

# Exhibit I

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

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

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7  
8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

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

Case No. CV04-9484 AHM (SHx)  
**DEFENDANT GOOGLE INC.'S  
RESPONSES AND OBJECTIONS  
TO PLAINTIFF'S EIGHTH SET OF  
REQUESTS FOR THE  
PRODUCTION OF DOCUMENTS**

17 AND COUNTERCLAIM

18 PERFECT 10, INC., a California  
corporation,  
19  
Plaintiff,  
20  
vs.  
21  
22 AMAZON.COM, INC., a corporation;  
A9.COM, INC., a corporation; and  
23 DOES 1 through 10, inclusive;  
24  
Defendants.

25  
26 PROPOUNDING PARTY: PLAINTIFF PERFECT 10, INC.  
27 RESPONDING PARTY: DEFENDANT GOOGLE INC.  
28 SET NUMBER: EIGHT

1 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant Google  
2 Inc. ("Google") hereby responds to the Eighth Set of Requests for the Production of  
3 Documents from Plaintiff Perfect 10, Inc. ("Perfect 10") ("Perfect 10's Eighth  
4 Document Requests"), as follows:

5 General Objections

6 Google expressly incorporates the following General Objections as if set forth  
7 fully in response to each and every request for documents contained in Perfect 10's  
8 Eighth Document Requests.

9 1. Google objects to each request as unduly burdensome and oppressive to the  
10 extent that it purports to require Google to inquire of Google's employees other than  
11 those employees that would reasonably be expected to have responsive information  
12 and to the extent it calls for documents that cannot readily be identified by Google on  
13 the basis of information in its possession, custody, or control. Google's responses are  
14 based upon (1) a reasonable search, given the time allotted to respond to the requests  
15 for documents, of facilities and files that could reasonably be expected to contain  
16 responsive information, and (2) inquiries of Google's employees and/or  
17 representatives who could reasonably be expected to possess responsive information.

18 2. Google objects to each request to the extent that it seeks documents that are  
19 protected by the attorney-client privilege, the work product privilege and/or any other  
20 applicable privilege. Such information will not be disclosed. Any inadvertent  
21 disclosure of such information shall not be deemed a waiver of the attorney-client  
22 privilege, the attorney work product doctrine, or any other applicable privilege or  
23 immunity recognized by statute or case law.

24 3. Google objects to each request to the extent that it purports to require Google to  
25 disclose information in violation of a legal or contractual obligation of nondisclosure  
26 to a third party. Google will not provide such information without either the consent  
27 of the relevant third party or a court order compelling production.  
28



1 4. Google generally objects to each and every request to the extent that it seeks  
2 information protected by a constitutional right of privacy or applicable privacy law.

3 5. Google objects to Perfect 10's Eighth Document Requests in their entirety as  
4 overbroad, burdensome, oppressive, and vague.

5 6. Google objects generally to each request to the extent that it seeks information  
6 not reasonably related to the claims or defenses in this matter.

7 7. Google objects to each request to the extent that it purports to impose any  
8 requirement or discovery obligation on Google other than those set forth in the  
9 Federal Rules of Civil Procedure and the applicable rules of this Court.

10 8. Google responds to the requests with documents and information of which it is  
11 now aware and reserves the right to modify or amend its responses if and when it  
12 becomes aware of documents or information not reflected in its responses.

13 9. Google objects to the instructions set forth in paragraphs 8 and 9 of Perfect 10's  
14 Instructions and paragraph 1 of Perfect 10's Definitions to the extent that they impose  
15 a requirement or discovery obligation on Google other than those set forth in the  
16 Federal Rules of Civil Procedure and the applicable rules of this Court. Google  
17 reserves the right to produce documents in either hard copy or in an electronic form of  
18 its choice.

19 10. Google objects to the instruction set forth in paragraph 12 of Perfect 10's  
20 Instructions to the extent that it calls for documents outside of Google's possession,  
21 custody, or control.

22 11. Google objects generally to requests that call for extensive electronic  
23 production as overly broad, unduly burdensome, and oppressive. Additionally, where  
24 appropriate, Google reserves the right to seek cost-shifting for costs associated with  
25 production of data stored in inaccessible or difficult or costly to access formats.

26 12. Google objects to the instructions set forth in paragraphs 10 and 13 of Perfect  
27 10's Instructions as inconsistent with Federal Rule of Civil Procedure 34. Google will  
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1 produce documents as they are kept in the usual course of business or shall organize  
2 and label them to correspond with the categories in the request.

3 13. Google objects to each request to the extent it purports to require Google to  
4 disclose trade secret or other confidential information.

5 14. Google objects to the defined terms "GOOGLE", "YOU", and "YOUR" set  
6 forth in paragraph 4 of Perfect 10's Definitions as overbroad and unduly burdensome  
7 and to the extent they call for the production of documents outside of Google's  
8 possession, custody, or control.

9 15. Google objects to the defined term "DOCUMENT", in the context of a "third  
10 party webmaster or website", set forth in lines 23-25 of paragraph 1 of Perfect 10's  
11 Definitions as unintelligible, vague, and ambiguous.

