1  Jeffrey N. Mausner (State Bar No. 122385)
   Law Offices of Jeffrey N. Mausner
2  Warner Center Towers
   21800 Oxnard Street, Suite 910
3  Woodland Hills, California 91367-3640
   Email: Jeff@mausnerlaw.com
4  Telephone: (310) 617-8100, (818) 992-7500
   Facsimile: (818) 716-2773
5
6
   Attorneys for Plaintiff Perfect 10, Inc.
7

8                  UNITED STATES DISTRICT COURT

9                 CENTRAL DISTRICT OF CALIFORNIA

10

11  PERFECT 10, INC., a California            Case No. CV 04-9484 AHM (SHx)
    corporation,
12              Plaintiff,                     **DECLARATION OF SEAN CHUMURA
                                               SUBMITTED IN SUPPORT OF
13        v.                                   PERFECT 10'S MOTION FOR
                                               PRELIMINARY INJUNCTION
14  GOOGLE, INC., a corporation, and           AGAINST GOOGLE**
    DOES 1 through 100, inclusive
15                                             **BEFORE JUDGE A. HOWARD MATZ**
             Defendant.
16
                                               Date:  April 5, 2010
17                                             Time:  10:00 a.m.
                                               Place: Courtroom 14, Courtroom of the
18                                             Honorable A. Howard Matz
19
                                               Discovery Cut-Off Date:  None Set
20                                             Pretrial Conference Date:  None Set
                                               Trial Date:  None Set
21

22

23

24

25

26

27

28

─────────────────────────────────────────────────────────────
          Declaration of Sean Chumura Submitted in Support of Perfect 10's
                  Motion for Preliminary Injunction Against Google

1    I, Sean Chumura, declare as follows:

2    1.    I am a professional programmer with over 15 years of experience in

3    Computer Security and Computer Forensics.  I was a student and protégé of

4    Michael R. Anderson, a pioneer in the Science of Computer Forensics.  I have

5    testified as an expert in court proceedings in the field of Computer Forensics.  I

6    have an issued patent in which I am a co-inventor, in the field of computer

7    security.  I have worked with the federal, state, and local governments, as well as

8    foreign governments and private industry, in the field of computer security and

9    computer forensics.  I have been certified by NTI, one of the most knowledgeable

10   and respected firms for forensic computer science, for governmental and private

11   sector computer forensics.  I was admitted into the prestigious Washington, D.C.

12   Law Enforcement Association HTCC (High Tech Crime Consortium group) by

13   confirmation from the FBI, and I am a member of numerous task forces and

14   associations.  The following are some of the entities I have done work for over

15   the past four years: Baseline Control, Biche, City of Beverly Hills, Computer

16   Sciences Corporation, D.I.S.A. (Defense Information Systems Agency), D.H.S.

17   (Department of Homeland Security), F.B.I. (Federal Bureau of Investigation),

18   JFCOMM (Joint Forces Command), LGB Associates Inc., Lockheed Martin,

19   NOW Solutions, Oasis Network LLC, Northrup Grummen, Perfect 10, Inc., Sun

20   Microsystems, Transaction Solutions, VCSY (Vertical Computer Systems),

21   Westinghouse, as well as other government agencies. For some of the projects

22   that I have worked on, I have had a Top Secret security clearance.

23   2.    I have consulted for the FBI in the areas of cyberterrorism, forensic

24   computer investigation, and white collar crime.  I have extensive experience

25   writing computer programs, including programs to protect computers from

26   viruses, denial of service attacks, and other malicious acts.   I have also written

27   programs to investigate piracy, to detect financial fraud, and to allow computer

28

- 1 -
Declaration of Sean Chumura

1   networks to identify computers that are no longer functioning properly due to

2   software issues and correct those problems in an automated fashion.   I also

3   cofounded the first private cyber warfare/terrorism defense center and helped

4   develop the technology to identify attacks against infrastructure in near real-time.

