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9 Attorneys for Plaintiff Perfect 10, Inc.

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)

**DISCOVERY MATTER**

**PLAINTIFF PERFECT 10, INC'S  
 EXHIBITS FROM THE  
 SEPTEMBER 22, 2009 HEARING  
 REGARDING DISCOVERY ISSUES  
 BEFORE JUDGE HILLMAN**

**CONFIDENTIAL EXHIBITS FILED  
 SEPARATELY, UNDER SEAL  
 PURSUANT TO PROTECTIVE  
 ORDER**

Before Judge Stephen J. Hillman

Date: September 22, 2009  
 Time: 10:00 A.M.  
 Place: Courtroom 550, Courtroom of the  
 Honorable Stephen J. Hillman

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

28 Plaintiff Perfect 10, Inc.'s Exhibits from the September 22, 2009 Hearing Re Discovery

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**PLAINTIFF PERFECT 10, INC'S EXHIBIT CONTAINING**  
**TRANSCRIPT OF AUGUST 18, 2008 HEARING**  
**BEFORE JUDGE A. HOWARD MATZ**

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION  
HONORABLE A. HOWARD MATZ, U.S. DISTRICT JUDGE

- - - -

**COPY**

PERFECT 10, INC., A CALIFORNIA )  
CORPORATION, )  
PLAINTIFF, )  
vs. ) No. CV04-09484-AHM (SHx)  
GOOGLE, INC., ET AL., )  
DEFENDANTS. )

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PERFECT 10, INC., A CALIFORNIA )  
CORPORATION, )  
PLAINTIFF, )  
vs. ) No. CV05-04753-AHM (SHx)  
AMAZON, ET AL., )  
DEFENDANTS. )

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
LOS ANGELES, CALIFORNIA  
MONDAY, AUGUST 18, 2008

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CINDY L. NIRENBERG, CSR #5059  
U.S. Official Court Reporter  
312 North Spring Street, #438  
Los Angeles, California 90012  
[www.cindynirenberg.com](http://www.cindynirenberg.com)

1 designation? Where do things stand? Ms. Herrick?

2 MS. HERRICK: Absolutely, Your Honor. If necessary,  
3 we do intend to pursue motion practice because obviously  
4 something that's very important in this case, as in all cases,  
5 is that the parties strictly abide by the Protective Order.

6 And the large hard drives that Mr. Zeller was  
7 referring to earlier have been produced with a sticker on them  
8 that just says "Confidential," and inside, there is a mix of  
9 confidential and clearly public information. And we don't want  
10 to run afoul of the Protective Order by accidentally producing  
11 or maybe filing something that Perfect 10 meant to designate as  
12 confidential but didn't specifically identify or label.

13 THE COURT: But if you're correct that some stuff is  
14 obviously public, then you are not at risk if whatever is  
15 obviously public is something that makes its way into some  
16 filing of yours, right?

17 MS. HERRICK: I'm sorry? Say that one more time.

18 THE COURT: You're not at risk of violating a  
19 Protective Order if something that's obviously public is  
20 something that you incorporate into something that you filed,  
21 right?

22 MS. HERRICK: Technically, if we were to file  
23 something not under seal that Mr. Mausner has designated as  
24 confidential, we would be violating the Protective Order, and  
25 we certainly don't want to in any way, shape or form risk that.

1 THE COURT: Okay. But let's see if we can have a  
2 deal here.

3 So if something is obviously public, it's been given  
4 this blanket, random, sweeping, as Google would have it,  
5 designation of confidentiality because you put some little  
6 sticker on a hard drive, and they incorporate it into something  
7 they say or do or file, even though it was part of this hard  
8 drive with the confidential blanket stamp, are you going to  
9 fuss?

10 MR. MAUSNER: No. And we would also, you know, be  
11 happy to tell them if they want to ask about something.

12 It's just going to be very difficult to take all of  
13 these millions of documents and, you know, put actual  
14 confidential designations on each one.

15 THE COURT: Okay. Well, I'm not making a ruling  
16 about this dispute and neither is Judge Hillman, who has been  
17 patient enough to -- are you still there, Judge Hillman?

18 JUDGE HILLMAN: I am.

19 THE COURT: Okay. Neither of us has to issue some  
20 kind of advisory ruling because maybe it won't come to light.

21 But it seems to me, Ms. Herrick, that when push comes  
22 to shove, and you are really in the process of needing to make  
23 use of whatever is on these documents, if there is a genuine  
24 ambiguity or doubt, then you run it by the people at Perfect 10  
25 or Mr. Mausner.

1           And I'm going to hold Mr. Mausner to his word because  
2 I am going to hold you to your word.

3           If something is obviously public, use it. Don't  
4 waste your client's money or your time getting permission. And  
5 he is not going to be given any credence if he claims that you  
6 made a violation of the Protective Order by using it, because  
7 if it was obviously public, you had a right to do it.

8           MS. HERRICK: Your Honor, just one further thing.

9           Some things might appear to be obviously public to  
10 us, but Perfect 10 has nevertheless insisted that it's  
11 confidential.

12           For instance, screenshots of alleged infringements,  
13 Perfect 10 has taken the position that the screenshots that  
14 identify where an infringing image can be found is  
15 confidential. So that is something that I might want to file  
16 because it appears to be just a screenshot, but Perfect 10, I  
17 think, would be upset by that and would argue that that would  
18 be a violation of a Protective Order because they have  
19 designated those sorts of material as confidential.

20           We believe improperly so, but that is just one  
21 example of how I think there will be --

22           THE COURT: But my point is if there is something  
23 that's really making you think that you are at risk of  
24 inadvertently, unintentionally violating a Protective Order,  
25 bring it up.

1           You got a problem with screenshots?

2           MR. MAUSNER: Not with the shot itself, but the  
3 location of the infringing website allows anybody to find the  
4 infringements, basically.

5           And we don't have a problem with those being filed in  
6 court. What we do have a problem with is Google publishing the  
7 location of the infringing websites on the internet, which is  
8 something that it's done in the past.

9           It's actually published Perfect 10's DMCA notices  
10 that have the URL where the infringing images are located.

11           THE COURT: So why don't you modify the Protective  
12 Order. Make it clear what you do think they shouldn't do.

13           MR. MAUSNER: But --

14           THE COURT: Look, I'm not going to spend more time on  
15 this one because I've got too many other things to do, but it  
16 seems to me that this is an example of what I'm afraid has been  
17 going on here which is that both sides are just pointing the  
18 finger and failing to talk to each other.

19           If there is some clarity that can be agreed to that  
20 will limit the need to fuss and make motions about the  
21 Protective Order and the snapping of confidentiality, then  
22 change your God damn Protective Order, file it, and proceed on  
23 that basis.

24           Now, let's move on.

25           MR. MAUSNER: Your Honor, I think they do, too, but

1           If I got what you told me before, Alexa is basically  
2 a search engine.

3           MR. MALUTTA: We believe so, Your Honor. I mean,  
4 they were just added as a party, so we are doing our own  
5 internal investigation as well.

6           THE COURT: But why can't I set dates that apply to  
7 all three of your clients?

8           MR. MALUTTA: We have no objection to that, Your  
9 Honor. We've asked for all three dates for our clients, just  
10 so long as they are sufficiently out to allow us to have the  
11 full discovery for Alexa.

12          THE COURT: And what's your view about this issue I  
13 raised with the Google lawyers concerning the format of  
14 electronic reduction?

15          MR. MALUTTA: Our view point is the same as theirs.  
16 We have -- and I'll also represent to this Court that the TIFF  
17 format is the standard litigation format.

18          All of the litigation databases out there, all the  
19 vendors, everybody uses TIFF.

20          And that's what -- that makes it easy to identify  
21 documents, to search documents. It makes it easy to put  
22 control numbers on them so we know what we are referring to  
23 when it comes down to trial or deposition or something. That's  
24 what makes it very easy to investigate what's in this massive  
25 production. 600 gigabytes is enormous. We have had quotes



1 from vendors, and it's near a million dollars to convert their  
2 native files into something that's usable in a standard  
3 litigation database.

4 THE COURT: Well, do you think that producing it in  
5 standard database format, whatever that is, is a display of  
6 gamesmanship and bad faith on the part of Perfect 10?

7 MR. MALUTTA: I have no idea what the motivation is  
8 for Perfect 10 to produce it in the format -- and it's a format  
9 that's been created for this litigation.

10 They are creating documents for this litigation, and  
11 why they've chosen one format over the standard format, I don't  
12 know.

13 THE COURT: Well, if there's going to be some motion  
14 practice -- and if I am keeping things straight in my mind, we  
15 simply passed over the resolution of that dispute earlier this  
16 afternoon -- then my guess is whoever decides that motion would  
17 find it potentially relevant to know whether it's just games  
18 playing. So I'll leave it at that.

19 No, you sit down, Mr. Mausner. I don't want a  
20 response right now.

21 Now, in your 16(b) report, I don't think there is  
22 anything mentioned about the mechanism in that case, in the  
23 Amazon cases -- case, to comply with the Local Rule 16-15  
24 requiring good faith efforts for mediation.

