

Exhibit J

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16 GOOGLE INC.

17
18 **UNITED STATES DISTRICT COURT**
19 **CENTRAL DISTRICT OF CALIFORNIA**

20 PERFECT 10, INC., a California
21 corporation

22 Plaintiff,

23 vs.

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

26 Defendants.

27 **AND COUNTERCLAIM**

28 PERFECT 10, INC., a California
corporation,

Plaintiff,

vs.

AMAZON.COM, INC., a corporation;
A9.COM, INC., a corporation; and
DOES 1 through 10, inclusive,

Defendants.

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

**DEFENDANT GOOGLE INC.'S
RESPONSES TO PLAINTIFF
PERFECT 10'S NINTH SET OF
REQUESTS FOR PRODUCTION
OF DOCUMENTS**

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

5 **GENERAL OBJECTIONS**

6 The following general objections apply to each and every request set forth in
7 Perfect 10's Ninth Set of Document Requests, and are expressly incorporated by
8 reference into each of the following responses as if fully set forth therein.

9 1. Google objects to the definitions and instructions provided with the
10 Plaintiff's Requests and to each Request to the extent they seek the production of
11 documents protected from disclosure by the attorney-client privilege, work product
12 doctrine, or any other evidentiary privilege. Such information will not be provided
13 in response to the Requests, and any inadvertent disclosure thereof shall not be
14 deemed a waiver of any privilege with respect to such information or of any work
15 product doctrine that may attach thereto.

16 2. Google objects generally to the definitions and instructions provided
17 with Plaintiffs' Requests to the extent those definitions seek to impose obligations
18 and demands on Google greater than those imposed by the Federal Rules of Civil
19 Procedure.

20 3. Google objects to the definitions of "GOOGLE," "YOU" and "YOUR"
21 on the grounds that they are overbroad, unduly burdensome and purport to place
22 discovery obligations upon Google that exceed those required by the Federal Rules
23 of Civil Procedure. Google submits these responses on its own behalf and does not
24 speak for other entities or persons. Google will produce only those documents
25 within Google's possession, custody or control.

26 4. Google objects to the definition of "DOCUMENT" and
27 "DOCUMENTS" to the extent they exceed the limitations of Federal Rule of Civil
28 Procedure 34. Google further objects to the definition of "DOCUMENT" and

1 “DOCUMENTS” as unintelligible, vague and ambiguous with respect to a “third
2 party webmaster or website.”

3 5. Google objects to the defined terms “CELEBRITY” and
4 “CELEBRITIES” because the list of names in those terms’ definition does not
5 uniquely identify “persons.” Google further objects to the defined term
6 “CELEBRITY” as being overbroad, unduly burdensome, oppressive, and not
7 reasonably calculated to lead to the discovery of admissible evidence in this action.
8 As far as Google is aware, Perfect 10 does not have any contractual relationship
9 with any of the actresses, models, and other persons listed and included in this
10 definition, nor does Perfect 10 own rights to any of those individuals’ likenesses,
11 nor any copyrights in any of their images, thus making any information concerning
12 those persons irrelevant to this action.

13 6. Google objects to the definition of “IDENTIFY” to the extent that
14 Perfect 10 seeks to use that definition to require Google to “give” or “provide”
15 information separate from the documents that Perfect 10 has requested in its
16 document requests.

17 7. Google objects to the defined term “RELATES TO” as vague and
18 ambiguous, particularly to the extent the definition includes “contradict.”

19 8. Google objects to each Request to the extent it is overbroad, unduly
20 burdensome, oppressive, cumulative, redundant and harassing.

21 9. Google objects to each Request to the extent it seeks information that is
22 neither relevant nor reasonably calculated to lead to the discovery of admissible
23 evidence.

24 10. Google objects to each Request to the extent it seeks documents not
25 within Google’s possession, custody or control. An objection on this ground does
26 not constitute a representation or admission that such information and/or documents
27 do in fact exist.

28

1 11. Google objects to each Request to the extent it is vague, ambiguous or
2 unintelligible.

3 12. Google objects to each Request to the extent it may require the
4 production of private and confidential information of non-parties whose privacy is
5 protected by the United States Constitution; the California Constitution, Art. 1, Sec.
6 1 (and/or all other state constitutions); the Electronic Communications Privacy Act,
7 18 U.S.C. §§ 2510-2522, 2701-2711; and all other applicable federal and state
8 privacy laws. Google is not authorized to and cannot waive third parties' statutory
9 and constitutional privacy rights and will not produce any documents implicating
10 such rights.

11 13. Google objects to each Request to the extent it may require production
12 of confidential, proprietary, or trade secret business information of Google or a non-
13 party. Google will only produce such documents pursuant to the parties' stipulated
14 protective order and expressly reserves the right to seek any further relief it deems
15 necessary.

16 14. Google objects to each Request to the extent it may seek documents
17 that are equally available to Perfect 10 because they are currently in Perfect 10's
18 possession, under Perfect 10's control or in the possession or control of the
19 Plaintiff's attorney or agents.

20 15. Any objection by Google does not constitute a representation or
21 admission that such information and/or documents do in fact exist or are known to
22 Google.

23 16. Google objects generally to requests that call for extensive electronic
24 production as overly broad, unduly burdensome and oppressive. Google further
25 objects to each Request to the extent it may seek inaccessible electronically-stored
26 information as that information is presumptively non-discoverable under Fed. R.
27 Civ. P. 26(b)(2). Additionally, where appropriate, Google reserves the right to seek
28

1 cost-shifting for expenses associated with production of costly or inaccessible
2 electronically-stored information.

3 17. Google has made a reasonable investigation for documents responsive
4 to Perfect 10's Requests. Google is still pursuing an investigation and analysis of
5 the facts and law pertaining to this action and has not yet completed the
6 investigation. Thus, these responses are made without prejudice to Google's right
7 subsequently to supplement, modify or otherwise change or amend these responses.
8 The information contained in these responses is also subject to correction for
9 omissions or errors.

10
11 **RESPONSES TO INDIVIDUAL REQUESTS**

12
13 **REQUEST FOR PRODUCTION NO. 282:**

14 Please produce DOCUMENTS sufficient to explain how Google's webpage
15 composites the two frames, so that the URL displayed in the browser's address bar
16 displays "images.google.com."

17
18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 282:**

19 Google objects to this request on the grounds that it seeks information outside
20 the scope of permissible discovery, not relevant to the subject matter of the action,
21 and not reasonably calculated to lead to the discovery of admissible evidence.
22 Among other reasons, the 9th Circuit has already held as a matter of law that
23 "Google does not, however, display a copy of full-size infringing photographic
24 images for the purpose of the Copyright Act when Google frames in-line linked
25 images that appear on a user's computer screen." *Perfect 10, Inc. v. Amazon.com,*
26 *Inc.*, 508 F.3d 1146, 1160 (9th. Cir. 2007). Google further objects to the request to
27 the extent it calls for the disclosure of privileged attorney-client communications
28 and/or work product. Google further objects to this request as vague and

1 ambiguous, especially with respect to the terms and phrases “webpage,”
2 “composites,” and “ the two frames.” Google further objects to this request as
3 overbroad, oppressive, and unduly burdensome, especially to the extent it calls for
4 inaccessible electronically-stored information. Google further objects to this request
5 as it requires production of confidential, proprietary, or trade secret business
6 information. Google further objects to this request to the extent that it references or
7 incorporates a judicial opinion and asks Google to perform legal analysis to
8 determine the relevance of this request to that judicial opinion, thereby calling for
9 attorney work-product.

10
11 **REQUEST FOR PRODUCTION NO. 283:**

12 All DOCUMENTS RELATING TO computer programming or computer
13 code that GOOGLE has written which composites the two frames, causing the URL
14 displayed in the browser’s address bar to display “images.google.com.”

15
16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 283:**

17 Google objects to this request on the grounds that it seeks information outside
18 the scope of permissible discovery, not relevant to the subject matter of the action,
19 and not reasonably calculated to lead to the discovery of admissible evidence.
20 Among other reasons, the 9th Circuit has already held as a matter of law that
21 “Google does not, however, display a copy of full-size infringing photographic
22 images for the purpose of the Copyright Act when Google frames in-line linked
23 images that appear on a user’s computer screen.” *Perfect 10, Inc. v. Amazon.com,*
24 *Inc.*, 508 F.3d 1146, 1160 (9th. Cir. 2007). Google further objects to the request to
25 the extent it calls for the disclosure of privileged attorney-client communications
26 and/or work product. Google further objects to this request as vague and
27 ambiguous, especially with respect to the terms and phrases “RELATING TO,”
28 “computer programming,” “computer code,” “composites,” “the two frames,” and

1 “causing.” Google further objects to this request as overbroad, oppressive, and
2 unduly burdensome, in that it calls for potentially voluminous “computer code” and
3 all documents relating thereto. Google further objects to this request as it requires
4 production of confidential, proprietary, or trade secret business information. Google
5 further objects to this request to the extent that it references or incorporates a
6 judicial opinion and asks Google to perform legal analysis to determine the
7 relevance of this request to that judicial opinion, thereby calling for attorney work-
8 product.

9
10 **REQUEST FOR PRODUCTION NO. 284:**

11 All DOCUMENTS RELATING TO GOOGLE’s decision to composite the
12 two frames, so that the URL displayed in the browser’s address bar displays
13 “images.google.com.”

14
15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 284:**

16 Google objects to this request on the grounds that it seeks information outside
17 the scope of permissible discovery, not relevant to the subject matter of the action,
18 and not reasonably calculated to lead to the discovery of admissible evidence.
19 Among other reasons, the 9th Circuit has already held as a matter of law that
20 “Google does not, however, display a copy of full-size infringing photographic
21 images for the purpose of the Copyright Act when Google frames in-line linked
22 images that appear on a user’s computer screen.” *Perfect 10, Inc. v. Amazon.com,*
23 *Inc.*, 508 F.3d 1146, 1160 (9th. Cir. 2007). Google further objects to the request to
24 the extent it calls for the disclosure of privileged attorney-client communications
25 and/or work product. Google further objects to this request as vague and
26 ambiguous, especially with respect to the terms and phrases “RELATING TO,”
27 “decision,” “composite,” and “the two frames.” Google further objects to this
28 request as overbroad, oppressive, and unduly burdensome, especially to the extent it

1 calls for inaccessible electronically-stored information. Google further objects to
2 this request as it requires production of confidential, proprietary, or trade secret
3 business information. Google further objects to this request to the extent that it
4 references or incorporates a judicial opinion and asks Google to perform legal
5 analysis to determine the relevance of this request to that judicial opinion, thereby
6 calling for attorney work-product.

