

Exhibit K

1 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP

Michael T. Zeller (Bar No. 196417)

2 michaelzeller@quinnemanuel.com
865 South Figueroa Street, 10th Floor

3 Los Angeles, California 90017-2543

Telephone: (213) 443-3000

4 Facsimile: (213) 443-3100

Charles K. Verhoeven (Bar No. 170151)

5 charlesverhoeven@quinnemanuel.com

50 California Street, 22nd Floor

6 San Francisco, California 94111

Rachel Herrick Kassabian (Bar No. 191060)

7 rachelkassabian@quinnemanuel.com

555 Twin Dolphin Drive, Suite 560

8 Redwood Shores, California 94065-2139

9 Attorneys for Defendant GOOGLE INC.

10 UNITED STATES DISTRICT COURT

11 CENTRAL DISTRICT OF CALIFORNIA

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

14 *Plaintiff,*

15 vs.

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

18 *Defendants.*

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

DEFENDANT GOOGLE INC.'S
RESPONSES AND OBJECTIONS TO
PLAINTIFF PERFECT 10, INC.'S
TENTH SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS

19 AND COUNTERCLAIM

20 PERFECT 10, INC., a California
21 corporation,

22 *Plaintiff,*

23 vs.

24 AMAZON.COM, INC., a corporation;
A9.COM, INC., a corporation; and
25 DOES 1 through 100, inclusive,

26 *Defendants.*

1 PROPOUNDING PARTY: PLAINTIFF PERFECT 10, INC.

2 RESPONDING PARTY: DEFENDANT GOOGLE INC.

3 SET NUMBER: TEN

4 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant
5 Google Inc. (“Google”) hereby responds and objects to the Tenth Set of Requests
6 for Production of Documents from Plaintiff Perfect 10, Inc. (“Perfect 10”) (“Perfect
7 10’s Tenth Set of Document Requests”), as follows:

8 **GENERAL OBJECTIONS**

9 The following general objections apply to each and every request set forth in
10 Perfect 10’s Tenth Set of Document Requests, and are expressly incorporated by
11 reference into each of the following responses as if fully set forth therein.

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

19 2. Google objects generally to the definitions and instructions provided
20 with Plaintiffs’ Requests on the grounds that those definitions seek to impose
21 obligations and demands on Google greater than those imposed by the Federal Rules
22 of Civil Procedure.

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

1 4. Google objects to the definition of “DOCUMENT” and
2 “DOCUMENTS” on the grounds that they exceed the limitations of Federal Rule of
3 Civil Procedure 34. Google further objects to the definition of “DOCUMENT” and
4 “DOCUMENTS” as unintelligible, vague and ambiguous, especially with respect to
5 Perfect 10's references to a “third party webmaster or website.”

6 5. Google objects to the definition of “IDENTIFY” on the grounds that
7 Perfect 10 seeks to use that definition to require Google to “give” or “provide”
8 information separate from the documents that Perfect 10 has requested in its
9 document requests.

10 6. Google objects to the definition of “RELATE TO” and “RELATING
11 TO” as vague and ambiguous, particularly on the grounds that the definition
12 includes “contradict.”

13 7. Google objects to the Requests on the grounds that they are overbroad,
14 unduly burdensome, oppressive, cumulative, redundant and harassing.

15 8. Google objects to the Requests on the grounds that they seek
16 information that is neither relevant nor reasonably calculated to lead to the discovery
17 of admissible evidence.

18 9. Google objects to the Requests on the grounds that they seek
19 documents not within Google’s possession, custody or control. An objection on this
20 ground does not constitute a representation or admission that such information
21 and/or documents do in fact exist.

22 10. Google objects to each Request on the grounds that it is vague,
23 ambiguous or unintelligible.

24 11. Google objects to each Request on the grounds and to the extent it may
25 require the production of private and confidential information of non-parties whose
26 privacy is protected by the United States Constitution; the California Constitution,
27 Art. 1, Sec. 1 (and/or all other state constitutions); and all other applicable federal
28 and state privacy laws. Google is not authorized to and cannot waive third parties’

1 statutory and constitutional privacy rights and will not produce any documents
2 implicating such rights.

3 12. Google objects to the Requests on the grounds that they require
4 production of confidential, proprietary, or trade secret business information of
5 Google or a non-party. Google will only produce such documents pursuant to the
6 parties' stipulated protective order and expressly reserves the right to seek any
7 further relief it deems necessary.

