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9 Attorneys for Defendant GOOGLE INC.

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.

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

DISCOVERY MATTER

Hon. Stephen J. Hillman

**GOOGLE INC.'S NOTICE RE:
PERFECT 10, INC.'S
IMPROPERLY FILED JOINT
STIPULATION**

19 AND COUNTERCLAIM

**[Declaration of Rachel Herrick
Kassabian 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.

Date: January 11, 2010
Time: 2:00 PM
Crtrm.: 550

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

1 Google Inc. ("Google") respectfully submits this notice regarding Perfect 10's
2 "Joint Stipulation on Google Inc.'s Motion for a Document Preservation Order to
3 Prevent Further Spoliation of Evidence by Perfect 10, Inc., and Perfect 10, Inc.'s
4 Motion for a Mutual Document Preservation Order to Prevent Spoliation of
5 Evidence by Google." This document was filed on December 15, 2009 at Dkt. No.
6 671 (under seal).

7 P10's "Joint Stipulation" was filed without Google's consent and without
8 having provided Google the required five court days to prepare its responsive
9 portions.¹ It also incorrectly represents to the Court that this document contains
10 Google's opposition to Perfect 10's Document Preservation Motion, when in fact it
11 does not.² Nor did P10 have permission to file this pleading with Google's counsel
12 listed on the caption page.³ Given P10's unauthorized, unilateral filing in
13 contravention of the Local Rules, Google will prepare and file an opposition in the
14 ordinary course, pursuant to the schedule set forth in Local Rules 37-2.4 and 7-9.

15
16 DATED: December 16, 2009

Respectfully submitted,

17 QUINN EMANUEL URQUHART OLIVER &
18 HEDGES, LLP

19
20 By



21 Rachel Herrick Kassabian
22 Attorneys for Defendant GOOGLE INC.

23
24 ¹ Declaration of Rachel Herrick Kassabian Regarding P10's Improper Filing
25 ("Kassabian Decl."), filed concurrently herewith, ¶¶ 7-9. The Kassabian Decl. sets
26 forth in more detail the circumstances surrounding P10's inappropriate filing of the
alleged "Joint Stipulation."

27 ² Kassabian Decl., ¶¶ 8-9.

28 ³ Kassabian Decl., ¶ 8.