25 Judge Lynch was the mediator in the Google case

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**PLAINTIFF PERFECT 10, INC'S EXHIBIT SHOWING**  
**EMAILS BETWEEN COUNSEL REGARDING REDACTIONS**

## Jeffrey Mausner

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**From:** Jeffrey Mausner [jeff@mausnerlaw.com]  
**Sent:** Thursday, August 13, 2009 11:23 AM  
**To:** Timothy Cahn; glcincone@townsend.com  
**Subject:** FW:

---

**From:** Jeffrey Mausner [mailto:jeff@mausnerlaw.com]  
**Sent:** Thursday, August 13, 2009 11:19 AM  
**To:** Rachel Herrick Kassabian rachelkassabian@quinnemanuel.com; Thomas Nolan thomasnolan@quinnemanuel.com; Michael T Zeller michaelzeller@quinnemanuel.com; Charles K. Verhoeven (charlesverhoeven@quinnemanuel.com); Andrea P Roberts andreaproberts@quinnemanuel.com; Brad R. Love bradlove@quinnemanuel.com ; Jansen, Mark T. mtjansen@townsend.com; Malutta, Anthony J. ajmalutta@townsend.com  
**Subject:**

We would like to file redacted versions of the following pleadings, which will be publicly available:

- 1) PLAINTIFF PERFECT 10, INC.'S OPPOSITION TO GOOGLE'S MOTION FOR SUMMARY JUDGMENT RE: SAFE HARBOR UNDER 17 U.S.C. §512(c) FOR ITS BLOGGER SERVICE
- 2) PLAINTIFF PERFECT 10, INC.'S OPPOSITION TO GOOGLE'S MOTION FOR SUMMARY JUDGMENT RE: SAFE HARBOR UNDER 17 U.S.C. §512(d) FOR WEB AND IMAGE SEARCH
- 3) PLAINTIFF PERFECT 10, INC.'S OPPOSITION TO GOOGLE'S MOTION FOR SUMMARY JUDGMENT RE: SAFE HARBOR UNDER 17 U.S.C. §512(b) FOR ITS CACHING FEATURE
- 4) PERFECT 10'S STATEMENT OF GENUINE ISSUES IN OPPOSITION TO GOOGLE'S MOTION FOR SUMMARY JUDGMENT RE: SAFE HARBOR UNDER 17 U.S.C. § 512(c) FOR ITS BLOGGER SERVICE
- 5) PERFECT 10'S STATEMENT OF GENUINE ISSUES IN OPPOSITION TO GOOGLE'S MOTION FOR SUMMARY JUDGMENT RE: SAFE HARBOR UNDER 17 U.S.C. § 512(d) FOR WEB AND IMAGE SEARCH
- 6) PERFECT 10'S STATEMENT OF GENUINE ISSUES IN OPPOSITION TO GOOGLE'S MOTION FOR SUMMARY JUDGMENT RE: SAFE HARBOR UNDER 17 U.S.C. § 512(b) FOR ITS CACHING FEATURE
- 7) DECLARATION OF DR. NORMAN ZADA 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)

In order to assure that we redact everything that is properly designated as Confidential or Highly Confidential by Google and the Amazon.com defendants, I am requesting that counsel for Google and Amazon notify me of portions of the above pleadings that they believe should be redacted. Please provide a listing of page and line numbers that Google and Amazon.com believe should be redacted in these pleadings. Please send this to me by August 20. Thanks, Jeff.

This e-mail may be confidential or may contain information which is protected by the attorney-client privilege and work product doctrine, as well as other privileges. If you are not the intended recipient of this e-mail, any

dissemination or copying of this message is strictly prohibited. Anyone who mistakenly receives this e-mail should notify the sender immediately by telephone or return e-mail and delete it from his or her computer.

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e-mail: [jeff@mausnerlaw.com](mailto:jeff@mausnerlaw.com)

## Jeffrey Mausner

---

**From:** Rachel Herrick Kassabian [rachelkassabian@quinnemanuel.com]  
**Sent:** Friday, August 14, 2009 4:37 PM  
**To:** 'Jeffrey Mausner'; Thomas Nolan; Michael T Zeller; Charles K Verhoeven; Andrea P Roberts; Brad R. Love; 'mtjansen@townsend.com'; 'ajmalutta@townsend.com'; 'Cahn, Timothy R.'  
**Subject:** RE:

Jeff,

Your request is inappropriate and we will not agree to it. Google has undertaken significant effort and expense to designate its Confidential and Highly Confidential materials as such, pursuant to the Protective Order. Where Perfect 10 has cited to Google's materials in its briefing, it is Perfect 10's obligation to review those designations to ensure that it is redacting all designated material, in compliance with the Protective Order.

Regards,

Rachel

## Jeffrey Mausner

---

**From:** Malutta, Anthony J. [ajmalutta@townsend.com]  
**Sent:** Friday, August 14, 2009 4:52 PM  
**To:** Rachel Herrick Kassabian; Jeffrey Mausner; Thomas Nolan; Michael T Zeller; Charles K Verhoeven; Andrea P Roberts; Brad R. Love; Jansen, Mark T. ; Cahn, Timothy R.  
**Subject:** RE:

Jeff:

Our clients are not parties to the extensive briefs noted below, so I am unclear as to why we would have an obligation to review them. Further, as we have advised in connection with prior Perfect 10 court filings, the filing party bears the burden of preserving confidential material in its filings. We expect compliance with the Protective Order, and that you will appropriately redact Confidential or Highly Confidential material of the Amazon.com defendants.

Regards, Anthony

## Jeffrey Mausner

---

**From:** Jeffrey Mausner [jeff@mausnerlaw.com]  
**Sent:** Wednesday, August 19, 2009 11:15 PM  
**To:** 'Malutta, Anthony J.'; 'Rachel Herrick Kassabian'; 'Thomas Nolan'; 'Michael T Zeller'; 'Charles K Verhoeven'; 'Andrea P Roberts'; 'Brad R. Love'; 'Jansen, Mark T. '; 'Cahn, Timothy R.'; glcinc@townsend.com  
**Cc:** Valerie Kincaid  
**Subject:** Filing of Redacted Pleadings  
**Attachments:** Blogger Brief - 80909 Redacted.pdf; Cache Brief - 80909 - redacted.pdf

Dear Counsel: Attached are the following pleadings:

PLAINTIFF PERFECT 10, INC.'S OPPOSITION TO GOOGLE'S MOTION FOR SUMMARY JUDGMENT RE: SAFE HARBOR UNDER 17 U.S.C. §512(c) FOR ITS BLOGGER SERVICE

PLAINTIFF PERFECT 10, INC.'S OPPOSITION TO GOOGLE'S MOTION FOR SUMMARY JUDGMENT RE: SAFE HARBOR UNDER 17 U.S.C. §512(b) FOR ITS CACHING FEATURE

We have highlighted in blue portions of those briefs that we believe Google and Amazon might assert are Confidential. Although Google and Amazon have designated material Confidential under the protective order that is not Confidential, Perfect 10 has made a good faith effort to redact all material designated Confidential, from the pleadings Perfect 10 intends to publicly file. Please review the attached and let me know if there is anything else in either of these documents that you believe should be redacted. Also, if there are any portions that we have highlighted in blue that you believe do not need to be redacted, please let me know as well. Perfect 10 reserves its rights to move the Court for an order determining that any of the redacted material should not be designated Confidential. We will get you our proposed redactions for the remaining pleadings soon. Thanks, Jeff.

## Jeffrey Mausner

---

**From:** Rachel Herrick Kassabian [rachelkassabian@quinnemanuel.com]  
**Sent:** Friday, August 21, 2009 12:59 PM  
**To:** 'Jeffrey Mausner'; 'Malutta, Anthony J.'; Thomas Nolan; Michael T Zeller; Andrea P Roberts; Brad R. Love; 'Jansen, Mark T. '; 'Cahn, Timothy R.'; 'glcincone@townsend.com'  
**Subject:** RE: Filing of Redacted Pleadings

Jeff,

As we have explained before, it is inappropriate for Perfect 10 to ask Google to do its legal work for it. Google is under no obligation to review every sentence of every one of the voluminous materials Perfect 10 has submitted in opposition to Google's DMCA motions, and prepare redacted versions of those materials for Perfect 10. Google has undertaken significant effort and expense to designate its Confidential and Highly Confidential materials as such, pursuant to the Protective Order. Where Perfect 10 has cited to Google's materials, it is Perfect 10's obligation to review those designations to ensure that it is redacting all designated material, in compliance with the Protective Order. We trust that Perfect 10 will respect Google's confidential information and comply with its obligations here.

On a related note, Perfect 10's failure to submit redacted briefs and declarations is hampering our ability to prepare reply materials, and as a result, Google may need more time to prepare those materials. It has now been two weeks since Perfect 10 filed its opposition materials, entirely under seal, despite the fact that significant portions of those materials are not confidential. Thus, we have no way of knowing which portions of Perfect 10's opposition materials it considers to contain Perfect 10's confidential information, and which portions do not. This hampers Google's ability to access and respond to Perfect 10's arguments and alleged facts (though consultation with the appropriate Google personnel, among other things). Please provide us with Perfect 10's redacted briefs by the close of business today, with the materials Perfect 10 believes contain its confidential information clearly redacted. If Perfect 10 needs more time to prepare its redactions, then please stipulate to extend Google's deadline to file its reply briefs.

Regards,  
Rachel

Rachel Herrick Kassabian, Partner  
Quinn Emanuel Urquhart Oliver & Hedges, LLP  
555 Twin Dolphin Drive, Suite 560  
Redwood Shores, CA 94065  
Direct: (650) 801-5005  
Main Phone: (650) 801-5000  
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E-mail: [rachelkassabian@quinnemanuel.com](mailto:rachelkassabian@quinnemanuel.com)  
Web: [www.quinnemanuel.com](http://www.quinnemanuel.com)

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## Jeffrey Mausner

---

**From:** Jeffrey Mausner [jjeff@mausnerlaw.com]  
**Sent:** Friday, August 21, 2009 3:32 PM  
**To:** 'Rachel Herrick Kassabian'; 'Malutta, Anthony J.'; 'Thomas Nolan'; 'Michael T Zeller'; 'Andrea P Roberts'; 'Brad R. Love'; 'Jansen, Mark T. '; 'Cahn, Timothy R.'; glcincone@townsend.com  
**Subject:** RE: Filing of Redacted Pleadings

Rachel, anyone at Google involved in the litigation and anyone that you want to consult with regarding the litigation can see anything in all of the documents that Perfect 10 filed in opposition to Google's three Motions for Summary Judgment, including all briefs, declarations, and any of the other pleadings and exhibits, as far as Perfect 10 is concerned. (You will have to check with Amazon to see if they have any objection to anyone at Google seeing their confidential materials.) Perfect 10 merely requests that Google not publicize URLs where infringing material is located, as Google has done in the past on ChillingEffects.org.

The entirety of Perfect 10's briefs were filed under seal *to protect Google's and Amazon's confidential information*. Your refusal to inform us whether Google deems anything, other than what we highlighted in the briefs attached to my August 19 email, to be subject to the protective order is completely unreasonable. Perfect 10 has shown Google the material Perfect 10 anticipates that Google will claim is confidential, but Perfect 10 cannot fully anticipate what Google will claim is subject to the protective order. You, the other attorneys in your firm, and Google personnel are reviewing the briefs now; it will be easy for Google or someone at your firm to make this determination now. In fact, I would be quite surprised if your firm has not already determined whether Perfect 10's proposed redactions are sufficient. You know very well that when Perfect 10 files the documents with redactions, Google will immediately claim that something else should have been redacted, so you can threaten to hold Perfect 10 and me in contempt for violating the protective order. Why not inform Perfect 10 now if there is any additional material that Google claims should be redacted, so there will be no misunderstanding as to what Google claims should be redacted. Redacted versions of the briefs should be filed, and Google should cooperate, rather than trying to set us up to claim that we violated the protective order. Jeff.