8 13. Google objects to the Requests on the grounds that they seek
9 documents that are equally available to Perfect 10 because they are currently in
10 Perfect 10's possession, under Perfect 10's control or in the possession or control of
11 the Plaintiff's attorney or agents.

12 14. Any objection by Google does not constitute a representation or
13 admission that such information and/or documents do in fact exist or are known to
14 Google.

15 15. Google objects generally to Requests that call for extensive electronic
16 production as overly broad, unduly burdensome and oppressive. Google further
17 objects to each Request on the grounds that and to the extent it seeks inaccessible
18 electronically-stored information, which information is presumptively non-
19 discoverable under Fed. R. Civ. P. 26(b)(2). Additionally, where appropriate,
20 Google reserves the right to seek cost-shifting for expenses associated with
21 production of costly or inaccessible electronically-stored information.

22 16. Google objects to the Requests on the grounds that they are duplicative
23 of prior document requests and seek documents previously produced by Google.
24 Such documents will not be re-produced.

25 17. Google has made a reasonable investigation for documents responsive
26 to Perfect 10's Requests. Google is still pursuing an investigation and analysis of
27 the facts and law pertaining to this action and has not yet completed the
28 investigation. Thus, these responses are made without prejudice to Google's right

1 subsequently to supplement, modify or otherwise change or amend these responses.
2 The information contained in these responses is also subject to correction for
3 omissions or errors.

4
5 **RESPONSES TO INDIVIDUAL REQUESTS**

6
7 **DOCUMENT REQUEST 342:**

8 DOCUMENTS sufficient to IDENTIFY the owner of each of the websites
9 listed in Exhibit 1.

10 **RESPONSE TO DOCUMENT REQUEST 342:**

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 overbroad, oppressive, and unduly
15 burdensome, especially in that it calls for inaccessible electronically-stored
16 information. Google further objects to this request on the grounds that it seeks
17 documents not within Google’s possession, custody or control. Google further
18 objects to the request on the grounds that it calls for the disclosure of documents
19 protected by the attorney-client privilege, work product doctrine and/or other
20 applicable privileges. Such documents will not be produced. Google further objects
21 to this request as vague, ambiguous and unintelligible, including without limitation
22 with respect to the terms “IDENTIFY,” “owner” and “websites.” Subject to and
23 without waiving the specific and General Objections above, Google responds that it
24 will produce documents sufficient to show that Google hosts web pages that bear the
25 suffix “blogspot.com” or “blogger.com.”

26 **DOCUMENT REQUEST 343:**

27 DOCUMENTS sufficient to IDENTIFY the webmaster of each of the
28 websites listed in Exhibit 1.

1 **RESPONSE TO DOCUMENT REQUEST 343:**

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 in that it calls for inaccessible electronically-stored
7 information. Google further objects to this request on the grounds that it seeks
8 documents not within Google’s possession, custody or control. Google further
9 objects to the request on the grounds that it calls for the disclosure of documents
10 protected by the attorney-client privilege, work product doctrine and/or other
11 applicable privileges. Such documents will not be produced. Google further objects
12 to this request as vague, ambiguous and unintelligible, including without limitation
13 with respect to the terms “IDENTIFY,” “webmaster” and “websites.”

14 **DOCUMENT REQUEST 344:**

15 DOCUMENTS sufficient to IDENTIFY the contact person for each of the
16 websites listed in Exhibit 1.

17 **RESPONSE TO DOCUMENT REQUEST 344:**

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, especially in that it calls for inaccessible electronically-stored
23 information. Google further objects to this request on the grounds that it seeks
24 documents not within Google’s possession, custody or control. Google further
25 objects to the request on the grounds that it calls for the disclosure of documents
26 protected by the attorney-client privilege, work product doctrine and/or other
27 applicable privileges. Such documents will not be produced. Google further objects

28

1 to this request as vague, ambiguous and unintelligible, including without limitation
2 with respect to the terms “IDENTIFY,” “contact person” and “websites.”

3 **DOCUMENT REQUEST 345:**

4 DOCUMENTS sufficient to determine which of the websites listed in Exhibit
5 1 are or ever were AdSense websites, and the time periods that they were AdSense
6 websites.

