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10  
11 UNITED STATES DISTRICT COURT

12 CENTRAL DISTRICT OF CALIFORNIA

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

Plaintiff,

15 vs.

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

18 Defendants.

19 AND COUNTERCLAIM

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

Plaintiff,

22 vs.

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

26 Defendants.

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

**GOOGLE INC.'S REQUEST FOR  
CLARIFICATION RE: THE  
COURT'S OCTOBER 6, 2009  
ORDER COMPELLING PERFECT  
10 TO PRODUCE COMPLETE  
AND UNREDACTED FINANCIAL  
DOCUMENTS AND OTHER  
DAMAGES-RELATED  
DOCUMENTS, AND  
AMAZON.COM AND ALEXA  
INTERNET'S JOINDER THEREIN**

[Declaration of Thomas Nolan filed  
concurrently herewith]

Hon. Stephen J. Hillman

Date: None

Time: None

Place: Courtroom 550

Discovery Cut-off: None Set

Pre-trial Conference: None Set

Trial Date: None Set

1 **Request for Clarification**

2 Google hereby submits the following request for clarification regarding the  
3 meaning and implications of Paragraph 2 of the Court’s October 6, 2009 Order  
4 Granting in Part Google Inc.’s Motion to Compel Perfect 10 to Produce Complete  
5 and Unredacted Financial Documents and Other Damages-Related Documents, and  
6 Amazon.com and Alexa Internet’s Joinder Therein (the “Order”).

7 At the September 22, 2009 hearing on Google’s Motion to compel Perfect 10  
8 to produce certain financial records in unredacted form (the “Motion”), the Court  
9 issued an order from the bench compelling Perfect 10 to produce its financial  
10 statements and tax returns in complete and unredacted form, with three narrow  
11 exceptions pertaining to (1) credit card numbers, and (2) the names of patients and  
12 (3) treating physicians in entries for medical expenses. Counsel for the Amazon  
13 Defendants confirmed this order at the hearing as follows:

14 MR. JANSEN: AS I UNDERSTAND THE COURT'S ORDER, IS  
15 IT, EVERYTHING IS UNREDACTED EXCEPT VERY -- THREE  
16 VERY LIMITED THINGS, WHICH ARE THE CREDIT CARD  
17 NUMBERS, THE NAMES OF PATIENTS, AND THE NAMES OF  
18 DOCTORS. EVERYTHING ELSE IS UNREDACTED.

19 THE COURT: I THINK YOU'RE CORRECT.

20 Declaration of Thomas Nolan (filed concurrently herewith), at Exhibit A  
21 (September 22, 2009 Hearing Transcript at 59:12-17).

22 Following that hearing, the parties submitted (Proposed) Orders confirming  
23 the Court’s oral rulings. The Court adopted Perfect 10’s version of Paragraph 2  
24 (addressing production of settlement information). This Paragraph provides (*inter*  
25 *alia*) that “Perfect 10 may not redact information regarding the date, payor, and  
26 amount of any such settlement payments,” and that “Perfect 10 is not required to  
27 produce any information about any settlements with third parties, other than the  
28

1 date, payor, and amount of any such settlement payments, and may redact settlement  
2 information it is not required to produce.”

3 Google understands this Paragraph to require Perfect 10 to produce its  
4 financial reports and tax returns with the date, payor, and settlement amount of any  
5 settlement payments received unredacted, and to permit Perfect 10 to redact other  
6 settlement information that might be reflected on the face of the financial reports  
7 and tax returns (if any). Particularly because the relevant portion of Google’s  
8 Motion pertained only to removing the redactions on Perfect 10’s financial reports  
9 and tax returns, Google does not understand the Order to suggest that the Court has  
10 ruled that Perfect 10 need not produce settlement information in any other context,  
11 or as reflected in any other documents.

12 Perfect 10 has advised that it disagrees with Google’s interpretation of the  
13 Order in this respect, and further, that it reads the Order as relieving Perfect 10 from  
14 any obligation to produce any other documents that might contain settlement  
15 information. Stated another way, Perfect 10 construes this aspect of the Court’s  
16 order granting Google’s motion to compel unredacted financial records as a  
17 protective order in favor of Perfect 10, relieving Perfect 10 from its production  
18 obligations regarding discovery requests that were not even before the Court on  
19 Google’s Motion. Of course, Perfect 10 has not filed a motion for protective order  
20 relieving it from the obligation to produce documents containing settlement  
21 information (such as settlement agreements), nor have the parties briefed that issue,  
22 nor does Google believe that the Court has issued such a protective order.


23 Accordingly, Google respectfully requests that the Court confirm that (1)  
24 Paragraph 2 of the October 6, 2009 Order is limited only to the issue of what  
25 redactions Perfect 10 was ordered to remove from its financial records and tax  
26 returns, and (2) the Court has made no ruling (including in Paragraph 2 of this  
27 Order) granting Perfect 10 a protective order relieving it from the obligation to  
28 produce any other documents that may include settlement information.

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Respectfully Submitted,

DATED: October 21, 2009

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

By   
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