12 16. Google objects to the defined term "IDENTIFY" set forth in paragraphs 5 and 6  
13 of Perfect 10's Definitions to the extent Perfect 10 seeks to use that definition to  
14 require Google to "give" or "provide" information separate from the documents that  
15 Perfect 10 has requested in its document requests.

16 17. Google objects to the defined term "CELEBRITY" set forth in paragraph 7 of  
17 Perfect 10's Definitions as the list of names in that term's definition do not uniquely  
18 identify "persons."

19 18. Google objects to the defined term "RELATES TO" set forth in paragraph 2 of  
20 Perfect 10's Definitions as vague and ambiguous, particularly to the extent the  
21 definition includes "contradict".

## 22 RESPONSES TO INDIVIDUAL REQUESTS

### 23 **REQUEST NO. 234:**

24 All reports, studies, memoranda, or other DOCUMENTS which refer, RELATE  
25 TO, or indicate the number of times that GOOGLE users click on thumbnails  
26 appearing in GOOGLE Image Search results using their cell phones or personal digital  
27 assistants (PDAs).

### 28 **RESPONSE TO REQUEST NO. 234:**



1 Google objects that this request seeks information outside the scope of  
2 permissible discovery in that it seeks information that is not relevant to the subject  
3 matter of this action and is not reasonably calculated to lead to the discovery of  
4 admissible evidence. Google objects to this request as vague and ambiguous. Google  
5 further objects to this request as overbroad and unduly burdensome and oppressive.

6 **REQUEST NO. 235:**

7 All reports, studies, memoranda, or other DOCUMENTS which refer,  
8 RELATE TO, or indicate the number of images that GOOGLE users have  
9 downloaded using their cell phones or personal digital assistants.

10 **RESPONSE TO REQUEST NO. 235:**

11 Google objects that this request seeks information outside the scope of  
12 permissible discovery in that it seeks information that is not relevant to the subject  
13 matter of this action and is not reasonably calculated to lead to the discovery of  
14 admissible evidence. Google objects to this request as vague and ambiguous. Google  
15 further objects to this request as overbroad and unduly burdensome and oppressive.

16 **REQUEST NO. 236:**

17 All reports, studies, memoranda, or other DOCUMENTS which refer, RELATE  
18 TO, or indicate the number of images of any CELEBRITY that GOOGLE users have  
19 downloaded using their cell phones or personal digital assistants.

20 **RESPONSE TO REQUEST NO. 236:**

21 Google objects that this request seeks information outside the scope of  
22 permissible discovery in that it seeks information that is not relevant to the subject  
23 matter of this action and is not reasonably calculated to lead to the discovery of  
24 admissible evidence. Google objects to this request as vague and ambiguous. Google  
25 further objects to this request as overbroad and unduly burdensome and oppressive.  
26 Google further objects to this request as seeking information outside of its possession,  
27 custody, or control to the extent that it asks Google to determine whether an image is  
28 “of any CELEBRITY”.

1 **REQUEST NO. 237:**

2 All reports, studies, memoranda, or other DOCUMENTS which refer, RELATE  
3 TO, or indicate the number of images of any model listed in Exhibit G (a list of thirty-  
4 five Perfect 10 models) that GOOGLE users have downloaded using their cell phones  
5 or personal digital assistants.

6 **RESPONSE TO REQUEST NO. 237:**

7 Google objects that this request seeks information outside the scope of  
8 permissible discovery in that it seeks information that is not relevant to the subject  
9 matter of this action and is not reasonably calculated to lead to the discovery of  
10 admissible evidence. Google objects to this request as vague and ambiguous. Google  
11 further objects to this request as overbroad and unduly burdensome and oppressive.  
12 Google further objects to this request as seeking information outside of its possession,  
13 custody, or control to the extent that it asks Google to determine whether an image is  
14 "of any model listed in Exhibit G".

15 **REQUEST NO. 238:**

16 All reports, studies, memoranda, or other DOCUMENTS which refer, RELATE  
17 TO, or indicate the number of searches on the name of any model listed in Exhibit G  
18 that GOOGLE users have made using their cell phones or personal digital assistants.

19 **RESPONSE TO REQUEST NO. 238:**

20 Google objects that this request seeks information outside the scope of  
21 permissible discovery in that it seeks information that is not relevant to the subject  
22 matter of this action and is not reasonably calculated to lead to the discovery of  
23 admissible evidence. Google objects to this request as vague and ambiguous. Google  
24 further objects to this request as overbroad and unduly burdensome and oppressive.

25 **REQUEST NO. 239:**

26 All reports, studies, memoranda, or other DOCUMENTS which refer, RELATE  
27 TO, or indicate the number of searches on "Perfect 10" that GOOGLE users have  
28 made using their cell phones or personal digital assistants.



1 **RESPONSE TO REQUEST NO. 239:**

2 Google objects that this request seeks information outside the scope of  
3 permissible discovery in that it seeks information that is not relevant to the subject  
4 matter of this action and is not reasonably calculated to lead to the discovery of  
5 admissible evidence. Google objects to this request as vague and ambiguous. Google  
6 further objects to this request as overbroad and unduly burdensome and oppressive.