## Jeffrey Mausner

---

**From:** Rachel Herrick Kassabian [rachelkassabian@quinnemanuel.com]  
**Sent:** Friday, August 21, 2009 4:00 PM  
**To:** 'Jeffrey Mausner'; 'Malutta, Anthony J.'; Thomas Nolan; Michael T Zeller; Andrea P Roberts; Brad R. Love; 'Jansen, Mark T. '; 'Cahn, Timothy R.'; 'glicincone@townsend.com'  
**Subject:** RE: Filing of Redacted Pleadings

Jeff,

Are you representing that Perfect 10's DMCA opposition briefs, statements of genuine issues, declarations and exhibits do not contain **any** material that Perfect 10 considers confidential under the Protective Order? If so, then why did you submit a signed pleading with the Court attesting that Perfect 10's DMCA opposition briefs, statements of genuine issues, the Zada declaration and certain exhibits "contain material... designated Confidential by Perfect 10"? If that statement is in fact untrue (and your representations in the below email are correct), such that Google can treat Perfect 10's opposition materials as containing **no** confidential Perfect 10 information, please confirm immediately. On the other hand, if your statement to the Court in Perfect 10's Application to File Under Seal is true (and your statement below is mistaken), then please send us Perfect 10's redacted briefs by the close of business today, with the materials Perfect 10 believes contain its confidential information clearly redacted. If Perfect 10 needs more time to prepare its redactions, then please stipulate to extend Google's deadline to file its reply briefs.

Rachel

## Jeffrey Mausner

---

**From:** Jeff Mausner [jeff@mausnerlaw.com]  
**Sent:** Friday, August 21, 2009 6:42 PM  
**To:** 'ajmalutta@townsend.com'; Thomas Nolan; Michael T Zeller; Andrea P Roberts; Brad R. Love; 'mtjansen@townsend.com'; 'trcahn@townsend.com'; 'glcincone@townsend.com'; Rachel Herrick Kassabian  
**Subject:** Re: Filing of Redacted Pleadings

Rachel, I told you that anyone at Google involved in the litigation and anyone that you want to consult with regarding the litigation can see anything in all of the documents that Perfect 10 filed in opposition to Google's three Motions for Summary Judgment, including all briefs, declarations, and any of the other pleadings and exhibits, as far as Perfect 10 is concerned. The URLs where the infringing material is located are confidential. But I said you can show everything, including those URLs, to anyone at Google involved in the litigation and anyone that you want to consult with regarding the litigation. We just don't want Google to publish a roadmap of where Perfect 10's infringing content is located, as it has done in the past.

It seems to me that you are just trying to manufacture a basis to get additional time to file your reply papers. We will not consent to that. Jeff.

Jeffrey Mausner  
21800 Oxnard Street, Suite 910  
Woodland Hills, California 91367  
jeff@mausnerlaw.com  
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## Jeffrey Mausner

---

**From:** Rachel Herrick Kassabian [rachelkassabian@quinnemanuel.com]  
**Sent:** Friday, August 21, 2009 6:51 PM  
**To:** 'jeff@mausnerlaw.com'; 'ajmalutta@townsend.com'; Thomas Nolan; Michael T Zeller; Andrea P Roberts; Brad R. Love; 'mtjansen@townsend.com'; 'trcahn@townsend.com'; 'glcincone@townsend.com'  
**Subject:** Re: Filing of Redacted Pleadings

Jeff,

There is a court order involved here, and you do not have the authority to waive enforcement of that order. Please answer the questions in my prior email.

Rachel

Rachel Herrick Kassabian  
555 Twin Dolphin Drive, Suite 560  
Redwood Shores, CA. 94065  
Direct: (650) 801-5005  
Office: (650) 801-5000  
Fax: (650) 801-5100

## Jeffrey Mausner

---

**From:** Jeff Mausner [jeff@mausnerlaw.com]  
**Sent:** Friday, August 21, 2009 8:25 PM  
**To:** 'ajmalutta@townsend.com'; Thomas Nolan; Michael T Zeller; Andrea P Roberts; Brad R. Love; 'mtjansen@townsend.com'; 'trcahn@townsend.com'; 'glcincone@townsend.com'; Rachel Herrick Kassabian  
**Subject:** Re: Filing of Redacted Pleadings

Rachel, I answered your questions. Perfect 10 has given you permission to show any Perfect 10 confidential information in our opposition papers to anyone at Google involved in the litigation and anyone that you want to consult with regarding the litigation. Isn't that what you wanted? Jeff.

Jeffrey Mausner  
21800 Oxnard Street, Suite 910  
Woodland Hills, California 91367  
jeff@mausnerlaw.com  
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## Jeffrey Mausner

---

**From:** Jeff Mausner [jeff@mausnerlaw.com]  
**Sent:** Friday, August 21, 2009 11:53 PM  
**To:** 'ajmalutta@townsend.com'; Thomas Nolan; Michael T Zeller; Andrea P Roberts; Brad R. Love; 'mtjansen@townsend.com'; 'trcahn@townsend.com'; 'glcincone@townsend.com'; Rachel Herrick Kassabian  
**Subject:** Re: Filing of Redacted Pleadings  
**Attachments:** Search Brief - 8-21-09 Redacted.pdf

Rachel, pursuant to your request, attached are Perfect 10's three opposition briefs, with portions to be redacted highlighted. Portions highlighted in blue are those that we believe Google or Amazon would want redacted. Portions highlighted in yellow are those containing Perfect 10's redactions. Please review the attached and let me know if there is anything else in any of these documents that you believe should be redacted. Also, if there are any portions that we have highlighted in blue that you believe do not need to be redacted, please let me know as well. Three separate emails will be sent with the attachments. Jeff.

Jeffrey Mausner  
21800 Oxnard Street, Suite 910  
Woodland Hills, California 91367  
jeff@mausnerlaw.com  
T (818) 992-7500  
F (818) 716-2773

## Jeffrey Mausner

---

**From:** Rachel Herrick Kassabian [rachelkassabian@quinnemanuel.com]  
**Sent:** Saturday, August 22, 2009 9:54 AM  
**To:** 'Jeff Mausner'; 'ajmalutta@townsend.com'; Thomas Nolan; Michael T Zeller; Andrea P Roberts; Brad R. Love; 'mtjansen@townsend.com'; 'trcahn@townsend.com'; 'glcincone@townsend.com'  
**Subject:** RE: Filing of Redacted Pleadings

Jeff,

Thank you for providing Perfect 10's redactions.

As for the remainder of your email, please see my email dated August 21 at 12:59 p.m., below.

Rachel

## Jeffrey Mausner

---

**From:** Rachel Herrick Kassabian [rachelkassabian@quinnemanuel.com]  
**Sent:** Saturday, August 22, 2009 10:04 AM  
**To:** 'Jeff Mausner'; 'ajmalutta@townsend.com'; Thomas Nolan; Michael T Zeller; Andrea P Roberts; Brad R. Love; 'mtjansen@townsend.com'; 'trcahn@townsend.com'; 'glcincone@townsend.com'  
**Subject:** RE: Filing of Redacted Pleadings

Jeff, please read Paragraph 5 of the Protective Order.



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**PLAINTIFF PERFECT 10, INC'S EXHIBIT SHOWING**  
**PLAINTIFF PERFECT 10, INC.'S POWERPOINT PRESENTATION**

