

EXHIBIT A

**(Filed Under Seal Pursuant
to Protective Order)**

EXHIBIT B

**(Filed Under Seal Pursuant
to Protective Order)**

EXHIBIT C

**(Filed Under Seal Pursuant
to Protective Order)**

EXHIBIT D

From: Jeffrey Mausner [jeff@mausnerlaw.com]
Sent: Wednesday, October 07, 2009 12:35 AM
To: Thomas Nolan
Cc: Rachel Herrick Kassabian; 'Cahn, Timothy R.'
Subject: RE: Perfect 10, Inc. v. Google Inc.: Deposition of Wendy Augustine

Tom, I don't have time to respond to this right now. I will respond after we have resolved everything regarding the discovery orders, produce the documents relating to Bruce Hersh's deposition and complete his deposition, complete the Amy Weber, Nadine Schoenweitz, and Sheena Chou depositions, and produce the documents from the discovery order. In the meantime, please advise me how much additional time you and Amazon believe you should have to complete Ms. Augustine's deposition.

From: Thomas Nolan [mailto:thomasnolan@quinnemanuel.com]
Sent: Thursday, October 01, 2009 5:13 PM
To: Jeffrey Mausner
Cc: Rachel Herrick Kassabian; Cahn, Timothy R.
Subject: RE: Perfect 10, Inc. v. Google Inc.: Deposition of Wendy Augustine

Jeff,

Please provide Perfect 10's final position in response to the attached letter (originally sent September 18, 2009) by the close of business tomorrow, October 2, 2009.

Best Regards,

Thomas Nolan
Associate,
Quinn Emanuel Urquhart Oliver & Hedges LLP.

865 S. Figueroa St 10th Floor
Los Angeles, Ca 90017
213-443-3885 Direct
213.443.3000 Main Office Number
213.443.3100 FAX
thomasnolan@quinnemanuel.com
www.quinnemanuel.com

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From: Thomas Nolan
Sent: Friday, September 18, 2009 6:19 PM
To: Jeff Mausner
Cc: Rachel Herrick Kassabian; Cahn, Timothy R.
Subject: Perfect 10, Inc. v. Google Inc.: Deposition of Wendy Augustine

Jeff,

Please see the attached.

Best Regards,

Thomas Nolan
Quinn Emanuel Urquhart Oliver & Hedges, LLP
865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017
Direct: (213) 443-3885
Main Phone: (213) 443-3000
Main Fax: (213) 443-3100
E-mail: thomasnolan@quinnemanuel.com
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EXHIBIT E

From: Thomas Nolan
Sent: Tuesday, November 24, 2009 5:28 PM
To: 'Jeffrey Mausner'
Cc: Jansen, Mark T. ; 'Cahn, Timothy R.'; Malutta, Anthony J.; Steiner, Elham F.; Rachel Herrick Kassabian; 'Valerie Kincaid'
Subject: RE: Perfect 10, Inc. v. Google Inc.: Deposition of Wendy Augustine
Attachments: Reply Ltr. to J. Mausner re. Augustine Deposition.pdf

Jeff,

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Best Regards,

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From: Thomas Nolan
Sent: Thursday, October 08, 2009 4:09 PM
To: Jeffrey Mausner
Cc: Rachel Herrick Kassabian; 'Cahn, Timothy R.'
Subject: RE: Perfect 10, Inc. v. Google Inc.: Deposition of Wendy Augustine

Jeff,

I am sorry to hear that you are refusing to address any of the issues contained in Google's September 18, 2009 correspondence – including important and time-sensitive issues pertaining to Perfect 10's apparent destruction of evidence – until an unspecified time in early November, despite the fact that Google first raised these issues more than ten weeks ago on August 25, 2009. Accordingly, we will consider the meet-and-confer process on these issues completed and will seek relief from the court in due course.

As for Ms. Augustine's deposition, Amazon and Google believe we can complete our questioning in approximately 5 to 6 hours of testimony time, depending on the scope and extent of objections made during the deposition.