7 **RESPONSE TO DOCUMENT REQUEST 345:**

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

11 Google further objects to the request as at least partially duplicative of previous
12 Document Requests, including Request Nos. 302, 314, and 323-325. Google further
13 objects to this request as overbroad, oppressive, and unduly burdensome, especially
14 in that it calls for inaccessible electronically-stored information. Google further
15 objects to the request on the grounds that it calls for the disclosure of documents
16 protected by the attorney-client privilege, work product doctrine and/or other
17 applicable privileges. Such documents will not be produced. Google further objects
18 to this request as vague, ambiguous and unintelligible, including without limitation
19 with respect to the terms “websites” and “AdSense websites.”

20 **DOCUMENT REQUEST 346:**

21 DOCUMENTS sufficient to determine which of the websites listed in Exhibit
22 1 have ever displayed Ads by Google, and the time periods that they did so.

23 **RESPONSE TO DOCUMENT REQUEST 346:**

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

27 Google further objects to the request as at least partially duplicative of previous
28 Document Requests, including Request Nos. 302, 314, and 323-325. Google further

1 objects to this request as overbroad, oppressive, and unduly burdensome, especially
2 in that it calls for inaccessible electronically-stored information. Google further
3 objects to the request on the grounds that it calls for the disclosure of documents
4 protected by the attorney-client privilege, work product doctrine and/or other
5 applicable privileges. Such documents will not be produced. Google further objects
6 to this request as vague and ambiguous, including without limitation with respect to
7 the terms “websites,” “displayed” and “Ads by Google.”

8 **DOCUMENT REQUEST 347:**

9 DOCUMENTS sufficient to determine which of the websites listed in Exhibit
10 1 are or ever were hosted by GOOGLE, and the time periods that they were hosted
11 by GOOGLE.

12 **RESPONSE TO DOCUMENT REQUEST 347:**

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, especially in that it calls for inaccessible electronically-stored
18 information. Google further objects to the request on the grounds that it calls for the
19 disclosure of documents protected by the attorney-client privilege, work product
20 doctrine and/or other applicable privileges. Such documents will not be produced.
21 Google further objects to this request as vague and ambiguous, including without
22 limitation with respect to the terms “websites” and “hosted.” Subject to and without
23 waiving the specific and General Objections above, Google responds that it will
24 produce documents sufficient to show that Google hosts web pages that bear the
25 suffix “blogspot.com” or “blogger.com.”

26 **DOCUMENT REQUEST 348:**

27 DOCUMENTS sufficient to determine all payments that have been made by
28 GOOGLE to the owners of the websites listed in Exhibit 1.

1 **RESPONSE TO DOCUMENT REQUEST 348:**

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 as at least partially duplicative of previous
6 Document Requests, including Request Nos. 302 and 323-325. Google further
7 objects to this request as overbroad, oppressive, and unduly burdensome, especially
8 in that it calls for inaccessible electronically-stored information. Google further
9 objects to the request on the grounds that it calls for the disclosure of documents
10 protected by the attorney-client privilege, work product doctrine and/or other
11 applicable privileges. Such documents will not be produced. Google further objects
12 to this request as vague, ambiguous and unintelligible, including without limitation
13 with respect to the terms “owners” and “websites.” Subject to and without waiving
14 the specific and General Objections above, Google responds that it will produce
15 documents sufficient to show payments made by Google to any AdSense account
16 holders (following Google’s provision of notice to those account holders) for which
17 Google investigated and verified a claim of copyright infringement made by Perfect
18 10.

19 **DOCUMENT REQUEST 349:**

20 All DOCUMENTS showing payments made by GOOGLE to the owners of
21 the websites listed in Exhibit 1.

22 **RESPONSE TO DOCUMENT REQUEST 349:**

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 as at least partially duplicative of previous
27 Document Requests, including Request Nos. 302 and 323-325. Google further
28 objects to this request as overbroad, oppressive, and unduly burdensome, especially

1 in that it calls for inaccessible electronically-stored information. Google further
2 objects to the request on the grounds that it calls for the disclosure of documents
3 protected by the attorney-client privilege, work product doctrine and/or other
4 applicable privileges. Such documents will not be produced. Google further objects
5 to this request as vague, ambiguous and unintelligible, including without limitation
6 with respect to the terms “owners” and “websites.” Subject to and without waiving
7 the specific and General Objections above, Google responds that it will produce
8 documents sufficient to show payments made by Google to any AdSense account
9 holders (following Google’s provision of notice to those account holders) for which
10 Google investigated and verified a claim of copyright infringement made by Perfect
11 10.