5          3.     I submit this declaration in support of Perfect 10.   I have spent over a

6   thousand hours using and analyzing how the Google search engine functions.  I

7   have also done many hours of research, study, and reading regarding search engine

8   operation.  I have examined Exhibit 1 which is attached to this declaration, which I

9   obtained from Jeff Mausner.   Page 1 of Exhibit 1 is the output of a computer

10   program that I created under the direction of Dr. Norman Zada.  The program

11   allows Perfect 10 to select images from Google Image Search by checking a box

12   that the program makes available next to each Google thumbnail.  The program

13   places the date the Google search was done in the upper right corner, and puts the

14   three links offered by Google for each image in the block corresponding to that

15   image.  The first URL after the term "Image" is the URL associated with Google's

16   "See full-size image" link; the second URL after the term "Site" is the link Google

17   provides to the underlying third party website (often called a Web Page URL); and

18   the bottom URL after the term "Thumbnail" is the link to the location at which the

19   "thumbnail" resides on Google's server.   The program also has a Web Search

20   option which allows Perfect 10 to save selected Google Web Search results.

21          4.     If Google received page 1 of Exhibit 1 in a notice, it would have more

22   than enough information to readily locate and block all the URLs listed on page 1.

23   Adobe Acrobat has a feature which allows for the extraction of URLs.  So Google

24   could cut and paste whatever URLs it wanted from page 1 of Exhibit 1 into a text

25   file or excel spreadsheet.

26          5.     I have examined pages 2 through 7 of Exhibit 1.  If Google received

27   any of those pages in a notice, it would have enough information to locate the

28

- 2 -
Declaration of Sean Chumura

1   images on that page, and remove the images and the webpage from both its Image

2   Search and Web Search results.  All Google needs to act is the Web Page URL,

3   which is contained on each of those pages.  Once Google has the URL of the Web

4   Page containing an infringement, it can block it.  The Web Page URL may be

5   thought of as the specification of a particular page in a particular book.  It tells

6   Google where to go on the Internet to find the infringing material, equivalently,

7   which book to open and which page to turn to.  On pages 3-6, the Web Page URL

8   is highlighted.  On page 7, it appears in the browser bar.  For page 2, Google has

9   the search term, "Ingrid Ostvat", the base URL of the website where each image is

10   located, darkshadow.3xforum.ro, and what is sometimes called the "Thumbnail

11   Source URL."  This is the URL that is displayed in the address bar of a web

12   browser when a user clicks on the thumbnail.   Page 8 of Exhibit 1 shows an

13   example of one such "Thumbnail Source URL."  The Thumbnail Source URL

14   contains both the "See full-size image" URL as well as the Web Page URL

15   embedded in it, along with information such as whether the user had their safe

16   search on and what browser they were using.  It may be readily extracted using

17   Adobe's URL extraction feature, as shown on page 9 of Exhibit 1.  On page 9, the

18   first highlighted term is the "See full-size image" URL.  The second highlighted

19   term is the web page URL.

20     6. Sometimes when a URL is too long, Google will replace it with a

21   URL that has ellipses in it.  However, the original full URL can almost always be

22   found by doing a Google combination search on the base URL along with a

23   character string from the rest of the URL.  Effectively, one searches on the two

24   portions of the URL that one has.  The base URL is usually the URL of the home

25   page of the website, like google.com.

26     7. I have looked at what Google describes as a "post URL."  I have not

27   seen any post URLs on the blogger pages that contain full-size Perfect 10 images.
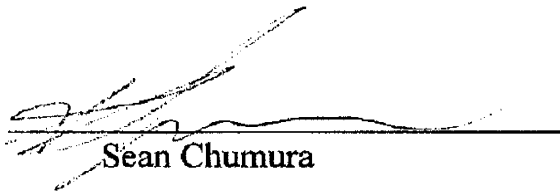
28

1    There is only one URL on those pages and that is the URL I would use to identify

2    their location.  Attached as Exhibit 2 is a full-size image that I obtained from

3    Blogger.  As can be seen from the URL at the bottom of the page, namely,

4    http://bp3.blogger.com/_A228DePAsJQ/RdSh3J1hgQI/AAAAAAAAAu0/p8Za-

5    c5rue8/s1600-h/marisa_miller_21.jpg, the image is stored on blogger.com.  The

6    only URL shown with this image is not a post URL.  However, anyone can find the

7    image with this URL, by cutting and pasting the URL into their browser bar.