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EXHIBIT F

From: Jeffrey Mausner [jeff@mausnerlaw.com]
Sent: Tuesday, December 01, 2009 2:06 PM
To: Thomas Nolan
Cc: 'Jansen, Mark T. '; 'Cahn, Timothy R.'; 'Malutta, Anthony J.'; 'Steiner, Elham F.'; Rachel Herrick Kassabian; 'Valerie Kincaid'
Subject: RE: Perfect 10, Inc. v. Google Inc.: Deposition of Wendy Augustine

Tom and Rachel:

You raise three points in your letter. With regard to your first two points, Perfect 10 does not agree with Google. However, Perfect 10 is still considering your requests. Within two weeks, we will provide a response. I would note, however, that your statement “regarding Perfect 10’s apparent destruction of evidence” is false. Perfect 10 has not destroyed any evidence. Other statements that you have made in your correspondence are incorrect as well.

With regard to your third point, Perfect 10 does not agree that any defendant has any valid basis for requesting that Ms. Augustine’s deposition continue beyond the 7 hours set forth in the FRCP. You knew about this Rule, and should have conducted the deposition accordingly. However, in order to avoid motion practice on this issue, Perfect 10 will offer to make Ms. Augustine available for three (3) additional hours for all defendants so long as defendants agree not to ask for additional time beyond three hours. This offer will remain open for the next two months, unless earlier withdrawn.

Jeff.

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Cc: Jansen, Mark T. ; 'Cahn, Timothy R.'; Malutta, Anthony J.; Steiner, Elham F.; Rachel Herrick Kassabian; 'Valerie Kincaid'
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EXHIBIT G

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EXHIBIT H

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EXHIBIT I

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EXHIBIT J

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EXHIBIT K

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5894

1 WINSTON & STRAWN LLP
Andrew P. Bridges (SBN: 122761)
2 Michael S. Brophy (SBN: 197940)
Jennifer A. Golinveaux (SBN: 203056)
3 101 California Street, Suite 3900
San Francisco, CA 94111-5894
4 Telephone: (415) 591-1000
Facsimile: (415) 591-1400
5 E-mail: abridges@winston.com, mbrophy@winston.com,
jgolinveaux@winston.com

6 Attorneys For Defendant and Counterclaimant
7 GOOGLE INC.

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10
11
12 PERFECT 10, INC., a California
13 corporation,
14 Plaintiff,
15 vs.
16 GOOGLE INC., a corporation; and
DOES 1 through 100, inclusive
17 Defendant.

Case No. CV04-9484 NM (CWx)
**DEFENDANT GOOGLE INC.'S
FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS
TO PLAINTIFF PERFECT 10, INC.**

18
19 GOOGLE INC., a corporation,
20 Counterclaimant,
21 vs.
22 PERFECT 10, INC., a California
corporation,
23 Counter-defendant.

24 **PROPOUNDING PARTY: DEFENDANT AND COUNTERCLAIMANT**
25 **GOOGLE INC.**

26 **RESPONDING PARTY: PLAINTIFF AND COUNTER-DEFENDANT**
27 **PERFECT 10, INC.**

28 **SET NO.: ONE**

GOOGLE INC.'S FIRST SET OF REQUEST FOR
PRODUCTION OF DOCUMENTS TO PERFECT 10, INC.

Case No. CV04-9484 NM (CWx)

1 Pursuant to Federal Rules of Civil Procedure 26 and 34, Defendant and
2 Counterclaimant Google Inc. requests that you produce for inspection and copying the
3 documents and things listed below thirty days from service of this request to the
4 offices of Winston & Strawn LLP, 333 South Grand Ave., Los Angeles, CA 90071-
5 1543, or at another location mutually agreed upon by both parties.

