

1 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP
Michael T. Zeller (Bar No. 196417)
2 michaelzeller@quinnemanuel.com
865 South Figueroa Street, 10th Floor
3 Los Angeles, California 90017-2543
Telephone: (213) 443-3000
4 Facsimile: (213) 443-3100
Charles K. Verhoeven (Bar No. 170151)
5 charlesverhoeven@quinnemanuel.com
50 California Street, 22nd Floor
6 San Francisco, California 94111-4624
Rachel Herrick Kassabian (Bar No. 191060)
7 rachelkassabian@quinnemanuel.com
555 Twin Dolphin Drive, Suite 560
8 Redwood Shores, California 94065-2129

9 Attorneys for Defendant GOOGLE INC.

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

12 PERFECT 10, INC., a California
corporation,

13 Plaintiff,

14 vs.

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

17 Defendants.

18 AND COUNTERCLAIM

19 PERFECT 10, INC., a California
corporation,

20 Plaintiff,

21 vs.

22 AMAZON.COM, INC., a corporation;
23 A9.COM, INC., a corporation; and
24 DOES 1 through 100, inclusive,

25 Defendants.

CASE NO. CV 04-9484 AHM (SHx)
[Consolidated with Case No. CV 05-
4753 AHM (SHx)]

**DEFENDANT GOOGLE'S NOTICE
OF MOTION AND MOTION FOR
SUMMARY JUDGMENT RE:
GOOGLE'S ENTITLEMENT TO
SAFE HARBOR UNDER 17 U.S.C.
§ 512(c) FOR ITS BLOGGER
SERVICE**

[Separate Statement, Declarations of
Rachel Herrick Kassabian, Sibrina
Khan, Bill Brougher, Shantal Rands
Poovala and Paul Haahr filed
concurrently herewith]

Hon. A. Howard Matz

Date: August 17, 2009

Time: 10:00 a.m.

Crtrm.: 14

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

PUBLIC REDACTED

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that on August 17, 2009, in the courtroom of the
3 Honorable A. Howard Matz, located at 312 North Spring Street, Los Angeles,
4 California 90012, Courtroom 14, Defendant Google Inc. ("Google") shall and
5 hereby does move this Court for summary judgment pursuant to the safe harbor
6 provisions of the Digital Millennium Copyright Act, 17 U.S.C. § 512 ("DMCA")
7 with respect to Plaintiff Perfect 10, Inc's. ("P10") claims of copyright infringement
8 against Google directed to Google's Blogger service. This motion for summary
9 judgment is made on the ground that Google satisfies each of the statutory
10 requirements for safe harbor under the governing DMCA provision, namely 17
11 U.S.C. § 512(c).¹

12 This motion is based on this Notice of Motion and Motion, the concurrently-
13 filed Memorandum of Points and Authorities and Separate Statement, the supporting
14 Declarations of Rachel Herrick Kassabian, Sibrina Khan, Bill Brougher, Shantal
15 Rands Poovala and Paul Haahr, the pleadings and other papers on file in this action,
16 including Google's Motion for Summary Judgment Regarding Google's Entitlement
17 to Safe Harbor under 17 U.S.C. 512(d) for Web and Image Search, and such
18 additional evidence as may be presented at or before the hearing.

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¹ Under separate covers, Google also is filing motions for partial summary judgment of entitlement to DMCA safe harbor under Sections 512(b) regarding Google's caching feature ("Caching Motion") and 512(d) regarding Google's Web and Image Search feature ("Search Motion"). Google respectfully suggests that the Court consider Google's Search Motion first, as it includes a full recitation of the facts and arguments common to all three motions. The Search Motion and its supporting brief are incorporated here by reference.

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Statement of Local Rule 7-3 Compliance

Google's counsel engaged in the Local Rule 7-3 pre-filing conference with P10's counsel on November 7, 2008 as well as times thereafter.

DATED: July 2, 2009

QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP

By *Rachel Herrick Kassabian*
Michael Zeller
Rachel Herrick Kassabian
Attorneys for Defendant GOOGLE INC.