7 **REQUEST NO. 240:**

8 All reports, studies, memoranda, or other DOCUMENTS which refer, RELATE  
9 TO, or indicate the number of images downloaded of any model whose image  
10 appeared as a result of a GOOGLE Image search on "Perfect 10," that GOOGLE users  
11 have downloaded using their cell phones or personal digital assistants.

12 **RESPONSE TO REQUEST NO. 240:**

13 Google objects that this request seeks information outside the scope of  
14 permissible discovery in that it seeks information that is not relevant to the subject  
15 matter of this action and is not reasonably calculated to lead to the discovery of  
16 admissible evidence. Google objects to this request as vague and ambiguous. Google  
17 further objects to this request as overbroad and unduly burdensome and oppressive.  
18 Google further objects to this request as seeking information outside of Google's  
19 possession, custody, or control.

20 **REQUEST NO. 241:**

21 All reports, studies, memoranda, or other DOCUMENTS which refer, RELATE  
22 TO, or indicate the number [sic] GOOGLE Image Searches taking place over any  
23 period of time.

24 **RESPONSE TO REQUEST NO. 241:**

25 Google objects that this request seeks information outside the scope of  
26 permissible discovery in that it seeks information that is not relevant to the subject  
27 matter of this action and is not reasonably calculated to lead to the discovery of  
28



1 admissible evidence. Google objects to this request as vague and ambiguous. Google  
2 further objects to this request as overbroad and unduly burdensome and oppressive.

3 **REQUEST NO. 242:**

4 All reports, studies, memoranda, or other DOCUMENTS which refer, RELATE  
5 TO, or indicate the number [sic] GOOGLE Web Searches taking place over any  
6 period of time.

7 **RESPONSE TO REQUEST NO. 242:**

8 Google objects that this request seeks information outside the scope of  
9 permissible discovery in that it seeks information that is not relevant to the subject  
10 matter of this action and is not reasonably calculated to lead to the discovery of  
11 admissible evidence. Google objects to this request as vague and ambiguous. Google  
12 further objects to this request as overbroad and unduly burdensome and oppressive.

13 **REQUEST NO. 243:**

14 All studies, reports, communications, and other DOCUMENTS which mention  
15 or RELATE TO image recognition software developed by GOOGLE or research on  
16 image recognition conducted by GOOGLE.

17 **RESPONSE TO REQUEST NO. 243:**

18 Google objects that this request seeks information outside the scope of  
19 permissible discovery in that it seeks information that is not relevant to the subject  
20 matter of this action and is not reasonably calculated to lead to the discovery of  
21 admissible evidence. Google objects to this request as vague and ambiguous. Google  
22 further objects to this request as overbroad and unduly burdensome and oppressive.

23 **REQUEST NO. 244:**

24 All studies, reports, communications, and other DOCUMENTS which mention  
25 or RELATE TO the feasibility of using image recognition to locate infringing images.

26 **RESPONSE TO REQUEST NO. 244:**

27 Google objects that this request seeks information outside the scope of  
28 permissible discovery in that it seeks information that is not relevant to the subject

1 matter of this action and is not reasonably calculated to lead to the discovery of  
2 admissible evidence. Google objects to this request as vague and ambiguous. Google  
3 further objects to this request as overbroad and unduly burdensome and oppressive.

4 **REQUEST NO. 245:**

5 All communications between GOOGLE and any ENTITY which provides  
6 image recognition software.

7 **RESPONSE TO REQUEST NO. 245:**

8 Google objects that this request seeks information outside the scope of  
9 permissible discovery in that it seeks information that is not relevant to the subject  
10 matter of this action and is not reasonably calculated to lead to the discovery of  
11 admissible evidence. Google objects to this request as vague and ambiguous. Google  
12 further objects to this request as overbroad and unduly burdensome and oppressive.

13 **REQUEST NO. 246:**

14 For the websites xusenet.com and myusenet.net, DOCUMENTS sufficient to  
15 determine or estimate the number of clicks on images available via GOOGLE Image  
16 Search which linked to each of those websites, for each of the years 2002, 2003, 2004,  
17 2005, 2006, and 2007.

18 **RESPONSE TO REQUEST NO. 246:**

19 Google objects that this request seeks information outside the scope of  
20 permissible discovery in that it seeks information that is not relevant to the subject  
21 matter of this action and is not reasonably calculated to lead to the discovery of  
22 admissible evidence. Google objects to this request as vague and ambiguous. Google  
23 further objects to this request as overbroad and unduly burdensome and oppressive.

24 **REQUEST NO. 247:**

25 For each of the websites listed in Exhibit E (partial list of usenet websites that  
26 have infringed thousands of Perfect 10 images), DOCUMENTS sufficient to  
27 determine or estimate the number of clicks on links available via GOOGLE Web  
28



1 Search which linked to any of those websites, for each of the years 2002, 2003, 2004,  
2 2005, 2006, and 2007.

3 **RESPONSE TO REQUEST NO. 247:**

4 Google objects that this request seeks information outside the scope of  
5 permissible discovery in that it seeks information that is not relevant to the subject  
6 matter of this action and is not reasonably calculated to lead to the discovery of  
7 admissible evidence. Google objects to this request as vague and ambiguous. Google  
8 further objects to this request as overbroad and unduly burdensome and oppressive.