6 For the purpose of this request for production of documents and things, the
7 following instructions shall apply and the following terms will have the meaning
8 indicated:

9 INSTRUCTIONS

10 1. If you contend that any information, document, or thing otherwise called for by
11 any request is excluded from production or discovery, answer so much of the
12 discovery request as is not subject to the claimed objection and, for *each* document or
13 thing:

14 a. State whether the item shall not be produced because:

- 15 1) It is claimed to be privileged; or
- 16 2) It once existed but can no longer be located; or
- 17 3) It has been lost; or
- 18 4) It has been destroyed; and

19 b. If, under a claim of privilege, any documents or things are not produced,
20 you must state for *each* document:

- 21 1) the type and title of the document or thing; and
- 22 2) the general subject matter of the content of the document or
23 description of the thing; and
- 24 3) the date of its creation and/or revision; and
- 25 4) the identity of the document's author(s), addressee(s), and
26 recipient(s); and
- 27 5) the nature of the privilege being claimed; and
- 28 6) in detail, all facts upon which you base your claim of privilege.

1 2. In producing these documents and things, you are requested to identify and
2 produce for inspection and copying not only those documents and things in your
3 custody, but all documents and things in the custody of your attorneys, consultants,
4 agents, other representatives, and other persons or entities subject to your control.

5 3. You are to produce the original and all copies of each requested document and
6 thing, as well as the file in which they are kept, including all copies which bear any
7 additional file stamps, marginal notes, or other additional markings or writings that do
8 not appear on the original.

9 4. Complete production is to be made on the date and at the time indicated above.
10 The inspection and copying will begin at that time and will continue from day to day
11 thereafter until completed.

12 5. Perfect 10, Inc. has a duty to supplement its response from now until the time of
13 hearing or trial, as provided by Rule 26(e) of the Federal Rules of Civil Procedure.

14 DEFINITIONS

15 1. The terms "you" or "your" refer to Plaintiff Perfect 10, Inc. and includes any
16 persons, controlled by or acting on behalf of that entity, including without limitation
17 all past and present licensees, agents, attorneys, predecessors, subsidiaries, parent
18 companies, or affiliated companies and their agents, officers, directors, employees,
19 representatives and attorneys.

20 2. The term "Google" refers to Defendant and Counterclaimant Google Inc. as
21 well as its officers, directors, employees, and authorized representatives.

22 3. The term "document" is defined to be synonymous in meaning and equal in
23 scope to the usage of this term in Federal Rule of Civil Procedure 34 and its
24 interpretation by the courts, including originals, copies, drafts or other productions of
25 any written, graphic or otherwise recorded matter, however produced or reproduced,
26 whether inscribed by hand, by computer or by mechanical, electronic, or photographic
27 means.

28

1 4. The term "concerning" means relating to, referring to, describing, reflecting,
2 evidencing or constituting.

3 5. The terms "all" and "each" shall be construed to include all and each.

4 6. The term "and" shall be construed to include "or" and *vice versa* and shall be
5 the logical equivalent of "and/or."

6 7. The term "amended complaint" refers to the first amended complaint filed in
7 this action.

8 8. The term "DMCA Notifications" refers to notifications of alleged infringement
9 that you contend comply with 17 U.S.C. § 512(c)(3).

10 9. The use of the singular form of any word also includes the plural and *vice*
11 *versa*.

12 DOCUMENTS AND THINGS REQUESTED

13 1. All certificates of copyright registrations for copyrighted works claimed
14 by you in this action.

15 2. All documents concerning any communications between you and any
16 government agency concerning copyrighted works claimed by you in this action.

17 3. All documents evidencing assignments or licenses of copyrights claimed
18 by you in this action.

19 4. All documents concerning your efforts to halt or reduce infringements of
20 your copyrights.

21 5. All DMCA Notifications that you have sent to Google.

22 6. All documents evidencing the address or delivery of DMCA
23 Notifications that you have sent to Google.

24 7. All documents concerning communications between you and Google.

25 8. All documents concerning communications to persons or entities other
26 than Google in which you have made allegations (against any person or entity) of
27 copyright infringement, other than those documents sought in request number nine.

28 9. All DMCA Notifications or claims of infringement that you have sent to

1 37. All surveys, studies, or other documents relating to market (or
2 prospective market) reaction to or attitude towards the marks PERFECT 10 and
3 PERFECT10.COM, including without limitation, any customer identification with, or
4 reference to, you or your services.

5 38. All financial statements evidencing revenues and expenses relating to
6 your use of the marks PERFECT 10 and PERFECT10.COM.