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **Preliminary Statement**

3 Google's "Blogger" Service allows users to create and post content hosted on
4 Google servers. Perfect 10 ("P10") has alleged various direct and secondary
5 copyright infringement claims against Google based on Blogger content. There are
6 no material facts for trial regarding whether P10 may pursue its claims based on
7 Blogger content, because Google qualifies for safe harbor under Section 512(c) of
8 the Digital Millennium Copyright Act ("DMCA"). As a threshold matter, P10's
9 defective notices were insufficient to confer knowledge of copyright infringement,
10 and summary judgment in Google's favor should be granted on this basis alone.
11 Moreover, Google expeditiously processed P10's notices to the fullest extent
12 possible, removing allegedly infringing material displayed on Blogger, and
13 enforcing its repeat infringer policy for Blogger account holders. Because P10 has
14 not raised a triable issue of fact regarding Google's satisfaction of the statutory
15 requirements for this safe harbor, Google's motion for summary judgment on this
16 basis should be granted.

17 **Statement of Facts**²

18 **I. GOOGLE'S BLOGGER SERVICE**

19 Google provides a service, known as Blogger, that allows Blogger account
20 holders³ to create their own blogs hosted on Google servers. *See*
21 www.blogspot.com; Declaration of Shantal Rands Poovala ("Poovala Dec.") ¶ 26.
22 Blogger account holders create and post content on their blogs, including images.
23 *Id.* In some cases, images displayed on Blogger are uploaded by the account holder

24 _____
25 ² Google respectfully refers the Court to pages 6-16 of its Search Motion, which
26 recite the facts common to both motions.

1 to Google's servers, and in other cases the account holder hyperlinks to content
2 hosted on other servers. *Id.*⁴ Blogger web pages are crawled and indexed by
3 Google (and may appear in search results) unless the blog author requests to be
4 excluded from that process or Google removes such content from Blogger for policy
5 reasons. Declaration of Paul Haahr ("Haahr Dec.") ¶¶ 4, 16.

6 **II. P10'S RELEVANT ALLEGATIONS AGAINST GOOGLE**

7 P10 alleges that Google is directly and secondarily liable for copyright
8 infringement based upon Google's hosting of allegedly infringing images uploaded
9 by third parties on Google's Blogger service. Second Amended Complaint ¶ 28.

10 **III. GOOGLE'S DMCA POLICY AND PROCEDURE FOR BLOGGER**

11 Google has a DMCA policy and procedure for processing DMCA notices
12 directed to Blogger content, published at
13 http://www.google.com/blogger_dmca.html. Poovala Dec., Ex. G. For a Blogger
14 DMCA complaint, Google directs complainants to identify in sufficient detail the
15 copyrighted work allegedly infringed by providing a brief description of the work
16 and the complete URL or other location where the work can be found. Google
17 needs this information to verify the complaint. *Id.* ¶ 29. Google also directs
18 complainants to identify the location of the allegedly infringing material on a
19 Blogger site so that Google can locate it. *Id.* ¶ 30. To identify the location, the
20 copyright holder must provide either (1) the URL for the top-level domain of the
21 blog along with the date of the blog entry at issue, or (2) the specific URL for the
22 particular blog post – known as the permalink or "post URL." *Id.*

23 _____

24 ³ Blogger "account holders" are third parties who use Google's Blogger service to
25 create and maintain blogs, which are personal websites they can easily update with
text and links to other content on the Internet.

26 ⁴ To the extent Google links to such content as opposed to hosting it, the Section
27 512(d) safe harbor applies, and Google is entitled to summary judgment on that
basis regarding P10's Blogger claims. *See* Search Motion.

28

1 Google expeditiously processes the DMCA notices it receives regarding its
2 Blogger service. Poovala Dec. ¶ 31.⁵ When a notice is received, it is entered into
3 an electronic Blogger "queue" for tracking purposes. *Id.* ¶ 32. The notices are
4 reviewed by members of Google's ████████ team responsible for processing
5 Blogger DMCA complaints to confirm that they contain the required information.
6 *Id.* If a notice does not contain the required information, Google asks the
7 complaining party for more information. *Id.* Once the notice is verified, Google
8 expeditiously removes infringing image(s), and notifies the Blogger account holder
9 of the DMCA complaint. *Id.* ¶ 33. Google sends any counter-notifications received
10 to the party that originally complained. *Id.* ¶ 35. If, within fourteen days of learning
11 of the counter-notification, the complaining party fails to notify Google that it has
12 filed a lawsuit, Google reinstates the image(s). *Id.*

13 **IV. GOOGLE'S REPEAT INFRINGER POLICY**

14 Google has and enforces repeat infringer policies for all products or services
15 with "subscribers or account holders," as required by the DMCA. Poovala Dec. ¶
16 36. Google's Blogger service is one such service. The terms and conditions for
17 Blogger advise account holders that they are not permitted to display copyrighted
18 material unless they have the legal right to do so, and that their accounts may be
19 terminated for violating Google's policies. *Id.* ¶ 26, Ex. F. Google tracks the
20 DMCA notices processed regarding a particular account, and terminates the account
21 following receipt of ████████ verified DMCA notices. *Id.* ¶ 37, Ex. J.