7
8 **REQUEST FOR PRODUCTION NO. 285:**

9 All DOCUMENTS RELATING TO GOOGLE's decision to composite the
10 two frames, so that the URL displayed in the browser's address bar displays
11 "images.google.com" rather than the URL of the third-party website.

12
13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 285:**

14 Google objects to this request on the grounds that it seeks information outside
15 the scope of permissible discovery, not relevant to the subject matter of the action,
16 and not reasonably calculated to lead to the discovery of admissible evidence.
17 Among other reasons, the 9th Circuit has already held as a matter of law that
18 "Google does not, however, display a copy of full-size infringing photographic
19 images for the purpose of the Copyright Act when Google frames in-line linked
20 images that appear on a user's computer screen." *Perfect 10, Inc. v. Amazon.com,*
21 *Inc.*, 508 F.3d 1146, 1160 (9th. Cir. 2007). Google further objects to the request to
22 the extent it calls for the disclosure of privileged attorney-client communications
23 and/or work product. Google further objects to this request as vague and
24 ambiguous, especially with respect to the terms and phrases "RELATING TO,"
25 "decision," "composite," and "the two frames." Google further objects to this
26 request as overbroad, oppressive, and unduly burdensome, especially to the extent it
27 calls for inaccessible electronically-stored information. Google further objects to
28 this request as it requires production of confidential, proprietary, or trade secret

1 business information. Google further objects to this request to the extent that it
2 references or incorporates a judicial opinion and asks Google to perform legal
3 analysis to determine the relevance of this request to that judicial opinion, thereby
4 calling for attorney work-product.

5
6 **REQUEST FOR PRODUCTION NO. 286:**

7 Please produce DOCUMENTS sufficient to determine or estimate, or
8 RELATING TO, the number of searches done using GOOGLE'S search engine to
9 locate adult content.

10
11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 286:**

12 Google objects to this request on the grounds that it seeks information outside
13 the scope of permissible discovery, not relevant to the subject matter of the action,
14 and not reasonably calculated to lead to the discovery of admissible evidence.
15 Google further objects to the request to the extent it calls for the disclosure of
16 privileged attorney-client communications and/or work product. Google further
17 objects to this request as vague and ambiguous as to time, and especially with
18 respect to the terms and phrases "RELATING TO," "searches" and "adult content."
19 Google further objects to this request as overbroad, oppressive, and unduly
20 burdensome, especially to the extent it calls for inaccessible electronically-stored
21 information. Google further objects to this request as it requires production of
22 confidential, proprietary, or trade secret business information. Google further
23 objects to this request to the extent that it references or incorporates a judicial
24 opinion and asks Google to perform legal analysis to determine the relevance of this
25 request to that judicial opinion, thereby calling for attorney work-product. Subject
26 to and without waiving the specific and General Objections above, Google responds
27 that it has already produced information responsive to this request in Google's
28 Supplemental Response to Perfect 10's Revised Interrogatory No. 24.

1 **REQUEST FOR PRODUCTION NO. 287:**

2 DOCUMENTS sufficient to determine or estimate, or RELATING TO, the
3 percentage of searches done using GOOGLE'S search engine to locate adult
4 content.

5
6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 287:**

7 Google objects to this request on the grounds that it seeks information outside
8 the scope of permissible discovery, not relevant to the subject matter of the action,
9 and not reasonably calculated to lead to the discovery of admissible evidence.

10 Google further objects to the request to the extent it calls for the disclosure of
11 privileged attorney-client communications and/or work product. Google further
12 objects to this request as vague and ambiguous as to time and with respect to the
13 terms and phrases "RELATING TO," "searches" and "adult content." Google
14 further objects to this request as overbroad, oppressive, and unduly burdensome,
15 especially to the extent it calls for inaccessible electronically-stored information.
16 Google further objects to this request as it requires production of confidential,
17 proprietary, or trade secret business information. Google further objects to this
18 request to the extent that it references or incorporates a judicial opinion and asks
19 Google to perform legal analysis to determine the relevance of this request to that
20 judicial opinion, thereby calling for attorney work-product. Subject to and without
21 waiving the specific and General Objections above, Google responds that it has
22 already produced information responsive to this request in Google's Supplemental
23 Response to Perfect 10's Revised Interrogatory No. 24.

24
25 **REQUEST FOR PRODUCTION NO. 288:**

26 DOCUMENTS sufficient to determine or estimate, or RELATING TO, the
27 percentage of image searches done using GOOGLE'S search engine to locate adult
28 content.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 288:**

2 Google objects to this request on the grounds that it seeks information outside
3 the scope of permissible discovery, not relevant to the subject matter of the action,
4 and not reasonably calculated to lead to the discovery of admissible evidence.

5 Google further objects to the request to the extent it calls for the disclosure of
6 privileged attorney-client communications and/or work product. Google further
7 objects to this request as vague and ambiguous as to time and with respect to the
8 terms and phrases "RELATING TO," "searches" and "adult content." Google
9 further objects to this request as overbroad, oppressive, and unduly burdensome,
10 especially to the extent it calls for inaccessible electronically-stored information.

11 Google further objects to this request as it requires production of confidential,
12 proprietary, or trade secret business information. Google further objects to this
13 request to the extent that it references or incorporates a judicial opinion and asks
14 Google to perform legal analysis to determine the relevance of this request to that
15 judicial opinion, thereby calling for attorney work-product. Subject to and without
16 waiving the specific and General Objections above, Google responds that it has
17 already produced information responsive to this request in Google's Supplemental
18 Response to Perfect 10's Revised Interrogatory No. 24.

19
20 **REQUEST FOR PRODUCTION NO. 289:**

21 DOCUMENTS sufficient to determine or estimate, or RELATING TO, the
22 revenues GOOGLE makes from users searching for adult content.

23
24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 289:**

25 Google objects to this request on the grounds that it seeks information outside
26 the scope of permissible discovery, not relevant to the subject matter of the action,
27 and not reasonably calculated to lead to the discovery of admissible evidence.
28 Google further objects to the request to the extent it calls for the disclosure of

1 privileged attorney-client communications and/or work product. Google further
2 objects to this request as overbroad, oppressive, and unduly burdensome, especially
3 to the extent it calls for inaccessible electronically-stored information. Google
4 further objects to this request as vague and ambiguous, especially with respect to the
5 terms and phrases "RELATING TO," "revenues," "from users" and "adult content."
6 Google further objects to this request as it requires production of confidential,
7 proprietary, or trade secret business information. Google further objects to this
8 request to the extent that it references or incorporates a judicial opinion and asks
9 Google to perform legal analysis to determine the relevance of this request to that
10 judicial opinion, thereby calling for attorney work-product.

11
12 **REQUEST FOR PRODUCTION NO. 290:**

13 DOCUMENTS sufficient to determine or estimate, or RELATING TO, the
14 percentage of time on the internet that Google users spend viewing and/or
15 downloading adult content.

16
17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 290:**

18 Google objects to this request on the grounds that it seeks information outside
19 the scope of permissible discovery, not relevant to the subject matter of the action,
20 and not reasonably calculated to lead to the discovery of admissible evidence.
21 Google further objects to the request to the extent it calls for the disclosure of
22 privileged attorney-client communications and/or work product. Google further
23 objects to this request as overbroad, oppressive, and unduly burdensome, especially
24 to the extent it calls for inaccessible electronically-stored information. Google
25 further objects to this request as vague and ambiguous, especially with respect to the
26 terms and phrases "RELATING TO," "percentage of time," "viewing" and "adult
27 content." Google further objects to this request as it requires production of
28 confidential, proprietary, or trade secret business information. Google further

1 objects to this request to the extent that it references or incorporates a judicial
2 opinion and asks Google to perform legal analysis to determine the relevance of this
3 request to that judicial opinion, thereby calling for attorney work-product. Google
4 further objects to this request in that it seeks documents outside of Google's
5 possession, custody, or control.

6
7 **REQUEST FOR PRODUCTION NO. 291:**

8 Please produce all DOCUMENTS which identify any GOOGLE user who has
9 used GOOGLE'S search engine to locate or download Perfect 10 images. Any
10 identifying information, including IP addresses, should be produced.

11
12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 291:**

13 Google objects to this request on the grounds that it seeks information outside
14 the scope of permissible discovery, not relevant to the subject matter of the action,
15 and not reasonably calculated to lead to the discovery of admissible evidence.
16 Google further objects to the request to the extent it calls for the disclosure of
17 privileged attorney-client communications and/or work product. Google further
18 objects to this request as overbroad, oppressive, and unduly burdensome, especially
19 to the extent it calls for inaccessible electronically-stored information. Google
20 further objects to this request as vague and ambiguous, especially with respect to the
21 terms and phrases "locate" and "Perfect 10 images." Google further objects to this
22 Request to the extent it may require the production of private and confidential
23 information of non-parties whose privacy is protected by the United
24 States Constitution; the California Constitution, Art. 1, Sec. 1 (and/or all other state
25 constitutions); the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-
26 2522, 2701-2711; and all other applicable federal and state privacy laws. Google is
27 not authorized to and cannot waive third parties' statutory and constitutional privacy
28 rights and will not produce any documents implicating such rights. Google further

1 objects to this request as it requires production of confidential, proprietary, or trade
2 secret business information. Google further objects to this request to the extent that
3 it references or incorporates a judicial opinion and asks Google to perform legal
4 analysis to determine the relevance of this request to that judicial opinion, thereby
5 calling for attorney work-product. Google further objects to this request in that it
6 seeks documents outside of Google's possession, custody, or control.

7
8 **REQUEST FOR PRODUCTION NO. 292:**

9 All DOCUMENTS RELATING TO downloading, copying, or storing of
10 Perfect 10 images by users of Google.

11
12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 292:**

13 Google objects to this request on the grounds that it seeks information outside
14 the scope of permissible discovery, not relevant to the subject matter of the action,
15 and not reasonably calculated to lead to the discovery of admissible evidence.
16 Google further objects to the request to the extent it calls for the disclosure of
17 privileged attorney-client communications and/or work product. Google further
18 objects to this request as overbroad, oppressive, and unduly burdensome, especially
19 to the extent it calls for inaccessible electronically-stored information. Google
20 further objects to this request as vague and ambiguous as to time and with respect to
21 the terms and phrases "RELATING TO," "downloading, copying, or storing" and
22 "Perfect 10 images." Google further objects to this Request to the extent it may
23 require the production of private and confidential information of non-parties whose
24 privacy is protected by the United States Constitution; the California Constitution,
25 Art. 1, Sec. 1 (and/or all other state constitutions); the Electronic Communications
26 Privacy Act, 18 U.S.C. §§ 2510-2522, 2701-2711; and all other applicable federal
27 and state privacy laws. Google is not authorized to and cannot waive third parties'
28 statutory and constitutional privacy rights and will not produce any documents

1 implicating such rights. Google further objects to this request to the extent that it
2 references or incorporates a judicial opinion and asks Google to perform legal
3 analysis to determine the relevance of this request to that judicial opinion, thereby
4 calling for attorney work-product. Google further objects to this request in that it
5 seeks documents outside of Google's possession, custody, or control. Subject to and
6 without waiving the specific and General Objections above, Google responds that it
7 is willing to meet and confer with Perfect 10 to reach a reasonable compromise
8 limiting the scope of this request to only those materials relevant to Perfect 10's
9 claims or defenses.