7 39. All documents concerning your efforts to protest or prevent use of the
8 name or marks PERFECT 10 or PERFECT10.COM, or any name or mark which you
9 contend to be confusingly similar, by any person or entity, including any response
10 received.

11 40. All documents evidencing the diversion by Google of persons seeking
12 your products or services to others who furnish competing products or services.

13 41. All documents concerning communications to persons or entities other
14 than Google in which you have made allegations (against any person or entity) of
15 trademark infringement.

16 42. All documents concerning the publicity rights claimed by you in this
17 action, including, but not limited to, all licenses, releases, or assignments and all
18 communications relating to such licenses, releases or assignments.

19 43. All documents concerning your efforts to protest or prevent infringement
20 or violation of any of the publicity rights claimed by you in this action.

21 44. All documents concerning the fame or market awareness of each model
22 name or likeness in which you claim rights.

23 45. All documents concerning photographs, published in publications or
24 media not owned or controlled by you, of models who have appeared in your
25 magazine or web sites.

26 46. All documents concerning authorization or permission by you for other
27 publications or media, not owned or controlled by you, to display names or
28 photographs of persons whose names or photographs have appeared in your magazine

1 or web sites.

2 47. All documents that evidence facts alleged in paragraph 110 of your
3 amended complaint that "Google has infringed the Perfect 10 Rights of Publicity by
4 using the names [. . .] of Perfect 10 models in readily identifiable ways to advertise,
5 promote, and attract attention to its website and to the Stolen Content Websites."

6 48. All documents that evidence facts alleged in paragraph 110 of your
7 amended complaint that "Google has infringed the Perfect 10 Rights of Publicity by
8 using the [. . .] photographs of Perfect 10 models in readily identifiable ways to
9 advertise, promote, and attract attention to its website and to the Stolen Content
10 Websites."

11 49. All documents that evidence facts alleged in paragraph 111 of your
12 amended complaint that "Google has aided and abetted the Stolen Content Websites in
13 misappropriating the Perfect 10 Rights of Publicity. Google has knowingly induced,
14 caused and/or materially contributed to the unauthorized use of the Perfect 10 Rights
15 of Publicity by the Stolen Content Websites and by Google's consumers and
16 advertisers."

17 50. All communications with persons whose publicity rights you claim to
18 own or exercise, other than those communications requested in request number 42.

19 51. All documents concerning communications to persons or entities other
20 than Google in which you have made allegations (against any person or entity) of
21 violations of rights of publicity owned or exercised by you.

22 52. All documents concerning efforts by you to halt or reduce violations of
23 publicity rights owned or exercised by you.

24 53. All documents concerning communications regarding ownership or
25 control, by others, of publicity rights claimed by you in this case.

26 54. All documents concerning your compliance with 18 U.S.C. § 2257 with
27 respect to all persons whose names or photographs underlie any of your claims in this
28 action.

1 55. Documents sufficient to identify each person or entity you claim or
2 believe to infringe your copyrights claimed in this action.

3 56. Documents sufficient to identify each person or entity you claim or
4 believe to infringe your trademarks claimed in this action.

5 57. Documents sufficient to identify each person or entity you claim or
6 believe to violate publicity rights claimed by you in this action.

7 58. All documents in your possession, custody, or control that mention or
8 refer to Google.

9 59. All documents concerning any communications by any person regarding
10 Google or this lawsuit.

11 60. All documents constituting web sites owned or controlled by you.

12 61. All documents concerning your use of Google's search engines for any
13 purpose.

14 62. All documents concerning your use of search engines other than
15 Google's search engines.

16 63. Documents sufficient to identify all of your directors, officers, staff,
17 employees, personnel, and consultants from 2000 to the present.

18 64. All documents concerning claims that you infringed or violated third
19 parties' copyrights, trademarks or publicity rights.

20 65. All documents concerning allegations that you falsely or wrongly
21 claimed copyright, trademark, or publicity rights.

22 66. All documents filed with a court, served upon an opposing party or
23 counsel, or received from an opposing party or counsel, in copyright, trademark,
24 publicity rights, or unfair competition litigation to which you have been a party.