22
23
24
25 ⁵ Google's DMCA policy instructs that Blogger notices should be sent to the
26 attention of Google's Legal Support for Blogger DMCA Complaints. Blogger
27 notices generally are not processed by the same members of the ████████ team that
28 process Web and Image Search DMCA complaints. Poovala Dec. ¶¶ 31-32.

1 **V. P10'S DEFECTIVE DMCA NOTICES**

2 A full discussion of P10's DMCA notices⁶, and their numerous defects, is set
3 forth in Google's Search Motion at pages 7-11 (incorporated herein by reference).

4 Pursuant to 17 U.S.C. § 512(c)(3)(B)(ii), Google repeatedly advised P10 of
5 the various defects that hindered or precluded Google from completely processing
6 its notices. *See* Search Motion at 11-12; Poovala Dec. ¶¶ 56-73 & Exs. S-EE. At no
7 time did P10 respond to Google's letters by resubmitting its notices in an intelligible
8 and DMCA-compliant format. Poovala Dec. ¶ 74. In short, P10's notices
9 consistently failed to identify the work at issue and the location of the infringing
10 content (among other defects). *See* Search Motion at 7-11. Worse, P10's
11 obfuscatory and burdensome notices, coupled with its refusals to correct the noted
12 defects, suggested that P10 had little interest in actually removing links to content
13 from Google's search results or any other service, including Blogger. *See id.* at 11-
14 12.

15 Not one of P10's notices was sent to the attention of Google's Legal Support
16 for Blogger DMCA Complaints, as directed by the Blogger DMCA policy at
17 http://www.google.com/blogger_dmca.html. Poovala Dec. ¶ 93. Not one of P10's
18 notices contained the information necessary for Google to locate allegedly
19 infringing material on a Blogger site, namely the post URL or date of the blog entry.
20 *Id.* Nonetheless, Google identified Blogger URLs where possible and treated these
21 as notices for the Blogger service.

22 Specifically, Google's review of P10's notices revealed that 16 of them
23 identified discernable URLs associated with Blogger websites as the allegedly
24

25 ⁶ For ease of reference, Google refers to P10's DMCA communications as
26 "notices." However, Google does not concede that these communications
27 constituted valid notices of copyright infringement pursuant to the DMCA. Nor
(footnote continued)

1 infringing URLs in question.⁷ All but two are among the Group B Notices
2 discussed in Google's Search Motion, and were sent in the same format as the other
3 notices in that group. *Id.* One of the two Group C Notices (dated July 2, 2007)
4 included Blogger URLs buried in the two accompanying DVDs, each of which was
5 comprised of thousands of pages of allegedly infringing material. *Id.* ¶¶ 86-87, Ex.
6 N4. As referenced above, each of P10's notices contained multiple defects, as set
7 forth in detail in Google's Search Motion. *See* Search Motion at 7-11. The same
8 failure to identify the works at issue and the location of the infringing materials
9 plagued all of the Blogger-related notices within Groups B and C.

10 **VI. GOOGLE'S PROCESSING OF P10'S NOTICES**

11 Although P10's notices identifying Blogger URLs were (1) buried among
12 Web Search and Image Search notices, (2) missing the information required to
13 locate the infringing materials, and (3) otherwise non-compliant with the DMCA's
14 requirements (as discussed in the Search Motion at pages 7-11), Google's [REDACTED]
15 team expeditiously processed them for Blogger, to the extent possible.

16 Specifically, as Google's [REDACTED] team processed the notices for Web and
17 Image Search, the team scrutinized them for any references to Blogger websites, as
18 reflected by a "blogger.com" or "blogspot.com" domain name. Poovala Dec. ¶ 93.
19 The [REDACTED] team then forwarded all such URLs to the Blogger team for further
20 processing. *Id.* The Blogger team removed the offending blog post and/or image
21 wherever the identity of that post and/or image could be discerned (given P10's
22 failure to provide the specific post URL), noted a strike against the account holder

23 _____
24 does Google concede that the URLs identified by P10 as "infringing URLs" in its
25 claimed notices were actually infringing.