12 **DOCUMENT REQUEST 350:**

13 DOCUMENTS sufficient to determine all payments that have been made by
14 the owners of the websites listed in Exhibit 1 to GOOGLE.

15 **RESPONSE TO DOCUMENT REQUEST 350:**

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 overbroad, oppressive, and unduly
20 burdensome, especially in that it calls for inaccessible electronically-stored
21 information. Google further objects to the request on the grounds that it calls for the
22 disclosure of documents protected by the attorney-client privilege, work product
23 doctrine and/or other applicable privileges. Such documents will not be produced.
24 Google further objects to this request as vague, ambiguous and unintelligible,
25 including without limitation with respect to the terms “owners” and “websites.”

26 **DOCUMENT REQUEST 351:**

27 All DOCUMENTS showing payments made by the owners of the websites
28 listed in Exhibit 1 to GOOGLE.

1 **RESPONSE TO DOCUMENT REQUEST 351:**

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 in that it calls for inaccessible electronically-stored
7 information. Google further objects to the request on the grounds that it calls for the
8 disclosure of documents protected by the attorney-client privilege, work product
9 doctrine and/or other applicable privileges. Such documents will not be produced.

10 Google further objects to this request as vague, ambiguous and unintelligible,
11 including without limitation with respect to the terms “owners” and “websites.”

12 **DOCUMENT REQUEST 352:**

13 All DOCUMENTS RELATING TO the websites listed in Exhibit 1.

14 **RESPONSE TO DOCUMENT REQUEST 352:**

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 as at least partially duplicative of previous
19 Document Requests, including Request Nos. 302, 314 and 323-325. Google further
20 objects to this request as overbroad, oppressive, and unduly burdensome. Google
21 further objects to the request on the grounds that it calls for the disclosure of
22 documents protected by the attorney-client privilege, work product doctrine and/or
23 other applicable privileges. Such documents will not be produced. Google further
24 objects to this request as vague, ambiguous and unintelligible, including without
25 limitation with respect to the terms “RELATING TO” and “websites.”

26 **DOCUMENT REQUEST 353:**

27 All DOCUMENTS RELATING TO communications between GOOGLE and
28 any of the owners of the websites listed in Exhibit 1.

1 **RESPONSE TO DOCUMENT REQUEST 353:**

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 as at least partially duplicative of previous
6 Document Requests, including Request No. 314. Google further objects to this
7 request as overbroad, oppressive, and unduly burdensome. Google further objects to
8 the request on the grounds that it calls for the disclosure of documents protected by
9 the attorney-client privilege, work product doctrine and/or other applicable
10 privileges. Such documents will not be produced. Google further objects to this
11 request as vague, ambiguous and unintelligible, including without limitation with
12 respect to the terms “RELATING TO,” “owners” and “websites.” Subject to and
13 without waiving the specific and General Objections above, Google responds that it
14 will produce documents sufficient to show (1) communications between Google and
15 any AdSense or Blogger account holder for which Google investigated and verified
16 a claim of copyright infringement made by Perfect 10, and (2) DMCA counter-
17 notification communications related to claims of copyright infringement made by
18 Perfect 10.

19 **DOCUMENT REQUEST 354:**

20 All e-mails between GOOGLE and the owners of any of the websites listed in
21 Exhibit 1.

22 **RESPONSE TO DOCUMENT REQUEST 354:**

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 as at least partially duplicative of previous
27 Document Requests, including Request No. 314. Google further objects to this
28 request as overbroad, oppressive, and unduly burdensome. Google further objects to

1 the request on the grounds that it calls for the disclosure of documents protected by
2 the attorney-client privilege, work product doctrine and/or other applicable
3 privileges. Such documents will not be produced. Google further objects to this
4 request as vague, ambiguous and unintelligible, including without limitation with
5 respect to the terms “owners” and “websites.” Subject to and without waiving the
6 specific and General Objections above, Google responds that it will produce
7 documents sufficient to show (1) communications between Google and any
8 AdSense or Blogger account holder for which Google investigated and verified a
9 claim of copyright infringement made by Perfect 10, and (2) DMCA counter-
10 notification communications related to claims of copyright infringement made by
11 Perfect 10.