10
11 **REQUEST FOR PRODUCTION NO. 293:**

12 All DOCUMENTS identifying any user of Google who accessed Perfect 10
13 images using Google Image Search or Web Search.

14
15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 293:**

16 Google objects to this request on the grounds that it seeks information outside
17 the scope of permissible discovery, not relevant to the subject matter of the action,
18 and not reasonably calculated to lead to the discovery of admissible evidence.
19 Google further objects to the request to the extent it calls for the disclosure of
20 privileged attorney-client communications and/or work product. Google further
21 objects to this request as overbroad, oppressive, and unduly burdensome, especially
22 to the extent it calls for inaccessible electronically-stored information. Google
23 further objects to this request as vague and ambiguous, especially with respect to the
24 terms and phrases "accessed" and "Perfect 10 images." Google further objects to
25 this Request to the extent it may require the production of private and confidential
26 information of non-parties whose privacy is protected by the United
27 States Constitution; the California Constitution, Art. 1, Sec. 1 (and/or all other state
28 constitutions); the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-

1 2522, 2701-2711; and all other applicable federal and state privacy laws. Google is
2 not authorized to and cannot waive third parties' statutory and constitutional privacy
3 rights and will not produce any documents implicating such rights. Google further
4 objects to this request to the extent that it references or incorporates a judicial
5 opinion and asks Google to perform legal analysis to determine the relevance of this
6 request to that judicial opinion, thereby calling for attorney work-product. Google
7 further objects to this request in that it seeks documents outside of Google's
8 possession, custody, or control.

9
10 **REQUEST FOR PRODUCTION NO. 294:**

11 All DOCUMENTS RELATING TO GOOGLE'S ability to track whether its
12 users download images located through GOOGLE'S search engine.

13
14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 294:**

15 Google objects to this request on the grounds that it seeks information outside
16 the scope of permissible discovery, not relevant to the subject matter of the action,
17 and not reasonably calculated to lead to the discovery of admissible evidence.
18 Google further objects to the request to the extent it calls for the disclosure of
19 privileged attorney-client communications and/or work product. Google further
20 objects to this request as overbroad, oppressive, and unduly burdensome, especially
21 to the extent it calls for inaccessible electronically-stored information. Google
22 further objects to this request as vague and ambiguous, especially with respect to the
23 terms and phrases "RELATING TO," "ability," "download," "images," "located"
24 and "track." Google further objects to this request as it requires production of
25 confidential, proprietary, or trade secret business information. Google further
26 objects to this request to the extent that it references or incorporates a judicial
27 opinion and asks Google to perform legal analysis to determine the relevance of this
28 request to that judicial opinion, thereby calling for attorney work-product. Subject

1 to and without waiving the specific and General Objections above, Google responds
2 that it will produce its publicly-available privacy policies with respect to personal
3 information and other data Google collects.
4

5 **REQUEST FOR PRODUCTION NO. 295:**

6 All DOCUMENTS RELATING TO the percentage or number of images
7 downloaded, copied or stored on users' computers, that are located using
8 GOOGLE'S search engine.
9

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 295:**

11 Google objects to this request on the grounds that it seeks information outside
12 the scope of permissible discovery, not relevant to the subject matter of the action,
13 and not reasonably calculated to lead to the discovery of admissible evidence.
14 Google further objects to the request to the extent it calls for the disclosure of
15 privileged attorney-client communications and/or work product. Google further
16 objects to this request as overbroad, oppressive, and unduly burdensome, especially
17 to the extent it calls for inaccessible electronically-stored information. Google
18 further objects to this request as vague and ambiguous as to time and with respect to
19 the terms and phrases "RELATING TO," "percentage," "downloaded, copied, or
20 stored" and "located." Google further objects to this request as it requires
21 production of confidential, proprietary, or trade secret business information. Google
22 further objects to this request to the extent that it references or incorporates a
23 judicial opinion and asks Google to perform legal analysis to determine the
24 relevance of this request to that judicial opinion, thereby calling for attorney work-
25 product. Google further objects to this request in that it seeks documents outside of
26 Google's possession, custody, or control.
27
28

1 **REQUEST FOR PRODUCTION NO. 296:**

2 Please produce all DOCUMENTS RELATING TO whether Google tracks
3 users in real time.
4

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 296:**

6 Google objects to this request on the grounds that it seeks information outside
7 the scope of permissible discovery, not relevant to the subject matter of the action,
8 and not reasonably calculated to lead to the discovery of admissible evidence.
9 Google further objects to the request to the extent it calls for the disclosure of
10 privileged attorney-client communications and/or work product. Google further
11 objects to this request as overbroad, oppressive, and unduly burdensome, especially
12 to the extent it calls for inaccessible electronically-stored information. Google
13 further objects to this request as vague and ambiguous, especially with respect to the
14 terms and phrases "RELATING TO," "tracks" and "real time." Google further
15 objects to this request as it requires production of confidential, proprietary, or trade
16 secret business information. Google further objects to this request to the extent that
17 it references or incorporates a judicial opinion and asks Google to perform legal
18 analysis to determine the relevance of this request to that judicial opinion, thereby
19 calling for attorney work-product. Google further objects to this request in that it
20 seeks documents outside of Google's possession, custody, or control. Subject to and
21 without waiving the specific and General Objections above, Google responds that it
22 will produce its publicly-available privacy policies with respect to personal
23 information and other data Google collects.
24

25 **REQUEST FOR PRODUCTION NO. 297:**

26 All DOCUMENTS RELATING TO whether Google tracks third party
27 websites in real time.
28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 297:**

2 Google objects to this request on the grounds that it seeks information outside
3 the scope of permissible discovery, not relevant to the subject matter of the action,
4 and not reasonably calculated to lead to the discovery of admissible evidence.

5 Google further objects to the request to the extent it calls for the disclosure of
6 privileged attorney-client communications and/or work product. Google further
7 objects to this request as overbroad, oppressive, and unduly burdensome, especially
8 to the extent it calls for inaccessible electronically-stored information. Google
9 further objects to this request as vague and ambiguous, especially with respect to the
10 terms and phrases "RELATING TO," "tracks," "users," "third party websites" and
11 "real time." Google further objects to this request as it requires production of
12 confidential, proprietary, or trade secret business information. Google further
13 objects to this request to the extent that it references or incorporates a judicial
14 opinion and asks Google to perform legal analysis to determine the relevance of this
15 request to that judicial opinion, thereby calling for attorney work-product.

16
17 **REQUEST FOR PRODUCTION NO. 298:**

18 Please produce all INTERNAL DOCUMENTS and/or INTERNAL
19 COMMUNICATIONS RELATING TO how being an AdSense website affects
20 search ranking of that site.

21
22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 298:**

23 Google objects to this request on the grounds that it seeks information outside
24 the scope of permissible discovery, not relevant to the subject matter of the action,
25 and not reasonably calculated to lead to the discovery of admissible evidence.

26 Google further objects to the request to the extent it calls for the disclosure of
27 privileged attorney-client communications and/or work product. Google further
28 objects to this request as overbroad, oppressive, and unduly burdensome, especially

1 to the extent it calls for inaccessible electronically-stored information. Google
2 further objects to this request as it requires production of confidential, proprietary,
3 or trade secret business information. Google further objects to this request as vague
4 and ambiguous, especially with respect to the terms and phrases "INTERNAL
5 DOCUMENTS and/or INTERNAL COMMUNICATIONS," "RELATING TO,"
6 "affects" and "ranking." Subject to and without waiving the specific and General
7 Objections above, Google responds that it will produce the responsive portions of its
8 publicly-available Search, AdSense and AdWords policies.

9
10 **REQUEST FOR PRODUCTION NO. 299:**

11 All INTERNAL DOCUMENTS and/or INTERNAL COMMUNICATIONS
12 RELATING TO how being an AdSense website affects the number of links Google
13 provides to that site.

14
15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 299:**

16 Google objects to this request on the grounds that it seeks information outside
17 the scope of permissible discovery, not relevant to the subject matter of the action,
18 and not reasonably calculated to lead to the discovery of admissible evidence.

19 Google further objects to the request to the extent it calls for the disclosure of
20 privileged attorney-client communications and/or work product. Google further
21 objects to this request as overbroad, oppressive, and unduly burdensome, especially
22 to the extent it calls for inaccessible electronically-stored information. Google
23 further objects to this request as it requires production of confidential, proprietary,
24 or trade secret business information. Google further objects to this request as vague
25 and ambiguous, especially with respect to the terms and phrases "INTERNAL
26 DOCUMENTS and/or INTERNAL COMMUNICATIONS," "RELATING TO,"
27 "affects," "links" and "provides." Subject to and without waiving the specific and
28

1 General Objections above, Google responds that it will produce the responsive
2 portions of its publicly-available Search, AdSense and AdWords policies.

3
4 **REQUEST FOR PRODUCTION NO. 300:**

5 All INTERNAL DOCUMENTS and/or INTERNAL COMMUNICATIONS
6 RELATING TO how being an Adwords website affects search ranking of that site.

7
8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 300:**

9 Google objects to this request on the grounds that it seeks information outside
10 the scope of permissible discovery, not relevant to the subject matter of the action,
11 and not reasonably calculated to lead to the discovery of admissible evidence.

12 Google further objects to the request to the extent it calls for the disclosure of
13 privileged attorney-client communications and/or work product. Google further
14 objects to this request as overbroad, oppressive, and unduly burdensome, especially
15 to the extent it calls for inaccessible electronically-stored information. Google
16 further objects to this request as it requires production of confidential, proprietary,
17 or trade secret business information. Google further objects to this request as vague
18 and ambiguous, especially with respect to the terms and phrases INTERNAL
19 DOCUMENTS and/or INTERNAL COMMUNICATIONS,” “RELATING TO,”
20 “affects” and “ranking.” Subject to and without waiving the specific and General
21 Objections above, Google responds that it will produce the responsive portions of its
22 publicly-available Search, AdSense and AdWords policies.