**(PARTIALLY FILED UNDER SEAL)**

# **Perfect 10's Document Production**

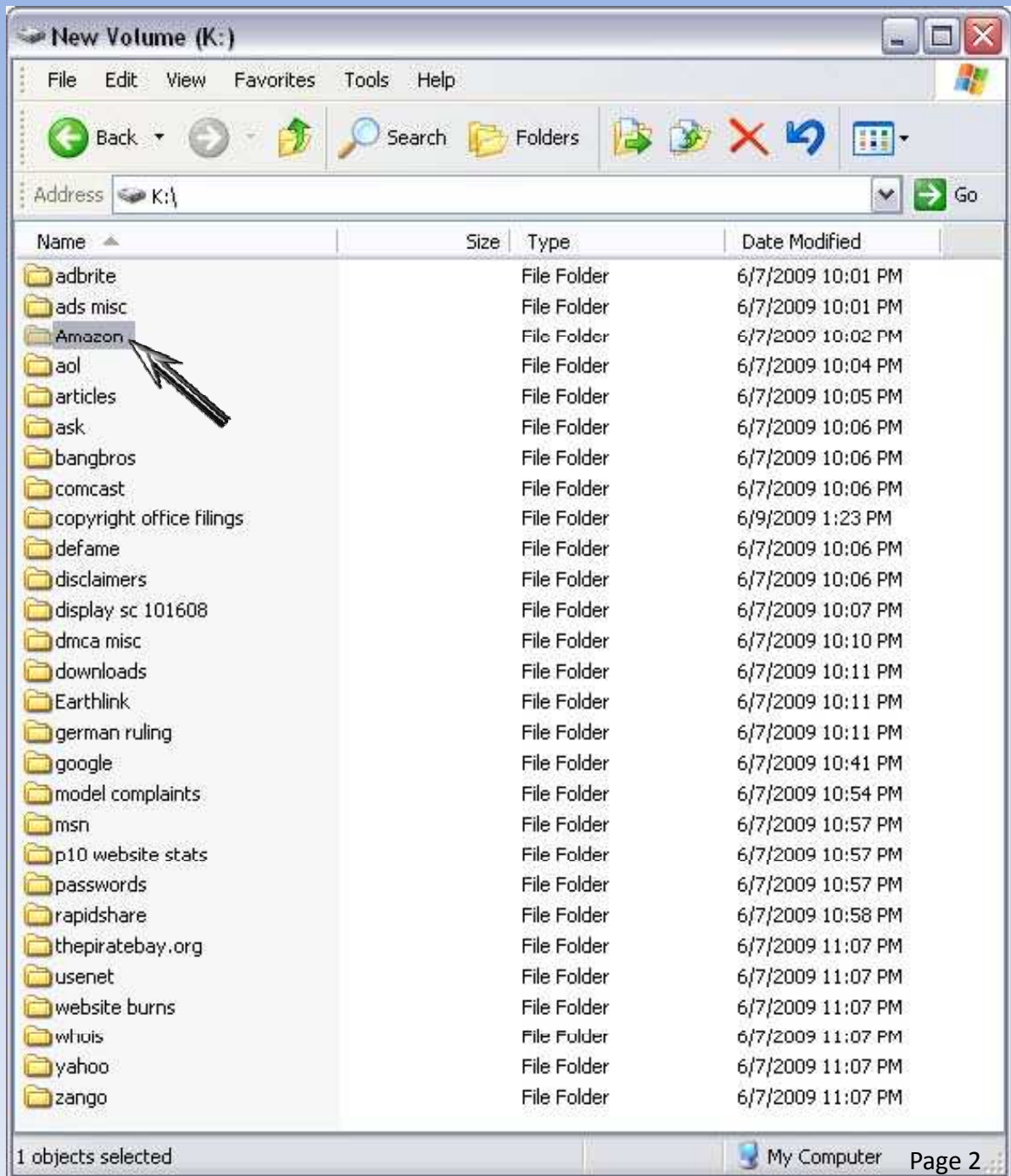
## **Perfect 10's Adobe PDF**

### **DMCA Notices**

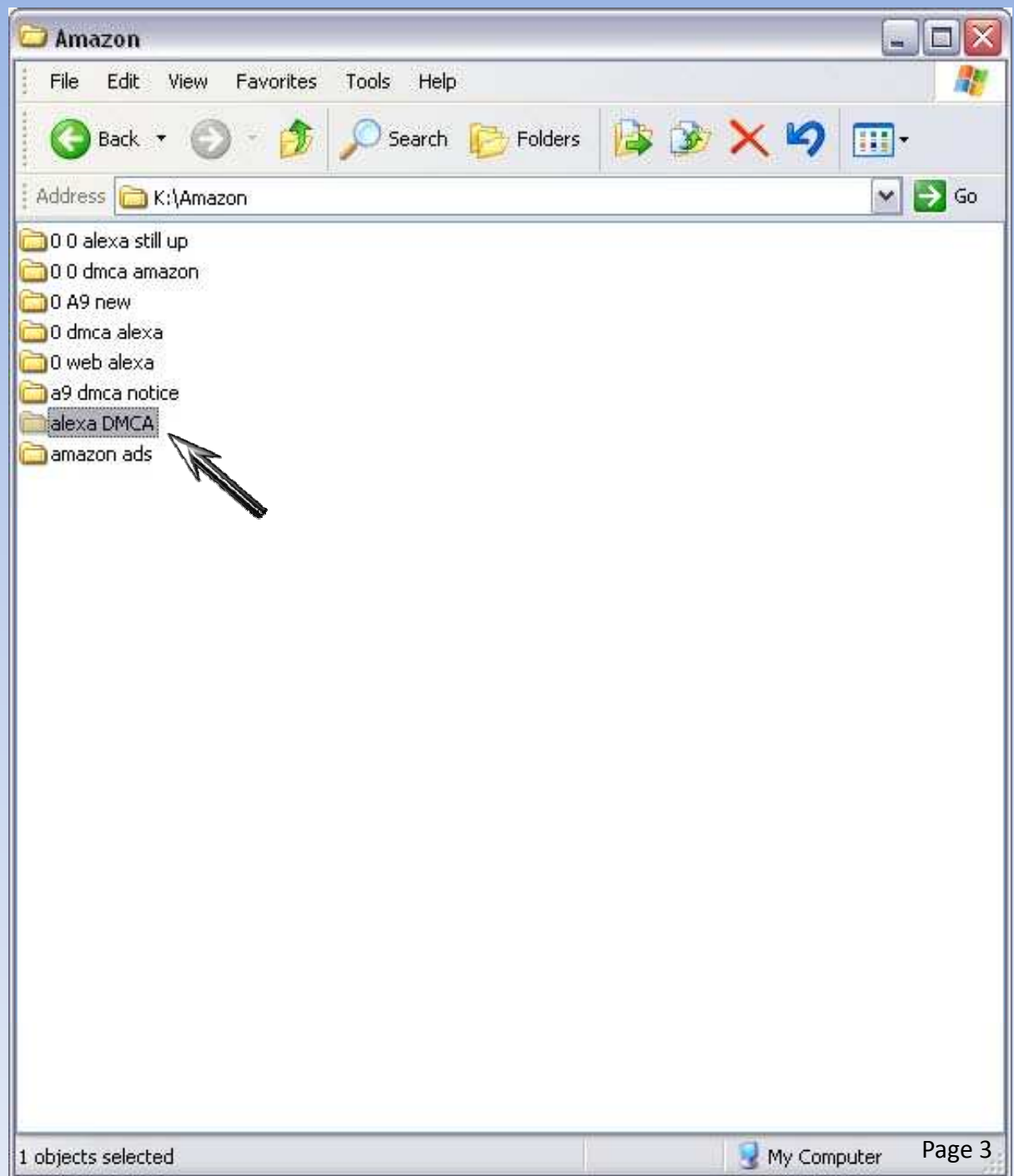
U.S. District Court - Central District of California  
Perfect 10 v. Google, Case No. CV 04-9484 AHM (SHx)  
Perfect 10 v. Amazon, Case No. CV 05-4753 AHM (SHx)

# Perfect 10's June 2009 Production (a hard drive)

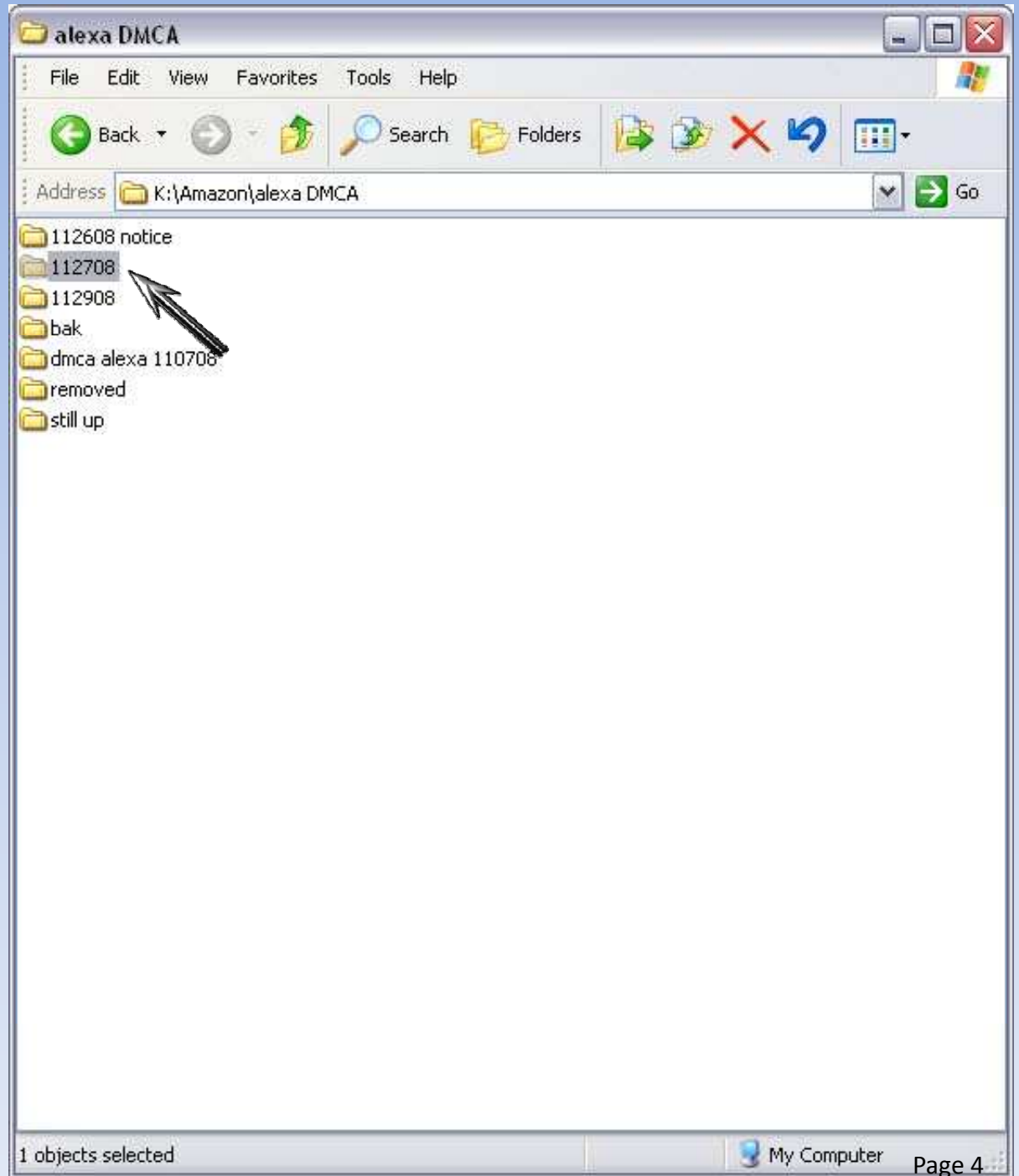
From the hard drives' root drive  
(in this case, "K:\"), select the  
"Amazon" folder



