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7 Attorneys for Plaintiff Perfect 10, Inc.

8
 9 UNITED STATES DISTRICT COURT
 10 CENTRAL DISTRICT OF CALIFORNIA

11
 12 PERFECT 10, INC., a California
 13 corporation,

14 Plaintiff,

15 v.

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

18 Defendant.

Case No. CV 04-9484 AHM (SHx)

**DECLARATION OF JEFFREY N.
 MAUSNER IN SUPPORT OF
 PERFECT 10'S RESPONSES TO
 GOOGLE'S EVIDENTIARY
 OBJECTIONS REGARDING EDEN,
 HOFFMAN, NEWTON, SCHWARTZ
 CHUMURA, MCPHATTER, AND
 O'CONNOR , RE PERFECT 10'S
 MOTION FOR PRELIMINARY
 INJUNCTION AGAINST GOOGLE**

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, Jeffrey N. Mausner, declare as follows:

2 1. I am a member of the State Bar of California and admitted to
3 practice before this Court. I am counsel of record for Plaintiff Perfect 10, Inc.
4 (“Perfect 10”) in this action. All of the matters stated herein are of my own
5 personal knowledge, except where otherwise stated, and if called as a witness, I
6 could and would testify competently thereto. I make this declaration in support
7 of Perfect 10’s Responses to the Evidentiary Objections submitted by Defendant
8 Google Inc. (“Google”) to the declarations of Eden, Schwartz, Newton,
9 Hoffman, Chumura, O’Connor and McPhatter, filed by Perfect 10 in support of
10 its Motion for Preliminary Injunction against Google (the “PI Motion”).

11 2. I became aware of the witnesses to whom Google objects on the
12 basis that they weren’t disclosed, in or about the summer of 2009, shortly before
13 the dates of their declarations. The witnesses were disclosed to Google shortly
14 thereafter, when Google was served with their declarations.

15 3. I first knew about and spoke with Margaret Jane Eden on or about
16 July 31, 2009; her declaration was obtained on August 4, 2009 and provided to
17 Google on August 9, 2009. (Docket No. 475.) I first knew about and spoke
18 with Les Schwartz on or about July 27, 2009; his declaration was obtained on
19 July 28, 2009 and provided to Google on August 9, 2009. (Docket No. 478.) I
20 first knew about and spoke with C.J. Newton on or about May 27, 2009; his
21 declaration was obtained on May 28, 2009 and provided to Google on July 6,
22 2009. (Docket Nos. 445, 477.) I first knew about and spoke with Dean
23 Hoffman on or about May 29, 2009; his declaration was obtained on May 29,
24 2009 and provided to Google July 6, 2009. (Docket Nos. 444, 476.)

25 4. I first knew about David O’Connor on or about June 10, 2009, and
26 first spoke with him on or about June 11, 2009; his declaration was obtained on
27 June 16, 2009 and provided to Google on July 6, 2009. (Docket Nos. 443, 480.)
28 I first knew about and spoke with Bennett McPhatter on or about July 5, 2009;

1 his declaration was obtained on July 9, 2009 and provided to Google on August
2 9, 2009. (Docket No. 481).

3 5. Mr. Chumura was disclosed in Perfect 10's August 2008 updated
4 Rule 26 disclosures, but Google has not attempted to depose him.

5 6. To the best of my knowledge, Google did not disclose the following
6 witnesses in its Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1): Shantal
7 Rands Poovala, Bill Brougher, and Paul Haahr. In contrast, Perfect 10 has
8 disclosed Dr. Norman Zada, Sean Chumura, and Sheena Chou, as individuals
9 with knowledge relating to the case, in its Rule 26 disclosures. Dr. Zada and
10 Ms. Chou were disclosed both in Perfect 10's Initial Rule 26 Disclosures in 2005
11 and in Perfect 10's updated Rule 26 Disclosures in August 2008 update. Mr.
12 Chumura was disclosed in Perfect 10's August 2008 updated Rule 26
13 disclosures, but Google has not attempted to depose him.

14 7. Attached hereto as Exhibit DD are true and correct copies of pages
15 from the website of the company Visual Analytics Inc., which I downloaded
16 from the Internet on October 11, 2009.

17 I declare under penalty of perjury under the laws of the United States of
18 America that the foregoing is true and correct to the best of my knowledge.
19 Executed this 25th day of March, 2010 in Los Angeles County, California.

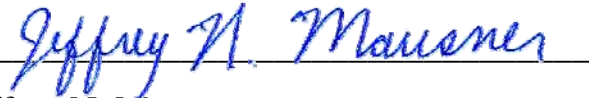
20 
21 _____
22 Jeffrey N. Mausner

Exhibit DD

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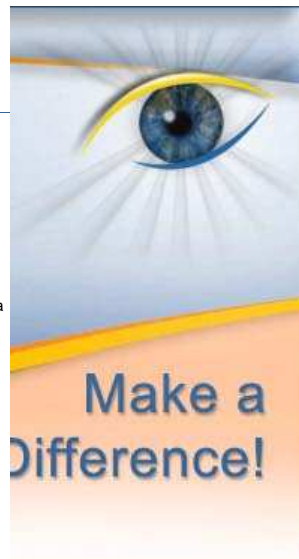


News / Media

October 1, 2009
The 2009 Best of New York Awards Honor Visual Analytics Inc.