23
24 **REQUEST FOR PRODUCTION NO. 301:**

25 All INTERNAL DOCUMENTS and/or INTERNAL COMMUNICATIONS
26 RELATING TO how being an Adwords website affects the number of links Google
27 provides to that site.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 301:**

2 Google objects to this request on the grounds that it seeks information outside
3 the scope of permissible discovery, not relevant to the subject matter of the action,
4 and not reasonably calculated to lead to the discovery of admissible evidence.
5 Google further objects to the request to the extent it calls for the disclosure of
6 privileged attorney-client communications and/or work product. Google further
7 objects to this request as overbroad, oppressive, and unduly burdensome, especially
8 to the extent it calls for inaccessible electronically-stored information. Google
9 further objects to this request as it requires production of confidential, proprietary,
10 or trade secret business information. Google further objects to this request as vague
11 and ambiguous, especially with respect to the terms and phrases INTERNAL
12 DOCUMENTS and/or INTERNAL COMMUNICATIONS,” “RELATING TO,”
13 “affects,” “links” and “provides.” Subject to and without waiving the specific and
14 General Objections above, Google responds that it will produce the responsive
15 portions of its publicly-available Search, AdSense and AdWords policies.
16

17 **REQUEST FOR PRODUCTION NO. 302:**

18 Please produce all DOCUMENTS RELATING TO payments made by
19 GOOGLE to the websites listed on Exhibit D1.
20

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 302:**

22 Google objects to this request on the grounds that it seeks information outside
23 the scope of permissible discovery, not relevant to the subject matter of the action,
24 and not reasonably calculated to lead to the discovery of admissible evidence.
25 Google further objects to this request as overbroad, oppressive, and unduly
26 burdensome, especially to the extent it calls for inaccessible electronically-stored
27 information. Google further objects to the request to the extent it calls for the
28 disclosure of privileged attorney-client communications and/or work product.

1 Google further objects to this request as vague and ambiguous, especially with
2 respect to the terms and phrases “RELATING TO,” “payments” and “websites.”
3 Subject to and without waiving the specific and General Objections above, Google
4 responds that it will produce documents reflecting payments made by Google to any
5 AdSense websites for which Google investigated and verified a claim of copyright
6 infringement made by Perfect 10.

7
8 **REQUEST FOR PRODUCTION NO. 303:**

9 All DOCUMENTS RELATING TO payments made by any other ENTITY to
10 the websites listed on Exhibit D1.

11
12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 303:**

13 Google objects to this request on the grounds that it seeks information outside
14 the scope of permissible discovery, not relevant to the subject matter of the action,
15 and not reasonably calculated to lead to the discovery of admissible evidence.
16 Google further objects to the request to the extent it calls for the disclosure of
17 privileged attorney-client communications and/or work product. Google further
18 objects to this request as overbroad, oppressive, and unduly burdensome, especially
19 to the extent it calls for inaccessible electronically-stored information. Google
20 further objects to this request as vague and ambiguous, especially with respect to the
21 terms and phrases “RELATING TO,” “payments,” “ENTITY” and “websites.”
22 Google further objects to this request in that it seeks documents outside of Google’s
23 possession, custody, or control.

24
25 **REQUEST FOR PRODUCTION NO. 304:**

26 All DOCUMENTS RELATING TO the percentage of total revenues
27 GOOGLE’S payments constituted for those websites.

28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 304:**

2 Google objects to this request on the grounds that it seeks information outside
3 the scope of permissible discovery, not relevant to the subject matter of the action,
4 and not reasonably calculated to lead to the discovery of admissible evidence.
5 Google further objects to this request as it requires production of confidential,
6 proprietary, or trade secret business information. Google further objects to the
7 request to the extent it calls for the disclosure of privileged attorney-client
8 communications and/or work product. Google further objects to this request to the
9 extent that it references or incorporates a judicial opinion and asks Google to
10 perform legal analysis to determine the relevance of this request to that judicial
11 opinion, thereby calling for attorney work-product. Google further objects to this
12 request as vague and ambiguous, especially with respect to the terms and phrases
13 "RELATING TO," "percentage," "total revenue," "payments," "constituted" and
14 "websites." Google further objects to this request in that it seeks documents outside
15 of Google's possession, custody, or control.

16
17 **REQUEST FOR PRODUCTION NO. 305:**

18 All DOCUMENTS RELATING TO the percentage of total revenues AdSense
19 payments make up generally for AdSense sites.

20
21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 305:**

22 Google objects to this request on the grounds that it seeks information outside
23 the scope of permissible discovery, not relevant to the subject matter of the action,
24 and not reasonably calculated to lead to the discovery of admissible evidence.
25 Google further objects to this request as overbroad, oppressive, and unduly
26 burdensome, especially to the extent it calls for inaccessible electronically-stored
27 information. Google further objects to the request to the extent it calls for the
28 disclosure of privileged attorney-client communications and/or work product.

1 Google further objects to this request as vague and ambiguous, especially with
2 respect to the terms and phrases “RELATING TO,” “percentage,” “total revenue,”
3 “payments,” “make up” and “generally.” Google further objects to this request to
4 the extent that it references or incorporates a judicial opinion and asks Google to
5 perform legal analysis to determine the relevance of this request to that judicial
6 opinion, thereby calling for attorney work-product. Google further objects to this
7 request in that it seeks documents outside of Google’s possession, custody, or
8 control.

9
10 **REQUEST FOR PRODUCTION NO. 306:**

11 All DOCUMENTS RELATING TO AdSense websites relying on Google
12 AdSense for their continued existence.

13
14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 306:**

15 Google objects to this request on the grounds that it seeks information outside
16 the scope of permissible discovery, not relevant to the subject matter of the action,
17 and not reasonably calculated to lead to the discovery of admissible evidence.
18 Google further objects to this request as overbroad, oppressive, and unduly
19 burdensome, especially to the extent it calls for inaccessible electronically-stored
20 information. Google further objects to the request to the extent it calls for the
21 disclosure of privileged attorney-client communications and/or work product.
22 Google further objects to this request as vague and ambiguous, especially with
23 respect to the terms and phrases “RELATING TO,” “relying” and “continued
24 existence.” Google further objects to this request to the extent that it references or
25 incorporates a judicial opinion and asks Google to perform legal analysis to
26 determine the relevance of this request to that judicial opinion, thereby calling for
27 attorney work-product. Google further objects to this request in that it seeks
28 documents outside of Google’s possession, custody, or control.

1 **REQUEST FOR PRODUCTION NO. 307:**

2 All DOCUMENTS RELATING TO AdSense websites being created with the
3 purpose of profiting from the display of AdSense advertisements.
4

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 307:**

6 Google objects to this request on the grounds that it seeks information outside
7 the scope of permissible discovery, not relevant to the subject matter of the action,
8 and not reasonably calculated to lead to the discovery of admissible evidence.

9 Google further objects to this request as overbroad, oppressive, and unduly
10 burdensome, especially to the extent it calls for inaccessible electronically-stored
11 information. Google further objects to the request to the extent it calls for the
12 disclosure of privileged attorney-client communications and/or work product.
13 Google further objects to this request as vague and ambiguous, especially with
14 respect to the terms and phrases “RELATING TO,” “being created,” “purpose,”
15 “profiting” and “display.” Google further objects to this request to the extent that it
16 references or incorporates a judicial opinion and asks Google to perform legal
17 analysis to determine the relevance of this request to that judicial opinion, thereby
18 calling for attorney work-product. Google further objects to this request in that it
19 seeks documents outside of Google’s possession, custody, or control.
20

21 **REQUEST FOR PRODUCTION NO. 308:**

22 Please produce all DOCUMENTS RELATING TO the extent to which
23 Google benefits financially from copyright infringement by third-party websites.
24

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 308:**

26 Google objects to this request on the grounds that it seeks information outside
27 the scope of permissible discovery, not relevant to the subject matter of the action,
28 and not reasonably calculated to lead to the discovery of admissible evidence.

1 Google further objects to this request as overbroad, oppressive, and unduly
2 burdensome, especially to the extent it calls for inaccessible electronically-stored
3 information. Google further objects to this request as vague and ambiguous,
4 especially with respect to the terms and phrases “RELATING TO,” “extent,”
5 “benefits,” “copyright infringement” and “third-party websites.” Google further
6 objects to this request because it calls for a legal conclusion as to what constitutes
7 “copyright infringement.” Google further objects to this request to the extent that it
8 references or incorporates a judicial opinion and asks Google to perform legal
9 analysis to determine the relevance of this request to that judicial opinion, thereby
10 calling for attorney work-product. Google further objects to the request to the extent
11 it calls for the disclosure of privileged attorney-client communications and/or work
12 product.

13
14 **REQUEST FOR PRODUCTION NO. 309:**

15 All DOCUMENTS RELATING TO the extent to which users are drawn to
16 Google Image Search because copies of Perfect 10’s photos can be viewed for free.

17
18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 309:**

19 Google objects to this request on the grounds that it seeks information outside
20 the scope of permissible discovery, not relevant to the subject matter of the action,
21 and not reasonably calculated to lead to the discovery of admissible evidence.
22 Google further objects to this request as overbroad, oppressive, and unduly
23 burdensome, especially to the extent it calls for inaccessible electronically-stored
24 information. Google further objects to this request to the extent it requires
25 production of confidential, proprietary, or trade secret business information. Google
26 further objects to this request as vague and ambiguous, especially with respect to the
27 terms and phrases “RELATING TO,” “extent,” “drawn,” “because,” “copies of
28 Perfect 10’s photos” and “viewed.” Google further objects to this request to the

1 extent that it references or incorporates a judicial opinion and asks Google to
2 perform legal analysis to determine the relevance of this request to that judicial
3 opinion, thereby calling for attorney work-product. Google further objects to the
4 request to the extent it calls for the disclosure of privileged attorney-client
5 communications and/or work product.

6
7 **REQUEST FOR PRODUCTION NO. 310:**

8 All DOCUMENTS RELATING TO the extent to which users are drawn to
9 Google Image Search because infringing materials are available for free.

10
11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 310:**

12 Google objects to this request on the grounds that it seeks information outside
13 the scope of permissible discovery, not relevant to the subject matter of the action,
14 and not reasonably calculated to lead to the discovery of admissible evidence.
15 Google further objects to this request as overbroad, oppressive, and unduly
16 burdensome, especially to the extent it calls for inaccessible electronically-stored
17 information. Google further objects to this request as vague and ambiguous,
18 especially with respect to the terms and phrases “RELATING TO,” “extent,”
19 “drawn,” “infringing materials” and “available.” Google further objects to this
20 request to the extent it requires production of confidential, proprietary, or trade
21 secret business information. Google further objects to this request because it calls
22 for a legal conclusion as to what constitutes “infringing materials.” Google further
23 objects to this request to the extent that it references or incorporates a judicial
24 opinion and asks Google to perform legal analysis to determine the relevance of this
25 request to that judicial opinion, thereby calling for attorney work-product. Google
26 further objects to the request to the extent it calls for the disclosure of privileged
27 attorney-client communications and/or work product.

