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Attorneys for Plaintiff Perfect 10, Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PERFECT 10, INC., a California
corporation,

Plaintiff,

v.

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

Defendant.

CASE NO. CV 04-9484 AHM (SHx)

Before Judge A. Howard Matz

**DECLARATION OF MELANIE POBLETE
SUBMITTED IN SUPPORT OF PERFECT
10'S MOTION FOR PRELIMINARY
INJUNCTION AGAINST DEFENDANT
GOOGLE, INC.**

Date: April 5, 2010

Time: 10:00 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

1 I, Melanie Poblete, declare as follows:

2 1. I am employed by Perfect 10, Inc. and the Law Offices of Jeffrey N.
3 Mausner. I attended the University of California, Santa Cruz for a Bachelor of Arts
4 degree in Legal Studies, which I am in the process of completing. For over 6 years, I
5 have worked in the legal field assisting attorneys in pre-trial litigation, discovery, and
6 in arbitration hearings and trials. I have extensive knowledge of the images, copyright
7 registrations, and deposit materials that are relevant to Perfect 10's infringement claims
8 in this case. Unless otherwise stated, I have direct and personal knowledge of the facts
9 set forth herein and, if called as a witness, could and would competently testify thereto.
10 I have carefully compared the infringed images referenced in the Declaration of Dr.
11 Norman Zada filed concurrently herewith ("Zada Declaration") and matched them to
12 images owned by Perfect 10 and contained in deposit materials registered by Perfect 10
13 with the United States Copyright Office.

14 2. I have verified that Perfect 10 has in its deposit material for copyright
15 registrations filed with the U.S. Copyright Office, over 45,000 unique images. In this
16 Declaration, I will reference images contained in exhibits to the Zada Declaration that
17 constitute Perfect 10's "Sample" of twelve images. The twelve images referenced in
18 this Declaration which constitute Perfect 10's "Sample" are contained in deposit
19 materials for Perfect 10 copyright registrations with the U.S. Copyright Office.

20 3. Filed with the Zada Declaration as Exhibit 9 is a disk that contains a
21 folder, "The Sample." In this folder, there is an excel spreadsheet labeled "12 Sample
22 Images P10" that itemizes the copyright information with respect to each of the 12
23 images. Within "The Sample" folder, are sub-folders, as follows:

24 Copyright Registration Certificates: Each PDF file in this folder is named
25 by registration number and contains the registration certificate associated with
26 that registration. Registration certificates for each of the 12 images in the
27 Sample are included in this sub-folder.

28 Deposit Materials: Each PDF file in this folder is named by registration

1 number and contains the deposit material associated with that registration.
2 Deposit Materials for each of the 12 images in the Sample are included in this
3 sub-folder.

4 Images: Each .JPG file in this folder contains a Perfect 10 image
5 contained in The Sample, and is named first by Model, then by the copyright
6 registration number for that image.

7 Model Releases: Each PDF file in this folder is named by the model it
8 pertains to and contains the Model Release for each respective model.

9 Other Copyright Certificates: This folder contains the copyright
10 registration certificates for all other Perfect 10 Magazines not already provided
11 in the Copyright Registration Certificates folder, along with a copyright
12 registration certificate for the Perfect 10 website (www.perfect10.com), as well
13 as selected additional registration certificates.

14 Rights of publicity: This folder contains five PDF files that contain the
15 Rights of Publicity assignments for Amber Smith, Amy Weber, Aria Giovanni,
16 Erica Campbell, and Irina Voronina.

17 Work Made for Hires & AoRs: Each PDF is named by photographer and
18 contains the work made for hire agreement and/or assignment of rights
19 agreement associated with that photographer. Work made for hire/assignment of
20 rights agreements covering each of the 12 images in the Sample are included in
21 this folder.

22 4. Page 1 of Exhibit 28 to the Zada Declaration contains an image of Anna
23 Tarson that appears in Perfect 10 Magazine, Vol. 5, No. 2, and has been registered at
24 the Copyright Office under Registration No. TX 5-452-254. That image also appears
25 on Page 2 of Exhibit 64.

26 5. Page 3 of Exhibit 45 to the Zada Declaration contains an image of Ashley
27 Degenford that appears in Perfect 10 Magazine, Vol. 1, No. 5, and has been registered
28 at the Copyright Office under Registration No. TX 4-556-475. This image also

1 appears on Pages 1-2 of Exhibit 45.

