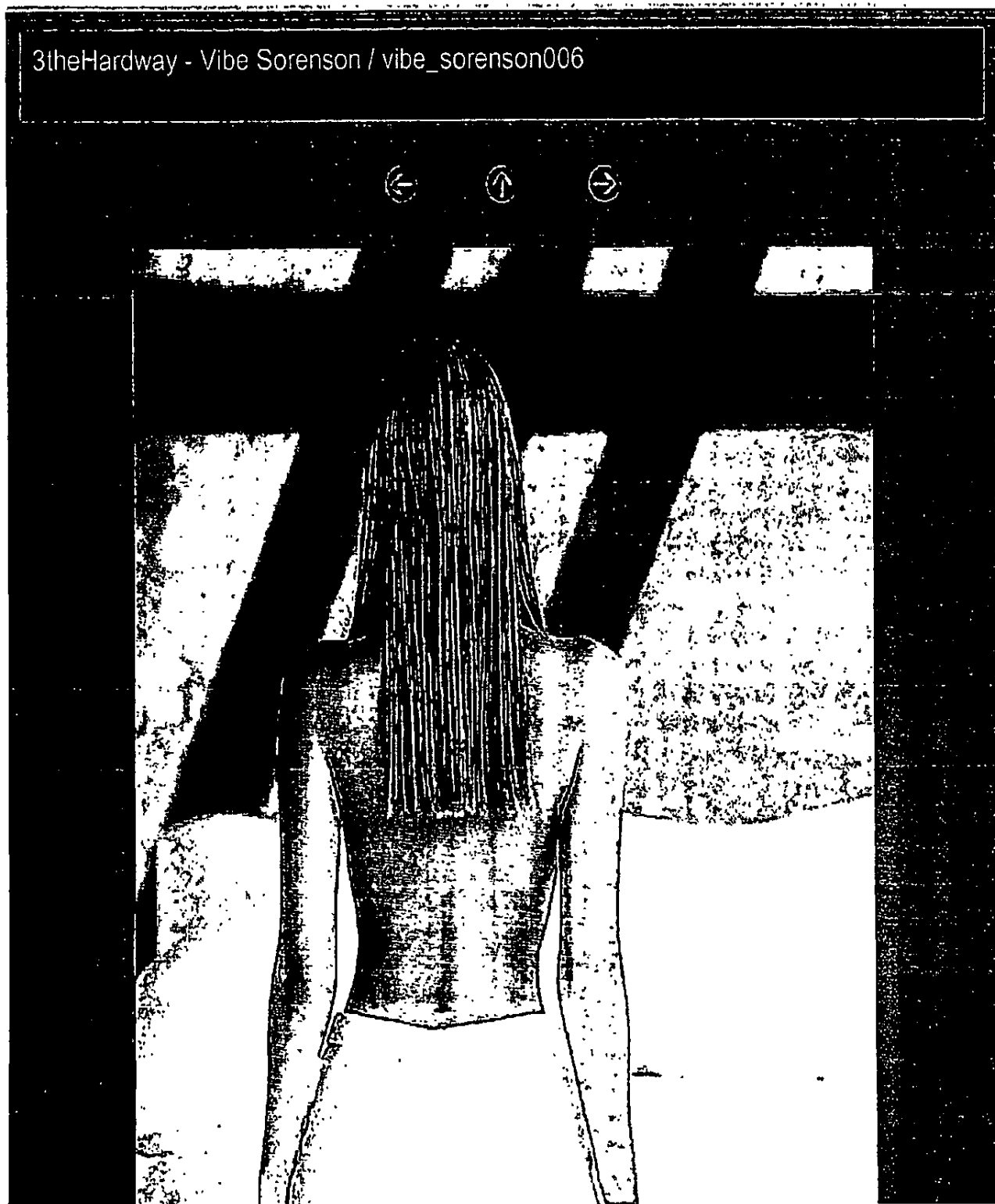


Exhibit A