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9 Attorneys for Plaintiff Perfect 10, Inc.

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CENTRAL DISTRICT OF CALIF.  
LOS ANGELES  
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FILED

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; and  
17 DOES 1 through 100, inclusive,  
18 Defendant.

19 AND CONSOLIDATED CASE.

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

**NOTICE OF LODGING OF  
DOCUMENTS 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);**

**PROOF OF SERVICE  
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

28 Notice of Lodging of Documents Submitted in Opposition to Google's  
Three Motions for Summary Judgment Re: Blogger, Web & Image Search, and Caching Feature

1 Plaintiff, Perfect 10, Inc., hereby lodges the following documents:

- 2 1) **PLAINTIFF PERFECT 10, INC.'S OPPOSITION TO GOOGLE'S**  
3 **MOTION FOR SUMMARY JUDGMENT RE: SAFE HARBOR**  
4 **UNDER 17 U.S.C. §512(c) FOR ITS BLOGGER SERVICE**
- 5 2) **PLAINTIFF PERFECT 10, INC.'S OPPOSITION TO GOOGLE'S**  
6 **MOTION FOR SUMMARY JUDGMENT RE: SAFE HARBOR**  
7 **UNDER 17 U.S.C. §512(d) FOR WEB AND IMAGE SEARCH**
- 8 3) **PLAINTIFF PERFECT 10, INC.'S OPPOSITION TO GOOGLE'S**  
9 **MOTION FOR SUMMARY JUDGMENT RE: SAFE HARBOR**  
10 **UNDER 17 U.S.C. §512(b) FOR ITS CACHING FEATURE**
- 11 4) **PERFECT 10'S STATEMENT OF GENUINE ISSUES IN**  
12 **OPPOSITION TO GOOGLE'S MOTION FOR SUMMARY**  
13 **JUDGMENT RE: SAFE HARBOR UNDER 17 U.S.C. § 512(c) FOR**  
14 **ITS BLOGGER SERVICE**
- 15 5) **PERFECT 10'S STATEMENT OF GENUINE ISSUES IN**  
16 **OPPOSITION TO GOOGLE'S MOTION FOR SUMMARY**  
17 **JUDGMENT RE: SAFE HARBOR UNDER 17 U.S.C. § 512(d) FOR**  
18 **WEB AND IMAGE SEARCH**
- 19 6) **PERFECT 10'S STATEMENT OF GENUINE ISSUES IN**  
20 **OPPOSITION TO GOOGLE'S MOTION FOR SUMMARY**  
21 **JUDGMENT RE: SAFE HARBOR UNDER 17 U.S.C. § 512(b) FOR**  
22 **ITS CACHING FEATURE**
- 23 7) **DECLARATION OF DR. NORMAN ZADA SUBMITTED IN**  
24 **OPPOSITION TO GOOGLE'S THREE MOTIONS FOR**  
25 **SUMMARY JUDGMENT RE DMCA SAFE HARBOR FOR ITS**  
26 **WEB AND IMAGE SEARCH, BLOGGER SERVICE, AND**  
27 **CACHING FEATURE (DOCKET NOS. 428, 427, AND 426)**  
28 **(INCLUDING EXHIBITS 1-26, AND EXHIBITS 27-57);**
- 8) **EXHIBIT 9, A DISK, TO THE DECLARATION OF DR. NORMAN**  
9) **EXHIBITS G, H, K, N, AND P TO THE DECLARATION OF**  
**JEFFREY N. MAUSNER 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)**

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The above pleadings contain material designated Confidential and Highly Confidential by defendants Google, Inc. and Amazon.com, Inc., and designated Confidential by Perfect 10. Plaintiff, Perfect 10, Inc. respectfully requests that the above-entitled documents, which have been lodged, be filed under seal pursuant to the December 27, 2005 protective order in this case, Docket No. 94.

Perfect 10 also lodges the following document:

**[PROPOSED] ORDER GRANTING PERFECT 10'S APPLICATION TO FILE UNDER SEAL DOCUMENTS 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)**

Dated: August 9, 2009

Respectfully submitted,  
LAW OFFICES OF JEFFREY MAUSNER

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

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**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the county of Los Angeles, State of California.

I am over the age of 18 and am not a party to the within action; my business address is: 21800 Oxnard Street, Suite 910, Woodland Hills, California 91367

On August 10, 2009, I served the documents described in the attached **ATTACHMENT A** on the interested parties in this action,

**Mark Jansen**  
**Anthony Malutta**  
**Timothy Kahn**  
**Gia Cincone**  
**Townsend Townsend & Crew**  
**Two Embarcadero Center, 8<sup>th</sup> Floor**  
**San Francisco, California 94111**

**Rachel Herrick Kassabian**  
**Charles Verhoeven**  
**Quinn Emanuel**  
**555 Twin Dolphin Drive, Suite 560**  
**Redwood Shores, California 94065**

**BY FEDEX:** I deposited such documents in a box or other facility regularly maintained by FedEx, or delivered such documents to a courier or driver authorized by FedEx to receive documents, in sealed envelope(s) or package(s) designated by FedEx with delivery fees paid or provided for, addressed to the persons being served.

**FEDERAL:** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on **August 10, 2009** at Los Angeles, California.

By: *Brittany Douglass*  
Brittany Douglass

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the county of Los Angeles, State of California.

4 I am over the age of 18 and am not a party to the within action; my business  
5 address is: 21800 Oxnard Street, Suite 910, Woodland Hills, California 91367

6 On August 10, 2009, I served the documents described in the attached  
7 **ATTACHMENT A**, on the interested parties in this action by personally  
8 delivering them to the office of the addressees as follows:

9 **Thomas Nolan**  
10 **Michael Zeller**  
11 **Quinn Emanuel**  
12 **865 S. Figueroa Street, 10<sup>th</sup> Floor**  
13 **Los Angeles, California 90017**

14 **PERSONAL DELIVERY:** I personally delivered such documents to the office of  
15 the recipients at the above address.

16 **FEDERAL:** I declare that I am employed in the office of a member of the bar of  
17 this court at whose direction the service was made. I declare, under penalty of  
18 perjury, that the foregoing is true and correct.

19 Executed on **August 10, 2009** at Los Angeles, California.

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By:   
Melanie Poblete



**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)**

- 10) **NOTICE OF LODGING OF DOCUMENTS 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)**
- 11) **APPLICATION TO FILE UNDER SEAL DOCUMENTS  
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)**
- 12) **[PROPOSED] ORDER GRANTING PERFECT 10'S  
APPLICATION TO FILE UNDER SEAL DOCUMENTS  
SUBMITTED IN OPPOSITION TO GOOGLE'S THREE  
MOTIONS FOR SUMMARY JUDGMENT RE DMCA SAFE  
HARBOR FOR ITS WEB AND IMAGE SEARCH, BLOGGER  
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