September 29, 2009
DCJS Wins "Best of New York" Award

September 22, 2009
* UPDATE * VAI's CEO to Present at Nlets Technical Implementers Conference in Arizona



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- Summary
- Preview
- Web Demo
- Live Demo
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- System Requirements

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- Scalability
- Preview
- Web Demo
- Live Demo
- Featured Components
- System Requirements

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Additional Information

Server-to-Server
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 Value Added Data
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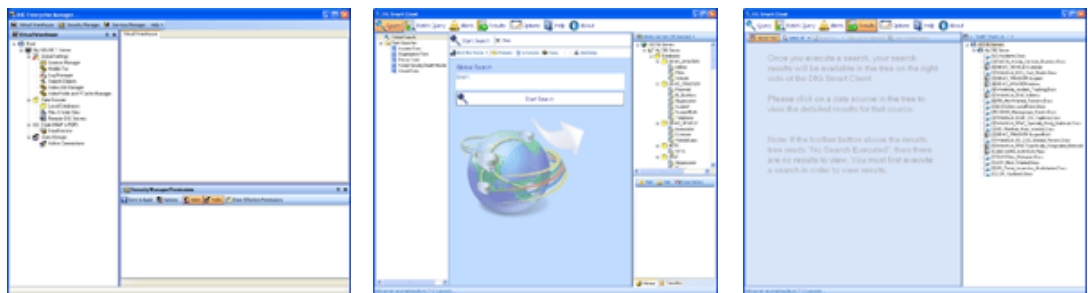
Product Training

Information
 Schedule
 Course Description

Digital Information Gateway (DIG®) - The Search & Retrieval Software

Digital Information Gateway (DIG®) is the industry's best solution for Federated Search and Information Sharing. DIG can securely connect information among any number of organizations and handles an extensive number of databases, intranet content, web sites, office documents, and other types of files.

DIG is currently operational in a number of state & local law enforcement agencies where over 30 organizations are able to securely share over 100 data sources in real time. DIG is changing how organizations share data - while securely controlling access, logging queries, and enabling the data owner to remain in control of their own sources.



The DIG Virtual Data Warehouse approach to information sharing ensures that:

- Data is always up to date (never copied or moved)
- There are no ownership issues (owners of the data maintain their ownership and access control)
- Security, data access and data purity is maintained by the original owners of the data (no changes can be made by outside users)
- There is no costly translation, fixed schema, or data transport (as would be required by a physical data warehouse or other approaches)

DIG Symphony manages key data processing operations providing integrated data quality, standardization, integration, parsing, enhancing, correcting, merging, matching, purging and general cleansing functionality.

The DIG Symphony Designer enables visualization of data quality programs through a point-and-click designer that builds on-the-fly transformations and generates results for review prior to deployment. Use the DIG Symphony Designer to build any number of transformations to fully integrate your data sources and provide a single, consistent view of all of your data.

The DIG suite of tools provides your organization with:

- A single, integrated solution to managing data availability and access
- A single search and retrieval interface to all of your data resources
- Full control over data access permissions at the user level
- The ability to create common, searchable data types across multiple, disparate databases
- Complete data cleansing and transformation functionality
- Full, customizable event and transaction audit logging

The DIG suite of tools provides your users with a simple search interface that:

- Lets users search from any platform (Windows, UNIX, Linux) using their favorite web browser.
- Searches and displays any and all types of data available to your organization – and any organization that you choose to share data with.
- Searches multiple, disparate databases simultaneously.
- Searches over 60 different types of files.
- Searches databases, documents, e-mail archives and web sites all at once.
- Searches large volumes of data – with no size limit.
- Lets users choose how they want to build searches – using either a simple search form or a more structured, field-based search form.
- Transforms results into phonetic codes for “sounds-like” comparisons.
- Instantly groups results by common values.
- Presents findings using standard and custom-defined reports.
- Displays original file content in HTML and native formats.
- Saves and exports data in a variety of formats.



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Officer Biography

[Chris Westphal](#)
[David O'Connor](#)
[Bennett McPhatter](#)

Chief Operating Officer



Bennett McPhatter
Co-Founder

Mr. McPhatter is co-founder and COO of Visual Analytics, Inc. He is the software architect for Digital Information Gateway (DIG[®]) and DIG Symphony, VAI's Federated Search and Information Sharing technologies. The DIG system consists of powerful searching and data brokering technologies, which have seen widespread acceptance within the law enforcement and financial crimes communities worldwide. Mr. McPhatter's

technical knowledge and innovative concepts have been vital to VAI's success since 1998. In recent years, he has guided the development of several federal, state, and local law enforcement information sharing initiatives. These initiatives utilize DIG server software to provide a dynamic information exchange capability among dozens of participating agencies. Mr. McPhatter continues to be involved with a wide variety of projects for law enforcement and the federal intelligence communities.

Clients include: The Office of National Drug Control Policy (ONDCP), several regional High Intensity Drug Trafficking Areas (HIDTAs), State Attorney General's Offices, State Police Departments, Defense Intelligence Agency (DIA), Internal Revenue Service (IRS, Criminal Investigations), Office of Naval Intelligence (ONI), U.S. Customs, U.K. Customs, Financial Intelligence Unit (FIU, Bangkok), and several large corporations.

Mr. McPhatter, a U.S. Marine Corps veteran, has over 18 years of technical and management experience with databases, distributed software systems, network security, data visualization, and associated technologies.