12 **DOCUMENT REQUEST 355:**

13 All e-mails between GOOGLE and the webmasters of any of the websites
14 listed in Exhibit 1.

15 **RESPONSE TO DOCUMENT REQUEST 355:**

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 as at least partially duplicative of previous
20 Document Requests, including Request No. 314. Google further objects to this
21 request as overbroad, oppressive, and unduly burdensome. Google further objects to
22 the request on the grounds that it calls for the disclosure of documents protected by
23 the attorney-client privilege, work product doctrine and/or other applicable
24 privileges. Such documents will not be produced. Google further objects to this
25 request as vague, ambiguous and unintelligible, including without limitation with
26 respect to the terms “webmasters” and “websites.” Subject to and without waiving
27 the specific and General Objections above, Google responds that it will produce
28 documents sufficient to show (1) communications between Google and any

1 AdSense or Blogger account holder for which Google investigated and verified a
2 claim of copyright infringement made by Perfect 10, and (2) DMCA counter-
3 notification communications related to claims of copyright infringement made by
4 Perfect 10.

5 **DOCUMENT REQUEST 356:**

6 All e-mails between GOOGLE and the contact persons for any of the
7 websites listed in Exhibit 1.

8 **RESPONSE TO DOCUMENT REQUEST 356:**

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 as at least partially duplicative of previous
13 Document Requests, including Request No. 314. Google further objects to this
14 request as overbroad, oppressive, and unduly burdensome. Google further objects to
15 the request on the grounds that it calls for the disclosure of documents protected by
16 the attorney-client privilege, work product doctrine and/or other applicable
17 privileges. Such documents will not be produced. Google further objects to this
18 request as vague, ambiguous and unintelligible, including without limitation with
19 respect to the terms “contact persons” and “websites.” Subject to and without
20 waiving the specific and General Objections above, Google responds that it will
21 produce documents sufficient to show (1) communications between Google and any
22 AdSense or Blogger account holder for which Google investigated and verified a
23 claim of copyright infringement made by Perfect 10, and (2) DMCA counter-
24 notification communications related to claims of copyright infringement made by
25 Perfect 10.

26 **DOCUMENT REQUEST 357:**

27 DOCUMENTS sufficient to show the date on which THOMAS NOLAN
28 began working in any capacity whatsoever for the Ninth Circuit Court of Appeals.

1 **RESPONSE TO DOCUMENT REQUEST 357:**

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 on the grounds that it seeks documents not
6 within Google’s possession, custody or control. Google further objects to the
7 request on the grounds that it calls for the disclosure of documents protected by the
8 attorney-client privilege, work product doctrine and/or other applicable privileges.
9 Such documents will not be produced. Google further objects to this request on the
10 grounds that it calls for the production of private and confidential employment
11 information of individual non-parties whose privacy is protected by the United
12 States Constitution; the California Constitution, Art. 1, Sec. 1 and all other
13 applicable federal and state privacy and employment laws. Google is not authorized
14 to and cannot waive such statutory and constitutional privacy rights and will not
15 produce any documents implicating such rights. Google further objects to the
16 request on the grounds that it seeks confidential information received in the course
17 of judicial employment. Google is not authorized to and cannot waive the
18 protections afforded such privileged and confidential information. Google further
19 objects to this request on the grounds that it is improper, harassing, and not
20 propounded for any legitimate litigation purpose.

21 **DOCUMENT REQUEST 358:**

22 DOCUMENTS sufficient to show the date on which THOMAS NOLAN
23 stopped working in any capacity whatsoever for the Ninth Circuit Court of Appeals.

24 **RESPONSE TO DOCUMENT REQUEST 358:**

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 this request on the grounds that it seeks documents not

1 within Google's possession, custody or control. Google further objects to the
2 request on the grounds that it calls for the disclosure of documents protected by the
3 attorney-client privilege, work product doctrine and/or other applicable privileges.
4 Such documents will not be produced. Google further objects to this request on the
5 grounds that it calls for the production of private and confidential employment
6 information of individual non-parties whose privacy is protected by the United
7 States Constitution; the California Constitution, Art. 1, Sec. 1 and all other
8 applicable federal and state privacy and employment laws. Google is not authorized
9 to and cannot waive such statutory and constitutional privacy rights and will not
10 produce any documents implicating such rights. Google further objects to the
11 request on the grounds that it seeks confidential information received in the course
12 of judicial employment. Google is not authorized to and cannot waive the
13 protections afforded such privileged and confidential information. Google further
14 objects to this request on the grounds that it is improper, harassing, and not
15 propounded for any legitimate litigation purpose.