2 6. Pages 1-2 of Exhibit 6 to the Zada Declaration contain an image of Kristel
3 Kama that appears in Perfect 10 Magazine, Vol. 3, No. 5, and has been registered at the
4 Copyright Office under Registration No. TX 5-217-598. That image also appears on
5 Pages 7-14 of Exhibit 66.

6 7. Pages 2-3 of Exhibit 2 to the Zada Declaration contain an image of Marisa
7 Miller that appears in Perfect 10 Magazine, Vol. 1, No. 1, and has been registered at
8 the Copyright Office under Registration No. TX 4-556-514. That image also appears
9 on Page 3 of Exhibit 39, and Page 3 of Exhibit 40.

10 8. Page 4 and 6 of Exhibit 11 to the Zada Declaration contain a check-
11 marked image of Maya Rubin that appears in Perfect 10 Magazine, Vol. 1, No. 2, and
12 has been registered with the Copyright Office under Registration No. TX 4-556-511.

13 9. Page 5 of Exhibit 22 to the Zada Declaration contains an image of Monika
14 Zsibrita that appears in Perfect 10 Magazine, Vol. 2, No. 2, and has been registered at
15 the Copyright Office under Registration No. TX 4-813-355. That image also appears
16 on Page 1 of Exhibit 20, Page 4 of Exhibit 1, Page 7 of Exhibit 55 and Page 6 of
17 Exhibit 56.

18 10. Pages 8-9 of Exhibit 5 to the Zada Declaration contain an image of
19 Nataskia Maren that appears in Perfect 10 Magazine, Vol. 1, No. 4, and has been
20 registered with the Copyright Office under Registration No. TX 4-556-510. That
21 image also appears on Page 4 of Exhibit 26, and Pages 6-7 of Exhibit 61.

22 11. Pages 5-6 of Exhibit 25 and Pages 7-8 of Exhibit 31 to the Zada
23 Declaration contain an image of Talia Harvalik that appears in Perfect 10 Magazine,
24 Vol. 2, No. 2, and has been registered at the Copyright Office under Registration No.
25 TX 4-813-355.

26 12. Pages 1-2 of Exhibit 51 to the Zada Declaration contain an image of Vibe
27 Sorenson that appears in Perfect 10 Magazine, Vol. 2, No. 1, and has been registered at
28 the Copyright Office under Registration No. TX 4-812-575. This image also appears

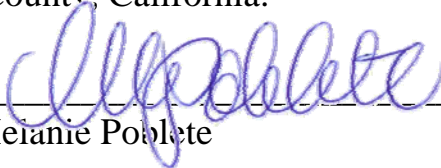
1 on Pages 8-10 of Exhibit 2, Pages 1-4 of Exhibit 8, Page 2 of Exhibit 20, Page 3-4 of
2 Exhibit 22, Page 9 of Exhibit 52, Page 3 of Exhibit 53, Page 5 of Exhibit 59, Pages 1-2
3 of Exhibit 65.

4 13. Pages 5 and 11 of Exhibit 34 to the Zada Declaration contains an image of
5 Zita Gorocs that appears in Perfect 10 Magazine, Vol. 6, No. 3, and has been registered
6 at the Copyright Office under Registration No. TX 6-058-397. This image also
7 appears on Page 5 of Exhibit 35, Page 5 of Exhibit 36, Page 1 of Exhibit 49, Page 3 of
8 Exhibit 1, Page 5 of Exhibit 8, Pages 1-5, 8, 10-11, 13, and 15 of Exhibit 47, Pages 1-
9 2 of Exhibit 48, Page 1 of Exhibit 49, Page 5 of Exhibit 66.

10 14. Page 7 of Exhibit 25 to the Zada Declaration contains an image of Zoya
11 Konyieva that appears in Perfect 10 Magazine, Vol. 3, No. 4, and has been registered
12 at the Copyright Office under Registration No. TX 5-201-630. That image also
13 appears on Page 2 of Exhibit 28, Pages 3-4 of Exhibit 31,.

14 15. Page 4 of Exhibit 56 to the Zada Declaration contains an image of Amy
15 Weber that has been registered at the Copyright Office and is contained in the deposit
16 material for Registration No. VA 1-301-850. That image also appears on Page 2 of
17 Exhibit 62.

18 I declare under penalty of perjury under the laws of the United States of America
19 that the foregoing is true and correct to the best of my knowledge. Executed this 3rd
20 day of March, 2010 in Los Angeles County, California.

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23 Melanie Poblete
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