

1 [COUNSEL INFORMATION ON
2 FOLLOWING PAGE]
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5 UNITED STATES DISTRICT COURT
6 CENTRAL DISTRICT OF CALIFORNIA
7

8 PERFECT 10, INC., a California
9 corporation,

10 Plaintiff,

11 v.
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13 GOOGLE INC., a corporation; and
14 DOES 1 through 100, inclusive,

15 Defendants.
16

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

STIPULATION AND [PROPOSED]
ORDER REGARDING BRIEFING
SCHEDULE ON GOOGLE'S
MOTIONS FOR SUMMARY
JUDGMENT RE: ENTITLEMENT TO
SAFE HARBOR UNDER 17 U.S.C.
§ 512(B), (C) & (D)

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

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

Rachel Herrick Kassabian (Bar No. 191060)

7 rachelkassabian@quinnemanuel.com

555 Twin Dolphin Drive, Suite 560

8 Redwood Shores, California 94065

9 Attorneys for Defendant Google Inc.

10 JEFFREY N. MAUSNER (State Bar No. 122385)

11 Law Offices of Jeffrey N. Mausner

Warner Center Towers, Suite 910

12 21800 Oxnard Street

Woodland Hills, California 91367-3640

13 Telephone: (310) 617-8100, (818) 992-7500

14 Facsimile: (818) 716-2773

Attorneys for Plaintiff Perfect 10, Inc.

1 Defendant/Counterclaimant Google Inc. and Plaintiff Perfect 10, Inc.
2 (hereinafter "the parties") jointly submit this Stipulation and Proposed Order
3 regarding the briefing and hearing on Google's Motions for Summary Judgment Re:
4 Google's Entitlement to Safe Harbor Under 17 U.S.C. § 512(b), (c), and (d)
5 ("Google's DMCA Motions"), filed July 2, 2009. In the Court's Minute Order issued
6 July 8, 2009, the Court observed that "the parties have not proposed deadlines for
7 opposition and reply briefs [regarding Google's DMCA Motions]. The Court requires
8 the oppositions to Google's DMCA motions to be filed by July 27, 2009 and the
9 replies to be filed by August 3, 2009."

10 In an effort to narrow the scope of the scheduling disputes in need of resolution
11 by this Court, the parties had reached an agreement on a proposed briefing and
12 hearing schedule regarding Google's DMCA Motions. However, Google did not
13 submit that agreement to the Court along with its *Ex Parte* Application, because the
14 agreement was contingent upon how the Court ruled on the Application. Google
15 apologizes for any inconvenience this may have caused this Court, and respectfully
16 requests that the Court adopt the parties' agreed schedule (set forth below) as the
17 Order of this Court.

18 STIPULATION

19 WHEREAS, on July 2, 2009, Google filed Motions for Summary Judgment
20 Re: Google's Entitlement to Safe Harbor Under 17 U.S.C. § 512(b), (c), and (d)
21 ("Google's DMCA Motions");

22 WHEREAS, the parties have agreed to an extended briefing schedule whereby
23 Perfect 10 shall have five weeks to respond to Google's DMCA Motions, Google
24 shall have four weeks to reply, and the hearing shall be calendared for four weeks
25 thereafter (unless otherwise ordered by the Court);

26 THEREFORE, the parties hereby stipulate to the following briefing schedule in
27 connection with Google's DMCA Motions:

1. Perfect 10's oppositions to Google's Motions shall be due on August 10, 2009;

2. Google's reply papers in support of its DMCA Motions shall be due on September 8, 2009;

3. The hearing on Google's DMCA Motions shall be calendared for October 5, 2009, or such other hearing date as is convenient for the Court.

Respectfully submitted,

Dated: July 9, 2009

QUINN EMANUEL URQUHART OLIVER &
HEDGES. LLP

Bv. /s/
Rachel Herrick Kassabian
Attorneys for Defendant GOOGLE INC.

Dated: July 9, 2009

LAW OFFICES OF JEFFREY N. MAUSNER

Jeffrey N. Mausner

By: Jeffrey N. Mausner
Attorneys for Plaintiff Perfect 10, Inc.

1 [PROPOSED] ORDER

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3 Pursuant to stipulation, it is hereby ordered as follows:
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5 1. Perfect 10's oppositions to Google's Motions for Summary Judgment
6 Re: Google's Entitlement to Safe Harbor Under 17 U.S.C. § 512(b), (c), and (d)
7 ("Google's DMCA Motions") shall be due on August 10, 2009;

8 2. Google's reply papers in support of its DMCA Motions shall be due on
9 September 8, 2009;

10 3. The hearing on Google's DMCA Motions shall be set for October 5,
11 2009, or such other hearing date as is convenient for the Court.

12 IT IS SO ORDERED.

13 DATED: July . 2009
14

15 Bv _____
16 A. Howard Matz
17 UNITED STATES DISTRICT JUDGE
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