16 **DOCUMENT REQUEST 359:**

17 DOCUMENTS sufficient to show the date on which THOMAS NOLAN first
18 began working in any capacity whatsoever for QUINN EMANUEL.

19 **RESPONSE TO DOCUMENT REQUEST 359:**

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 on the grounds that it seeks documents not
24 within Google's possession, custody or control. Google further objects to the
25 request on the grounds that it calls for the disclosure of documents protected by the
26 attorney-client privilege, work product doctrine and/or other applicable privileges.
27 Such documents will not be produced. Google further objects to this request on the
28 grounds that it calls for the production of private and confidential employment

1 information of individual non-parties whose privacy is protected by the United
2 States Constitution; the California Constitution, Art. 1, Sec. 1 and all other
3 applicable federal and state privacy and employment laws. Google is not authorized
4 to and cannot waive such statutory and constitutional privacy rights and will not
5 produce any documents implicating such rights. Google further objects to this
6 request on the grounds that it is improper, harassing, and not propounded for any
7 legitimate litigation purpose.

8 **DOCUMENT REQUEST 360:**

9 DOCUMENTS sufficient to show the date on which THOMAS NOLAN was
10 first offered employment to work for QUINN EMANUEL in any capacity
11 whatsoever.

12 **RESPONSE TO DOCUMENT REQUEST 360:**

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 on the grounds that it seeks documents not
17 within Google's possession, custody or control. Google further objects to the
18 request on the grounds that it calls for the disclosure of documents protected by the
19 attorney-client privilege, work product doctrine and/or other applicable privileges.
20 Such documents will not be produced. Google further objects to this request on the
21 grounds that it calls for the production of private and confidential employment
22 information of individual non-parties whose privacy is protected by the United
23 States Constitution; the California Constitution, Art. 1, Sec. 1 and all other
24 applicable federal and state privacy and employment laws. Google is not authorized
25 to and cannot waive such statutory and constitutional privacy rights and will not
26 produce any documents implicating such rights. Google further objects to this
27 request on the grounds that it is improper, harassing, and not propounded for any
28 legitimate litigation purpose.

1 **DOCUMENT REQUEST 361:**

2 DOCUMENTS sufficient to show the date on which THOMAS NOLAN first
3 accepted employment to work for QUINN EMANUEL in any capacity whatsoever.

4 **RESPONSE TO DOCUMENT REQUEST 361:**

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

8 Google further objects to this request on the grounds that it seeks documents not
9 within Google's possession, custody or control. Google further objects to the
10 request on the grounds that it calls for the disclosure of documents protected by the
11 attorney-client privilege, work product doctrine and/or other applicable privileges.
12 Such documents will not be produced. Google further objects to this request on the
13 grounds that it calls for the production of private and confidential employment
14 information of individual non-parties whose privacy is protected by the United
15 States Constitution; the California Constitution, Art. 1, Sec. 1 and all other
16 applicable federal and state privacy and employment laws. Google is not authorized
17 to and cannot waive such statutory and constitutional privacy rights and will not
18 produce any documents implicating such rights. Google further objects to this
19 request on the grounds that it is improper, harassing, and not propounded for any
20 legitimate litigation purpose.

21 **DOCUMENT REQUEST 362:**

22 All DOCUMENTS THOMAS NOLAN provided to QUINN EMANUEL
23 prior to his first day of employment at QUINN EMANUEL.

24 **RESPONSE TO DOCUMENT REQUEST 362:**

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 this request on the grounds that it seeks documents not

1 within Google's possession, custody or control. Google further objects to the
2 request on the grounds that it calls for the disclosure of documents protected by the
3 attorney-client privilege, work product doctrine and/or other applicable privileges.
4 Such documents will not be produced. Google further objects to this request on the
5 grounds that it calls for the production of private and confidential employment
6 information of individual non-parties whose privacy is protected by the United
7 States Constitution; the California Constitution, Art. 1, Sec. 1 and all other
8 applicable federal and state privacy and employment laws. Google is not authorized
9 to and cannot waive such statutory and constitutional privacy rights and will not
10 produce any documents implicating such rights. Google further objects to this
11 request on the grounds that it is improper, harassing, and not propounded for any
12 legitimate litigation purpose.