26 ⁷ The notices identifying discernable Blogger URLs are dated February 7, February
27 17, April 3, April 11, June 12, June 19, July 16, July 26, August 30, September 27,
28 December 7, December 22 and December 23, 2005, February 13, 2006, July 2,
2007, and June 4, 2009 (attached as Exhibits L and N to the Poovala Dec.).

1 who had posted the material, and terminated the account where appropriate,
2 pursuant to Blogger's repeat infringer policy. *Id.* [REDACTED]

3 [REDACTED]
4 [REDACTED]
5 **Summary Judgment Standard**

6 “A party against whom relief is sought may move at any time . . . for
7 summary judgment on all or part of a claim,” or on an affirmative defense. Fed. R.
8 Civ. P. 56(b); *Rivera v. Anaya*, 726 F.2d 564, 566 (9th Cir. 1984). The moving
9 party must demonstrate the absence of a genuine issue of material fact for
10 trial. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 256 (1986). The opposing
11 party “may not rest upon the mere allegations or denials of the adverse party’s
12 pleadings, but the adverse party’s response, by affidavits or as otherwise provided in
13 [Rule 56], must set forth specific facts showing that there is a genuine issue for
14 trial”. *Cusano v. Klein*, 280 F. Supp. 2d 1035, 1038 (C.D. Cal. 2003).

15 **Argument**

16 P10's allegations of copyright infringement directed to Google's Blogger
17 service fall within the DMCA's subsection (c), which provides safe harbor against
18 claims of infringement "by reason of the storage at the direction of a user of
19 material" residing on a service provider's system or network. 17 U.S.C. § 512(c).
20 P10's defective notices failed to confer knowledge of infringement upon Google, but
21 even if they had, Google responded to the fullest extent required, entitling Google to
22 safe harbor.

23 **I. GOOGLE MEETS THE DMCA'S THRESHOLD REQUIREMENTS**

24 Google incorporates by reference the arguments in its Search Motion at pages
25 17-18, establishing that Google meets the DMCA’s threshold requirements, and will
26 only summarize them here.

27 It is beyond dispute that Google is a "service provider" as defined by the
28 DMCA. 17 U.S.C. § 512(k)(1)(B) (defining service provider as “a provider of

1 online services or network access, or the operator of facilities therefor”); *see Field v.*
2 *Google*, 412 F. Supp. 2d 1106, 1125 (D. Nev. 2006); *Corbis Corp. v. Amazon.com,*
3 *Inc.*, 351 F.Supp.2d 1090, 1098 (W.D. Wash. 2004) (definition of “service provider”
4 is broad encompassing a variety of activities). Further, the undisputed evidence
5 establishes that Google has a working DMCA notification system for Blogger.
6 Google also has a designated agent for receiving notifications of claimed
7 infringement. Poovala Dec., Ex. A; Declaration of Rachel Herrick Kassabian
8 (“Kassabian Dec.”), Ex. G. Google publishes detailed instructions explaining what
9 information Google needs to process a DMCA notice directed to Blogger, and how
10 and where the notice should be submitted. Poovala Dec. ¶¶ 27-31. If a Blogger
11 DMCA notice is deficient, Google requests the additional information needed to
12 process the notice. *Id.* ¶ 32. Google has a procedure for processing DMCA notices
13 that includes verifying the complaints, ensuring that offending content is removed,
14 and tracking its processing efforts. *Id.* ¶¶ 27-35.

15 Further, Google's Blogger service has a reasonably implemented repeat
16 infringer policy “that provides for the termination in appropriate circumstances of
17 subscribers and account holders.” 17 U.S.C. § 512(i)(1)(A); *Perfect 10, Inc. v.*
18 *CCBill LLC*, 488 F.3d 1102, 1109 (9th Cir. 2007); Poovala Dec. ¶ 37. Finally,
19 Google does not prevent copyright owners from collecting information needed to
20 issue a DMCA notice, and does not interfere with any known “standard technical
21 measures.” Poovala Dec. ¶ 39; Haahr Dec. ¶ 18.

