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Perfect 10, Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PERFECT 10, INC., a California
corporation,

Plaintiff,

v.

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

Defendants.

AND CONSOLIDATED CASE

MASTER FILE NO. CV04-9484 AHM
(SHX)

**Declaration of Jeffrey N. Mausner In
Support Of Plaintiff Perfect 10, Inc.'s
Reply Memorandum Of Points And
Authorities For Its Motion for Review
and Reconsideration of Portions of
Magistrate Judge Hillman's Order of
February 22, 2008 Granting in Part
Perfect 10's Motion to Compel
Defendant Google, Inc. to Produce
Documents, and Objections Thereto**

[Memorandum Of Points And Authorities
and Declaration Of Dr. Norman Zada
Submitted Concurrently Herewith]

Date: April 14, 2008

Time: 10:00 A.M.

Place: Courtroom of Judge Matz

1 I, Jeffrey N. Mausner, declare as follows:

2 1. I am an attorney at law and a member of the State Bar of California. I
3 am counsel of record for Plaintiff Perfect 10, Inc. ("Perfect 10") in this action. All
4 of the matters stated herein are of my own personal knowledge, except where
5 otherwise stated, and if called as a witness, I could and would testify competently
6 thereto.

7 2. Attached hereto as Exhibit A is a true and correct copy of a letter to
8 me from Rachel M. Herrick of Quinn Emanuel Urquhart Oliver & Hedges, LLP,
9 counsel of record for Defendant Google Inc. ("Google"), dated March 19, 2008.

10 3. Attached hereto as Exhibit B is a true and correct copy of a document
11 entitled "Declaration of Dr. Norm Zada In Support Of Perfect 10's Supplemental
12 Memorandum In Support Of Its Motion To Compel Defendant Google Inc. To
13 Produce Documents," without the exhibits thereto, which was filed by Perfect 10 in
14 this action on November 5, 2007, and which is on file as Pacer No. 236 (the "2007
15 Zada Declaration").

16 4. Attached hereto as Exhibit 10 is a true and correct copy of Exhibit 10
17 to the 2007 Zada Declaration discussed in the previous paragraph, which Dr. Zada
18 describes in Paragraph 4 of the 2007 Zada Declaration as a printout that he made
19 from Google Trends, showing the relative number of search results on Aria
20 Giovanni (graph in blue) compared to searches on Ashley Judd (graph in red), and
21 John Roberts (graph in green).

22 5. Attached hereto as Exhibit 11 is a true and correct copy of Exhibit 11
23 to the 2007 Zada Declaration, which Dr. Zada describes in Paragraph 5 of the
24 declaration as a print-out of information regarding the number of searches done on
25 a search engine known as overture.com for Perfect 10 model Aria Giovanni. As
26 may be seen by a review of Exhibit 11, in January of 2007, there were 87,004
27 overture.com searches done specifically on the search term "aria giovanni."
28

6. Attached hereto as Exhibit C is a true and correct copy of the cover page, pages 21-23, and page 35 of the document entitled “Defendant Google Inc.’s Response To Plaintiff’s First Set Of Requests For The Production Of Documents,” dated April 18, 2005, and served by Google upon Perfect 10 in this action.

7. Attached hereto as Exhibit D are true and correct copies of the cover page and pages 3, 13, 15, and 149 of the Reporter's Transcript Of Proceedings of the hearing on Perfect 10's Motion to Compel that took place on February 22, 2006.

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

Executed on April 4, 2008, at Woodland Hills, California.

Jeffrey N. Mausner