

1 Jeffrey N. Mausner (State Bar No. 122385)
 2 Law Offices of Jeffrey N. Mausner
 3 Warner Center Towers
 4 21800 Oxnard Street, Suite 910
 5 Woodland Hills, California 91367-3640
 6 Email: Jeff@mausnerlaw.com
 7 Telephone: (310) 617-8100, (818) 992-7500
 8 Facsimile: (818) 716-2773

9 Attorneys for Plaintiff Perfect 10, Inc.

10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA

12 PERFECT 10, INC., a California corporation,

13 Plaintiff,

14 v.

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

17 Defendant.

18 AND CONSOLIDATED CASE.

Case No. CV 04-9484 AHM (SHx)

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

**DECLARATION OF MARGARET
 JANE EDEN SUBMITTED IN
 OPPOSITION TO GOOGLE’S
 THREE MOTIONS FOR SUMMARY
 JUDGMENT RE DMCA SAFE
 HARBOR FOR ITS WEB AND IMAGE
 SEARCH, BLOGGER SERVICE, AND
 CACHING FEATURE
 (DOCKET NOS. 428, 427, AND 426)**

BEFORE JUDGE A. HOWARD MATZ

Date: October 5, 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

1 I, Margaret Jane Eden, declare as follows:

2 1. I am married to Hock Hockheim and am president of the
3 corporate entity Lauric Enterprises, Inc. (“Lauric”). Lauric is an
4 international training company that teaches tactics to military, police and
5 citizens. Hock was a military police officer in S. Korea and also served for
6 23 years as a police officer and detective in North Texas. He currently
7 writes and publishes books and DVD videos about self defense and police
8 training, all of which are available through our on-line website at
9 *www.hockscqc.com*. Our company Lauric owns all of the copyrights to
10 that material. I submit this declaration in connection with Perfect 10’s
11 lawsuit against Google. All of the matters stated herein are of my own
12 personal knowledge, except where otherwise stated, and if called as a
13 witness, I could and would testify competently thereto.

14 2. The book and dvd production segment of our business is suffering
15 huge damage and loss due to massive on-line infringement of our videos and
16 books. I have found that in response to a Google search on my husband’s name,
17 Google provides its users with countless links that allow them to download
18 infringing versions of our content, either for free or by purchase. As a result, the
19 life expectancy of our products has been cut from years to a few months at best, by
20 widespread, almost immediate infringement. To make up for our losses due to
21 Internet piracy, my husband has been forced to do many additional seminars each
22 year. I have repeatedly sent DMCA notices to Google in an attempt to get them to
23 remove the infringing materials from their search results.

24 3. Google’s procedures and practices for responding to DMCA notices
25 have made it essentially impossible for us to protect our property. Google seems to
26 be an adversary rather than someone trying to help.

27 4. I have been sending what I believe to be compliant DMCA notices
28 to Google since approximately February 2008. The notices have always been sent

1 to Google in the form of a hard copy via the U.S. Postal Service or by fax *because*
2 *that is what Google specifies.* The notices have also always contained the link or
3 URL where the infringement could be found, and have contained the statements
4 that we are the copyright owners, etc. To date, I have sent approximately 70
5 notices to Google.

6 5. Rather than immediately removing links to the infringing web pages,
7 Google has instead asked me to resend the URLs I previously sent via email, and
8 to further consolidate all such URLs into one email. Google has informed me that
9 it would take no action unless this was done. Attached hereto as Exhibit 1 is a true
10 and correct copy of such an email from Google dated March 24, 2008.

11 6. Google has refused to remove some links but it has also led me to
12 believe that it has removed some other similar links. Google has simply stated:
13 "...we will not be taking action on the following pages at this time." In these
14 cases, Google did not provide any further explanation. Attached hereto as Exhibit
15 2 is a true and correct copy of such an email from Google dated March 25, 2008.