22 Having satisfied the threshold conditions of eligibility, Google is entitled to
23 seek safe harbor under the DMCA.

24 **II. GOOGLE IS ENTITLED TO SAFE HARBOR UNDER § 512(C)**

25 Google is entitled to safe harbor under the DMCA’s Section 512(c) with
26 respect to P10's Blogger-related claims. Section 512(c) provides safe harbor for a
27 service provider storing allegedly infringing material on its system or network at the
28 direction of users, if the service provider:

1 (1)(A) does not have actual knowledge that the material ... is
2 infringing;

3 (B) in the absence of such actual knowledge, is not aware of facts
4 or circumstances from which infringing activity is apparent; or

5 (C) upon obtaining such knowledge or awareness, acts expeditiously
6 to remove, or disable access to, the material;

7 (2) does not receive a financial benefit directly attributable to the
8 infringing activity, in a case in which the service provider has the right
9 and ability to control such activity; and

10 (3) upon notification of claimed infringement [via a valid DMCA
11 notice], responds expeditiously to remove, or disable access to, the
12 material that is claimed to be infringing

13 17 U.S.C. § 512(c)(1)(A)-(C). Google meets this test.

14 **A. P10's Defective Notices Failed To Confer Any Knowledge**

15 None of P10's notices conferred knowledge of infringement of P10's
16 copyrights via Google's Blogger service. Not a single one of P10's notices was
17 directed to Blogger pursuant to Google's published policy for that service. Rather,
18 as noted above, the Blogger URLs were buried within the notices directed to Web
19 and Image Search. Google only identified them by scrutinizing P10's Web and
20 Image Search notices for any references to Blogger websites, as reflected by a
21 "blogger.com" or "blogspot.com" domain name. Poovala Dec. ¶ 93.

22 Regardless, even if P10's notices directed to Google's Search services could
23 somehow be imputed to Blogger, those communications did not confer any notice of
24 infringement whatsoever. *See* Search Motion at 19-23.⁸ None provided the specific

25 _____
26 ⁸ A complete discussion of the defects in the Group B and C Notices, including
27 those in which certain Blogger URLs were buried, is set forth in Google's Search
28 Motion and incorporated herein by reference. *See* Search Motion at 7-11.

1 information necessary for Google to locate the allegedly infringing material on a
2 Blogger site. Poovala Dec. ¶ 93. Instead of following Google's DMCA policy by
3 identifying the post URL at which the alleged infringement could be found, P10
4 routinely provided the top level URLs for the blog (such as
5 elmanaba.blogspot.com), without reference to a date of the post at issue. These
6 URLs were insufficient because they typically displayed multiple images contained
7 in multiple posts. *See e.g. id.* Ex. JJ.

8 This deficiency was compounded by P10's failure to identify the work
9 infringed at the URL provided. For example, P10 repeatedly identified
10 "perfect10.com" as the infringed work. Processing this "notice" would require
11 Google to review each blog and compare it to all 15,000+ images displayed at
12 perfect10.com in hopes of finding a match. Under the DMCA, this is P10's burden,
13 not Google's. *CCBill*, 488 F.3d at 1112-13. Moreover, P10's URLs for Blogger
14 were often incomplete, thereby thwarting Google's ability to locate the blog itself,
15 let alone any infringement on the blog. *See Poovala Dec.*, Ex. L28.

16 Thus, P10's notices conferred no knowledge of any infringements via any of
17 Google's services, including Blogger. *See* 17 U.S.C. § 512(c)(3)(B) (defective
18 DMCA notices cannot be considered in determining whether a service provider has
19 actual or apparent knowledge of infringement); *CCBill*, 488 F.3d at 1113 (defective
20 notice does not impute knowledge of infringement). As this Court has observed, the
21 "'notice and take-down' procedure is a formalization and refinement of a *cooperative*
22 process that has been employed to deal efficiently with network-based copyright
23 infringement." *UMG Recordings, Inc. v. Veoh Networks*, ___ F. Supp. 2d ___, 2008
24 WL 5423841, *9 (C.D. Cal. 2008) (Matz, J.) (quoting S. Rep. 105-190, at 45)
25 (emphasis added). P10 utterly failed to meet its obligations under this cooperative
26 process.

27

28

1 v. *Amazon.com, Inc.*, 351 F. Supp. 2d 1090, 1109 (W.D. Wash. 2004)) (emphasis
2 added).

