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DENIED
BY ORDER OF
A. H. Matz
UNITED STATES DISTRICT JUDGE
ON 7/8/09

This requested relief is now moot in light of order filed today. AHM

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PERFECT 10, INC., a California corporation,

Plaintiff,

vs.

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

Defendants.

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

[PROPOSED] ORDER GRANTING DEFENDANT GOOGLE INC.'S EX PARTE APPLICATION RE: PLAINTIFF PERFECT 10, INC.'S MOTION FOR SUMMARY JUDGMENT AND SUMMARY ADJUDICATION RE: COPYRIGHT INFRINGEMENT AGAINST DEFENDANT GOOGLE INC.

Hon. A. Howard Matz

Date: None Set
Time: None Set
Crtrm.: 14

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

AND COUNTERCLAIM

PERFECT 10, INC., a California corporation,

Plaintiff,

vs.

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

Defendants.

[PROPOSED] ORDER

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For good cause shown, defendant Google Inc.'s *Ex Parte* Application regarding Perfect 10, Inc.'s Motion for Summary Judgment and Summary Adjudication re: Copyright Infringement Against Defendant Google Inc. is hereby GRANTED. The Court accordingly ORDERS as follows:

- (1) Google's Motions for Summary Judgment Regarding Google's Entitlement to Safe Harbor Under 17 U.S.C. § 512(b), (c) and (d) ("Google's DMCA Motions") shall be heard and decided before Perfect 10's Motion for Summary Judgment and Summary Adjudication ("Perfect 10's Motion).
- (2) Google need not file a response to Perfect 10's Motion at this time, and the August 17, 2009 hearing on Perfect 10's Motion is hereby vacated.
- (3) The portions of Perfect 10's Motion raising DMCA safe harbor issues are hereby stricken as duplicative of Google's previously-filed DMCA Motions.
- (4) Following the Court's issuance of a written opinion resolving Google's DMCA Motions, and in the event that Perfect 10's Motion has not been mooted by same, the Court will set a briefing and hearing schedule regarding the liability portions of Perfect 10's Motion.

IT IS SO ORDERED.

DATED: July ____, 2009

DENIED

By _____
Hon. A. Howard Matz
United States District Judge