9 **REQUEST NO. 248:**

10 For each of the websites listed in Exhibit D1 (partial list of websites for which  
11 GOOGLE has received DMCA notices from Perfect 10), DOCUMENTS sufficient to  
12 determine or estimate the number of clicks on links available via GOOGLE Web  
13 Search which linked to any of those websites, for each of the years 2002, 2003, 2004,  
14 2005, 2006, and 2007.

15 **RESPONSE TO REQUEST NO. 248:**

16 Google objects that this request seeks information outside the scope of  
17 permissible discovery in that it seeks information that is not relevant to the subject  
18 matter of this action and is not reasonably calculated to lead to the discovery of  
19 admissible evidence. Google objects to this request as vague and ambiguous. Google  
20 further objects to this request as overbroad and unduly burdensome and oppressive.

21 **REQUEST NO. 249:**

22 For each of the websites listed in Exhibit D1 (partial list of websites for which  
23 GOOGLE has received DMCA notices from Perfect 10), DOCUMENTS sufficient to  
24 determine or estimate the number of clicks on links or images available via GOOGLE  
25 Image Search results which linked to any of those websites, for each of the years  
26 2002, 2003, 2004, 2005, 2006, and 2007.

27 **RESPONSE TO NO. 249:**

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1 Google objects that this request seeks information outside the scope of  
2 permissible discovery in that it seeks information that is not relevant to the subject  
3 matter of this action and is not reasonably calculated to lead to the discovery of  
4 admissible evidence. Google objects to this request as vague and ambiguous. Google  
5 further objects to this request as overbroad and unduly burdensome and oppressive.

6 **REQUEST NO. 250:**

7 All DOCUMENTS which refer or RELATE TO payments made by GOOGLE  
8 to, or revenue sharing with, any ENTITY which owns or controls any of the websites  
9 listed in Exhibit D1 (partial list of websites for which GOOGLE has received DMCA  
10 notices from Perfect 10).

11 **RESPONSE TO REQUEST NO. 250:**

12 Google objects that this request seeks information outside the scope of  
13 permissible discovery in that it seeks information that is not relevant to the subject  
14 matter of this action and is not reasonably calculated to lead to the discovery of  
15 admissible evidence. Google objects to this request as vague and ambiguous. Google  
16 further objects to this request as overbroad and unduly burdensome and oppressive.  
17 Google further objects to the request as seeking information outside of its possession,  
18 custody, or control regarding "entities that own or control third-party websites."

19 **REQUEST NO. 251:**

20 All DOCUMENTS which refer or RELATE TO the number of clicks made on  
21 ads appearing on GOOGLE.com or any of its advertising affiliates which linked to  
22 any of the websites listed in Exhibit E (partial list of GOOGLE usenet advertisers that  
23 have infringed Perfect 10 copyrights).

24 **RESPONSE TO REQUEST NO. 251:**

25 Google objects that this request seeks information outside the scope of  
26 permissible discovery in that it seeks information that is not relevant to the subject  
27 matter of this action and is not reasonably calculated to lead to the discovery of  
28

1 admissible evidence. Google objects to this request as vague and ambiguous. Google  
2 further objects to this request as overbroad and unduly burdensome and oppressive.

3 **REQUEST NO. 252:**

4 All DOCUMENTS which refer or RELATE TO payments which GOOGLE has  
5 received as a result of clicks on GOOGLE ads appearing on any of the websites listed  
6 in Exhibit D1 (partial list of infringing websites for which GOOGLE has received  
7 DMCA notices from Perfect 10).

8 **RESPONSE TO REQUEST NO. 252:**

9 Google objects that this request seeks information outside the scope of  
10 permissible discovery in that it seeks information that is not relevant to the subject  
11 matter of this action and is not reasonably calculated to lead to the discovery of  
12 admissible evidence. Google objects to this request as vague and ambiguous. Google  
13 further objects to this request as overbroad and unduly burdensome and oppressive.

14 **REQUEST NO. 253:**

15 For each of the websites listed in Exhibit D1 (partial list of websites for which  
16 GOOGLE has received DMCA notices from Perfect 10), DOCUMENTS sufficient to  
17 determine or estimate the number of images from those websites that GOOGLE has  
18 displayed via GOOGLE Image Search results, for each of the years 2002, 2003, 2004,  
19 2005, 2006, and 2007.

20 **RESPONSE TO REQUEST NO. 253:**

21 Google objects that this request seeks information outside the scope of  
22 permissible discovery in that it seeks information that is not relevant to the subject  
23 matter of this action and is not reasonably calculated to lead to the discovery of  
24 admissible evidence. Google objects to this request as vague and ambiguous. Google  
25 further objects to this request as overbroad and unduly burdensome and oppressive.

26 **REQUEST NO. 254:**

27

28



1 For each of the websites listed in Exhibit D1 (partial list of websites for which  
2 GOOGLE has received DMCA notices from Perfect 10), DOCUMENTS sufficient to  
3 IDENTIFY the owner, operator, and contact person for that website.