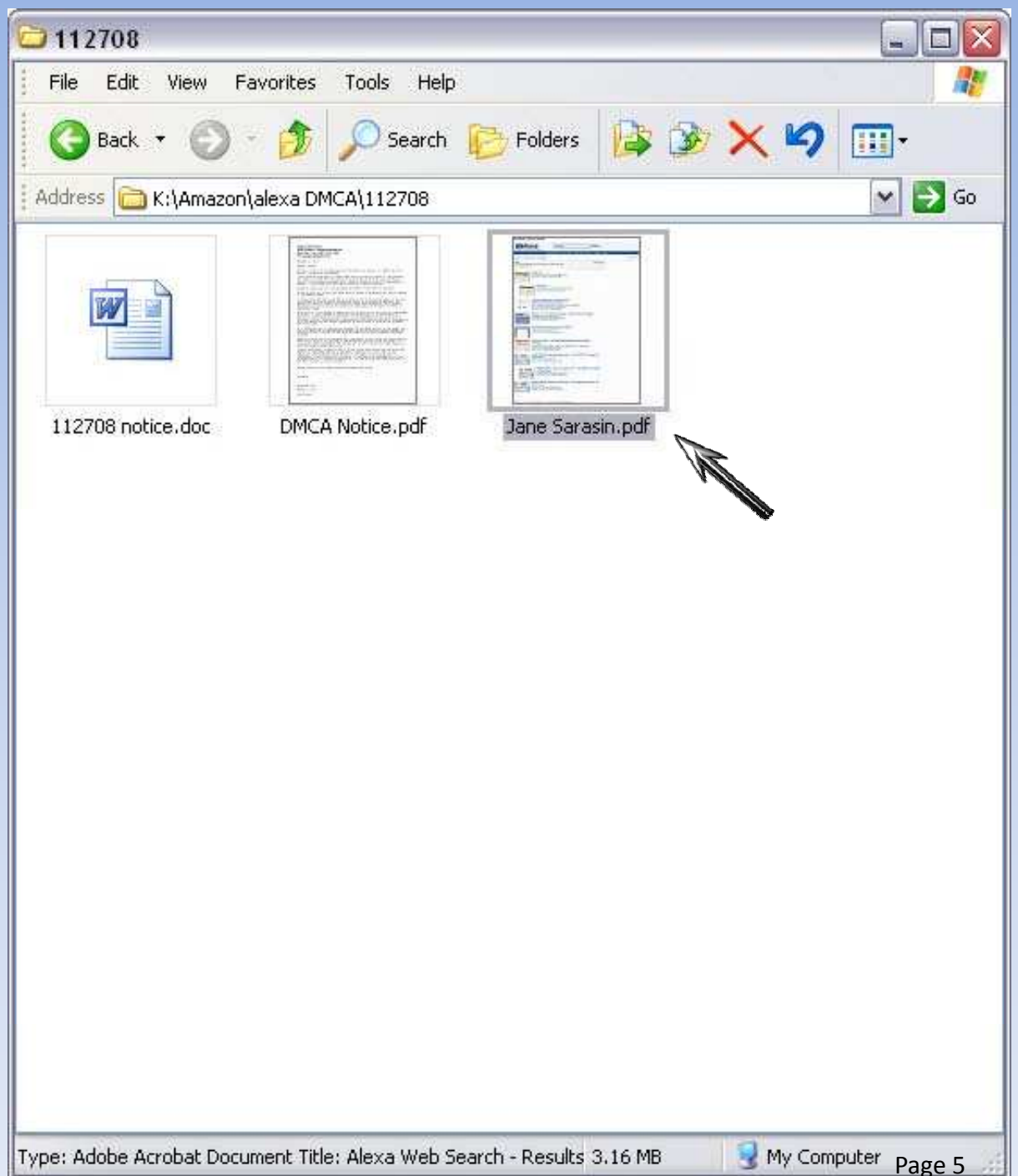
Then select “alexa DMCA” folder



Then select “112708” folder



The November 27, 2008 notice is contained in this folder. The email cover letter is saved in PDF, “DMCA Notice.pdf” and the accompanying attachment is the PDF file: “Jane Sarasin.pdf”





Pages



"Jane Sarasin" Search

Traffic Rankings Alexa Toolbar Webmaster's Corner Company Help

Results 1 - 10 of about 43 for "Jane Sarasin"

Search Preferences

Jane

Save With Cheaptickets Best Price Guarantee on Hotels. Book Now!  
www.Cheaptickets.com

Sponsored Links



Image Rise  
www.imagerise.com/view.php/1994\_JaneSarasin20.jpg...  
Rank: 5,007 | Site info for imagerise.com



Image Rise  
www.imagerise.com/view.php/1990\_JaneSarasin02.jpg...  
Rank: 5,007 | Site info for imagerise.com



Xuset Erotica group: Picture search2?  
group=alt.binaries.pictures.erotica...  
Search, categories, and preview with thumbnail. [Free membership]  
archive.xuset.com/search2.html?group=alt.binarie...  
Rank: 72,706 | Site info for xuset.com



"Perfect 10" - The Pleasure Principle - Another Perfect 10 Magazi...  
Jane Sarasin and Some Mixed Treats...  
forum.phun.org/showthread.php?t=86088&page=33  
Rank: 1,328 | Site info for phun.org



The World's Most Beautiful Natural Women.  
s1.zetaboards.com/Porno/topic/121909/1  
Rank: 4,548 | Site info for zetaboards.com



PERFECT10.com - The World's Most Beautiful Natural women . -  
Final4Ever...  
Forum with latest downloads of movies, games, applications, mp3 s updated daily!  
www.final4ever.com/showthread.php?t=65951  
Rank: 3,618 | Site info for final4ever.com



PORN FORUM - www.forumophilia.com :: P10 PERFECT10 Perfect 10  
Perfect Teen...  
www.forumophilia.com/topic43317.html  
Rank: 4,147 | Site info for forumophilia.com



PORN FORUM - www.forumophilia.com :: P10 PERFECT10 Perfect  
10 Perfect Teen...  
www.forumophilia.com/viewtopic.php?p=467477  
Rank: 4,147 | Site info for forumophilia.com

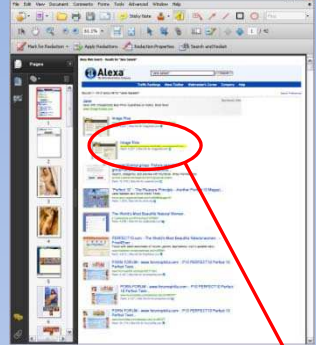
PORN FORUM - www.forumophilia.com :: P10 PERFECT10 Perfect 10

The file  
"Jane Sarasin.pdf"  
as it appears when  
opened.

SEE NEXT SLIDE



(From previous slide)



Jane Sarasin.pdf - Adobe Acrobat Pro

File Edit View Document Comments Forms Tools Advanced Window Help

Create Combine Sign Forms Multimedia Comment Find

4 / 42 58.7% Apply Redactions

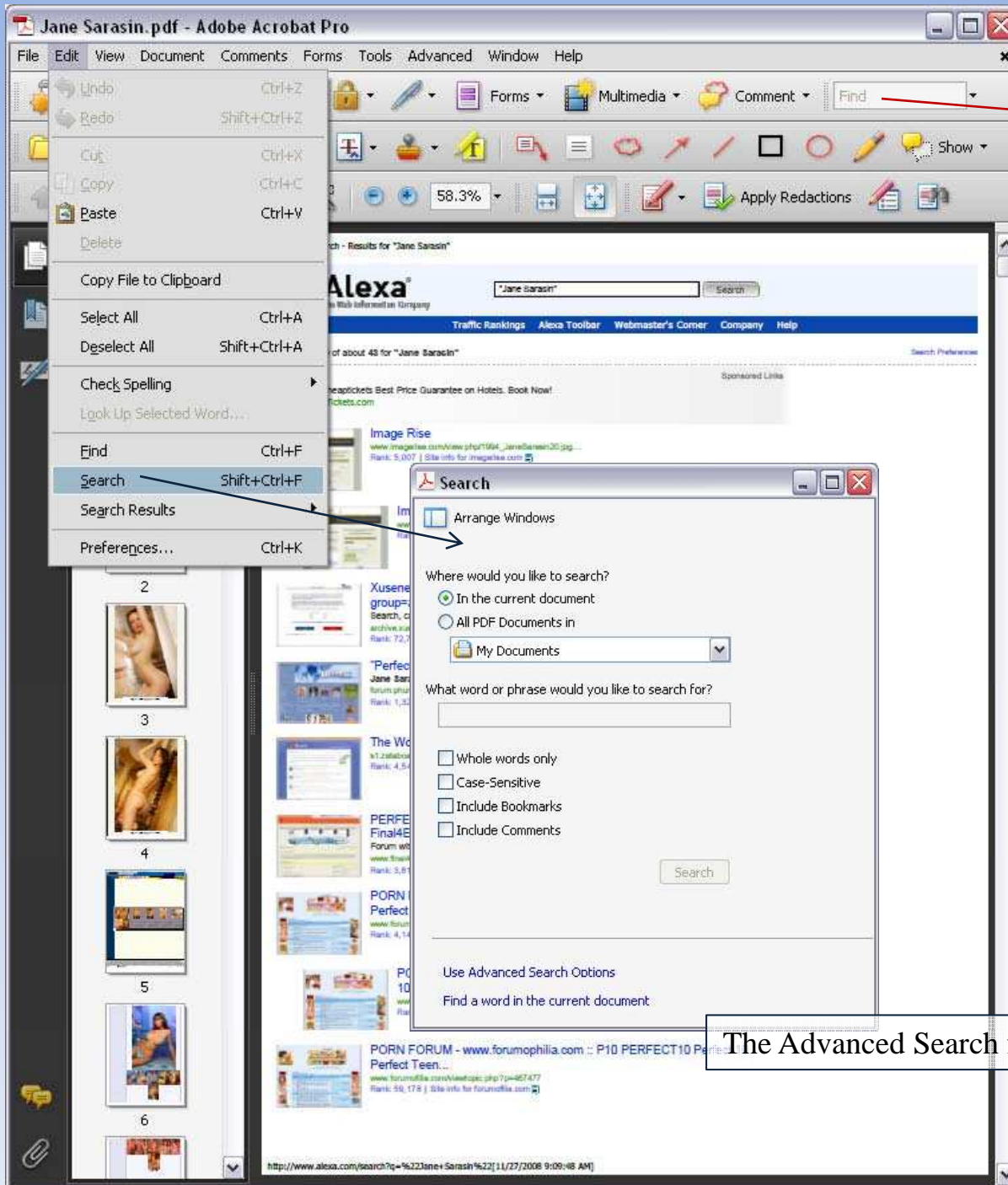
Pages

Image Rise-Jane\_Sarasin\_02.jpg

3 person has rated this image, and it was rated 9.33.