28

1 **REQUEST FOR PRODUCTION NO. 311:**

2 All DOCUMENTS RELATING TO the extent to which users are drawn to
3 Google because infringing materials are available for free.
4

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 311:**

6 Google objects to this request on the grounds that it seeks information outside
7 the scope of permissible discovery, not relevant to the subject matter of the action,
8 and not reasonably calculated to lead to the discovery of admissible evidence.
9 Google further objects to this request as overbroad, oppressive, and unduly
10 burdensome, especially to the extent it calls for inaccessible electronically-stored
11 information. Google further objects to this request as vague and ambiguous,
12 especially with respect to the terms and phrases "RELATING TO," "extent,"
13 "drawn," "because," "infringing materials" and "available." Google further objects
14 to this request because it calls for a legal conclusion as to what constitutes
15 "infringing materials." Google further objects to this request as it requires
16 production of confidential, proprietary, or trade secret business information. Google
17 further objects to this request to the extent that it references or incorporates a
18 judicial opinion and asks Google to perform legal analysis to determine the
19 relevance of this request to that judicial opinion, thereby calling for attorney work-
20 product. Google further objects to the request to the extent it calls for the disclosure
21 of privileged attorney-client communications and/or work product.
22

23 **REQUEST FOR PRODUCTION NO. 312:**

24 All DOCUMENTS RELATING TO the extent that Google benefits the more
25 users visit and use Google Image Search.
26
27
28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 312:**

2 Google objects to this request on the grounds that it seeks information outside
3 the scope of permissible discovery, not relevant to the subject matter of the action,
4 and not reasonably calculated to lead to the discovery of admissible evidence.
5 Google further objects to this request as overbroad, oppressive, and unduly
6 burdensome, especially to the extent it calls for inaccessible electronically-stored
7 information. Google further objects to this request as vague and ambiguous,
8 especially with respect to the terms and phrases “RELATING TO,” “visit and use,”
9 “extent” and “benefits.” Google further objects to this request as it requires
10 production of confidential, proprietary, or trade secret business information. Google
11 further objects to the request to the extent it calls for the disclosure of privileged
12 attorney-client communications and/or work product. Google further objects to this
13 request to the extent that it references or incorporates a judicial opinion and asks
14 Google to perform legal analysis to determine the relevance of this request to that
15 judicial opinion, thereby calling for attorney work-product.

16
17 **REQUEST FOR PRODUCTION NO. 313:**

18 All DOCUMENTS RELATING TO the extent that an increase in Google’s
19 traffic leads to increased advertising revenue, brand awareness, and/or market clout
20 for Google.

21
22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 313:**

23 Google objects to this request on the grounds that it seeks information outside
24 the scope of permissible discovery, not relevant to the subject matter of the action,
25 and not reasonably calculated to lead to the discovery of admissible evidence.
26 Google further objects to this request as overbroad, oppressive, and unduly
27 burdensome, especially to the extent it calls for inaccessible electronically-stored
28 information. Google further objects to this request as vague and ambiguous,

1 especially with respect to the terms and phrases “RELATING TO,” “extent,”
2 “traffic,” “brand awareness” and “market clout.” Google further objects to this
3 request to the extent that it requires production of confidential, proprietary, or trade
4 secret business information. Google further objects to the request to the extent it
5 calls for the disclosure of privileged attorney-client communications and/or work
6 product. Google further objects to this request to the extent that it references or
7 incorporates a judicial opinion and asks Google to perform legal analysis to
8 determine the relevance of this request to that judicial opinion, thereby calling for
9 attorney work-product.

10
11 **REQUEST FOR PRODUCTION NO. 314:**

12 All e-mails and other communications with the owners or operators of the
13 websites listed in Exhibit D1.

14
15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 314:**

16 Google objects to this request on the grounds that it seeks information outside
17 the scope of permissible discovery, not relevant to the subject matter of the action,
18 and not reasonably calculated to lead to the discovery of admissible evidence.
19 Google further objects to this request as partially duplicative of previous Document
20 Request No. 29. Google further objects to this request as overbroad, oppressive, and
21 unduly burdensome, especially to the extent it calls for inaccessible electronically-
22 stored information. Subject to and without waiving the specific and General
23 Objections above, Google responds that it will produce documents reflecting (1)
24 communications between Google and any AdSense websites for which Google
25 investigated and verified a claim of copyright infringement made by Perfect 10, and
26 (2) DMCA counter-notification communications between Google and any website
27 for which Google investigated and verified a claim of copyright infringement made
28 by Perfect 10.

1 **REQUEST FOR PRODUCTION NO. 315:**

2 All INTERNAL DOCUMENTS and/or INTERNAL communications
3 RELATING TO GOOGLE'S knowledge that infringing Perfect 10 images were
4 available using its search engine.
5

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 315:**

7 Google objects to this request as it is duplicative of previous Document
8 Requests Nos. 5, 6, 7, 8, 13, 28, 55, 56, 132, 168, 169, and 309. Google further
9 objects to this request as overbroad, oppressive, and unduly burdensome, especially
10 to the extent it calls for inaccessible electronically-stored information. Google
11 further objects to this request as harassing due to the large number of previous
12 requests it duplicates. Google further objects to this request as vague and
13 ambiguous, especially with respect to the terms and phrases "INTERNAL
14 DOCUMENTS and/or INTERNAL communications," "RELATING TO,"
15 "knowledge," "infringing," "Perfect 10 images," "available" and "using." Google
16 further objects to this request because it calls for a legal conclusion as to what
17 constitutes "infringing images." Google further objects to this request to the extent
18 that it references or incorporates a judicial opinion and asks Google to perform legal
19 analysis to determine the relevance of this request to that judicial opinion, thereby
20 calling for attorney work-product. Google further objects to the request to the extent
21 it requires the disclosure of privileged attorney-client communications and/or work
22 product. Subject to and without waiving the specific and General Objections above,
23 Google responds that it has produced documents responsive to this request in
24 response to Perfect 10's previous Requests for Production Nos. 1, 2, 3, 4, 5, 6, 7, 8,
25 13, 28, 55 and 56. Google will continue to supplement its production regarding
26 these requests as appropriate.
27
28

1 **REQUEST FOR PRODUCTION NO. 316:**

2 All INTERNAL DOCUMENTS and/or INTERNAL communications
3 RELATING TO measures GOOGLE could take to prevent damage to Perfect 10's
4 copyrighted works.

5
6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 316:**

7 Google objects to this request on the grounds that it seeks information outside
8 the scope of permissible discovery, not relevant to the subject matter of the action,
9 and not reasonably calculated to lead to the discovery of admissible evidence.
10 Google further objects to this request as it is duplicative of previous Document
11 Requests Nos. 6, 7, 8, 13, 28, 55, 56, 132 and 169. Google further objects to this
12 request as overbroad, oppressive, and unduly burdensome, especially to the extent it
13 calls for inaccessible electronically-stored information. Google objects to this
14 request as harassing due to the large number of previous requests it duplicates.
15 Google further objects to this request as vague and ambiguous, especially with
16 respect to the terms and phrases "INTERNAL DOCUMENTS and/or INTERNAL
17 communications," "RELATING TO," "measures," "could," "damage" and "Perfect
18 10's copyrighted works." Google further objects to this request as argumentative,
19 compound and incomprehensible in that it incorporates incorrect or unfounded
20 assumptions by Perfect 10, and presumes burdens not imposed by applicable law.
21 Google further objects to this request because it calls for a legal conclusion as to
22 what constitutes "measures," "damage" and "copyrighted works." Google further
23 objects to this request as it requires production of confidential, proprietary, or trade
24 secret business information. Google further objects to this request to the extent that
25 it references or incorporates a judicial opinion and asks Google to perform legal
26 analysis to determine the relevance of this request to that judicial opinion, thereby
27 calling for attorney work-product. Google further objects to the request to the extent
28 it calls for the disclosure of privileged attorney-client communications and/or work

1 product. Subject to and without waiving the specific and General Objections above,
2 Google responds that it has produced documents responsive to this request in
3 response to Perfect 10's previous Requests for Production Nos. 6, 7, 8, 13, 28, 55
4 and 56. Google will continue to supplement its production regarding these requests
5 as appropriate.

6
7 **REQUEST FOR PRODUCTION NO. 317:**

8 All INTERNAL DOCUMENTS and/or INTERNAL communications
9 RELATING TO GOOGLE's failure to take such steps.

10
11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 317:**

12 Google objects to this request on the grounds that it seeks information outside
13 the scope of permissible discovery, not relevant to the subject matter of the action,
14 and not reasonably calculated to lead to the discovery of admissible evidence.
15 Google further objects to this request as it is duplicative of previous Document
16 Requests Nos. 6, 7, 8, 13, 28, 55, 56, 132 and 169. Google further objects to this
17 request as overbroad, oppressive, and unduly burdensome, especially to the extent it
18 calls for inaccessible electronically-stored information. Google objects to this
19 request as harassing due to the large number of previous requests it duplicates.
20 Google further objects to this request as vague and ambiguous, especially with
21 respect to the terms and phrases "INTERNAL DOCUMENTS and/or INTERNAL
22 communications," "RELATING TO," "failure" and "such steps." Google further
23 objects to this request as argumentative, compound and incomprehensible in that it
24 incorporates incorrect or unfounded assumptions by Perfect 10, and presumes
25 burdens not imposed by applicable law. Google further objects to this request as it
26 requires production of confidential, proprietary, or trade secret business information.
27 Google further objects to this request because it calls for a legal conclusion. Google
28 further objects to this request to the extent that it references or incorporates a

1 judicial opinion and asks Google to perform legal analysis to determine the
2 relevance of this request to that judicial opinion, thereby calling for attorney work-
3 product. Google further objects to the request to the extent it calls for the disclosure
4 of privileged attorney-client communications and/or work product. Subject to and
5 without waiving the specific and General Objections above, Google responds that it
6 has produced documents responsive to this request in response to Perfect 10's
7 previous Requests for Production Nos. 6, 7, 8, 13, 28, 55 and 56. Google will
8 continue to supplement its production regarding these requests as appropriate.