4 **RESPONSE TO REQUEST NO. 254:**

5 Google objects that this request seeks information outside the scope of  
6 permissible discovery in that it seeks information that is not relevant to the subject  
7 matter of this action and is not reasonably calculated to lead to the discovery of  
8 admissible evidence. Google further objects to this request as overbroad and unduly  
9 burdensome and oppressive. Google objects to this request as vague and ambiguous.  
10 Google. Google further objects that the information requested is publicly available to  
11 Perfect 10 via public databases maintained by domain name registrars.

12 **REQUEST NO. 255:**

13 All DOCUMENTS which constitute, refer, or RELATE TO data collected by  
14 GOOGLE for each of the websites listed in Exhibit F (partial list of infringing  
15 GOOGLE Analytics websites), including but not limited to number of user visits to  
16 such websites, number of user visits to such sites from GOOGLE.com, number of  
17 downloads of images from such websites, number of clicks on GOOGLE ads on such  
18 websites.

19 **RESPONSE TO REQUEST NO. 255:**

20 Google objects that this request seeks information outside the scope of  
21 permissible discovery in that it seeks information that is not relevant to the subject  
22 matter of this action and is not reasonably calculated to lead to the discovery of  
23 admissible evidence. Google objects to this request as vague and ambiguous. Google  
24 further objects to this request as overbroad and unduly burdensome and oppressive.

25 **REQUEST NO. 256:**

26 All DOCUMENTS which constitute, refer, or RELATE TO data collected by  
27 GOOGLE for each of the websites listed in Exhibit F (partial list of infringing  
28



1 GOOGLE Analytics websites), including but not limited to how visitors found each  
2 website and how they interacted with that website.

3 **RESPONSE TO REQUEST NO. 256:**

4 Google objects that this request seeks information outside the scope of  
5 permissible discovery in that it seeks information that is not relevant to the subject  
6 matter of this action and is not reasonably calculated to lead to the discovery of  
7 admissible evidence. Google objects to this request as vague and ambiguous. Google  
8 further objects to this request as overbroad and unduly burdensome and oppressive.

9 **REQUEST NO. 257:**

10 All DOCUMENTS which refer or RELATE TO the number of clicks made on  
11 ads placed by GOOGLE on any of the websites listed in Exhibit D1.

12 **RESPONSE TO REQUEST NO. 257:**

13 Google objects that this request seeks information outside the scope of  
14 permissible discovery in that it seeks information that is not relevant to the subject  
15 matter of this action and is not reasonably calculated to lead to the discovery of  
16 admissible evidence. Google objects to this request as vague and ambiguous. Google  
17 further objects to this request as overbroad and unduly burdensome and oppressive.

18 **REQUEST NO. 258:**

19 DOCUMENTS sufficient to IDENTIFY all GOOGLE users in the cities of Los  
20 Angeles, Beverly Hills, Brentwood, and Santa Monica who have downloaded images  
21 of any of the models listed in Exhibit G (list of thirty-five Perfect 10 models) after  
22 doing a GOOGLE Image Search on the names of any of the models listed in Exhibit  
23 G.

24 **RESPONSE TO REQUEST NO. 258:**

25 Google objects that this request seeks information outside the scope of  
26 permissible discovery in that it seeks information that is not relevant to the subject  
27 matter of this action and is not reasonably calculated to lead to the discovery of  
28 admissible evidence. Google objects to this request as vague and ambiguous. Google

1 further objects to this request as overbroad and unduly burdensome and oppressive.  
2 Google further objects to this request as seeking information outside of its possession,  
3 custody, or control to the extent that it asks Google to determine whether an image is  
4 “of any model listed in Exhibit G”.

5 **REQUEST NO. 259:**

6 DOCUMENTS sufficient to IDENTIFY all GOOGLE users in the cities of Los  
7 Angeles, Beverly Hills, Brentwood, and Santa Monica who have downloaded images  
8 of any of the models listed in Exhibit G (list of thirty-five Perfect 10 models) into  
9 their cell phone or personal digital assistants after doing a GOOGLE Image Search on  
10 the names of any of the models listed in Exhibit G.

11 **RESPONSE TO REQUEST NO. 259:**

12 Google objects that this request seeks information outside the scope of  
13 permissible discovery in that it seeks information that is not relevant to the subject  
14 matter of this action and is not reasonably calculated to lead to the discovery of  
15 admissible evidence. Google objects to this request as vague and ambiguous. Google  
16 further objects to this request as overbroad and unduly burdensome and oppressive.  
17 Google further objects to this request as seeking information outside of its possession,  
18 custody, or control to the extent that it asks Google to determine whether an image is  
19 “of any model listed in Exhibit G”.

20 **REQUEST NO. 260:**

21 DOCUMENTS sufficient to IDENTIFY all GOOGLE users in the United  
22 States that have downloaded images of models listed in Exhibit G (list of Perfect 10  
23 models) after doing a GOOGLE Image Search on the names of any of the models  
24 listed in Exhibit G (list of Perfect 10 models).

25 **RESPONSE TO REQUEST NO. 260:**

26 Google objects that this request seeks information outside the scope of  
27 permissible discovery in that it seeks information that is not relevant to the subject  
28 matter of this action and is not reasonably calculated to lead to the discovery of



1 admissible evidence. Google objects to this request as vague and ambiguous. Google  
2 further objects to this request as overbroad and unduly burdensome and oppressive.  
3 Google further objects to this request as seeking information outside of its possession,  
4 custody, or control to the extent that it asks Google to determine whether an image is  
5 “of any model listed in Exhibit G”.