[http://www.imagerise.com/view.php?1990\\_janeSarasin02.jpg.html](http://www.imagerise.com/view.php?1990_janeSarasin02.jpg.html) [11/27/2008 9:11:09 AM]



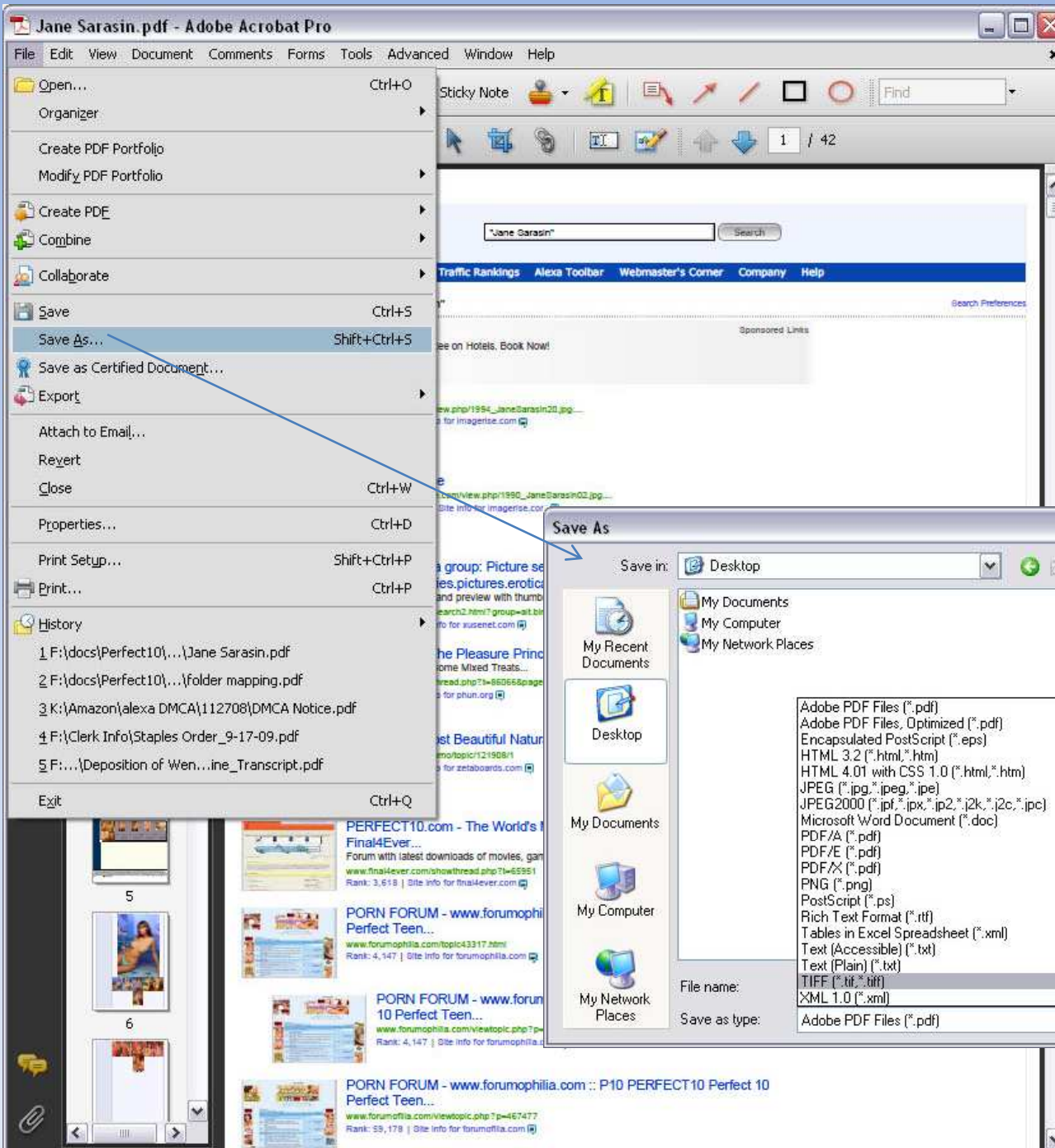


Search feature (or Ctrl+F) can do basic searches for keywords.

# SEARCH CAPABILITIES

The Advanced Search feature

**FILES CAN BE  
SAVED IN  
MANY OTHER  
FORMATS**



# **GOOGLE'S DISORGANIZED, REPETITIVE DOCUMENT PRODUCTIONS**

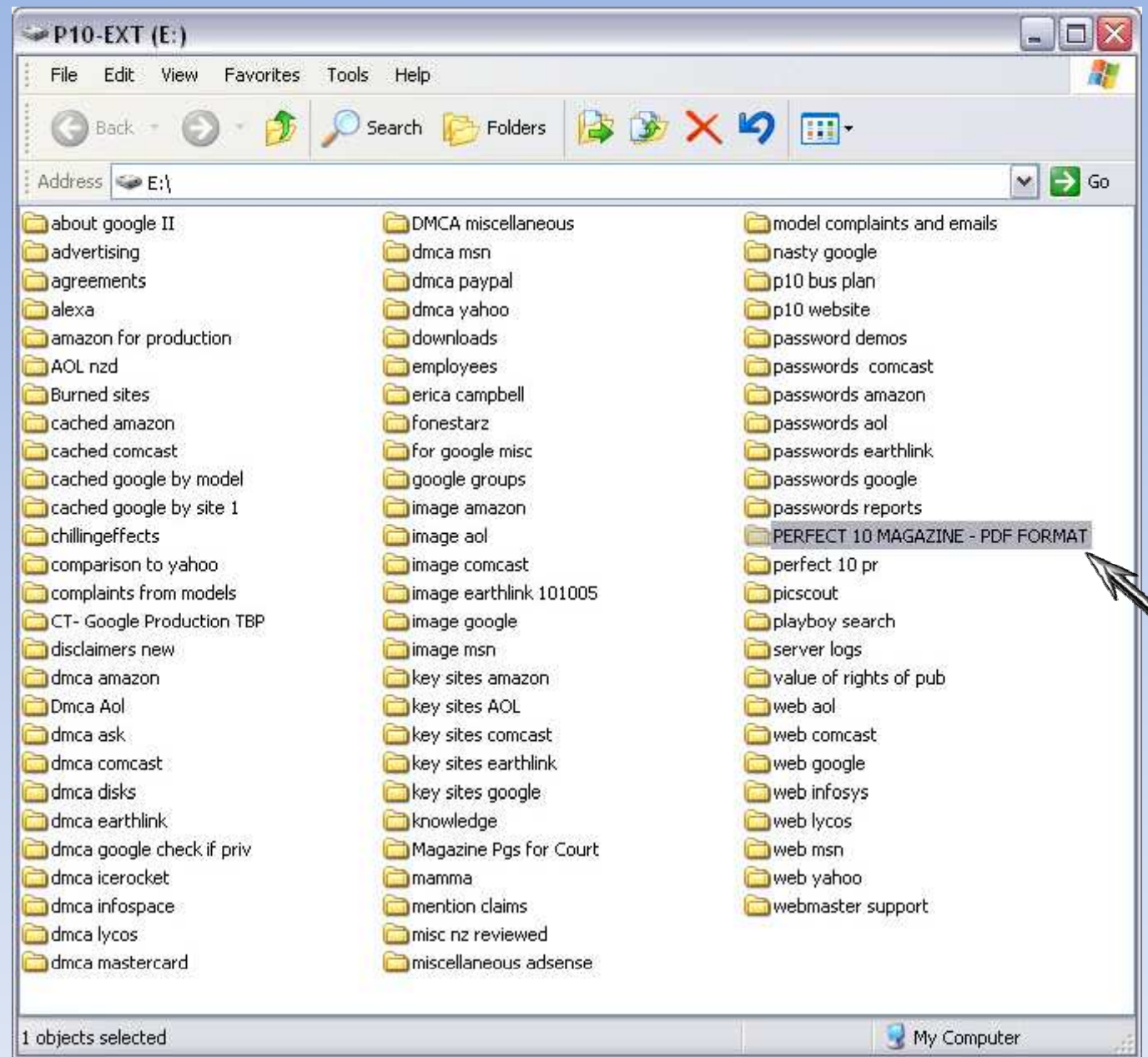
**[REDACTED]**

***Please see handout for additional examples  
from Google's Document Production***

**Perfect 10's Document Productions were organized in folders, labeled, and searchable**

# Perfect 10 Magazines in April 2006 Document Production

From the hard drives' root drive (in this case, "E:\"), select the folder "PERFECT 10 MAGAZINE – PDF FORMAT"

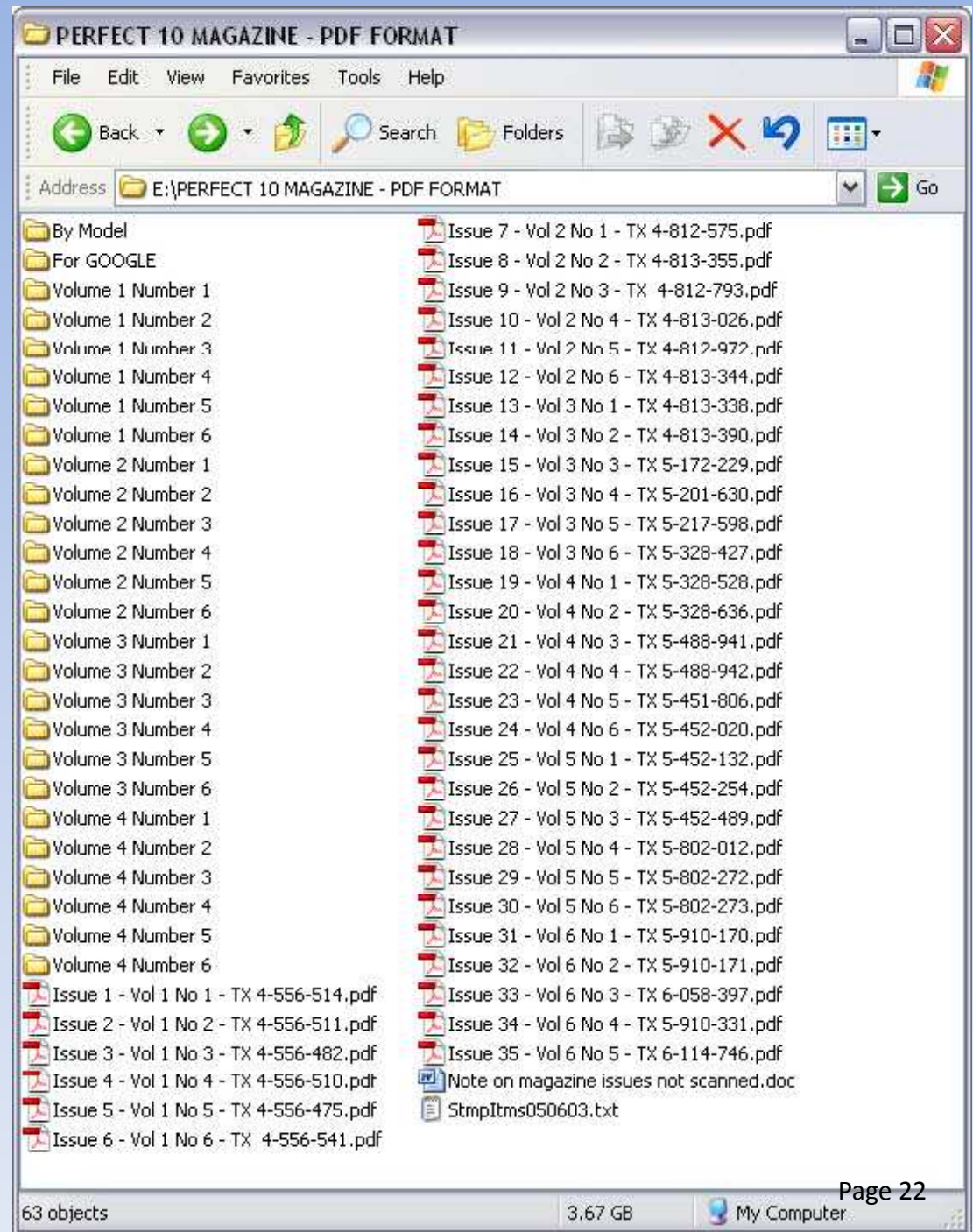




This folder contains the Perfect 10 Magazines for the April 2006 production.

