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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,  
 Plaintiff,  
 15 vs.  
 16 GOOGLE INC., a corporation; and  
 17 DOES 1 through 100, inclusive,  
 18 Defendants.

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

**DISCOVERY MATTER**

**GOOGLE INC.'S NOTICE OF  
 MOTION AND MOTION FOR A  
 DOCUMENT PRESERVATION  
 ORDER TO PREVENT FURTHER  
 SPOILIATION OF EVIDENCE BY  
 PERFECT 10, INC.**

19 AND COUNTERCLAIM

**[Joint Stipulation, Declarations of  
 Rachel Herrick Kassabian, and  
 (Proposed) Order filed concurrently  
 herewith]**

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.

Hon. Stephen J. Hillman  
 Date: January 11, 2010  
 Time: 2:00 PM  
 Crtrm.: 550  
 Discovery Cutoff: None Set  
 Pretrial Conference Date: None Set  
 Trial Date: None Set

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 PLEASE TAKE NOTICE THAT on January 11, 2010, at 2:00 p.m., or as  
3 soon thereafter as the matter may be heard, in the courtroom of the Honorable  
4 Stephen J. Hillman, located at 255 East Temple Street, Los Angeles, CA 90012,  
5 Courtroom 550, defendant and counterclaim plaintiff Google Inc. ("Google") will  
6 and hereby does move for a document preservation order to prevent further  
7 spoliation of evidence by Perfect 10, Inc.

8 Google's motion is based on this notice of motion and motion, the Joint  
9 Stipulation filed concurrently herewith; the Declaration of Rachel Herrick  
10 Kassabian in support of the motion and the exhibits thereto; the Declaration of  
11 Rachel Herrick Kassabian regarding Perfect 10, Inc.'s non-cooperation concerning  
12 the preparation of the Joint Stipulation (submitted pursuant to Local Rule 37-2.4);  
13 all other pleadings and papers on file in this action; any matters of which this Court  
14 may take judicial notice; and such further evidence and argument as may be  
15 presented at or before the hearing on this matter.

16 Pursuant to Local Rule 37-1, the parties met and conferred on the matters in  
17 this Motion on August 25, 2009, and times thereafter.

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19 DATED: December 11, 2009

Respectfully submitted,

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QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

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By *Rachel Herrick Kassabian*  
Rachel Herrick Kassabian  
Attorneys for Defendant GOOGLE INC.

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