6 **REQUEST NO. 261:**

7 DOCUMENTS sufficient to IDENTIFY all GOOGLE users in the United  
8 States who have cumulatively downloaded at least 100 images of models listed in  
9 Exhibit G (list of Perfect 10 models) after doing a GOOGLE Image Search on the  
10 names of any of the models listed in Exhibit G.

11 **RESPONSE TO REQUEST NO. 261:**

12 Google objects that this request seeks information outside the scope of  
13 permissible discovery in that it seeks information that is not relevant to the subject  
14 matter of this action and is not reasonably calculated to lead to the discovery of  
15 admissible evidence. Google objects to this request as vague and ambiguous. Google  
16 further objects to this request as overbroad and unduly burdensome and oppressive.  
17 Google further objects to this request as seeking information outside of its possession,  
18 custody, or control to the extent that it asks Google to determine whether an image is  
19 “of any model listed in Exhibit G”.

20 **REQUEST NO. 262:**

21 DOCUMENTS sufficient to IDENTIFY all GOOGLE users in the United  
22 States who have downloaded images of models listed in Exhibit G (list of Perfect 10  
23 models) into their cell phones or personal digital assistants after doing a GOOGLE  
24 Image Search on the names of any of the models listed in Exhibit G.

25 **RESPONSE TO REQUEST NO. 262:**

26 Google objects that this request seeks information outside the scope of  
27 permissible discovery in that it seeks information that is not relevant to the subject  
28 matter of this action and is not reasonably calculated to lead to the discovery of



1 admissible evidence. Google objects to this request as vague and ambiguous. Google  
2 further objects to this request as overbroad and unduly burdensome and oppressive.  
3 Google further objects to this request as seeking information outside of its possession,  
4 custody, or control to the extent that it asks Google to determine whether an image is  
5 “of any model listed in Exhibit G”.

6 **REQUEST NO. 263:**

7 DOCUMENTS sufficient to IDENTIFY all GOOGLE users in the United  
8 States who have cumulatively downloaded at least 5 images of models listed in  
9 Exhibit G (list of Perfect 10 models) into their cell phones or personal digital  
10 assistants after doing a GOOGLE Image search on the names of any of the models  
11 listed in Exhibit G.

12 **RESPONSE TO REQUEST NO. 263:**

13 Google objects that this request seeks information outside the scope of  
14 permissible discovery in that it seeks information that is not relevant to the subject  
15 matter of this action and is not reasonably calculated to lead to the discovery of  
16 admissible evidence. Google objects to this request as vague and ambiguous. Google  
17 further objects to this request as overbroad and unduly burdensome and oppressive.  
18 Google further objects to this request as seeking information outside of its possession,  
19 custody, or control to the extent that it asks Google to determine whether an image is  
20 “of any model listed in Exhibit G”.

21 **REQUEST NO. 264:**

22 For each of the GOOGLE users IDENTIFIED in the previous Request,  
23 DOCUMENTS sufficient to determine the number of images of each model listed in  
24 Exhibit G downloaded by that user.

25 **RESPONSE TO REQUEST NO. 264:**

26 Google objects that this request seeks information outside the scope of  
27 permissible discovery in that it seeks information that is not relevant to the subject  
28 matter of this action and is not reasonably calculated to lead to the discovery of

1 admissible evidence. Google objects to this request as vague and ambiguous. Google  
2 further objects to this request as overbroad and unduly burdensome and oppressive.  
3 Google further objects to this request as seeking information outside of its possession,  
4 custody, or control to the extent that it asks Google to determine whether an image is  
5 “of any model listed in Exhibit G”.

6 **REQUEST NO. 265:**

7 All DOCUMENTS which mention or RELATE TO any actions GOOGLE has  
8 taken to remove or disable access to any of the infringing Perfect 10 images on any of  
9 the websites listed in Exhibit E (list of usenet websites).

10 **RESPONSE TO REQUEST NO. 265:**

11 Google objects to this request as argumentative. Google objects that this  
12 request seeks information outside the scope of permissible discovery in that it seeks  
13 information that is not relevant to the subject matter of this action and is not  
14 reasonably calculated to lead to the discovery of admissible evidence. Google objects  
15 to this request as vague and ambiguous. Google further objects to this request as  
16 overbroad and unduly burdensome and oppressive. Google objects to the request to  
17 the extent that it seeks documents that are protected by the attorney-client privilege,  
18 and the work product privilege

19 **REQUEST NO. 266:**

20 All DOCUMENTS which mention or RELATE TO the fraction or percentage  
21 of GOOGLE’s revenues which are attributable to websites that contain infringing  
22 content.

23 **RESPONSE TO REQUEST NO. 266:**

24 Google objects that this request seeks information outside the scope of  
25 permissible discovery in that it seeks information that is not relevant to the subject  
26 matter of this action and is not reasonably calculated to lead to the discovery of  
27 admissible evidence. Google further objects to this request as calling for a legal  
28 conclusion. Google objects to this request as vague and ambiguous. Google further



1 objects to this request as overbroad and unduly burdensome and oppressive. Google  
2 objects to the request to the extent that it seeks documents that are protected by the  
3 attorney-client privilege and the work product privilege.