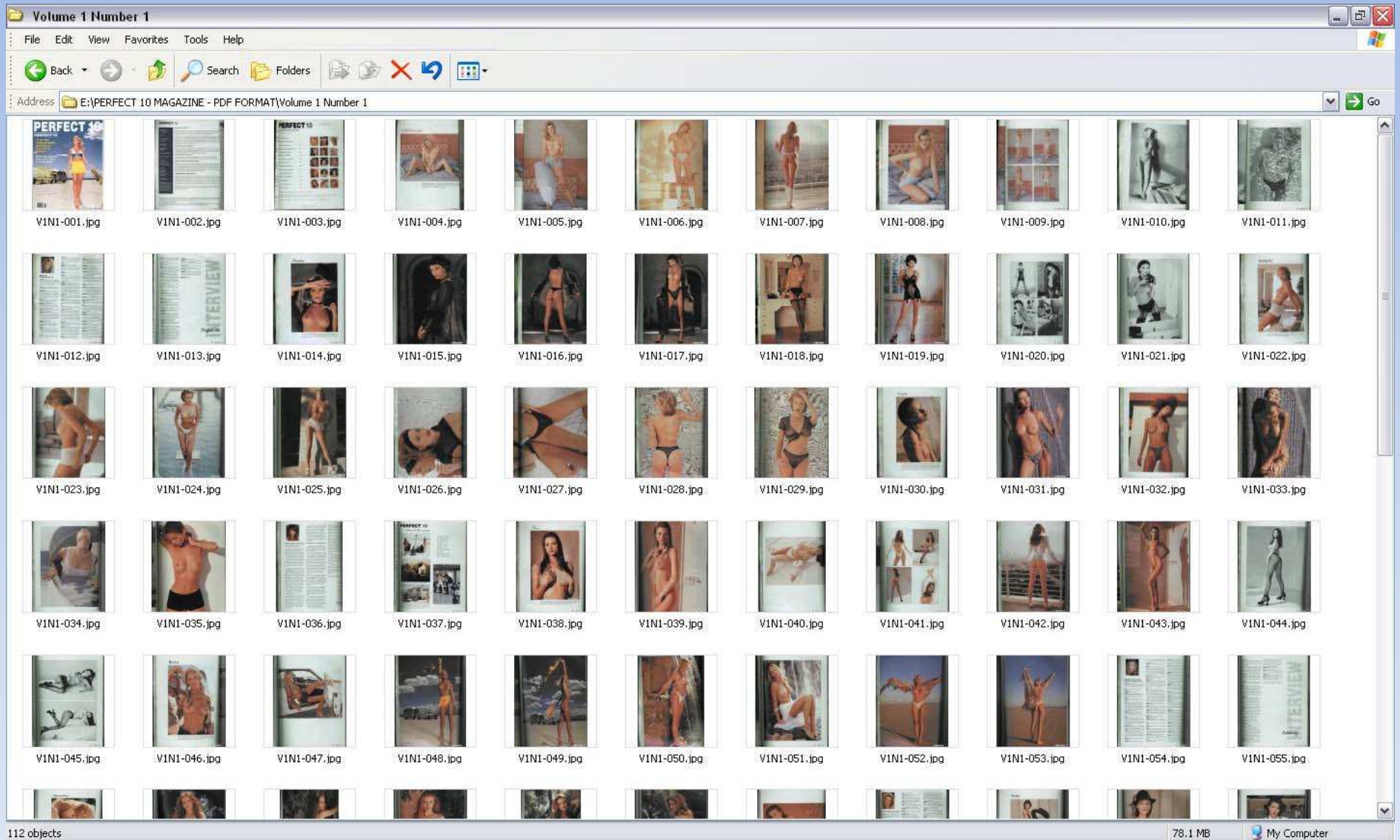
The magazines are offered in both PDF and JPG format. JPG files are contained in the separate folders labeled by Volume & Number.

Additionally, the images from the magazine were also provided as organized by model in the “By Model” and “For GOOGLE” folders.





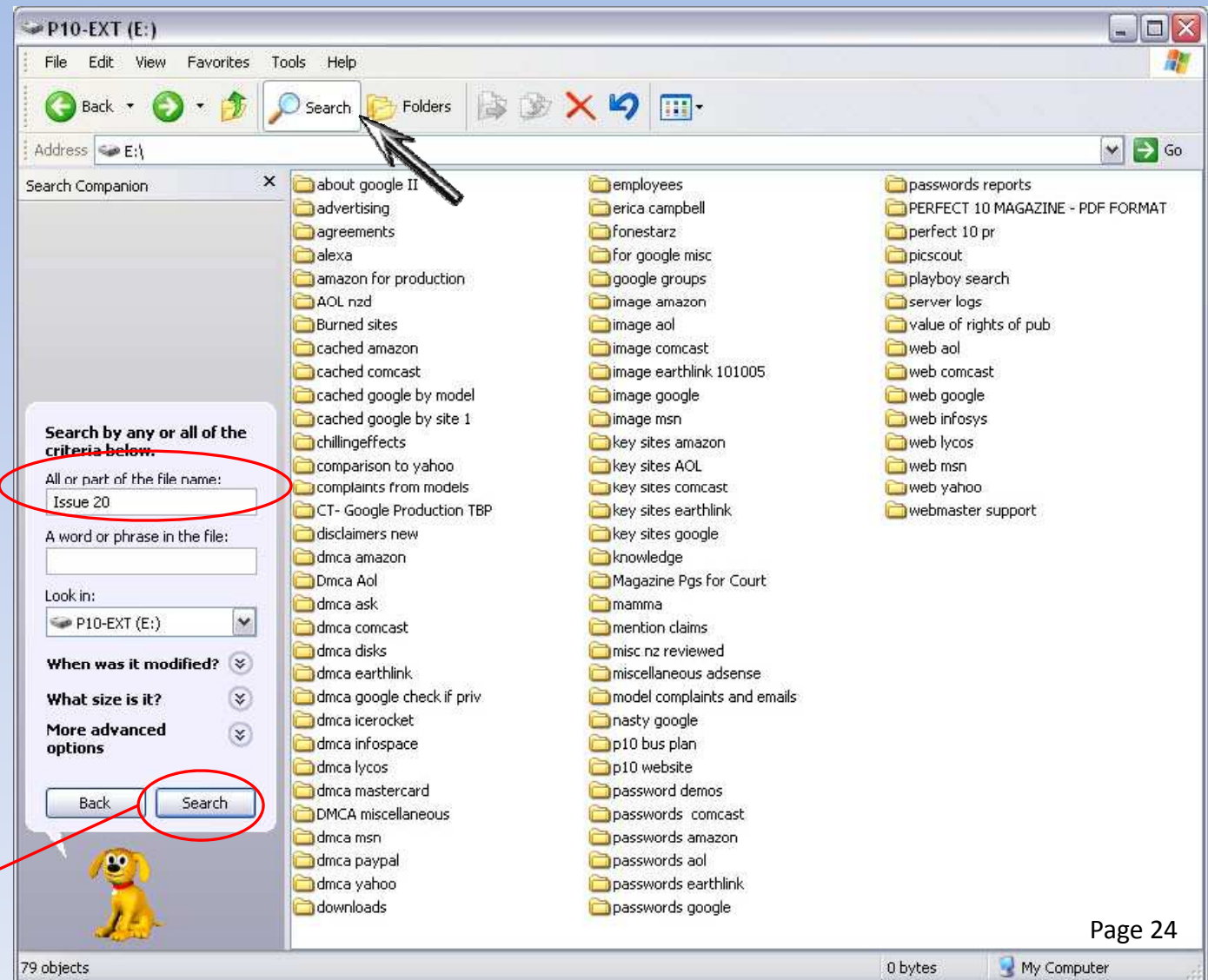
# Perfect 10 Magazine – Premiere Issue (JPG files)



# Performing searches on Perfect 10's production hard drives is simple.

Ctrl+F or pressing the “Search” button on the task bar allows for many search options.

As shown, one can search for Issue 20 of Perfect 10 Magazine by entering a search query for “Issue 20”



SEE NEXT SLIDE

**Search Results**

File Edit View Favorites Tools Help

Back Search Folders

Address Search Results Go

Search Companion

Name	In Folder	Size	Type
Issue 16 - Vol 3 No 4 - TX 5-201-630.pdf	E:\PERFECT 10 MAGAZINE - PDF FORMAT	102,538 KB	Adobe Acrobat D
Issue 20 - Vol 4 No 2 - TX 5-328-636.pdf	E:\PERFECT 10 MAGAZINE - PDF FORMAT	103,132 KB	Adobe Acrobat D
Issue 24 - Vol 4 No 6 - TX 5-452-020.pdf	E:\PERFECT 10 MAGAZINE - PDF FORMAT	109,223 KB	Adobe Acrobat D

Searching for files with "Issue 20" in the file name. Found 3 so far.

