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Attorneys for Plaintiff Perfect 10, Inc.

9 UNITED STATES DISTRICT COURT
 10 CENTRAL DISTRICT OF CALIFORNIA

11 PERFECT 10, INC., a California
12 corporation,

13 Plaintiff,

14 v.

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

17 Defendants.

Master Case No.: 04-9484 AHM (SHx)

**PERFECT 10'S REPLY TO
 ADDITIONAL DOCUMENT
 SUBMITTED BY GOOGLE'S
 COUNSEL AT THE HEARING ON
 PERFECT 10'S MOTION FOR
 LEAVE TO FILE SECOND
 AMENDED COMPLAINT;
 DECLARATION OF DR. NORMAN
 ZADA IN SUPPORT**

18
19 AND CONSOLIDATED CASE

Date: July 14, 2008
 Time: 10:00 a.m.
 Place: Courtroom 14, Courtroom of the
 Honorable A. Howard Matz

Discovery Cut-Off Date: None Set
 Pretrial Conference Date: None Set
 Trial Date: None Set

1 At the hearing on Perfect 10's Motion for Leave to File Second Amended
2 Complaint this morning, Google's counsel submitted to the Court a document that
3 was not included in Google's Opposition. Google's counsel claimed that this
4 document showed that Perfect 10 knew, in January 2006, that Google was storing
5 full-size Perfect 10 images on its servers. One of the pages of this document is
6 attached as Exhibit 1.

7 Contrary to Google's claim at the hearing, this document does not show that
8 Perfect 10 knew that full-sized Perfect 10 images were stored on Google's servers
9 in January 2006, *because the images shown on this document were not stored on*
10 *Google's servers*. Rather, the images were stored on and in-lined linked from a
11 different website, imagevenue.com. Imagevenue.com is not registered to Google.
12 See the attached Declaration of Dr. Zada and Exhibits 2 and 3. Because these
13 images were not stored on Google's servers, the document submitted by Google's
14 counsel does not establish that Perfect 10 knew that full-size Perfect 10 images
15 were stored on Google's servers on that date. This document does not contradict
16 Dr. Zada's or Mr. Mausner's declarations. Google could have seen that these
17 images were not stored on Google's servers, the same as Dr. Zada did, by right
18 clicking on the images on the hard drive that was produced to them.

19
20 Dated: July 14, 2008

Respectfully submitted,

s/Jeffrey N. Mausner

21
22 By: _____
23 JEFFREY N. MAUSNER
24 Attorney for Plaintiff Perfect 10, Inc.
25
26
27
28

1 **DECLARATION OF DR. NORMAN ZADA**

2 I, Norman Zada, declare as follows:

3 1. I am the President of Plaintiff Perfect 10, Inc. (“Perfect 10”). I have
4 been very involved in the prosecution of this case and am very familiar with all
5 aspects of it. All of the matters stated in this declaration are of my own personal
6 knowledge, except where otherwise stated, and if called as a witness, I could and
7 would testify competently thereto. I make this declaration in reply to the document
8 that Google presented to the Court during the hearing on July 14, 2008.

9 2. The images of “Marketa” on the document presented by Google,
10 dated January 5, 2006, were not stored on Google’s servers. Rather, those images
11 were stored on the website imagevenue.com, which I have verified is registered to
12 a “Hostfin Limited” in “Roseau, 00152 DM,” not to Google.

13 3. Attached as Exhibit 2 is a true and correct print screen of a portion of
14 the document that Google used in court today, dated January 5, 2006, which I
15 printed from the same Adobe file that was produced to Google. I have right
16 clicked on the top image on the left, to show that the location of that image was on
17 imagevenue.com, not blogger.com, at the time this image was downloaded on
18 January 5, 2006. Adobe, which is the program that was used to download these
19 images, stores the image locations at the time the document is downloaded. (I
20 have added the green checkmark which highlights the URL imagevenue.com, for
21 the convenience of the court.) I right clicked on all of the images of “Marketa” on
22 this document today, to verify that all of them were stored on imagevenue.com on
23 January 5, 2006, not blogger.com.

24 4. Because of in-line linking, just because an image appears on a
25 blogspot.com website does not mean that the image is stored on that site, or on
26 Google’s servers. The images in the example used by Google are in-line linked
27 from the website imagevenue.com and are stored on imagevenue.com servers, not
28 on Google servers. Images that have blogger.com or google.com in their image


1 URLs are stored on Google's servers. The images submitted by Google's attorney
2 have imagevenue.com in their image URLs, which means they are stored on
3 imagevenue.com servers.

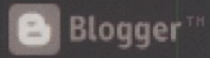
4 5. Because these images were not stored on Google's servers, I do not
5 believe that the document contradicts my reply declaration, where I stated that to
6 the best of my recollection, I discovered that there were a few full-size Perfect 10
7 images on blogger.com in approximately June of 2006.

8 6. Attached as Exhibit 3 is a true and correct copy of the current "who
9 is" registration for imagevenue.com, which shows that it is registered to a "Hostfin
10 Limited" in Roseau, 00152 DM.

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

13 Executed on July 14, 2008, at Los Angeles County, California.

14 
15 _____
16 Norman Zada, Ph.D.



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BABE-O-RAMA

2005/11/22

Marketa



Exhibit 1



http://img126.imagevenue.com/img.php?loc=loc1748&image=f8f_001.jpg



<http://fotzo.blogspot.com/2005/11/marketa.html> (1 of 6) 1/5/2006 4:40:55 AM



Exhibit 2



Domains

Welcome Guest

[My Account](#)
[Login](#)
[Sign Up](#)

[Domains](#)

[Linux Hosting](#)

[Windows Hosting](#)

[Email](#)

[Digital Certificates](#)

[Other Solutions](#)

[Resellers](#)

[Home](#)

[My Account](#)

[Register Domain](#)

[Transfer Domain](#)

[FAQs](#)

[Contact Us](#)

[Whois](#)

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Whois Search Results

Domain Name : **imagevenue.com**

Registrant:

Hostfin Limited
Cophall P.O. Box 2331
Roseau, 00152
DM

Domain name: IMAGEVENUE.COM

Administrative Contact:

Slobodskoi, Yura imagevenue@gmail.com
Cophall P.O. Box 2331
Roseau, 00152
DM
78122328714

Technical Contact:

Slobodskoi, Yura imagevenue@gmail.com
Cophall P.O. Box 2331
Roseau, 00152
DM
78122328714

Registration Service Provider:

Domainmonger.com, service@domainmonger.com
+1.801-572-0021
+1.425-952-0172 (fax)
<http://www.domainmonger.com>

Registrar of Record: TUCOWS, INC.
Record last updated on 13-Jun-2008.
Record expires on 11-Aug-2010.
Record created on 11-Aug-2004.

Registrar Domain Name Help Center:
<http://domainhelp.tucows.com>

Domain servers in listed order:

ns1.lanechange.net
ns3.lanechange.net
ns2.lanechange.net
ns4.lanechange.net
e.ns.lanechange.info

Quick Links

[Register New](#)
[Transfer](#)
[Bulk Register](#)
[Bulk Transfer](#)
[Name Suggestion Tool](#)
[Price List](#)
[Domain / Mail Forwarding](#)
[Managed DNS](#)

Hot Deals!!!

[.us SALE! USD 7.99](#)
[.mobi SALE! USD 9.88](#)

Web/Email Hosting

[Linux Hosting Plans](#)
[Windows Hosting Plans](#)
[Email-only Plans](#)
[Demo](#)

Digital Certificates

[View Plans](#)
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Live Chat Services

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[Demo](#)

Exhibit 3