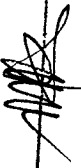


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11 UNITED STATES DISTRICT COURT  
 12 CENTRAL DISTRICT OF CALIFORNIA

ORIGINAL

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 Defendants.

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

**GOOGLE INC.'S APPLICATION  
 TO FILE UNDER SEAL PORTIONS  
 OF GOOGLE'S MOTIONS FOR  
 SUMMARY JUDGMENT RE:  
 GOOGLE'S ENTITLEMENT TO  
 SAFE HARBORS UNDER 17 U.S.C.  
 § 512, AND SUPPORTING  
 DOCUMENTS**

19 AND COUNTERCLAIM

Hon. A. Howard Matz

20 PERFECT 10, INC., a California  
 21 corporation,  
 22 Plaintiff,  
 23 vs.  
 24 AMAZON.COM, INC., a corporation;  
 25 A9.COM, INC., a corporation; and  
 26 DOES 1 through 100, inclusive,  
 27 Defendants.

Date: August 17, 2009  
 Time: 10:00 a.m.  
 Ctrm: 14

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

1 Pursuant to Local Rule 79-5.1, , the Order of the Hon. A. Howard Matz re.  
2 Protective Orders and Treatment of Confidential Information at Section I.D, and the  
3 Protective Order entered by the Court in this action (Docket No. 94), Google Inc.  
4 hereby submits this application to file under seal the redacted portions of the  
5 following documents (the “Confidential Materials”):

- 6 • DEFENDANT GOOGLE’S NOTICE OF MOTION AND MOTION  
7 FOR SUMMARY JUDGMENT RE: GOOGLE’S ENTITLEMENT  
8 TO SAFE HARBOR UNDER 17 U.S.C. § 512(d) FOR WEB AND  
9 IMAGE SEARCH;
- 10 • STATEMENT OF UNCONTROVERTED FACTS AND  
11 CONCLUSIONS OF LAW IN SUPPORT OF DEFENDANT  
12 GOOGLE INC.’S MOTION FOR SUMMARY JUDGMENT RE:  
13 GOOGLE’S ENTITLEMENT TO SAFE HARBOR UNDER 17 U.S.C.  
14 § 512(d) FOR WEB AND IMAGE SEARCH;
- 15 • DEFENDANT GOOGLE’S NOTICE OF MOTION AND MOTION  
16 FOR SUMMARY JUDGMENT RE: GOOGLE’S ENTITLEMENT  
17 TO SAFE HARBOR UNDER 17 U.S.C. § 512(c) FOR ITS  
18 BLOGGER SERVICE;
- 19 • STATEMENT OF UNCONTROVERTED FACTS AND  
20 CONCLUSIONS OF LAW IN SUPPORT OF DEFENDANT  
21 GOOGLE INC.’S MOTION FOR SUMMARY JUDGMENT RE:  
22 GOOGLE’S ENTITLEMENT TO SAFE HARBOR UNDER 17 U.S.C.  
23 § 512(c) FOR ITS BLOGGER SERVICE;
- 24 • DEFENDANT GOOGLE’S NOTICE OF MOTION AND MOTION  
25 FOR SUMMARY JUDGMENT RE: GOOGLE’S ENTITLEMENT  
26 TO SAFE HARBOR UNDER 17 U.S.C. § 512(b) FOR ITS CACHING  
27 FEATURE;

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- 1           • STATEMENT OF UNCONTROVERTED FACTS AND  
2           CONCLUSIONS OF LAW IN SUPPORT OF DEFENDANT  
3           GOOGLE INC.'S MOTION FOR SUMMARY JUDGMENT RE:  
4           ENTITLEMENT TO SAFE HARBOR UNDER 17 U.S.C. § 512(b)  
5           FOR ITS CACHING FEATURE;
- 6           • DECLARATION OF SHANTAL RANDS POOVALA IN SUPPORT  
7           OF DEFENDANT GOOGLE'S MOTIONS FOR SUMMARY  
8           JUDGMENT RE: GOOGLE'S ENTITLEMENT TO SAFE HARBOR  
9           UNDER 17 U.S.C. § 512, AND EXHIBITS J, K, FF-II, KK, AND LL  
10          THERE TO;
- 11          • DECLARATION OF PAUL HAAHR IN SUPPORT OF  
12          DEFENDANT GOOGLE'S MOTIONS FOR SUMMARY  
13          JUDGMENT RE: GOOGLE'S ENTITLEMENT TO SAFE HARBOR  
14          UNDER 17 U.S.C. § 512, AND EXHIBITS 1 AND 2 THERE TO;
- 15          • EXHIBIT J TO THE DECLARATION OF RACHEL HERRICK  
16          KASSABIAN IN SUPPORT OF DEFENDANT GOOGLE'S  
17          MOTIONS FOR SUMMARY JUDGMENT RE: GOOGLE'S  
18          ENTITLEMENT TO SAFE HARBOR UNDER 17 U.S.C. § 512;
- 19          • DECLARATION OF BILL BROUGHER IN SUPPORT OF  
20          DEFENDANT GOOGLE'S MOTIONS FOR SUMMARY  
21          JUDGMENT RE: GOOGLE'S ENTITLEMENT TO SAFE HARBOR  
22          UNDER 17 U.S.C. § 512.

23  
24           The Confidential Materials include materials that Perfect 10, Inc., Contributor  
25 Corporation and/or Google has designated "Confidential" and/or "Highly  
26 Confidential" pursuant to the Protective Order. Accordingly, Google requests that  
27 the Confidential Materials be filed under seal.

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1 DATED: July 2, 2009

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

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By *Rachel Herrick Kassabian*  
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