4 **REQUEST NO. 267:**

5 All DOCUMENTS which mention or RELATE TO the number of GOOGLE  
6 ads placed on web pages of websites which do not own the rights to one or more  
7 images on that web page.

8 **RESPONSE TO REQUEST NO. 267:**

9 Google objects that this request seeks information outside the scope of  
10 permissible discovery in that it seeks information that is not relevant to the subject  
11 matter of this action and is not reasonably calculated to lead to the discovery of  
12 admissible evidence. Google further objects to this request as calling for a legal  
13 conclusion. Google objects to this request as vague and ambiguous. Google further  
14 objects to this request as overbroad and unduly burdensome and oppressive. Google  
15 objects to the request to the extent that it seeks documents that are protected by the  
16 attorney-client and the work product privilege.

17 **REQUEST NO. 268:**

18 All DOCUMENTS in GOOGLE's possession constituting licenses for any of  
19 the websites listed in Exhibit D1 to use any of the images of CELEBRITIES displayed  
20 on those websites.

21 **RESPONSE TO REQUEST NO. 268:**

22 Google objects that this request seeks information outside the scope of  
23 permissible discovery in that it seeks information that is not relevant to the subject  
24 matter of this action and is not reasonably calculated to lead to the discovery of  
25 admissible evidence. Google objects to this request as vague and ambiguous. Google  
26 further objects to this request as overbroad and unduly burdensome and oppressive.

27 **REQUEST NO. 269:**

28



1 All DOCUMENTS in GOOGLE's possession constituting licenses for any of  
2 the websites listed in Exhibit D1 to use any of the images displayed on those websites.

3 **RESPONSE TO REQUEST NO. 269:**

4 Google objects that this request seeks information outside the scope of  
5 permissible discovery in that it seeks information that is not relevant to the subject  
6 matter of this action and is not reasonably calculated to lead to the discovery of  
7 admissible evidence. Google objects to this request as vague and ambiguous. Google  
8 further objects to this request as overbroad and unduly burdensome and oppressive.

9 **REQUEST NO. 270:**

10 DOCUMENTS sufficient to estimate the number of images of size 15,000 bytes  
11 or larger, that GOOGLE makes copies of for any length of time.

12 **RESPONSE TO REQUEST NO. 270:**

13 Google objects that this request seeks information outside the scope of  
14 permissible discovery in that it seeks information that is not relevant to the subject  
15 matter of this action and is not reasonably calculated to lead to the discovery of  
16 admissible evidence. Google objects to this request as vague and ambiguous. Google  
17 further objects to this request as overbroad and unduly burdensome and oppressive.

18 **REQUEST NO. 271:**

19 DOCUMENTS sufficient to estimate the number of images of size 15,000 bytes  
20 or larger, that GOOGLE stores on servers owned or controlled by GOOGLE for any  
21 length of time.

22 **RESPONSE TO REQUEST NO. 271:**

23 Google objects that this request seeks information outside the scope of  
24 permissible discovery in that it seeks information that is not relevant to the subject  
25 matter of this action and is not reasonably calculated to lead to the discovery of  
26 admissible evidence. Google objects to this request as vague and ambiguous. Google  
27 further objects to this request as overbroad and unduly burdensome and oppressive.

28 **REQUEST NO. 272:**

1 DOCUMENTS sufficient to estimate the number of full-size images that  
2 GOOGLE makes copies of for any length of time.

3 **RESPONSE TO REQUEST NO. 272:**

4 Google objects that this request seeks information outside the scope of  
5 permissible discovery in that it seeks information that is not relevant to the subject  
6 matter of this action and is not reasonably calculated to lead to the discovery of  
7 admissible evidence. Google objects to this request as vague and ambiguous. Google  
8 further objects to this request as overbroad and unduly burdensome and oppressive.

9 **REQUEST NO. 273:**

10 DOCUMENTS sufficient to estimate the number of full-size images that  
11 GOOGLE stores on servers owned or controlled by GOOGLE for any length of time.

12 **RESPONSE TO REQUEST NO. 273:**

13 Google objects that this request seeks information outside the scope of  
14 permissible discovery in that it seeks information that is not relevant to the subject  
15 matter of this action and is not reasonably calculated to lead to the discovery of  
16 admissible evidence. Google objects to this request as vague and ambiguous. Google  
17 further objects to this request as overbroad and unduly burdensome and oppressive.

18 **REQUEST NO. 274:**

19 All reports, studies, memoranda, or other DOCUMENTS which refer, RELATE  
20 TO, or indicate the number of full-size images that GOOGLE makes copies of for any  
21 length of time.

22 **RESPONSE TO REQUEST NO. 274:**

23 Google objects that this request seeks information outside the scope of  
24 permissible discovery in that it seeks information that is not relevant to the subject  
25 matter of this action and is not reasonably calculated to lead to the discovery of  
26 admissible evidence. Google objects to this request as vague and ambiguous. Google  
27 further objects to this request as overbroad and unduly burdensome and oppressive.