- Looking in P10-EXT (E:) and in subfolders.
- Looking in system folders.
- Not looking in hidden files and folders.
- Searching E:\cached google by model\oksana konakova

Stop

Page 25

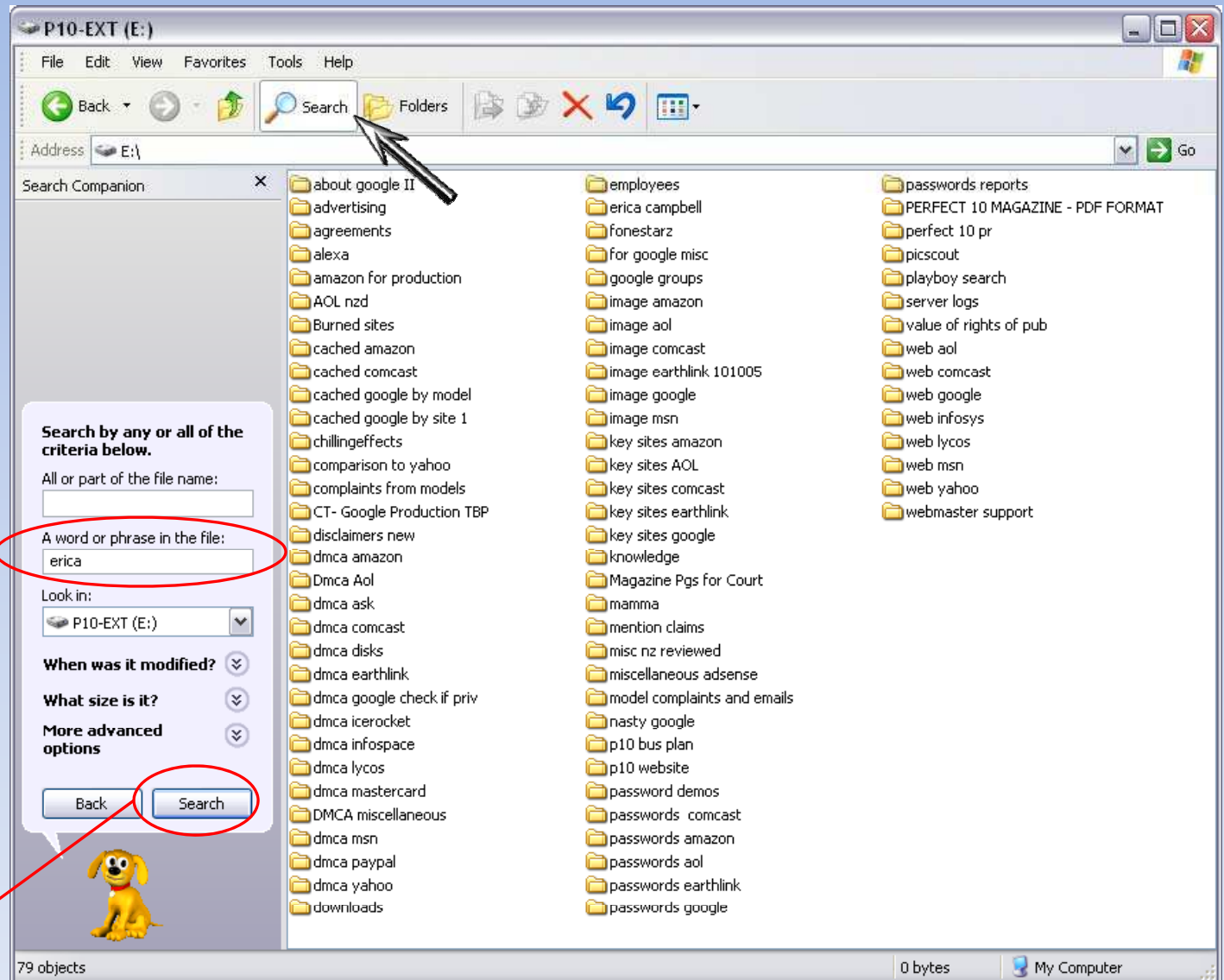
Searching E:\cached google by model\oksana konakova

Location of Issue 20 on April 2006 production hard drive provided by search

Windows will even search for text *within* files.

For example, one could perform a search for a specific model name, or even a URL.

Windows will find files that contain the search term.



SEE NEXT SLIDE



**Search Results**

File Edit View Favorites Tools Help

Back Search Folders

Address Search Results Go

Search Companion

Name	In Folder	Size	Type	Date Modified
erica campbell	E:\		File Folder	4/15/2006 11:17 P
about google.pdf	E:\about google II	1,947 KB	Adobe Acrobat Doc...	8/4/2005 8:29 PM
chillingeffects.org.pdf	E:\about google II	1,694 KB	Adobe Acrobat Doc...	2/11/2006 12:42 A
erica lookadoo	E:\cached google by model		File Folder	4/15/2006 4:02 PM
rights comcast.doc	E:\dmca comcast	31 KB	Microsoft Office Wo...	10/21/2004 10:48
Erica Campbell.pdf	E:\image msn	21,424 KB	Adobe Acrobat Doc...	11/28/2005 1:19 A
Erica Lookadoo - Vol 2 No 3 - ...	E:\Magazine Pgs for Court	6,256 KB	Adobe Acrobat Doc...	6/4/2005 8:30 PM
2005-report.xls	E:\passwords reports	636 KB	Microsoft Office Exc...	4/2/2006 7:36 PM
boutell03.xls	E:\passwords reports	433 KB	Microsoft Office Exc...	4/13/2006 7:57 AM
totals 03.xls	E:\passwords reports	214 KB	Microsoft Office Exc...	4/12/2006 4:14 PM

**Searching for files... Found 10 so far.**

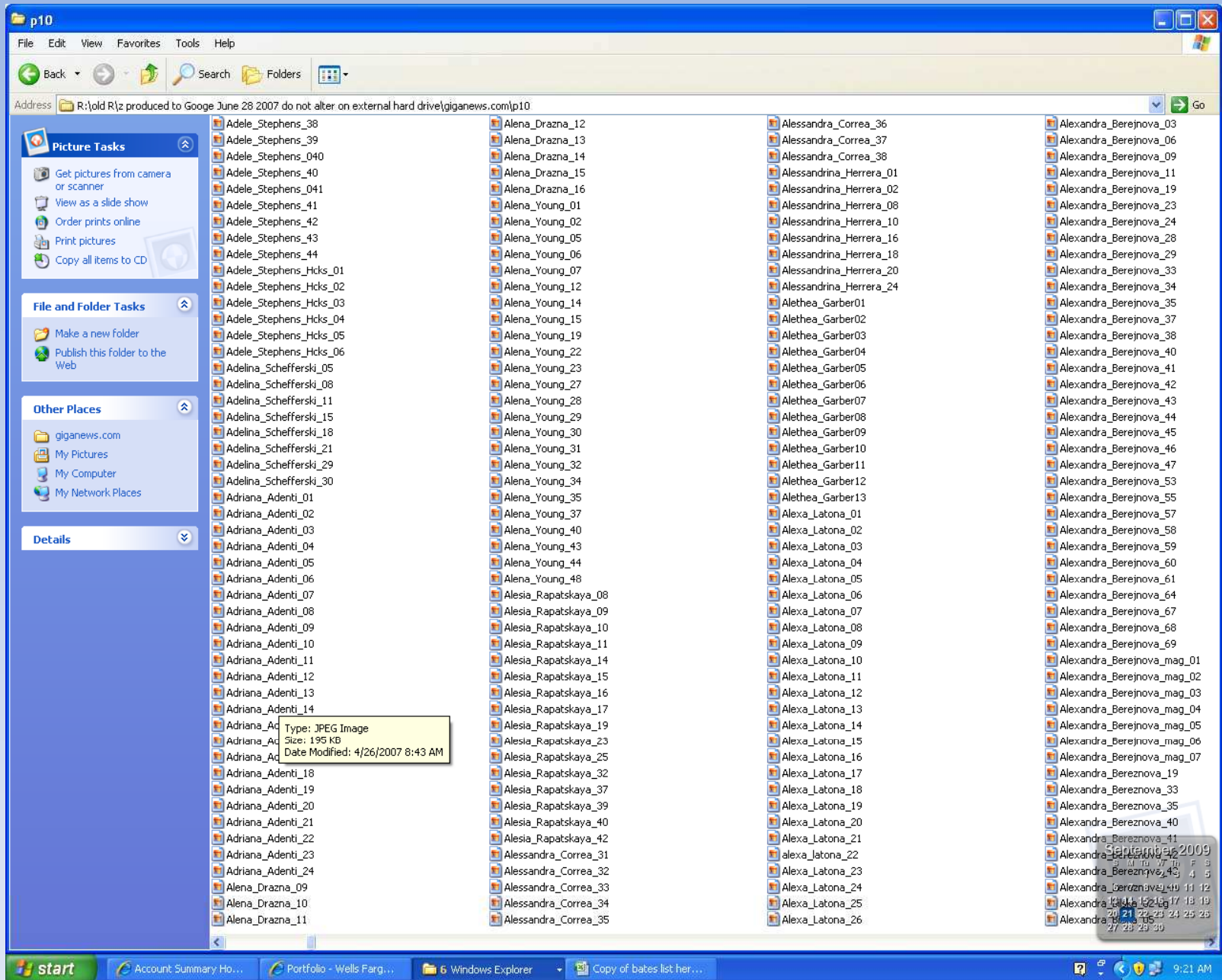
- Limited to files containing the words "erica".
- Looking in P10-EXT (E:) and in subfolders.
- Looking in system folders.
- Not looking in hidden files and folders.
- Searching E:\PERFECT 10 MAGAZINE - PDF FORMAT

Progress bar: [ ]

Stop

10 objects

Page 27



Windows Explorer window titled "p10" showing a folder of images. The address bar displays: R:\old R\z produced to Google June 28 2007 do not alter on external hard drive\giganews.com\p10

**Picture Tasks**

- Get pictures from camera or scanner
- View as a slide show
- Order prints online
- Print pictures
- Copy all items to CD

**File and Folder Tasks**

- Make a new folder
- Publish this folder to the Web

**Other Places**

- giganews.com
- My Pictures
- My Computer
- My Network Places

**Details**

Grid of images with captions:

- Adelina\_Schefferski\_21, Adelina\_Schefferski\_29, Adelina\_Schefferski\_30
- Adriana\_Adenti\_01, Adriana\_Adenti\_02, Adriana\_Adenti\_03, Adriana\_Adenti\_04, Adriana\_Adenti\_05
- Adriana\_Adenti\_06, Adriana\_Adenti\_07, Adriana\_Adenti\_08, Adriana\_Adenti\_09, Adriana\_Adenti\_10, Adriana\_Adenti\_11, Adriana\_Adenti\_12, Adriana\_Adenti\_13
- Adriana\_Adenti\_14, Adriana\_Adenti\_15, Adriana\_Adenti\_16, Adriana\_Adenti\_17, Adriana\_Adenti\_18, Adriana\_Adenti\_19, Adriana\_Adenti\_20, Adriana\_Adenti\_21
- Adriana\_Adenti\_22, Adriana\_Adenti\_23, Adriana\_Adenti\_24
- Alena\_Drazna\_09, Alena\_Drazna\_10, Alena\_Drazna\_11, Alena\_Drazna\_12, Alena\_Drazna\_13
- Alena\_Drazna\_14, Alena\_Drazna\_15, Alena\_Drazna\_16
- Alena\_Young\_01, Alena\_Young\_02, Alena\_Young\_05, Alena\_Young\_06, Alena\_Young\_07
- Alena\_Young\_12, Alena\_Young\_14, Alena\_Young\_15, Alena\_Young\_19, Alena\_Young\_22, Alena\_Young\_23, Alena\_Young\_27
- Alena\_Young\_21

Taskbar: start | Account Summary Ho... | Portfolio - Wells Farg... | 6 Windows Explorer | Copy of bates list her... | 9:23 AM