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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.

19 AND COUNTERCLAIM

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

22 Plaintiff,

23 vs.

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

26 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

**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]