16 7. Some of the infringing sites that I have complained about to Google
17 are rapidshare.com, megaupload.com., ebookie.com, and bittorrent.com. These
18 sites appear to have all sorts of stolen materials for sale, including our products.
19 As an example, attached as Exhibit 3 is a true and correct copy of portions of a
20 web page that I printed from Google search results on August 4, 2009, with 2 links
21 to our material through rapidshare.com. There were also "Ads by Google" on the
22 page. It is obvious that these websites are major infringers, yet Google does not
23 remove links in its search results to these websites.

24 8. I simply do not understand why Google does not create a more
25 copyright owner-friendly system which would make it easier to get infringing
26 websites removed from Google's search results. Unfortunately no company our
27 size has the time and resources to challenge Google. My husband and I have
28 created a body of work over 14 years that I anticipated would support us through

Exhibit 1

From: help@google.com
Sent: Monday, March 24, 2008 4:56 PM
To: Hock.Hochheim@sbcglobal.net
Subject: Re: [#256105621] DMCA Complaints
Attachments: 4716_001.tif

Hi Jane,

We have received your attached DMCA complaints. However, in order to allow us to better assist you, please provide us with a single list of all the allegedly infringing URLs in a soft format such as a Word document, rich text format or in the text of an email.

In the event we do not receive further information from you as requested above, please be advised that we will be unable to take any further action on your removal request

Regards,
The Google Team

Exhibit 2

From: help@google.com
Sent: Tuesday, March 25, 2008 4:42 PM
To: Margaret Eden
Subject: Re: [#256105621] Fwd: Re: Fwd: Re: DMCA Complaints

Hi Jane,

Thank you for your response. We are currently reviewing your complaint including the following URLs:

<http://medical.bookslab.net/?p=943>
<http://www.kfmovie.com/view.asp?id=566>
http://avaxsphere.com/ebooks/martial_arts/training_mission_1.html
http://avaxsphere.com/ebooks/martial_arts/training_mission_2_hock_hochheim.html
<http://www.sumotorrent.com/searchResult.php?search=mission&order=size&by=up>

Please note that we will not be taking action on the following pages at this time. As always, we encourage you to resolve any disputes directly with the owner of the website in question:

http://soft-best.ws/2007/08/08/training_mission_iiv_hock_hochheim.html
<http://www.taringa.net/posts/links/883663/Libros-de-artes-marciales,-defensa-personal-y-combate.html>
<http://www.ebdb.ru/List.aspx?p=332>
<http://www.ebdb.ru/Search.aspx?p=1&s=Hock+Hochheim&x=39&y=14>

If you pursue legal action against these sites that results in the removal of the offending material, our search results will display this change after we next crawl the site. If the webmaster makes these changes and you need us to expedite the removal of the cached copy, please submit your request using our webpage removal request tool at <http://www.google.com/webmasters/tools/removals>

Regards,
The Google Team

Original Message Follows:

From: Margaret Eden <margaret.eden@sbcglobal.net>
Subject: Fwd: Re: [#256105621] Fwd: Re: DMCA Complaints
Date: Tue, 25 Mar 2008 12:55:18 -0700 (PDT)

I've made notes on the ones that there's still a problem, and also the ones that have been taken down. Please take another look at the ones I've indicated. Thank you for your help--Jane

<http://rapidshare.com/users/SNR03Z> - I believe they have taken him off this listing.

http://soft-best.ws/2007/08/08/training_mission_iiv_hock_hochheim.html

In this one they have simply named the html page after Hock's book to attract traffic. They need to rename their page. His name belongs to him and the title of the book is copyrighted.

<http://www.sumotorrent.com/searchResult.php?search=mission&order=size&by=up>

- at this site Hock's book is the 15 listing in the second grouping of boxes. If you go to the site and search on Hochheim, it pops right up.

Please see if they will take it down.

http://namdatviet.com/download_monthly/ebooks/martial_art__vo_thuat/

This site has been taken down

<http://medical.bookslab.net/?p=943> - Hock Hochheim's book is listed first thing at the top of the page!!! Please get them to take it down.