9
10 **REQUEST FOR PRODUCTION NO. 318:**

11 All DOCUMENTS RELATING TO GOOGLE'S awareness of the
12 availability of image recognition software.

13
14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 318:**

15 Google objects to this request on the grounds that it seeks information outside
16 the scope of permissible discovery, not relevant to the subject matter of the action,
17 and not reasonably calculated to lead to the discovery of admissible evidence.
18 Google further objects to this request as it is duplicative of previous Document
19 Request No. 174. Google further objects to this request as overbroad, oppressive,
20 and unduly burdensome, especially to the extent it calls for inaccessible
21 electronically-stored information. Google further objects to this request as vague
22 and ambiguous, especially with respect to the terms and phrases "RELATING TO,"
23 "awareness," "availability" and "image recognition software." Google further
24 objects to this request as it requires production of confidential, proprietary, or trade
25 secret business information. Google further objects to the request to the extent it
26 calls for the disclosure of privileged attorney-client communications and/or work
27 product. Google further objects to this request to the extent that it references or
28 incorporates a judicial opinion and asks Google to perform legal analysis to

1 determine the relevance of this request to that judicial opinion, thereby calling for
2 attorney work-product.

3
4 **REQUEST FOR PRODUCTION NO. 319:**

5 All DOCUMENTS RELATING TO GOOGLE’S attempts to use image
6 recognition software to locate Perfect 10 images in its Image Search Index.

7
8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 319:**

9 Google objects to this request on the grounds that it seeks information outside
10 the scope of permissible discovery, not relevant to the subject matter of the action,
11 and not reasonably calculated to lead to the discovery of admissible evidence.
12 Google objects to this request as it is duplicative of previous Document Requests
13 Nos. 174 and 318. Google further objects to this request as overbroad, oppressive,
14 and unduly burdensome, especially to the extent it calls for inaccessible
15 electronically-stored information. Google further objects to this request as vague
16 and ambiguous, especially with respect to the terms and phrases “RELATING TO,”
17 “use,” “image recognition software,” “locate” and “Perfect 10 images.” Google
18 further objects to this request as it requires production of confidential, proprietary,
19 or trade secret business information. Google further objects to this request to the
20 extent that it references or incorporates a judicial opinion and asks Google to
21 perform legal analysis to determine the relevance of this request to that judicial
22 opinion, thereby calling for attorney work-product. Google further objects to the
23 request to the extent it calls for the disclosure of privileged attorney-client
24 communications and/or work product.

25
26 **REQUEST FOR PRODUCTION NO. 320:**

27 All DOCUMENTS RELATING TO GOOGLE’S attempts to locate
28 Perfect 10 images in its Image Search Index.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 320:**

2 Google objects to this request on the grounds that it seeks information outside
3 the scope of permissible discovery, not relevant to the subject matter of the action,
4 and not reasonably calculated to lead to the discovery of admissible evidence.
5 Google further objects to this request as it is duplicative of previous Document
6 Requests Nos. 5, 6, 7, 8, 13, 28, 55, 56, 132, 168, 169, 309 and 315. Google further
7 objects to this request as overbroad, oppressive, and unduly burdensome, especially
8 to the extent it calls for inaccessible electronically-stored information. Google
9 objects to this request as harassing due to the large number of previous requests it
10 duplicates. Google further objects to this request as vague and ambiguous,
11 especially with respect to the terms and phrases “RELATING TO,” “attempts,”
12 “locate” and “Perfect 10 images.” Google further objects to this request as it
13 requires production of confidential, proprietary, or trade secret business information.
14 Google further objects to this request to the extent that it references or incorporates a
15 judicial opinion and asks Google to perform legal analysis to determine the
16 relevance of this request to that judicial opinion, thereby calling for attorney work-
17 product. Google further objects to the request to the extent it calls for the disclosure
18 of privileged attorney-client communications and/or work product. Subject to and
19 without waiving the specific and General Objections above, Google responds that it
20 has produced documents responsive to this request in response to Perfect 10’s
21 previous Requests for Production Nos. 5, 6, 7, 8, 13, 28, 55 and 56 Google will
22 continue to supplement its production regarding these requests as appropriate.

23
24 **REQUEST FOR PRODUCTION NO. 321:**

25 All DOCUMENTS RELATING TO downloading of Perfect 10 images onto
26 cell phones.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 321:**

2 Google objects to this request on the grounds that it seeks information outside
3 the scope of permissible discovery, not relevant to the subject matter of the action,
4 and not reasonably calculated to lead to the discovery of admissible evidence.
5 Google further objects to this request as overbroad, oppressive, and unduly
6 burdensome, especially to the extent it calls for inaccessible electronically-stored
7 information. Google further objects to this Request to the extent it may require the
8 production of private and confidential information of non-parties whose privacy is
9 protected by the United States Constitution; the California Constitution, Art. 1, Sec.
10 1 (and/or all other state constitutions); the Electronic Communications Privacy Act,
11 18 U.S.C. §§ 2510-2522, 2701-2711; and all other applicable federal and state
12 privacy laws. Google is not authorized to and cannot waive third parties' statutory
13 and constitutional privacy rights and will not produce any documents implicating
14 such rights. Google further objects to this request as vague and ambiguous,
15 especially with respect to the terms and phrases "RELATING TO," "downloading"
16 and "Perfect 10 images." Google further objects to the request to the extent it calls
17 for the disclosure of privileged attorney-client communications and/or work product.
18 Google further objects to this request to the extent that it references or incorporates a
19 judicial opinion and asks Google to perform legal analysis to determine the
20 relevance of this request to that judicial opinion, thereby calling for attorney work-
21 product. Google further objects to this request in that it seeks documents outside of
22 Google's possession, custody, or control. Subject to and without waiving the
23 specific and General Objections above (including the privacy objections noted
24 above), Google responds that it is willing to meet and confer with Perfect 10 to
25 reach a reasonable compromise limiting the scope of this request to only those
26 materials relevant to Perfect 10's claims or defenses.

27
28

1 **REQUEST FOR PRODUCTION NO. 322:**

2 All DOCUMENTS RELATING TO what records GOOGLE keeps of which
3 images are downloaded onto cell phones.
4

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 322:**

6 Google objects to this request on the grounds that it seeks information outside
7 the scope of permissible discovery, not relevant to the subject matter of the action,
8 and not reasonably calculated to lead to the discovery of admissible evidence.

9 Google further objects to this request as overbroad, oppressive, and unduly
10 burdensome, especially to the extent it calls for inaccessible electronically-stored
11 information. Google further objects to this Request to the extent it may require the
12 production of private and confidential information of non-parties whose privacy is
13 protected by the United States Constitution; the California Constitution, Art. 1, Sec.
14 1 (and/or all other state constitutions); the Electronic Communications Privacy Act,
15 18 U.S.C. §§ 2510-2522, 2701-2711; and all other applicable federal and state
16 privacy laws. Google is not authorized to and cannot waive third parties' statutory
17 and constitutional privacy rights and will not produce any documents implicating
18 such rights. Google further objects to this request as vague and ambiguous,
19 especially with respect to the terms and phrases "RELATING TO," "keeps" and
20 "downloaded." Google further objects to this request as it requires production of
21 confidential, proprietary, or trade secret business information. Google further
22 objects to the request to the extent it calls for the disclosure of privileged attorney-
23 client communications and/or work product. Subject to and without waiving the
24 specific and General Objections above (including the privacy objections noted
25 above), Google responds that it is willing to meet and confer with Perfect 10 to
26 reach a reasonable compromise limiting the scope of this request to only those
27 materials relevant to Perfect 10's claims or defenses.
28

1 **REQUEST FOR PRODUCTION NO. 323:**

2 All DOCUMENTS RELATING TO GOOGLE'S revenue attributable to
3 websites that contain infringing content.
4

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 323:**

6 Google objects to this request on the grounds that it seeks information outside
7 the scope of permissible discovery, not relevant to the subject matter of the action,
8 and not reasonably calculated to lead to the discovery of admissible evidence.
9 Google further objects to this request as overbroad, oppressive, and unduly
10 burdensome, especially to the extent it calls for inaccessible electronically-stored
11 information. Google further objects to this request as vague and ambiguous,
12 especially with respect to the terms and phrases "RELATING TO," "attributable,"
13 "contain" and "infringing content." Google further objects to this request as it
14 requires production of confidential, proprietary, or trade secret business information
15 of Google and the websites in question. Google further objects to this request
16 because it calls for a legal conclusion regarding what constitutes "infringing
17 content." Google further objects to this request to the extent that it references or
18 incorporates a judicial opinion and asks Google to perform legal analysis to
19 determine the relevance of this request to that judicial opinion, thereby calling for
20 attorney work-product. Google further objects to the request to the extent it calls for
21 the disclosure of privileged attorney-client communications and/or work product.
22 Subject to and without waiving the specific and General Objections above, Google
23 responds that it will produce documents reflecting Google's advertising revenue
24 attributable to any AdSense websites (following Google's provision of notice to
25 those websites) for which Google investigated and verified a claim of copyright
26 infringement made by Perfect 10, subject to further meet and confer discussions
27 with Perfect 10 regarding the imposition of a reasonable limitation on the temporal
28 scope of this request.

1 **REQUEST FOR PRODUCTION NO. 324:**

2 All DOCUMENTS RELATING TO GOOGLE'S revenue attributable to the
3 websites listed on Exhibit D1.

4
5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 324:**

6 Google objects to this request as overbroad, oppressive, and unduly
7 burdensome, especially to the extent it calls for inaccessible electronically-stored
8 information. Google further objects to this request as vague and ambiguous,
9 especially with respect to the terms "RELATING TO" and "attributable." Google
10 further objects to this request as it requires production of confidential, proprietary,
11 or trade secret business information of Google and the websites in question. Google
12 further objects to this request to the extent that it references or incorporates a
13 judicial opinion and asks Google to perform legal analysis to determine the
14 relevance of this request to that judicial opinion, thereby calling for attorney work-
15 product. Google further objects to the request to the extent it calls for the disclosure
16 of privileged attorney-client communications and/or work product. Subject to and
17 without waiving the specific and General Objections above, Google responds that it
18 will produce documents reflecting Google's advertising revenue attributable to any
19 AdSense websites (following Google's provision of notice to those websites) for
20 which Google investigated and verified a claim of copyright infringement made by
21 Perfect 10, subject to further meet and confer discussions with Perfect 10 regarding
22 the imposition of a reasonable limitation on the temporal scope of this request.

23
24 **REQUEST FOR PRODUCTION NO. 325:**

25 All DOCUMENTS RELATING TO GOOGLE'S revenue attributable to any
26 website that has been mentioned in any of Perfect 10's notices of infringement.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 325:**

2 Google objects to this request on the grounds that it seeks information outside
3 the scope of permissible discovery, not relevant to the subject matter of the action,
4 and not reasonably calculated to lead to the discovery of admissible evidence.