8          8.      I have studied Google's current instructions for submitting DMCA

9    notices regarding Image Search, and its instructions for submitting DMCA notices

10   regarding Web Search.   I do not believe that Google's Image Search instructions

11   are necessary or helpful in the vast majority of situations.  In fact, they can be

12   unnecessarily burdensome when an infringing web page contains many infringing

13   images, as is illustrated by page 2 of Exhibit 1 to my declaration.  Each of the first

14   fifteen thumbnails appearing on page 2 of Exhibit 1 is linked to, and appears on,

15   the same infringing web page, darkshadow.3xforum.ro.  If Perfect 10 were to

16   follow Google's Image search instructions, it would have to provide at least 15

17   Image URLs (one for each of the images shown on page 2), but possibly many

18   more.   Suppose on the other hand that Perfect 10 were to identify a single URL for

19   the infringing web page, darkshadow.3xforum.ro.  In order to stop directly linking

20   to that infringing web page, Google would have to remove the first fifteen images

21   shown on page 2 of Exhibit 1 from its Image Search results, *as well as any other*

22   *image that Google was displaying in its search results from that web page*, *even if*

23   *it were not a P10 Image.*  That is the only way that Google, given its current

24   method of linking infringing thumbnails back to infringing web pages, could block

25   all direct links to the identified infringing web page darkshadow.3xforum.ro.  So

26   specifying a single web page URL does much more in this case than specifying

27   possibly hundreds of Image URLs.  In fact, just specifying P10 Image URLs by

28

- 4 -
Declaration of Sean Chumura

1   themselves would not prevent Google from continuing to directly link to

2   darkshadow.3xforum.ro from a non-P10 thumbnail from that same web page. Of

3   course, once Google in-line links a user to that webpage, the user can view and/or

4   download any of the infringing images on that page, regardless of which Google

5   thumbnail he clicked on to get there. That is why it is necessary for Google to

6   remove all thumbnails that link to that webpage from its Image Search results,

7   rather than just a few thumbnails.

8          I declare under penalty of perjury under the laws of the United States of

9   America that the foregoing is true and correct to the best of my knowledge.

10         Executed on August 2, 2009, at Pittsburgh, Pennsylvania.

11

12

13                                          Sean Chumura

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28
_____
                                5
                    Declaration of Sean Chumura

# Exhibit 1

**GOOGLE Images**

# 51 results for "Xenia Szabo"                                     7/8/2008

---

**1**

Search string: **"Xenia Szabo"**Image http://img133.imagevenue.com/loc173/th_64278_21.jpgSite http://forum.phun.org/showthread.php?p=729907Image Info: 106x160 Size: 7Kb

Thumbnail http://tbn0.google.com/images?q=tbn:Vs0bIZd_jqxVPM:http://img133.imagevenue.com/loc173/th_64278_21.jpg

---

**2**

Search string: **"Xenia Szabo"**Image http://www.imagerise.com/images.php/t4766_XeniaSzabo22.jpgSite http://titsandhentai.wordpress.com/2008/04/16/xenia-szabo/ Image Info: 99x150 Size: 6Kb

Thumbnail http://tbn0.google.com/images?q=tbn:MYClndOeHiRYpM:http://www.imagerise.com/images.php/t4766_XeniaSzabo22.jpg

---

**3**

Search string: **"Xenia Szabo"**Image http://www.imagerise.com/images.php/t4755_XeniaSzabo01.jpgSite http://titsandhentai.wordpress.com/2008/04/16/xenia-szabo/ Image Info: 99x150 Size: 6Kb

Thumbnail http://tbn0.google.com/images?q=tbn:YSlCEWl5K6tg6M:http://www.imagerise.com/images.php/t4755_XeniaSzabo01.jpg

---

**4**

Search string: **"Xenia Szabo"**Image http://img11.imagevenue.com/loc229/th_16866_01.jpgSite http://www.sztar.com/showthread.php?p=1367574Image Info: 106x160 Size: 7Kb