25 67. All documents concerning your use of the Google search engine, or any
26 other Internet search engine, to search for, investigate, detect, assess, evaluate and/or
27 monitor alleged infringements of intellectual property in which you claim rights, or
28 violations of publicity rights that claim to own or exercise.

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5894

1 68. All documents concerning your efforts to increase the likelihood that
2 your websites will appear in search results, or will appear more prominently in search
3 results, on Google or any other Internet search engine.

4 69. All documents referring to or discussing benefits to you of being listed
5 in, or being prominently listed in, search results by Google or any other Internet
6 search engine.

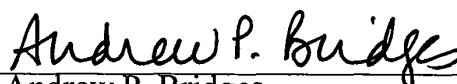
7 70. All documents concerning your practices, policies, procedures,
8 intentions, plans, or actions regarding investigation and identification of, or
9 prosecution of, claims against Stolen Content Websites for infringement of your
10 alleged intellectual property.

11 71. All documents that evidence, refer to, or discuss any damages or harm,
12 including, without limitation, monetary damage, you claim to have suffered, or to be
13 likely to suffer, as a result of Google's alleged infringements and violations as set forth
14 in your amended complaint.

15 72. All documents concerning your policies regarding retention, storage,
16 filing and destruction of documents and things.

17 73. All documents concerning indexes, lists or inventories of documents and
18 things maintained by or for you.

19 Dated: March 3, 2005



Andrew P. Bridges
Michael S. Brophy
Jennifer A. Golinveaux
Attorneys for Defendant and
Counterclaimant Google Inc.

1 privilege.

2 2. In producing these documents and things, you are requested to identify
3 and produce for inspection and copying not only those documents and things in your
4 custody, but all documents and things in the custody of your attorneys, consultants,
5 agents, other representatives, and other persons or entities subject to your control.

6 3. You are to produce the original and all copies of each requested
7 document and thing, as well as the file in which they are kept, including all copies
8 which bear any additional file stamps, marginal notes, or other additional markings or
9 writings that do not appear on the original.

10 4. Complete production is to be made on the date and at the time indicated
11 above. The inspection and copying will begin at that time and will continue from day
12 to day thereafter until completed.

13 5. Perfect 10, Inc. has a duty to supplement its response from now until the
14 time of hearing or trial, as provided by Rule 26(e) of the Federal Rules of Civil
15 Procedure.

16 **DEFINITIONS**

17 1. The terms "you" or "your" refer to Plaintiff Perfect 10, Inc. and includes
18 any persons, controlled by or acting on behalf of that entity, including without
19 limitation all past and present licensees, agents, attorneys, predecessors, subsidiaries,
20 parent companies, or affiliated companies and their agents, officers, directors,
21 employees, representatives and attorneys.

22 2. The term "Google" refers to Defendant and Counterclaimant Google Inc.
23 as well as its officers, directors, employees, and authorized representatives.

24 3. The term "document" is defined to be synonymous in meaning and equal
25 in scope to the usage of this term in Federal Rule of Civil Procedure 34 and its
26 interpretation by the courts, including originals, copies, drafts or other productions of
27 any written, graphic or otherwise recorded matter, however produced or reproduced,
28 whether inscribed by hand, by computer or by mechanical, electronic, or photographic

1 not limited to, the Fonestarz Agreement) and the reasons for terminating any License.

2 141. All documents constituting, comprising, evidencing, or reflecting
3 communications concerning the termination of any License (including, but not limited
4 to, the Fonestarz Agreement) and the reasons for terminating any License.

5 142. All documents concerning the performance, success, or lack of success of
6 your Licenses (including, but not limited to, the Fonestarz Agreement).

7 143. All documents constituting, comprising, evidencing, or reflecting
8 communications concerning the performance, success, or lack of success of your
9 Licenses (including, but not limited to, the Fonestarz Agreement).

10 144. All documents concerning revenues or profits arising from each of your
11 Licenses (including, but not limited to, the Fonestarz Agreement).