5 Google further objects to this request as overbroad, oppressive, and unduly
6 burdensome, especially to the extent it calls for inaccessible electronically-stored
7 information. Google further objects to this request as vague and ambiguous,
8 especially with respect to the terms and phrases "Perfect 10's notices of
9 infringement," "RELATING TO" and "attributable." Google further objects to this
10 request as it requires production of confidential, proprietary, or trade secret business
11 information of Google and the websites in question. Google further objects to this
12 request because it calls for a legal conclusion. Google further objects to this request
13 to the extent that it references or incorporates a judicial opinion and asks Google to
14 perform legal analysis to determine the relevance of this request to that judicial
15 opinion, thereby calling for attorney work-product. Google further objects to the
16 request to the extent it calls for the disclosure of privileged attorney-client
17 communications and/or work product. Subject to and without waiving the specific
18 and General Objections above, Google responds that it will produce documents
19 reflecting Google's advertising revenue attributable to any AdSense websites
20 (following Google's provision of notice to those websites) for which Google
21 investigated and verified a claim of copyright infringement made by Perfect 10,
22 subject to further meet and confer discussions with Perfect 10 regarding the
23 imposition of a reasonable limitation on the temporal scope of this request.

24
25 **REQUEST FOR PRODUCTION NO. 326:**

26 All DOCUMENTS RELATING TO GOOGLE users logging onto the
27 Perfect 10 website with unauthorized passwords obtained from GOOGLE.

28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 326:**

2 Google objects to this request on the grounds that it seeks information outside
3 the scope of permissible discovery, not relevant to the subject matter of the action,
4 and not reasonably calculated to lead to the discovery of admissible evidence.
5 Google further objects to this request as argumentative, irrelevant, compound and
6 incomprehensible in that it incorporates incorrect or unfounded assumptions by
7 Perfect 10, and presumes burdens not imposed by applicable law, especially in light
8 of the Ninth Circuit's finding that the "burden of determining whether passwords on
9 a website enabled infringement is not on the service provider." *Perfect 10, Inc. v.*
10 *CCBill Inc.*, 488 F.3d 1102, 1114 (9th. Cir. 2007). Google further objects to this
11 request as overbroad, oppressive, and unduly burdensome, especially to the extent it
12 calls for inaccessible electronically-stored information. Google further objects to
13 this request in that it seeks documents that are equally available to Perfect 10
14 because they are currently in Perfect 10's possession, under Perfect 10's control, or
15 in the possession or control of the Plaintiff's attorney or agents. Google further
16 objects to this request as vague and ambiguous, especially with respect to the terms
17 and phrases "unauthorized," "RELATING TO" and "obtained." Google further
18 objects to the request to the extent it calls for the disclosure of privileged attorney-
19 client communications and/or work product. Google further objects to this requests
20 as it calls for a legal conclusion as to what is an "unauthorized" password. Google
21 further objects to this Request to the extent it may require the production of private
22 and confidential information of non-parties whose privacy is protected by the United
23 States Constitution; the California Constitution, Art. 1, Sec. 1 (and/or all other state
24 constitutions); the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-
25 2522, 2701-2711; and all other applicable federal and state privacy laws. Google is
26 not authorized to and cannot waive third parties' statutory and constitutional privacy
27 rights and will not produce any documents implicating such rights. Google further
28 objects to this request to the extent that it references or incorporates a judicial

1 opinion and asks Google to perform legal analysis to determine the relevance of this
2 request to that judicial opinion, thereby calling for attorney work-product. Google
3 further objects to this request in that it seeks documents outside of Google's
4 possession, custody, or control.

5
6 **REQUEST FOR PRODUCTION NO. 327:**

7 All DOCUMENTS identifying any user of Google who conducted a search
8 for a Perfect 10 password.

9
10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 327:**

11 Google objects to this request on the grounds that it seeks information outside
12 the scope of permissible discovery, not relevant to the subject matter of the action,
13 and not reasonably calculated to lead to the discovery of admissible evidence.
14 Google further objects to this request as argumentative, irrelevant, compound and
15 incomprehensible in that it incorporates incorrect or unfounded assumptions by
16 Perfect 10, and presumes burdens not imposed by applicable law, especially in light
17 of the Ninth Circuit's finding that the "burden of determining whether passwords on
18 a website enabled infringement is not on the service provider." *Perfect 10, Inc. v.*
19 *CCBill Inc.*, 488 F.3d 1102, 1114 (9th. Cir. 2007). Google further objects to this
20 request as overbroad, oppressive, and unduly burdensome, especially to the extent it
21 calls for inaccessible electronically-stored information. Google further objects to
22 this request as vague and ambiguous, especially with respect to the terms and
23 phrases "identifying," "conducted a search" and "Perfect 10 password." Google
24 further objects to this Request to the extent it may require the production of private
25 and confidential information of non-parties whose privacy is protected by the United
26 States Constitution; the California Constitution, Art. 1, Sec. 1 (and/or all other state
27 constitutions); the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-
28 2522, 2701-2711; and all other applicable federal and state privacy laws. Google is

1 not authorized to and cannot waive third parties' statutory and constitutional privacy
2 rights and will not produce any documents implicating such rights. Google further
3 objects to the request to the extent it calls for the disclosure of privileged attorney-
4 client communications and/or work product.

5
6 **REQUEST FOR PRODUCTION NO. 328:**

7 All DOCUMENTS RELATING TO GOOGLE users transferring to the
8 Perfect 10 website from Google search results containing a password for the
9 Perfect 10 website.

10
11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 328:**

12 Google objects to this request on the grounds that it seeks information outside
13 the scope of permissible discovery, not relevant to the subject matter of the action,
14 and not reasonably calculated to lead to the discovery of admissible evidence.
15 Google further objects to this request as overbroad, oppressive, and unduly
16 burdensome, especially to the extent it calls for inaccessible electronically-stored
17 information. Google further objects to this request as argumentative, irrelevant,
18 compound and incomprehensible in that it incorporates incorrect or unfounded
19 assumptions by Perfect 10, and presumes burdens not imposed by applicable law,
20 especially in light of the Ninth Circuit's finding that the "burden of determining
21 whether passwords on a website enabled infringement is not on the service
22 provider." *Perfect 10, Inc. v. CCBill Inc.*, 488 F.3d 1102, 1114 (9th. Cir. 2007).
23 Google further objects to this request as vague and ambiguous, especially with
24 respect to the terms and phrases "RELATING TO," "transferring" and "search
25 results containing a password for the Perfect 10 website." Google further objects to
26 the request to the extent it calls for the disclosure of privileged attorney-client
27 communications and/or work product. Google further objects to this request in that
28 it seeks documents outside of Google's possession, custody, or control.

1 **REQUEST FOR PRODUCTION NO. 329:**

2 All DOCUMENTS RELATING TO GOOGLE's ability to track users who
3 conduct searches for passwords to websites.

4
5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 329:**

6 Google objects to this request on the grounds that it seeks information outside
7 the scope of permissible discovery, not relevant to the subject matter of the action,
8 and not reasonably calculated to lead to the discovery of admissible evidence.

9 Google further objects to this request as argumentative, irrelevant, compound and
10 incomprehensible in that it incorporates incorrect or unfounded assumptions by
11 Perfect 10, and presumes burdens not imposed by applicable law, especially in light
12 of the Ninth Circuit's finding that the "burden of determining whether passwords on
13 a website enabled infringement is not on the service provider." *Perfect 10, Inc. v.*

14 *CCBill Inc.*, 488 F.3d 1102, 1114 (9th. Cir. 2007). Google objects to this request as
15 it is duplicative of previous Document Request No. 294. Google further objects to
16 this request as overbroad, oppressive, and unduly burdensome, especially to the
17 extent it calls for inaccessible electronically-stored information. Google further
18 objects to this request as vague and ambiguous, especially with respect to the terms
19 and phrases "ability," "RELATING TO," "track" and "conducted searches."

20 Google further objects to this request as it requires production of confidential,
21 proprietary, or trade secret business information. Google further objects to the
22 request to the extent it calls for the disclosure of privileged attorney-client
23 communications and/or work product. Subject to and without waiving the specific
24 and General Objections above, Google responds that it will produce its publicly-
25 available privacy policies with respect to personal information and other data
26 Google collects.

27
28

1 **REQUEST FOR PRODUCTION NO. 330:**

2 DOCUMENTS sufficient to understand what tracking of searches GOOGLE
3 undertakes for Google users.

4
5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 330:**

6 Google objects to this request on the grounds that it seeks information outside
7 the scope of permissible discovery, not relevant to the subject matter of the action,
8 and not reasonably calculated to lead to the discovery of admissible evidence.

9 Google further objects to this request as overbroad, oppressive, and unduly
10 burdensome, especially to the extent it calls for inaccessible electronically-stored
11 information. Google further objects to this request as vague and ambiguous,
12 especially with respect to the terms “understand,” “undertakes” and “tracking.”

13 Google further objects to this request as it requires production of confidential,
14 proprietary, or trade secret business information. Google further objects to the
15 request to the extent it calls for the disclosure of privileged attorney-client
16 communications and/or work product. Subject to and without waiving the specific
17 and General Objections above, Google responds that it will produce its publicly-
18 available privacy policies with respect to personal information and other data
19 Google collects.

20
21 **REQUEST FOR PRODUCTION NO. 331:**

22 DOCUMENTS sufficient to understand what records GOOGLE maintains
23 regarding searches made by Google users.

24
25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 331:**

26 Google objects to this request on the grounds that it seeks information outside
27 the scope of permissible discovery, not relevant to the subject matter of the action,
28 and not reasonably calculated to lead to the discovery of admissible evidence.

1 Google objects to this request as it is duplicative of previous Document Requests
2 Nos. 135, 136 and 137. Google further objects to this request as overbroad,
3 oppressive, and unduly burdensome, especially to the extent it calls for inaccessible
4 electronically-stored information. Google further objects to this request as vague
5 and ambiguous, especially with respect to the terms “understand,” “maintains” and
6 “regarding.” Google further objects to this request as it requires production of
7 confidential, proprietary, or trade secret business information. Google further
8 objects to the request to the extent it calls for the disclosure of privileged attorney-
9 client communications and/or work product. Subject to and without waiving the
10 specific and General Objections above, Google responds that it will produce its
11 publicly-available privacy policies with respect to personal information and other
12 data Google collects.