Thumbnail http://tbn0.google.com/images?q=tbn:kSvskXqpK00tXM:http://img11.imagevenue.com/loc229/th_16866_01.jpg

---

**5**

Search string: **"Xenia Szabo"**Image http://blog7.fc2.com/a/aitaine/file/20060525.jpgSite http://aitaine.blog7.fc2.com/blog-date-200605.htmlImage Info: 300x451 Size: 49Kb

Thumbnail http://tbn0.google.com/images?q=tbn:zfMv2sApk-Kw4M:http://blog7.fc2.com/a/aitaine/file/20060525.jpg

---

Exh. 1, Pg. 1

Google

"Ingrid Ostvat"

Search Images    Search the Web    Advanced Image Search
Preferences

SafeSearch is off

**Images**    Showing:    All image sizes    Any content    ■ All colors ▼        Results **19 - 36** of about **130** (0.04 seconds)

PERFECT10 com - The World s Most ...
99 x 150 - 7k - jpg
darkshadow.3xforum.ro

PERFECT10 com - The World s Most ...
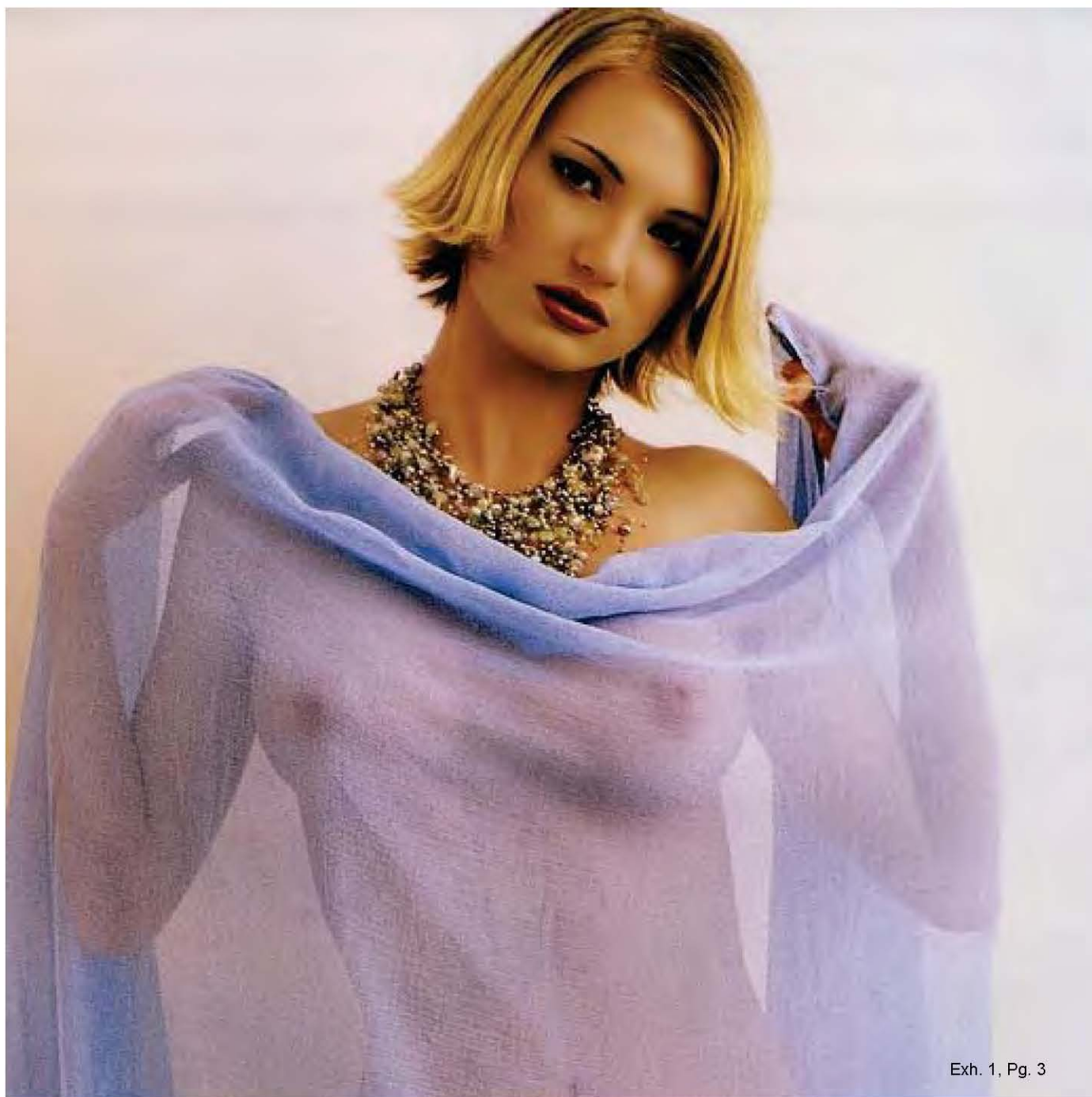99 x 150 - 6k - jpg
darkshadow.3xforum.ro

