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9 Attorneys for Defendant GOOGLE INC.

11 UNITED STATES DISTRICT COURT

12 CENTRAL DISTRICT OF CALIFORNIA

13 PERFECT 10, INC., a California
14 corporation,

15 Plaintiff,

16 vs.

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

18 Defendants.

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

**REBUTTAL DECLARATION OF
BILL BROUGHER IN SUPPORT
OF DEFENDANT GOOGLE'S
MOTIONS FOR SUMMARY
JUDGMENT RE: GOOGLE'S
ENTITLEMENT TO SAFE
HARBOR UNDER 17 U.S.C. § 512**

Hon. A. Howard Matz

Date: None (taken under submission)

Time: None

Ctrm: 14

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

19 AND COUNTERCLAIM

20 PERFECT 10, INC., a California
21 corporation,

22 Plaintiff,

23 vs.

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

26 Defendants.

PUBLIC REDACTED

1 I, Bill Brougher, declare as follows:

2 1. I am Director of Partner Technology Management at Google Inc.
3 ("Google"). For three and a half years I was a Product Manager for Google Web
4 Search. I have personal knowledge of the facts set forth herein and, if called as a
5 witness, could and would testify competently thereto.

6 2. [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]

11 [REDACTED] This does not change the fact
12 that in order to remove all instances of an image stored at a particular image URL
13 from Image Search results, an image URL is needed.

14 3. I have reviewed the approximately three dozen web page cache "print-
15 outs" that Perfect 10, Inc. ("P10") submitted to the Court on August 10, 2009 as
16 portions of Exhibits 9 and 26 to the Zada Declaration. For the purposes of this
17 declaration, I have assumed that the print-outs submitted by P10 accurately depict
18 cached web pages in Google's Web Search index. I have also assumed that the date
19 P10 claims to have viewed the cached search results – January 23, 2005 for all but
20 three print-outs – is also accurate.

21 4. P10's alleged examples of cached web pages in Google's Web Search
22 index that were not refreshed [REDACTED] are anomalies that occasionally occur.
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

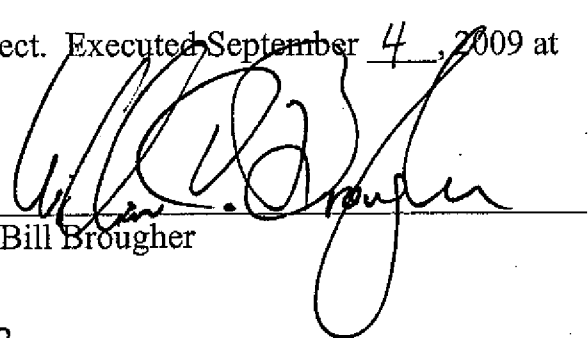
26 5. The vast majority of pages that regularly appear in our results are
27 refreshed within a few weeks or less. [REDACTED]
28 [REDACTED]

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[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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23 I declare under penalty of perjury under the laws of the United States of
24 America that the foregoing is true and correct. Executed September 4, 2009 at
25 Mountain View, California.



Bill Brougher