28 **REQUEST NO. 275:**



1 All reports, studies, memoranda, or other DOCUMENTS which refer, RELATE  
2 TO, or indicate the number of full-size images that GOOGLE stores on servers owned  
3 or controlled by GOOGLE for any length of time.

4 **RESPONSE TO REQUEST NO. 275:**

5 Google objects that this request seeks information outside the scope of  
6 permissible discovery in that it seeks information that is not relevant to the subject  
7 matter of this action and is not reasonably calculated to lead to the discovery of  
8 admissible evidence. Google objects to this request as vague and ambiguous. Google  
9 further objects to this request as overbroad and unduly burdensome and oppressive.

10 **REQUEST NO. 276:**

11 All reports, studies, memoranda, or other DOCUMENTS which refer, RELATE  
12 TO, or indicate the number of images of any size that GOOGLE makes copies of for  
13 any length of time.

14 **RESPONSE TO REQUEST NO. 276:**

15 Google objects that this request seeks information outside the scope of  
16 permissible discovery in that it seeks information that is not relevant to the subject  
17 matter of this action and is not reasonably calculated to lead to the discovery of  
18 admissible evidence. Google objects to this request as vague and ambiguous. Google  
19 further objects to this request as overbroad and unduly burdensome and oppressive.

20 **REQUEST NO. 277:**

21 All reports, studies, memoranda, or other DOCUMENTS which refer, RELATE  
22 TO, or indicate the number of full-size images that GOOGLE stores on servers owned  
23 or controlled by GOOGLE for any length of time.

24 **RESPONSE TO REQUEST NO. 277:**

25 Google objects that this request is identical to and duplicative of request  
26 number 275.

27 **REQUEST NO. 278:**

28

1 All reports, studies, memoranda, or other DOCUMENTS which refer, RELATE  
2 TO, or explain the changes that GOOGLE has made in the way it selects images in  
3 response to queries on the names of Perfect 10 models.

4 **RESPONSE TO REQUEST NO. 278:**

5 Google objects that this request seeks information outside the scope of  
6 permissible discovery in that it seeks information that is not relevant to the subject  
7 matter of this action and is not reasonably calculated to lead to the discovery of  
8 admissible evidence. Google objects to this request as vague and ambiguous. Google  
9 further objects to this request as overbroad and unduly burdensome and oppressive.  
10 Google objects to the request to the extent that it seeks documents that are protected  
11 by the attorney-client privilege, the work product privilege and/or any other applicable  
12 privilege.

13 **REQUEST NO. 279:**

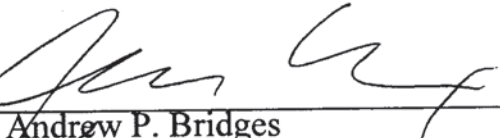
14 DOCUMENTS sufficient to explain the changes that GOOGLE has made in its  
15 Image Search Algorithm in the last six months.

16 **RESPONSE TO REQUEST NO. 279:**

17 Google objects that this request seeks information outside the scope of  
18 permissible discovery in that it seeks information that is not relevant to the subject  
19 matter of this action and is not reasonably calculated to lead to the discovery of  
20 admissible evidence. Google objects to this request as vague and ambiguous. Google  
21 further objects to this request as overbroad and unduly burdensome and oppressive.

22 Dated: September 4, 2007

WINSTON & STRAWN LLP

23  
24  
25 By   
26 Andrew P. Bridges  
27 Jennifer A. Golinveaux  
28 Attorneys for Defendants and  
Counterclaimant Google Inc.



**PROOF OF SERVICE**

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Winston & Strawn LLP, 101 California Street, San Francisco, CA 94111-5894. On September 4, 2007, I served the within document:

**DEFENDANT GOOGLE INC.'S  
RESPONSES AND OBJECTIONS TO PLAINTIFF'S EIGHTH SET OF  
REQUEST FOR THE PRODUCTION OF DOCUMENTS**

- By transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date.
- By placing the document listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, addressed as set forth below.
- By causing personal delivery by Worldwide Network, Inc. of the document(s) listed above to the person(s) at the addresses set forth below.
- By sending it via Federal Express overnight courier.
- By electronically mailing a true and correct copy through Winston & Strawn LLP's electronic mail system at the e-mail address(es) set forth below.
- By sending it via Messenger Services.
- By the Court's ECF electronic mailing system.

Russell J. Frackman  
Jeffrey D. Goldman  
Mitchell Silberberg & Knupp  
LLP  
11377 West Olympic Boulevard  
Los Angeles, CA 90064-1683

Mr. Jeffrey N. Mausner  
Mausner IP Law  
21800 Oxnard Street, Suite 910  
Woodland Hills, CA 91367-3640

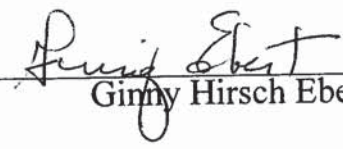
Daniel J. Cooper  
Perfect 10, Inc.  
72 Beverly Park Drive  
Beverly Hills, CA 90210

Mark T. Jansen  
Anthony J. Malutta  
Townsend, Townsend & Crew  
2 Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, CA 94111

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I declare that I am employed in the office of a member of the bar of this court whose direction the service was made.

Executed on September 4, 2007, at San Francisco, California.

  
Ginny Hirsch Ebert