<http://loadingvault.com/search.php?q=training+rapidshare> - I believe that this one truly has been taken down.

<http://www.taringa.net/posts/links/883663/Libros-de-artes-marciales,-defensa-personal-y-combate.html>

- once you go to this page search on Hochheim, all four books are listed about 2/3 of the way down the page. Please see if you can get them removed.

http://avaxsphere.com/ebooks/martial_arts/training_mission_1.html

I believe this one truly has been taken down.

<http://www.ebdb.ru/List.aspx?p=332> - They have moved his books. They are now available at:

<http://www.ebdb.ru/Search.aspx?p=1&s=Hock+Hochheim&x=39&y=14>

They are displaying Training Mission 1,2,3,4

http://avaxsphere.com/ebooks/martial_arts/training_mission_2_hock_hochheim.html

- at this link his book—Training Mission Two is shown in the center of the page. They have taken the picture down, but the link is still there.

Please ask them to take it down. It does take a really long time for this page to display

<http://www.kfmovie.com/view.asp?id=566> - Hock Hochheim's movie is clearly displayed in the center of the page for sale. Please look again. When you first click on the above link it asks if you want to install software, say no, then his movie is displayed. Please see if you can get them to take it down.

Note: forwarded message attached.

From: help@google.com

To: "Margaret Eden" <margaret.eden@sbcglobal.net>

Date: Tue, 25 Mar 2008 19:16:17 -0000

Subject: Re: [#256105621] Fwd: Re: DMCA Complaints Hi Jane,

Thank you for providing the requested information. We are currently reviewing the complaint and will contact you when we have completed processing the request. We appreciate your patience during this process.

Please note that upon recent review of the website(s) mentioned in your complaint, we were unable to locate the allegedly infringing content on the following page(s) in question. If this matter is still a concern, please reply to this email with detailed information to enable us to locate the allegedly infringing content:

<http://rapidshare.com/users/SNR03Z>

http://soft-best.ws/2007/08/08/training_mission_iiv_hock_hochheim.html

<http://www.sumotorrent.com/searchResult.php?search=mission&order=size&by=up>

http://namdatviet.com/download_monthly/ebooks/martial_art__vo_thuat/

<http://medical.bookslab.net/?p=943>

<http://loadingvault.com/search.php?q=training+rapidshare>

<http://www.taringa.net/posts/links/883663/Libros-de-artes-marciales,-defensa-personal-y-combate.html>

http://avaxsphere.com/ebooks/martial_arts/training_mission_1.html

<http://www.ebdb.ru/List.aspx?p=332>

http://avaxsphere.com/ebooks/martial_arts/training_mission_2_hock_hochheim.html

<http://www.kfmovie.com/view.asp?id=566>

Please be informed that all URLs provided must directly link to pages on which the allegedly infringing content can be found or where the allegedly unauthorized material is directly available for download.

Please note that a copy of each legal notice we receive is sent to a third-party partner for publication and annotation. As such, your letter (with your personal information removed) will be forwarded to Chilling Effects (<http://www.chillingeffects.org>) for publication. You can see an example of such a publication at <http://www.chillingeffects.org/dmca512/notice.cgi?NoticeID=861>. A link to your published letter will be displayed in Google's search results in place of the removed content.