12 145. All documents constituting, comprising, evidencing, or reflecting
13 communications concerning revenues or profits arising from each of your Licenses
14 (including, but not limited to, the Fonestarz Agreement).

15 146. Documents sufficient to show the revenues, profits, and expenses arising
16 from each of your Licenses (including, but not limited to, the Fonestarz Agreement).

17 147. All documents concerning the transfer or acquisition of copyright rights
18 for all copyrights claimed by you in this action.

19 148. All documents constituting, comprising, evidencing, or reflecting
20 communications concerning the transfer or acquisition of copyright rights for all
21 copyrights claimed by you in this action.

22 149. Documents sufficient to show the number of continuing and new paid
23 subscriptions for each of your websites each year.

24 150. All documents concerning cancellations or terminations of paid
25 subscriptions for each of your websites each year.

26 151. All documents concerning harm you believe or claim was caused to your
27 business in the form of increased bandwidth costs and attendant computer and server
28 overloads.

5-3/31/06

1 WINSTON & STRAWN LLP
ANDREW P. BRIDGES (SBN: 122761)
2 JENNIFER A. GOLINVEAUX (SBN: 203056)
101 California Street
3 San Francisco, CA 94111-5894
Telephone: 415-591-1000
4 Facsimile: 415-591-1400

5 Attorneys for Defendant
GOOGLE INC.

7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA**

9 PERFECT 10, INC., a California
corporation

10 Plaintiff,

11 vs.

12 GOOGLE INC., a corporation; and
13 DOES 1 through 100, inclusive

14 Defendant.

Case No. CV04-9484 AHM (SHx)
[Consolidated with Case No. CV 05
4753 AHM (SHx)]

**DEFENDANT GOOGLE INC.'S
THIRD SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS
TO PLAINTIFF PERFECT 10, INC.**

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5894

15 **AND COUNTERCLAIM.**

17 PERFECT 10, INC., a California
corporation

18 Plaintiff,

19 vs.

20 AMAZON.COM, INC., a corporation;
21 A9.COM, INC., a corporation; and
DOES 1 through 10, inclusive,

22 Defendants.

24 **PROPOUNDING PARTY: DEFENDANT AND COUNTERCLAIMANT**
25 **GOOGLE INC.**

26 **RESPONDING PARTY: PLAINTIFF AND COUNTER-DEFENDANT**
27 **PERFECT 10, INC.**

28 **SET NO.: THREE**

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5894

1 Pursuant to Federal Rules of Civil Procedure 26 and 34, Defendant and
2 Counterclaimant Google Inc. requests that you produce for inspection and copying the
3 documents and things listed below thirty days from service of this request to the
4 offices of Winston & Strawn LLP, 333 South Grand Ave., Los Angeles, CA 90071-
5 1543, or at another location mutually agreed upon by both parties.

6 For the purpose of this request for production of documents and things, the
7 following instructions shall apply and the following terms will have the meaning
8 indicated:

9 **INSTRUCTIONS**

10 1. If you contend that any information, document, or thing otherwise called
11 for by any request is excluded from production or discovery, answer so much of the
12 discovery request as is not subject to the claimed objection and, for *each* document or
13 thing:

- 14 a. State whether the item shall not be produced because:
 - 15 1) It is claimed to be privileged; or
 - 16 2) It once existed but can no longer be located; or
 - 17 3) It has been lost; or
 - 18 4) It has been destroyed; and

- 19 b. If, under a claim of privilege, any documents or things are not
20 produced, you must state for *each* document:
 - 21 1) the type and title of the document or thing; and
 - 22 2) the general subject matter of the content of the document or
23 description of the thing; and
 - 24 3) the date of its creation and/or revision; and
 - 25 4) the identity of the document's author(s), addressee(s), and
26 recipient(s); and
 - 27 5) the nature of the privilege being claimed; and
 - 28 6) in detail, all facts upon which you base your claim of

1 privilege.

2 2. In producing these documents and things, you are requested to identify
3 and produce for inspection and copying not only those documents and things in your
4 custody, but all documents and things in the custody of your attorneys, consultants,
5 agents, other representatives, and other persons or entities subject to your control.