PERFECT10 com - The World s Most ...
99 x 150 - 5k - jpg
darkshadow.3xforum.ro

PERFECT10 com - The World s Most ...
99 x 150 - 4k - jpg
darkshadow.3xforum.ro

PERFECT10 com - The World s Most ...
99 x 150 - 5k - jpg
darkshadow.3xforum.ro

PERFECT10 com - The World s Most ...
99 x 150 - 5k - jpg
darkshadow.3xforum.ro

PERFECT10 com - The World s Most ...
99 x 150 - 4k - jpg
darkshadow.3xforum.ro

PERFECT10 com - The World s Most ...
99 x 150 - 6k - jpg
darkshadow.3xforum.ro

PERFECT10 com - The World s Most ...
99 x 150 - 5k - jpg
darkshadow.3xforum.ro

PERFECT10 com - The World s Most ...
99 x 150 - 6k - jpg
darkshadow.3xforum.ro

PERFECT10 com - The World s Most ...
99 x 150 - 5k - jpg
darkshadow.3xforum.ro

PERFECT10 com - The World s Most ...
99 x 150 - 5k - jpg
darkshadow.3xforum.ro

PERFECT10 com - The World s Most ...
99 x 150 - 5k - jpg
darkshadow.3xforum.ro

PERFECT10 com - The World s Most ...
99 x 150 - 4k - jpg
darkshadow.3xforum.ro

PERFECT10 com - The World s Most ...
99 x 150 - 6k - jpg
darkshadow.3xforum.ro

Exh. 1, Pg. 2

This is Google's cache of http://www.monitor.hr/belle/0112/011206.htm. It is a snapshot of the page as it appeared on 16 Sep 2008 18:14:02 GMT. The current page could have changed in the meantime. Learn more

Text-only version
These search terms are highlighted: zoya konyieva

# Zoya Konyieva

Monitor home | Belle indeks | Prosinac 2001 | Prije | Poslije



Exh. 1, Pg. 3

Belle de Jour - 6.12.2001

File   Edit   View   Go   Bookmarks   Tools   Help

http://images.google.com/imgres?imgurl=http://wallpapers.wallpapercar.com/russian-girl/russian-girl/9997-inna-shevchenko.jpg&imgrefurl=http://wallpapers.wallpapercar.com/   Go   G

Getting Started   Latest Headlines

Remove Frame ⊠
Image Results »

Below is the image in its **original context** on the page: **wallpapers.wallpapercar.com/russian-girl/**

▶ Save up to 78% on Airfare                                        Powered by BritePic

June 2007
S  M  Tu  W  Th  F  S
                  1   2
3   4   5   6   7   8   9
10  11  12  13  14  15  16
17  18  19  20  21  22  23
24  25  26  27  28  29  30

Transferring data from ads.adbrite.com...