Regards,
The Google Team

Exhibit 3

http://rapidshare.com/files/80010580/Food___Drink.rar
<http://rapidshare.com/files/80029895/Weddings.rar>
http://rapidshare.com/files/79998199/Arts___Photography.rar
<http://rapidshare.com/files/80013265/Industrial.rar>
http://rapidshare.com/files/80022398/Real_Estate.rar
<http://rapidshare.com/files/79999826/Beauty.rar>
<http://rapidshare.com/files/80041398/Business.part1.rar>
<http://rapidshare.com/files/80042762/Business.part2.rar>
<http://rapidshare.com/files/80047660/Business.part3.rar>
<http://rapidshare.com/files/80049780/Business.part4.rar>
<http://rapidshare.com/files/80065868/Business.part5.rar>
<http://rapidshare.com/files/80069669/Business.part6.rar>
<http://rapidshare.com/files/80071355/Business.part7.rar>
<http://rapidshare.com/files/80073211/Hosting.part1.rar>
<http://rapidshare.com/files/80075016/Hosting.part2.rar>
<http://rapidshare.com/files/80076946/Hosting.part3.rar>
<http://rapidshare.com/files/80076951/Hosting.part4.rar>
http://rapidshare.com/files/86060550/flash_templates.rar

Posted by XchaiX at 8:46 PM 0 comments

Rapidshare Link #2 : Musics

http://rapidshare.com/files/84192510/Judas_Priest_-_Turbo_Lover.divx
http://rapidshare.com/files/84187804/Stray_Cats_-_Look_At_That_Cadillac.divx
http://rapidshare.com/files/84184976/Van_Halen_-_Hear_About_It_Later.wmv
http://rapidshare.com/files/83717282/Van_Halen_-_Oh_Pretty_Woman.mpg
http://rapidshare.com/files/83250710/Van_Halen_-_Jump.divx
http://rapidshare.com/files/83244852/Motley_Crue_-_Too_Toung_To_Fall_In_Love.divx
http://rapidshare.com/files/83252535/Motley_Crue_-_Live_Wire.wmv
http://rapidshare.com/files/83240714/R.E.M._-_Radio_Free_Europe.divx
http://rapidshare.com/files/83255473/Soundgarden_-_My_Wave.wmv
http://rapidshare.com/files/83186382/Soundgarden_-_Fell_on_Black_Days.wmv
http://rapidshare.com/files/82080910/Carl_Douglas_-_Kung_Fu_Fighting.divx
http://rapidshare.com/files/83237518/Madness_-_Baggy_Trousers.divx
http://rapidshare.com/files/81570862/White_Stripes_-_I_Just_Don_t_Know_What_To_Do_With_Myself_624x480_.divx
http://rapidshare.com/files/77632091/White_Stripes_-_I_Just_Don_t_Know_What_To_Do_With_Myself.divx
http://rapidshare.com/files/79346587/White_Stripes_-_Conquest_HQ_.divx
http://rapidshare.com/files/74858240/White_Stripes_-_Conquest.wmv
http://rapidshare.com/files/74856587/White_Stripes_-_You_Don_t_Know_What_Love_Is_You_Just_Do_As_You_re_Told_.wmv
http://rapidshare.com/files/73923493/Coal_Chamber_-_Loco.wmv
http://rapidshare.com/files/73922928/Eric_Clapton_-_Pilgrim.wmv
http://rapidshare.com/files/73924198/Black_Label_Society_-_Concrete_Jungle.wmv
http://rapidshare.com/files/73743725/The_Chemical_Brothers_-_The_Salmon_Dance.divx
http://rapidshare.com/files/73736138/The_Chemical_Brothers_-_Electrobank.wmv
http://rapidshare.com/files/83190478/The_Chemical_Brothers_-_The_Boxer.wmv
http://rapidshare.com/files/73740386/Guns_N_Roses_-_You_Could_Be_Mine.wmv
http://rapidshare.com/files/70975626/Guns_N_Roses_-_Don_t_Cry.wmv
http://rapidshare.com/files/70073553/Guns_N_Roses_-_Yesterdays.wmv
http://rapidshare.com/files/70408376/The_Strokes_-_You_Only_Live_Once.avi
http://rapidshare.com/files/66904510/The_Strokes_-_Juicebox_Uncensored_Director_s_Cut_.mpg.mpg
http://rapidshare.com/files/69423762/The_Strokes_-_I_Can_t_Win_Live__Tim_Festival_2005_.avi
http://rapidshare.com/files/68678533/Slipknot_-_Wait_And_Bleed.avi
http://rapidshare.com/files/68701297/Beastie_Boys_-_She_s_On_It.asf
http://rapidshare.com/files/67117190/Cypress_Hill_-_What_s_Your_Number.mpg
http://rapidshare.com/files/68669750/Fun_Lovin__Criminals_-_Scooby_Snacks.divx
http://rapidshare.com/files/83200565/Red_Hot_Chili_Peppers_-_Scar_Tissue_HQ_.divx
http://rapidshare.com/files/83204215/Red_Hot_Chili_Peppers_-_Around_The_World_HQ_.divx
http://rapidshare.com/files/83196828/Red_Hot_Chili_Peppers_-_Love_Rollercoaster.divx
http://rapidshare.com/files/78223380/Red_Hot_Chili_Peppers_-_Can_t_Stop.divx
http://rapidshare.com/files/67824683/Red_Hot_Chili_Peppers_-_Around_The_World.mp4
http://rapidshare.com/files/68663459/Red_Hot_Chili_Peppers_-_Higher_Ground.mp4
http://rapidshare.com/files/67590030/Red_Hot_Chili_Peppers_-_Breaking_The_Girl.mp4
http://rapidshare.com/files/67432816/Red_Hot_Chili_Peppers_-_Scar_Tissue.mp4
http://rapidshare.com/files/69934662/Red_Hot_Chili_Peppers_-_

