

1 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP
 2 Michael T. Zeller (Bar No. 196417)
 3 michaelzeller@quinnemanuel.com
 4 865 South Figueroa Street, 10th Floor
 5 Los Angeles, California 90017-2543
 6 Telephone: (213) 443-3000
 7 Facsimile: (213) 443-3100
 8 Charles K. Verhoeven (Bar No. 170151)
 9 charlesverhoeven@quinnemanuel.com
 10 50 California Street, 22nd Floor
 11 San Francisco, California 94111
 12 Rachel Herrick Kassabian (Bar No. 191060)
 13 rachelkassabian@quinnemanuel.com
 14 555 Twin Dolphin Drive, Suite 560
 15 Redwood Shores, California 94065
 16 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
 18 DOES 1 through 100, inclusive,
 19 *Defendants.*

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

DISCOVERY MATTER

**GOOGLE INC.'S REPLY TO
 PERFECT 10, INC.'S RESPONSE
 REGARDING DIANE PRICE**

Hon. Stephen J. Hillman

19 AND COUNTERCLAIM

Date: None [Currently under submission]
 Time: None
 Crtrm.: 550

21 PERFECT 10, INC., a California
 22 corporation,
 23 *Plaintiff,*
 24 vs.
 25 AMAZON.COM, INC., a corporation;
 26 A9.COM, INC., a corporation; and
 27 DOES 1 through 100, inclusive,
 28 *Defendants.*

Discovery Cutoff: None Set
 Pretrial Conference Date: None Set
 Trial Date: None Set

1 In response to Google’s demonstration that it is feasible for Perfect 10 to
2 employ Adobe Acrobat Professional to Bates number its electronic document
3 productions (Docket Nos. 543-44), and Perfect 10’s insistence that it is
4 technologically impossible to do so (Docket Nos. 547-50), the Court requested that
5 the parties identify a neutral consultant to advise it on those feasibility issues.
6 Google Inc. proposed Diane Price of Traveling Coaches, Inc. *See* Docket No. 604.
7 Perfect 10 states it has “no objection” to retaining Ms. Price for this purpose. *See*
8 Docket No. 606. That is all the Court requested, and Perfect 10’s Response should
9 have ended there.

10 Unfortunately, Perfect 10 proceeded to add yet another round of irrelevant
11 argument that should be disregarded.¹ The sole purpose of retaining Ms. Price is to
12 advise the Court regarding whether Perfect 10 can use the Bates stamping feature of
13 the Adobe program—the program Perfect 10 selected to prepare its document
14 productions—to Bates-number those hard drive productions. The Court did not ask
15 the parties to locate a vendor the parties could pay to do Perfect 10’s work for it. If
16 it is feasible to use Adobe for this purpose, then it will be Perfect 10’s responsibility
17 to do so (as it is for all litigants)—not Defendants.’ Perfect 10 has no less than four
18 attorneys, three legal assistants and a professional computer programmer working
19 for it in this case, as well as Dr. Zada. When it suits its own purposes, Perfect 10
20 has represented to the Court that its personnel (including Ms. Poblete, Ms. Chou,
21 Mr. Chumura and Dr. Zada)² have technical expertise (even assuming that using
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23 ¹ Perfect 10’s claim that Google’s motion is an “abusive litigation tactic” is
24 meritless. There is nothing tactical (let alone abusive) about asking a party to follow
25 standard litigation practices by Bates-numbering its own document productions.

26 ² *See, e.g.*, Decl. of Norman Zada in Supp. of Perfect 10’s Mot. for Summary
27 Judgment (Docket No. 438) (“I have programmed computers for at least twenty
28 years”); Decl. of Sean Chumura in Opp. to Google’s Mot. for Summary Judgment
(Docket No. 479) at ¶ 1 (“I am a professional programmer with over 15 years of
(footnote continued)

1 Adobe requires such expertise).³ Perfect 10's current protestation that Mr. Mausner
2 personally does not have that expertise is irrelevant.

3 The only issue here is whether Perfect 10 has a legitimate objection to
4 retaining Ms. Price to answer the Court's questions regarding the capabilities of the
5 Adobe program. Perfect 10 does not, and that should be the end of the matter.

6 DATED: November 17, 2009 QUINN EMANUEL URQUHART OLIVER &
7 HEDGES, LLP

8 By 
9 _____
10 Rachel Herrick Kassabian
11 Attorneys for Defendant GOOGLE INC.
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23 experience [and] have testified as an expert in court proceedings in the field of
24 Computer Forensics."); Decl. of Sheena Chou in Opp. to Google's Mot. for
25 Summary Judgment (Docket No. 483) at ¶ 2 ("I ... am quite familiar with computers
26 and the Internet.").

27 ³ Perfect 10's reference to Quinn Emanuel's litigation support services is yet
28 another irrelevant distraction in Perfect 10's ongoing attempt to foist its litigation
work onto Defendants. Quite obviously, Quinn Emanuel offers those services *to its*
clients (for a fee), not to its clients' adversaries (for free).