Exh. 1, Pg. 5

start        9 Windows Explorer        21 Firefox                                    9:33 PM

marisa_miller_24.jpg(image)

Ext.1, Pg. 6

Lingerie Dreams: Pretty girls in bras, tiny panties, stockings and garters: Models, beauties, babes, pinups all in lingerie - Mozilla Firefox

Case 2:04-cv-09484-AHM-SH   Document 780   Filed 03/03/10   Page 14 of 18

File   Edit   View   History   Bookmarks   Tools   Help

http://lingeriedreams.blogspot.com/2004_11_28_archive.html

site:lingeriedreams.blogspot.com

Interesting to have panties which match your top...I have to say I love her shoes. Lovely long legs are set off so well with the right shoes...

corset girl

Hot Lingerie Links Tiny Panties! Cleavage! Boosting Bras Naughty Links

POSTED BY JENNIFER AT 12:46 AM   0 COMMENTS

FRIDAY, DECEMBER 03, 2004

## Black Lace Scarf



A black thong and a, well, scarf?? Once again the idea of lingerie is concealment as well as provocation and this long shot is a little of both...Why is Natalia Sirocka walking down a country road wearing very little? Another mystery for the ages...

Hot Lingerie Links Tiny Panties! Cleavage! Boosting Bras Naughty Links

POSTED BY JENNIFER AT 1:53 AM   1 COMMENTS

## Raised slip

April 2008

start   083007   sc   Lingerie Dreams: Pret...   ads next to images b...   9:08 PM

"Ingrid Ostvat" - Google Image Search

Sign in

Google   "Ingrid Ostvat"   [Search Images]   [Search the Web]   Advanced Image Search
Preferences

SafeSearch is off

Images   Showing:   [All image sizes]   [Any content]   🔲 All colors ▼   Results **19** - **36** of about **130** (0.04 seconds)

http://images.google.com/imgres?imgurl=http://www.imag
erise.com/images.php/t133_AlexandraBerejnova42copy.jpg
&imgrefurl=http://darkshadow.3xforum.ro/post/1532/1/PER
FECT10_com_-_The_World_s_Most_Beautiful_Natural_wom
en_/&usg=__RtMcrOXj2G7_XIiP-9Fv6Flbwxw=&h=150&w=
99&sz=7&hl=en&start=19&um=1&tbnid=d7MunlVjsDS9eM:
&tbnh=96&tbnw=63&prev=/images%3Fq%3D%2522Ingrid
%2BOstvat%2522%26ndsp%3D18%26hl%3Den%26safe%3
Doff%26client%3Dfirefox-a%26channel%3Ds%26rls%3Dorg
.mozilla:en-US:official%26sa%3DN%26start%3D18%26um
%3D1

PERFECT10 com ...
99 x ...
darksha...

PERFECT10 com - The World s Most ...
99 x 150 - 6k - jpg
...shadow.3xforum.ro

PERFECT10 com - The World s Most ...
99 x 150 - 5k - jpg
darkshadow.3xforum.ro

PERFECT10 com - The World s Most ...
99 x 150 - 4k - jpg
darkshadow.3xforum.ro

PERFECT10 com - The World s Most ...
99 x 150 - 5k - jpg
darkshadow.3xforum.ro

PERFECT10 com - The World s Most ...
99 x 150 - 5k - jpg
darkshadow.3xforum.ro

PERFECT10 com - The World s Most ...
99 x 150 - 4k - jpg

PERFECT10 com - The World s Most ...
99 x 150 - 6k - jpg

PERFECT10 com - The World s Most ...
99 x 150 - 5k - jpg

Exh. 1, Pg. 8

http://images.google.com/imgres?imgurl=http://www.imagerise.com/images.php/t133_Al
exandraBerejnova42copy.jpg&imgrefurl=http://darkshadow.3xforum.ro/post/1532/1/PER
FECT10_com_-_The_World_s_Most_Beautiful_Natural_women_/&usg=_
RtMcrOXj2G7_XIiP-9Fv6Flbwxw=&h=150&w=99&sz=7&hl=en&start=11&
um=1&tbnid=d7MunlVjsDS9eM:&tbnh=96&tbnw=63&prev=/images%3Fq%3Dsite:ww
w.imagerise.com%2B%2522Ingrid%2BOstvat%2522%2Bdarkshadow.3xforum.ro%26hl
%3Den%26safe%3Doff%26client%3Dfirefox-a%26channel%3Ds%26rls%3Dorg.
mozilla:en-US:official%26um%3D1

# Exhibit 2