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9 Attorneys for Plaintiff Perfect 10, Inc.

10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA

12 Perfect 10, INC., a California
 13 corporation,
 14 Plaintiff,

15 v.

16 GOOGLE, INC., a corporation,
 17 Defendant.

Case No. CV 04-9484 AHM (SHx)
 Consolidated with Case No. CV 05-4753
 AHM (SHx)

**DECLARATION OF MELANIE
 POBLETE IN SUPPORT OF PERFECT
 10'S MOTION FOR SUMMARY
 JUDGMENT AND SUMMARY
 ADJUDICATION AGAINST GOOGLE**

BEFORE JUDGE A. HOWARD MATZ

Date: August 17, 2009
 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

18 AND CONSOLIDATED CASE.

1 I, Melanie Poblete, declare as follows:

2 1. I am employed by Perfect 10, Inc. and the Law Offices of Jeffrey N.
3 Mausner. I attended the University of California, Santa Cruz for a Bachelor of Arts
4 degree in Legal Studies, which I am in the process of completing. For 6 years, I have
5 worked in the legal field assisting attorneys in pre-trial litigation, discovery, and in
6 arbitration hearings and trials. I have extensive knowledge of the images, copyright
7 registrations, and deposit materials that are relevant to Perfect 10's infringement claims
8 in this case. Unless otherwise stated, I have direct and personal knowledge of the facts
9 set forth herein and, if called as a witness, could and would competently testify thereto.
10 I have carefully compared the infringed images referenced in the Declaration of Dr.
11 Norman Zada in Support of Perfect 10's Motion for Summary Judgment ("Zada
12 Declaration"), filed concurrently, and matched them to images owned by Perfect 10
13 and contained in deposit materials copyrighted by Perfect 10 with the United States
14 Copyright Office.

15 2. I have verified that Perfect 10 has in its deposit material for copyright
16 registrations filed with the U.S. Copyright Office, over 19,000 unique images. In this
17 Declaration, I will reference images contained in exhibits to the Zada Declaration that
18 constitute Perfect 10's "Sample" of twelve images. The twelve images referenced in
19 this Declaration which constitute Perfect 10's "Sample" are contained in deposit
20 materials for Perfect 10 copyright registrations with the U.S. Copyright Office.

21 3. Filed with the Zada Declaration as Exhibit 9, is a computer disk that
22 contains a folder, "The Sample." Within that folder, are sub-folders, as follows:

23 Deposit Materials: Each PDF file in this folder is named by registration
24 number and contains the deposit material associated with that registration.
25 Deposit Materials for each of the 12 images in the Sample are included in this
26 sub-folder. With the exception of one sample image of Amy Weber, the deposit
27 materials for each of the other eleven sample images are copies of Perfect 10
28 Magazines which have been registered at the Copyright Office and which

1 contain that image.

2 Images: Each JPG file in this folder contains a Perfect 10 image and is
3 named first by Model, then by the registration number for that image. Each
4 image was obtained by copying the image from the registration deposit material.

5 Registration Certificates: Each PDF file in this sub-folder is named by
6 registration number and contains the registration certificate associated with that
7 registration. Registration certificates for each of the 12 images in the Sample are
8 included in this sub-folder.

9 Work Made for Hires & AoRs: Each PDF is named by photographer and
10 contains the work made for hire agreement and/or assignment of rights
11 agreement associated with that photographer. Work made for hire/assignment of
12 rights agreements covering each of the 12 images in the Sample are included in
13 this sub-folder.

14 4. Page 1 of Exhibit 23 to the Zada Declaration contains an image of Anna
15 Tarson that appears in Perfect 10 Magazine, Vol. 5, No. 2, and has been registered at
16 the Copyright Office under Registration No. TX 5-452-254. That image also appears
17 as a thumbnail on Page 2 of Exhibit 49 (marked by a green check).

