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10  
 11 UNITED STATES DISTRICT COURT  
 12 CENTRAL DISTRICT OF CALIFORNIA

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

15 Plaintiff,

16 v.

17 GOOGLE INC., a corporation,

18 Defendants.

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

**DECLARATION OF SHEENA  
 CHOU IN SUPPORT OF PERFECT  
 10'S MOTION FOR EVIDENTIARY  
 AND OTHER SANCTIONS AGAINST  
 GOOGLE, AND/OR FOR THE  
 APPOINTMENT OF A SPECIAL  
 MASTER**

**Before Judge A. Howard Matz**

Date: December 21, 2009

Time: 10 A.M.

Place: Courtroom 14, Courtroom of the  
 Honorable A. Howard Matz

Discovery Cut-Off Date: None Set

Pretrial Conference Date: None Set

Trial Date: None Set

19 AND CONSOLIDATED CASE.

1  
2 **DECLARATION OF SHEENA CHOU**

3 I, Sheena Chou, declare as follows:

4 1. I currently work part time for Perfect 10, Inc. I have a degree in  
5 Economics from UCLA and am quite familiar with computers and the Internet. Except  
6 where otherwise stated, I have direct and personal knowledge of the facts set forth  
7 herein and, if called as a witness, could and would competently testify thereto. I am  
8 very familiar with Perfect 10's website and with the Adobe style DMCA notices that  
9 Perfect 10 has sent Google . I have also read Google's published instructions for  
10 submitting Blogger and Image Search DMCA notices.

11 2. One of my primary assignments has been to determine whether Google  
12 has removed URLs identified by Perfect 10 from its search results. I have been able to  
13 do this simply by inputting the URL provided by Perfect 10, without the starting http://  
14 or www., into the Google search box. Another one of my assignments has been to  
15 determine if Google has removed AdSense ads from web pages that Perfect 10 has  
16 identified contain Perfect 10 images. I have also been asked to determine whether  
17 Google has removed full-size Perfect 10 images from Google's blogger.com servers in  
18 response to Perfect 10's notices. By "blogger.com URLs," I will mean web pages or  
19 URLs that include the term blogger.com. By "blogspot.com URLs," I will mean web  
20 pages or URLs that include the term blogspot.com.

21 3. Dr. Zada provided me with the same spreadsheet that was attached to his  
22 declaration in opposition to Google's motions for summary judgment, as pages 12-14  
23 of Exhibit 45. Dr. Zada asked me to determine how many of the alleged infringing  
24 webpages identified by that spreadsheet were still showing Perfect 10 images, as of  
25 November of 2009. Each of the URLs in that spreadsheet were what Google calls  
26 "post URLs" and were contained in Perfect 10's DMCA notices, along with a copy of  
27 the infringing web page. My work is contained in a folder labeled "infringing post  
28 URLs still up," which is contained on Exhibit 9 (the disk) to Dr. Zada's current

1 declaration. I verified that the same identified blogspot.com web page still contained  
2 the Perfect 10 images in November of 2009, by inputting the URLs from the  
3 spreadsheet into my browser bar and examining the blogspot.com web page. I then  
4 saved a copy of that webpage using Adobe professional. The date I did this is shown  
5 at the bottom of each Adobe page. My work forms the basis for Exhibit 14, which is  
6 attached to the current declaration of Dr. Norman Zada. The content of the columns is  
7 as before. The leftmost column gives the URLs of the web pages containing the  
8 Perfect 10 images. The starting http:// and www. (if present) were removed so that the  
9 URLs could be sorted. The date in the NOTICE column is the date of the first Perfect  
10 10 DMCA notice that identified that allegedly infringing webpage. The date under the  
11 column labeled "UP" is the date that I verified that the Perfect 10 image was still  
12 available on that blogspot.com web page. A Y in the "SEARCH" column means that  
13 Google was still directly linking to that blogspot.com web page containing the Perfect  
14 10 image or images, via its search results. The "DELAY IN DAYS" column shows  
15 the time between the first notice that Perfect 10 provided regarding that web page and  
16 the last time that I verified that the Perfect 10 image or images were still occurring on  
17 that identified web page. Exhibit 14 shows that Google did not disable access to most  
18 of the URLs listed in the spreadsheet, as of November 9, 2009. At most, Google might  
19 have disabled access to five such URLs.

20 4. Dr. Zada also provided me with the spreadsheet that was attached as  
21 pages 12-17 of Exhibit 43 to his declaration in opposition to Google's Motions for  
22 summary judgment, and asked me to determine if Google had stopped displaying ads  
23 on the webpages containing Perfect 10 images, identified by the URLs listed on that  
24 spreadsheet. My work is contained in a folder labeled "google ads update proof  
25 October 2009 sc," which is on Exhibit 9 (the disk). I inputted the URLs from the  
26 spreadsheet into my browser bar and verified that the ads were still next to a Perfect 10  
27 image on that web page. My work forms the basis for Exhibit 16, which is attached to  
28 Dr. Zada's current declaration in support of Perfect 10's motion for sanctions. The

1 leftmost column lists the URL of the allegedly infringing web page with the http:// and  
2 www. removed. The "FIRST NOTICE REGARDING WEBSITE" column gives the  
3 first date when Perfect 10 provided a DMCA notice regarding alleged infringements of  
4 Perfect 10 images on that website. The "FIRST NOTICE REGARDING WEB  
5 PAGE" column gives the first date that Perfect 10 provided Google with notice  
6 regarding infringements of Perfect 10 images on that specific web page (determined by  
7 the URL in the left column). The date under the column labeled "DATE STILL UP" is  
8 the last date that I verified that the web page still displayed "Ads by Google" next to a  
9 Perfect 10 copyrighted image. I verified almost all of them, as shown by my work  
10 which is included in Exhibit 9. I placed a "Y" in the LINKED VIA WEB SEARCH  
11 column if Google was still directly linking to that web page via its search results. The  
12 "DELAY IN DAYS" column shows the number of days between the first date that  
13 Perfect 10 provided a DMCA notice to Google regarding infringements of Perfect 10  
14 images on that website, and the last date that I verified that the website was still  
15 displaying "Ads by Google" next to a Perfect 10 image.

16 5. I created the spreadsheet titled "AdSense URLs identified in Perfect 10  
17 DMCA notices," contained in Exhibit 9 (the disk) in a folder labeled "6850 Identified  
18 Infringing AdSense URLs." That spreadsheet contains many, but not all, of the URLs  
19 that Perfect 10 identified in its DMCA notices to Google that are from websites that  
20 have been Google AdSense websites.

21 I declare under penalty of perjury under the laws of the United States of  
22 America that the foregoing is true and correct to the best of my knowledge. Executed  
23 on November 28, 2009, in Los Angeles County, California.

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27 Sheena Chou  
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