13
14 **REQUEST FOR PRODUCTION NO. 332:**

15 DOCUMENTS sufficient to understand what tracking GOOGLE does of
16 GOOGLE users.

17
18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 332:**

19 Google objects to this request on the grounds that it seeks information outside
20 the scope of permissible discovery, not relevant to the subject matter of the action,
21 and not reasonably calculated to lead to the discovery of admissible evidence.
22 Google further objects to this request as overbroad, oppressive, and unduly
23 burdensome, especially to the extent it calls for inaccessible electronically-stored
24 information. Google further objects to this request as vague and ambiguous,
25 especially with respect to the terms “understand,” “tracking” and “does.” Google
26 further objects to this request as it requires production of confidential, proprietary,
27 or trade secret business information. Google further objects to the request to the
28 extent it calls for the disclosure of privileged attorney-client communications and/or

1 work product. Subject to and without waiving the specific and General Objections
2 above, Google responds that it will produce its publicly-available privacy policies
3 with respect to personal information and other data Google collects.
4

5 **REQUEST FOR PRODUCTION NO. 333:**

6 All DOCUMENTS RELATING TO use of “Perfect 10”, “Perfect10”, or
7 “Perfect Ten” as a keyword.
8

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 333:**

10 Google objects to this request on the grounds that it seeks information outside
11 the scope of permissible discovery, not relevant to the subject matter of the action,
12 and not reasonably calculated to lead to the discovery of admissible evidence.
13 Google further objects to this request as overbroad and unduly burdensome. Google
14 further objects to this request to the extent that it seeks inaccessible electronically-
15 stored information. Google further objects to the request to the extent it calls for the
16 disclosure of privileged attorney-client communications and/or work product.
17 Google further objects to this request as vague and ambiguous, especially with
18 respect to the term “keyword.” Google further objects to this request in that it seeks
19 documents outside of Google’s possession, custody, or control.
20

21 **REQUEST FOR PRODUCTION NO. 334:**

22 ALL DOCUMENTS RELATING TO use of the names on Exhibit A as
23 keywords.
24

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 334:**

26 Google objects to this request on the grounds that it seeks information outside
27 the scope of permissible discovery, not relevant to the subject matter of the action,
28 and not reasonably calculated to lead to the discovery of admissible evidence.

1 Google further objects to this request as overbroad, oppressive and unduly
2 burdensome. Google further objects to the request to the extent it calls for the
3 disclosure of privileged attorney-client communications and/or work product.
4 Google further objects to this request as vague and ambiguous, especially with
5 respect to the phrase “as keywords.” Google further objects to this request in that it
6 seeks documents outside of Google’s possession, custody, or control.

7
8 **REQUEST FOR PRODUCTION NO. 335:**

9 All e-mails or other communications RELATING TO any changes that
10 GOOGLE has made in its Image Search algorithm during 2007.

11
12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 335:**

13 Google objects to this request on the grounds that it seeks information outside
14 the scope of permissible discovery, not relevant to the subject matter of the action,
15 and not reasonably calculated to lead to the discovery of admissible evidence.
16 Google further objects to this request as overbroad, oppressive and unduly
17 burdensome. Google further objects to the request to the extent it calls for the
18 disclosure of privileged attorney-client communications and/or work product.
19 Google further objects to this request as it requires production of confidential,
20 proprietary, or trade secret business information. Google further objects to this
21 request as vague and ambiguous, especially with respect to the terms and phrases
22 “RELATING TO,” “changes,” “made in” and “image search algorithm.”

23
24 **REQUEST FOR PRODUCTION NO. 336:**

25 All e-mails or other communications RELATING TO any changes that
26 GOOGLE has made in Google Image Search during 2007.

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 336:**

2 Google objects to this request on the grounds that it seeks information outside
3 the scope of permissible discovery, not relevant to the subject matter of the action,
4 and not reasonably calculated to lead to the discovery of admissible evidence.

5 Google further objects to this request as overbroad, oppressive and unduly
6 burdensome. Google further objects to the request to the extent it calls for the
7 disclosure of privileged attorney-client communications and/or work product.

8 Google further objects to this request as it requires production of confidential,
9 proprietary, or trade secret business information. Google further objects to this
10 request as vague and ambiguous, especially with respect to the terms and phrases
11 "RELATING TO," "changes" and "made in."
12

13 **REQUEST FOR PRODUCTION NO. 337:**

14 All e-mails or other communications RELATING TO any changes that
15 GOOGLE has made in its Image Search algorithm in 2007 which could result in
16 bestiality pictures appearing next to pictures of a Perfect 10 model in Google Image
17 Search results on the name of that model.
18

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 337:**

20 Google objects to this request on the grounds that it seeks information outside
21 the scope of permissible discovery, not relevant to the subject matter of the action,
22 and not reasonably calculated to lead to the discovery of admissible evidence.

23 Google further objects to this request as overbroad, oppressive and unduly
24 burdensome. Google objects to this request as it is duplicative of previous

25 Document Requests Nos. 335 and 336. Google further objects to the request to the
26 extent it calls for the disclosure of privileged attorney-client communications and/or
27 work product. Google further objects to this request as it requires production of
28 confidential, proprietary, or trade secret business information. Google further

1 objects to this request as vague and ambiguous, especially with respect to the terms
2 and phrases “could result,” “RELATING TO,” “changes,” “bestiality pictures,”
3 “pictures of a Perfect 10 model” and “name of that model.”
4

5 **REQUEST FOR PRODUCTION NO. 338:**

6 All e-mails or other communications RELATING TO any changes that
7 GOOGLE has made in Google Image Search in 2007 which could result in bestiality
8 pictures appearing next to pictures of Perfect 10 models in Google Image Search
9 results on the name of a Perfect 10 model.
10

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 338:**

12 Google objects to this request on the grounds that it seeks information outside
13 the scope of permissible discovery, not relevant to the subject matter of the action,
14 and not reasonably calculated to lead to the discovery of admissible evidence.
15 Google further objects to this request as overbroad, oppressive and unduly
16 burdensome. Google objects to this request as it is duplicative of previous
17 Document Requests Nos. 335, 336 and 337. Google further objects to the request to
18 the extent it calls for the disclosure of privileged attorney-client communications
19 and/or work product. Google further objects to this request as it requires production
20 of confidential, proprietary, or trade secret business information. Google further
21 objects to this request as vague and ambiguous, especially with respect to the terms
22 and phrases “could result,” “RELATING TO,” “changes,” “bestiality pictures,”
23 “pictures of a Perfect 10 model” and “name of that model.”
24

25 **REQUEST FOR PRODUCTION NO. 339:**

26 All DOCUMENTS RELATING TO how GOOGLE deals with gambling
27 websites.
28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 339:**

2 Google objects to this request on the grounds that it seeks information outside
3 the scope of permissible discovery, not relevant to the subject matter of the action,
4 and not reasonably calculated to lead to the discovery of admissible evidence.
5 Google further objects to this request as overbroad, oppressive and unduly
6 burdensome. Google further objects to this request as vague and ambiguous,
7 especially with respect to the terms and phrases "RELATING TO," "deals with" and
8 "gambling websites." Google further objects to this request as it requires production
9 of confidential, proprietary, or trade secret business information. Google further
10 objects to the request to the extent it calls for the disclosure of privileged attorney-
11 client communications and/or work product.

12
13 **REQUEST FOR PRODUCTION NO. 340:**

14 All DOCUMENTS RELATING TO how GOOGLE deals with child
15 pornography websites.

16
17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 340:**

18 Google objects to this request on the grounds that it seeks information outside
19 the scope of permissible discovery, not relevant to the subject matter of the action,
20 and not reasonably calculated to lead to the discovery of admissible evidence.
21 Google further objects to this request as overbroad, oppressive and unduly
22 burdensome. Google further objects to this request as vague and ambiguous,
23 especially with respect to the terms and phrases "RELATING TO," "deals with" and
24 "child pornography websites." Google further objects to this request as it requires
25 production of confidential, proprietary, or trade secret business information.
26 Google further objects to the request to the extent it calls for the disclosure of
27 privileged attorney-client communications and/or work product. Subject to and
28 without waiving the specific and General Objections above, Google responds that it

1 has produced documents responsive to this request in response to Perfect 10's
2 previous Requests for Production Nos. 6, 7, 8, 13, 28, 55 and 56. Google will
3 continue to supplement its production regarding these requests as appropriate.
4

5 **REQUEST FOR PRODUCTION NO. 341:**

6 All DOCUMENTS RELATING TO any websites for which GOOGLE has
7 cut all links.
8

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 341:**

10 Google objects to this request on the grounds that it seeks information outside
11 the scope of permissible discovery, not relevant to the subject matter of the action,
12 and not reasonably calculated to lead to the discovery of admissible evidence.
13 Google further objects to this request as overbroad, oppressive and unduly
14 burdensome. Google further objects to this request as vague and ambiguous,
15 especially with respect to the phrases "RELATING TO" and "cut all links." Google
16 further objects to this request as it requires production of confidential, proprietary,
17 or trade secret business information. Google further objects to the request to the
18 extent it calls for the disclosure of privileged attorney-client communications and/or
19 work product. Subject to and without waiving the specific and General Objections
20 above, Google responds that it has produced documents responsive to this request in
21 response to Perfect 10's previous Requests for Production Nos. 6, 7, 8, 13, 28, 55
22 and 56. Google will continue to supplement its production regarding these requests
23 as appropriate.
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DATED: February 25, 2008

Respectfully submitted,

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

By Charles K. Verhoeven (BRL)
Charles K. Verhoeven
Attorneys for Google Inc.

1 **PROOF OF SERVICE**

2 I am employed in the County of San Francisco, State of California. I am over
3 the age of eighteen years and not a party to the within action; my business address is
4 50 California Street 22nd Floor San Francisco, CA 94111.

4 On February 25, 2008, I served true copies of the following document(s)
5 described as on the parties in this action as follows:

6
7 **DEFENDANT GOOGLE'S RESPONSES TO PLAINTIFF PERFECT 10'S
8 NINTH SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**

9 Jeffrey N. Mausner, Esq.
10 MAUSNER IP LAW
11 21800 Oxnard Street, Suite 910
12 Woodland Hills, CA 91367
13 Telephone: (310) 617-8100
14 **ATTORNEY FOR
15 PLAINTIFF/COUNTER-
16 DEFENDANT PERFECT 10, INC.**

14 **BY MAIL:** I enclosed the foregoing into sealed envelope(s) addressed as shown
15 above, and I deposited such envelope(s) in the mail at San Francisco, California.
16 The envelope was mailed with postage thereon fully prepaid.

16 **BY FACSIMILE:** On February 25, 2008, I caused said document(s) to be
17 transmitted by facsimile pursuant to Rule 2008 of the California Rules of Court.
18 The telephone number of the sending facsimile machine was (415) 875-6700. The
19 name(s) and facsimile machine telephone number(s) of the person(s) served are set
20 forth in the service list. The document was transmitted by facsimile transmission,
21 and the sending facsimile machine properly issued a transmission report confirming
22 that the transmission was complete and without error.

20 **BY ELECTRONIC MAIL TRANSMISSION:** By electronic mail transmission
21 from janetcook@quinnemanuel.com on February 25, 2008, by transmitting a PDF
22 format copy of such document(s) to each such person at the e-mail address listed
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23 I declare under penalty of perjury under the laws of the State of California
24 that the foregoing is true and correct.

25 Executed on February 25, 2008, at San Francisco, California.

26 
27 Janet Cook
28