[_Tell_Me_Baby_Sessions_AOL_wmv](http://rapidshare.com/files/77640373/The_Cars_-_Shake_It_Up.divx)
http://rapidshare.com/files/77640373/The_Cars_-_Shake_It_Up.divx
http://rapidshare.com/files/67815543/The_Cars_-_Lets_Go.avi
http://rapidshare.com/files/66900261/The_Cars_-_Double_Life.mp4
http://rapidshare.com/files/66697552/The_Cars_-_Dangerous_Type.wmv
http://rapidshare.com/files/67595418/The_Cars_-_Heartbeat_City.avi
http://rapidshare.com/files/77637167/The_Cars_-_Since_You_re_Gone.divx
http://rapidshare.com/files/66909537/The_Cars_-_Why_Can_t_I_Have_You.divx
http://rapidshare.com/files/66920443/The_Cars_-_Best_Friends_Girl_Live_wmv
http://rapidshare.com/files/74862882/Robert_Plant_-_Tall_cool_one.mpeg
http://rapidshare.com/files/39189701/Gorillaz_-_El_Manana.mp4
http://rapidshare.com/files/82073152/Gorillaz_-_Rock_The_House_HQ_divx
http://rapidshare.com/files/39193798/Gorillaz_-_Tomorrow_Comes_Today.mpg
http://rapidshare.com/files/39195437/Gorillaz_-_Clint_Eastwood.mpg
http://rapidshare.com/files/40405230/Gorillaz_19-2000.mpg
http://rapidshare.com/files/41918581/Velvet_Revolver_-_She_Builds_Quick_Machines.wmv
http://rapidshare.com/files/55242251/Norah_Jones_-_Don_t_Know_Why.avi
http://rapidshare.com/files/39208326/Men_Without_Hats_-_The_Safety_Dance.mpg
http://rapidshare.com/files/39212550/The_Prodigy_-_Voodoo_People_Pendulum_Mix_mpg
http://rapidshare.com/files/39187608/The_Prodigy_-_Babys_Got_a_Temper.mpg
http://rapidshare.com/files/39214879/The_Prodigy_-_Poison.avi
http://rapidshare.com/files/39820072/Smashing_Pumpkins_-_Disarm.avi
http://rapidshare.com/files/39840069/Smashing_Pumpkins_-_Cherub_Rock.wmv
http://rapidshare.com/files/41923943/The_Traveling_Wilburys_-_End_Of_The_Line.avi
http://rapidshare.com/files/41921630/The_Beatles_-_Strawberry_Fields_Forever.mpg
http://rapidshare.com/files/41736958/The_Beatles_-_I_Am_The_Walrus.mpg
http://rapidshare.com/files/41963576/The_Beatles_-_Revolution.mpg
http://rapidshare.com/files/41928890/David_Bowie_-_Fashion.avi
http://rapidshare.com/files/74411695/Tom_Petty___The_Heartbreakers_-_Change_of_Heart.divx
http://rapidshare.com/files/74406716/Tom_Petty___The_Heartbreakers_-_Jammin_Me.wmv
http://rapidshare.com/files/74409566/Tom_Petty___The_Heartbreakers_-_The_Waiting.wmv
http://rapidshare.com/files/74408536/Tom_Petty___The_Heartbreakers_-_Refugee.wmv
http://rapidshare.com/files/41930203/Tom_Petty_-_I_Wont_Back_Down.avi
http://rapidshare.com/files/42526545/Stone_Temple_Pilots_-_Plush.mpg
http://rapidshare.com/files/42483720/Stone_Temple_Pilots_-_Creep_12MB_original_wmv
http://rapidshare.com/files/42486983/Stone_Temple_Pilots_-_Big_Bang_Baby_9MB_original_wmv
http://rapidshare.com/files/42485191/Stone_Temple_Pilots_-_Lady_Picture_Show_10MB_original_wmv
http://rapidshare.com/files/42486189/Stone_Temple_Pilots_-_Wicked_Garden_10MB_original_wmv
 Posted by XchaiX at 8:38 PM 0 comments