18 5. Page 3 of Exhibit 36 to the Zada Declaration contains an image of Ashley
19 Degenford that appears in Perfect 10 Magazine, Vol. 1, No. 5, and has been registered
20 at the Copyright Office under Registration No. TX 4-556-475. This image also
21 appears as a smaller image on Pages 1-2 of Exhibit 36 (first picture at the top left).

22 6. Page 3 of Exhibit 33 to the Zada Declaration contains an image of Marisa
23 Miller that appears in Perfect 10 Magazine, Vol. 6, No. 5, and has been registered at
24 the Copyright Office under Registration No. TX 6-114-746. That image also appears
25 on Page 3 of Exhibit 34.

26 7. Page 4 of Exhibit 8 to the Zada Declaration contains a check-marked
27 image of Maya Rubin that appears in Perfect 10 Magazine, Vol. 1, No. 2, and has been
28 registered with the Copyright Office under Registration No. TX 4-556-511.

1 8. Page 5 of Exhibit 17 to the Zada Declaration contains an image of Monika
2 Zsibrita that appears in Perfect 10 Magazine, Vol. 2, No. 2, and has been registered at
3 the Copyright Office under Registration No. TX 4-813-355. That image also appears
4 on Page 1 of Exhibit 15 as the first and third thumbnail.

5 9. Page 2 of Exhibit 31 to the Zada Declaration contains another image of
6 Monika Zsibrita that appears in Perfect 10 Magazine, Vol. 2, No. 2, and has been
7 registered at the Copyright Office under Registration No. TX 4-813-355. That image
8 also appears on Page 2 of Exhibit 23, Page 1 of Exhibit 31 (the top left image), Pages 1
9 and 8 of Exhibit 32, and Pages 2 and 4 of Exhibit 40.

10 10. Page 9 of Exhibit 5 to the Zada Declaration contains a check marked
11 image of Natalia Sirocka that appears in Perfect 10 Magazine, Vol. 1, No. 6, and has
12 been registered with the Copyright Office under Registration No. TX 4-556-541.

13 11. Pages 5-6 of Exhibit 20 to the Zada Declaration contain an image of Talia
14 Harvalik that appears in Perfect 10 Magazine, Vol. 2, No. 2, and has been registered at
15 the Copyright Office under Registration No. TX 4-813-355. That image also appears
16 on Page 2 of Exhibit 6 and on Pages 7-8 of Exhibit 26.

17 12. Pages 1 and 3 of Exhibit 40 to the Zada Declaration contain an image of
18 Vibe Sorenson that appears in Perfect 10 Magazine, Vol. 2, No. 1, and has been
19 registered at the Copyright Office under Registration No. TX 4-812-575. This image
20 also appears on Page 2 of Exhibit 15 (bottom image), Pages 3-4 of Exhibit 17, Page 9
21 (marked by green check) of Exhibit 41, Page 6 of 42 (left image on third row) and on
22 Pages 1-9 of Exhibit 43.

23 13. Pages 5 and 11 of Exhibit 28 to the Zada Declaration contain an image of
24 Zita Gorocs that appears in Perfect 10 Magazine, Vol. 6, No. 3, and has been registered
25 at the Copyright Office under Registration No. TX 6-058-397. This image also
26 appears on Page 1 of Exhibit 6, and on Page 5 of Exhibits 29 and 30.

27 14. Page 3 of Exhibit 23 to the Zada Declaration contains an image of Zoya
28 Konyieva that appears in Perfect 10 Magazine, Vol. 3, No. 4, and has been registered

1 at the Copyright Office under Registration No. TX 5-201-630. That image also
2 appears on Pages 3 and 4 of Exhibit 26.

3 15. Page 2 of Exhibit 47 to the Zada Declaration contains an image of Amy
4 Weber (rightmost image, middle row) that has been registered at the Copyright Office
5 and is contained in the deposit material for Registration No. VA 1-301-850.

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

8 Executed this 5TH day of July, 2009 in Los Angeles County, California.

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11 Melanie Poblete

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