6 3. You are to produce the original and all copies of each requested
7 document and thing, as well as the file in which they are kept, including all copies
8 which bear any additional file stamps, marginal notes, or other additional markings or
9 writings that do not appear on the original.

10 4. Complete production is to be made on the date and at the time indicated
11 above. The inspection and copying will begin at that time and will continue from day
12 to day thereafter until completed.

13 5. Perfect 10, Inc. has a duty to supplement its response from now until the
14 time of hearing or trial, as provided by Rule 26(e) of the Federal Rules of Civil
15 Procedure.

16 DEFINITIONS

17 1. The terms "you" or "your" refer to Plaintiff Perfect 10, Inc. and includes
18 any persons, controlled by or acting on behalf of that entity, including without
19 limitation all past and present licensees, agents, attorneys, predecessors, subsidiaries,
20 parent companies, or affiliated companies and their agents, officers, directors,
21 employees, representatives and attorneys.

22 2. The term "Google" refers to Defendant and Counterclaimant Google Inc.
23 as well as its officers, directors, employees, and authorized representatives.

24 3. The term "document" is defined to be synonymous in meaning and equal
25 in scope to the usage of this term in Federal Rule of Civil Procedure 34 and its
26 interpretation by the courts, including originals, copies, drafts or other productions of
27 any written, graphic or otherwise recorded matter, however produced or reproduced,
28 whether inscribed by hand, by computer or by mechanical, electronic, or photographic

1 means.

2 4. The term "concerning" means relating to, referring to, describing,
3 reflecting, evidencing or constituting.

4 5. The terms "all" and "each" shall be construed to include all and each.

5 6. The term "and" shall be construed to include "or" and *vice versa* and shall
6 be the logical equivalent of "and/or."

7 7. The term "amended complaint" refers to the first amended complaint
8 filed in this action.

9 8. The use of the singular form of any word also includes the plural and *vice*
10 *versa*.

11 9. The term "communication" refers to any transmission of information
12 from one person to another, including and without limitation to, letters, memoranda,
13 telephone, facsimile, and electronic messages.

14 10. The term "person" refers to any natural person, corporation,
15 proprietorship, partnership, joint venture, association, firm or entity recognized in law,
16 and shall include the owners, officers, directors, agents, trustees, parents, subsidiaries,
17 affiliates, assigns, predecessors and successors of such "person."

18 **DOCUMENTS AND THINGS REQUESTED**

19 114. All documents concerning Bob Sluman.

20 115. All documents constituting, comprising, evidencing, reflecting, or
21 referring to communications to, from, or with Bob Sluman or persons or entities
22 acting on his behalf.

23 116. All documents concerning Greentree Technology UK Ltd.

24 117. All documents constituting, comprising, evidencing, reflecting, or
25 referring to communications to, from, or with Greentree Technology UK Ltd or
26 persons or entities acting on its behalf.

27 118. All documents concerning mydetect.com.

28 119. All documents constituting, comprising, evidencing, reflecting, or

Winston & Strawn LLP
101 California Street
San Francisco, CA 94111-5894

1 referring to communications to, from, or with mydetect.com or persons or entities
2 acting on its behalf.

3 120. All documents concerning SpartanImage Control.

4 121. All documents constituting, comprising, evidencing, reflecting, or
5 referring to communications to, from, or with SpartanImage Control or persons or
6 entities acting on its behalf.

7 122. All documents concerning Offir Gutelzon.

8 123. All documents constituting, comprising, evidencing, reflecting, or
9 referring to communications to, from, or with Offir Gutelzon or persons or entities
10 acting on his behalf.

11 124. All documents concerning PicScout Ltd.

12 125. All documents constituting, comprising, evidencing, reflecting, or
13 referring to communications to, from, or with PicScout Ltd. or persons or entities
14 acting on its behalf.

15
16 Dated: March 31, 2006

WINSTON & STRAWN LLP

17
18 By Andrew P. Bridges
19 Andrew P. Bridges
20 Jennifer A. Golinveaux
21 Attorneys for Defendant and
22 Counterclaimant Google, Inc.
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