Rapidshare Link #1 : Softwares

http://rapidshare.com/files/54735518/1-100.000_fiziki.rar
http://rapidshare.com/files/54735520/1-100.000_muelki.rar
http://rapidshare.com/files/51692391/1000_Roman_ozetleri.rar
http://rapidshare.com/files/47842308/101_spy_gadgets_for_the_evil_genius.rar
http://rapidshare.com/files/47523962/10_Derste_Fun-ku_Kitaplar_305_.rar
http://rapidshare.com/files/44394382/123_Flash_Menu_3.0.0.1305_Template_Pack.rar
<http://rapidshare.com/files/45412652/12HQTtransformes.rar>
<http://rapidshare.com/files/40123918/1st.Disk.Drive.Protector.v2.0.rar>
http://rapidshare.com/files/59634752/23_Java_Multiplayer_Mobil_Game_BT.rar
http://rapidshare.com/files/56656436/3000_yemek_tarifi.rar
http://rapidshare.com/files/64947360/32_Visual_Styles_for_Windows.XP.rar
http://rapidshare.com/files/48536526/37_XP_Themes.rar
http://rapidshare.com/files/41919168/3d_mp3_sound_recorder_4.0.4.rar
http://rapidshare.com/files/59634020/50_Java_Mobil_Games.rar
http://rapidshare.com/files/61268439/70_themes_for_Xp.7z
http://rapidshare.com/files/65666213/ABBYY_FineReader_9.0_Professional_Edition.part1.rar
http://rapidshare.com/files/65671840/ABBYY_FineReader_9.0_Professional_Edition.part2.rar
http://rapidshare.com/files/44394389/Abernethy_Arm-Locks_for_All_Styles.pdf
<http://rapidshare.com/files/48536527/AC3D.v6.2.rar>
http://rapidshare.com/files/60094780/ACDSee_Photo_Manager_10.0_Build_219.rar
http://rapidshare.com/files/55152414/ACDSee_Pro_2_v2.0.219.rar
http://rapidshare.com/files/58258611/acronis_kullan_305_m.rar
<http://rapidshare.com/files/40331085/Active.Webcam.9.2.Winall.Cracked-NoPE.rar>
<http://rapidshare.com/files/75295773/Active.Webcam.v9.9.FFF.rar>