3 **A. Google Does Not Have the Right And Ability To Control Alleged**
4 **Infringing Activity Of Blogger Account Holders**

5 “A defendant exercises control over a direct infringer when he has both a
6 legal right to stop or limit the directly infringing conduct, as well as the practical
7 ability to do so.” *Perfect 10, Inc. v. Amazon.com, Inc.*, 508 F.3d 1146, 1173 (9th
8 Cir. 2007) (citing *Metro-Goldwyn-Mayer Studios, Inc. v. Grokster, Ltd.*, 545 U.S.
9 913, 930 (2005)). The question is whether the service provider has the right and
10 ability to control the *infringing activity*, not whether the service provider can control
11 *its own system*. *Io Group*, 586 F. Supp. 2d at 1151. Thus, a service provider’s
12 capacity to remove materials posted on its website or stored on its system does *not*
13 equate to the right and ability to control infringing activity. *Id.* at 16-17; *see Corbis*,
14 351 F. Supp. 2d at 1110; *Hendrickson v. eBay*, 165 F. Supp. 2d 1082, 1093-94 (C.D.
15 Cal. 2001).

16 For example, in *Io Group*, the court found that Veoh’s right and ability to
17 control *its system* by taking down infringing videos (after receiving proper notice)
18 did not equate to the right and ability to control the *infringing activity* of third-party
19 users, for two reasons. First, there was no suggestion that Veoh aimed to encourage
20 copyright infringement. Second, there was no evidence that Veoh could control the
21 content users chose to upload before it was uploaded. *Io Group*, 586 F. Supp. 2d at
22 1152-53; *see also Hendrickson*, 165 F. Supp. 2d at 1093 (no right and ability to
23 control the infringement where eBay did not have control over pirated items sold on
24 its system).

25 Similarly here, Google has neither the right nor the ability to control the
26 infringing activity of Blogger account holders. Google does not encourage
27 copyright infringement on its Blogger system. Poovala Dec. ¶ 26. To the contrary,
28 the Blogger terms and conditions expressly forbid the uploading of infringing

1 copyrighted materials. *Id.*, Ex. F; *Io Group*, 586 F. Supp. 2d at 1143-44. Nor is
2 there any evidence that Google could control the content Blogger account holders
3 choose to upload *before* it is uploaded. *Io Group*, 586 F. Supp. 2d at 1153. All
4 Google can do is remove infringing material posted on Blogger upon receipt of a
5 DMCA-compliant notice. This is insufficient to establish a right and ability to
6 control the allegedly infringing activity as a matter of law. *Io Group*, 586 F. Supp.
7 2d at 1151; *Corbis*, 351 F. Supp. 2d at 1110; *Hendrickson v. eBay*, 165 F. Supp. 2d
8 at 1093-94. Indeed, to hold otherwise would eviscerate the DMCA's safe harbor
9 protections by imposing liability on service providers for the very act of complying
10 with the DMCA's provisions in taking down infringing content. *Io Group*, 586 F.
11 Supp. 2d at 1151.

12 **B. Google Does Not Receive A Financial Benefit Directly**
13 **Attributable To Alleged Infringing Activity On Blogger**

14 Because Google lacks the right and ability to control the alleged infringing
15 activity, it need not show that it does not receive a financial benefit directly
16 attributable to it. *See Perfect 10, Inc. v. Visa International Serv. Assn.*, 494 F.3d
17 788, 806 (9th Cir. 2007) (declining to address financial benefit on an appeal from
18 dismissal because there was no right and ability to control); *Io Group*, 586 F. Supp.
19 2d at 1150 (same). Nevertheless, even if Google had to make such a showing,
20 Google receives no such benefit. Google does not charge Blogger account holders
21 to host their blogs. Poovala Dec. ¶ 26. Because infringing and non-infringing users
22 pay the same thing—nothing—to use the Blogger service, the direct financial
23 benefit test is not met. *See Search Motion* at 24-25 (citing H.R. Rep. 105-551(II), at
24 54) (Kassabian Dec. Ex. E).

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Conclusion

There is no material fact left for trial regarding whether Google is entitled to safe harbor under Section 512(c) regarding P10's Blogger-related copyright infringement claims. Google respectfully requests that the Court grant it summary judgment on this basis.

DATED: July 2, 2009

QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP

By *Rachel Herrick Kassabian*
Michael Zeller
Rachel Herrick Kassabian
Attorneys for Defendant GOOGLE INC.