13 **DOCUMENT REQUEST 363:**

14 All DOCUMENTS THOMAS NOLAN provided to QUINN EMANUEL
15 prior to his first day of employment at QUINN EMANUEL concerning any and all
16 aspects of his clerkship for the Ninth Circuit Court of Appeals.

17 **RESPONSE TO DOCUMENT REQUEST 363:**

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 on the grounds that it seeks documents not
22 within Google's possession, custody or control. Google further objects to the
23 request on the grounds that it calls for the disclosure of documents protected by the
24 attorney-client privilege, work product doctrine and/or other applicable privileges.
25 Such documents will not be produced. Google further objects to this request on the
26 grounds that it calls for the production of private and confidential employment
27 information of individual non-parties whose privacy is protected by the United
28 States Constitution; the California Constitution, Art. 1, Sec. 1 and all other

1 applicable federal and state privacy and employment laws. Google is not authorized
2 to and cannot waive such statutory and constitutional privacy rights and will not
3 produce any documents implicating such rights. Google further objects to this
4 request on the grounds that it is improper, harassing, and not propounded for any
5 legitimate litigation purpose.

6 **DOCUMENT REQUEST 364:**

7 All resumes THOMAS NOLAN provided to QUINN EMANUEL prior to his
8 first day of employment at QUINN EMANUEL.

9 **RESPONSE TO DOCUMENT REQUEST 364:**

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 on the grounds that it seeks documents not
14 within Google's possession, custody or control. Google further objects to the
15 request on the grounds that it calls for the disclosure of documents protected by the
16 attorney-client privilege, work product doctrine and/or other applicable privileges.
17 Such documents will not be produced. Google further objects to this request on the
18 grounds that it calls for the production of private and confidential employment
19 information of individual non-parties whose privacy is protected by the United
20 States Constitution; the California Constitution, Art. 1, Sec. 1 and all other
21 applicable federal and state privacy and employment laws. Google is not authorized
22 to and cannot waive such statutory and constitutional privacy rights and will not
23 produce any documents implicating such rights. Google further objects to this
24 request on the grounds that it is improper, harassing, and not propounded for any
25 legitimate litigation purpose.

26 **DOCUMENT REQUEST 365:**

27 All DOCUMENTS RELATING TO whether THOMAS NOLAN could work
28 on any cases involving Perfect 10, Inc., while working at QUINN EMANUEL,

1 without violating any ethical rules concerning the practice of law, court rules, or any
2 other rules.

3 **RESPONSE TO DOCUMENT REQUEST 365:**

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

7 Google further objects to this request on the grounds that it seeks documents not
8 within Google's possession, custody or control. Google further objects to the
9 request on the grounds that it calls for the disclosure of documents protected by the
10 attorney-client privilege, work product doctrine and/or other applicable privileges.

11 Such documents will not be produced. Google further objects to this request as
12 vague, ambiguous and unintelligible, including without limitation with respect to the
13 terms "could," "RELATING TO" and "involving." Google further objects to this
14 request on the grounds that it calls for the production of private and confidential
15 employment information of individual non-parties whose privacy is protected by the
16 United States Constitution; the California Constitution, Art. 1, Sec. 1 and all other
17 applicable federal and state privacy and employment laws. Google is not authorized
18 to and cannot waive such statutory and constitutional privacy rights and will not
19 produce any documents implicating such rights. Google further objects to this
20 request on the grounds that it is improper, harassing, and not propounded for any
21 legitimate litigation purpose.

22 **DOCUMENT REQUEST 366:**

23 All DOCUMENTS RELATING TO whether THOMAS NOLAN could work
24 on any cases involving Perfect 10, Inc., while working for the Ninth Circuit Court of
25 Appeals, without violating any ethical rules concerning the practice of law, court
26 rules, or any other rules.

1 **RESPONSE TO DOCUMENT REQUEST 366:**

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 on the grounds that it seeks documents not
6 within Google’s possession, custody or control. Google further objects to the
7 request on the grounds that it calls for the disclosure of documents protected by the
8 attorney-client privilege, work product doctrine and/or other applicable privileges.
9 Such documents will not be produced. Google further objects to this request as
10 vague, ambiguous and unintelligible, including without limitation with respect to the
11 terms “could,” “RELATING TO” and “involving.” Google further objects to this
12 request on the grounds that it calls for the production of private and confidential
13 employment information of individual non-parties whose privacy is protected by the
14 United States Constitution; the California Constitution, Art. 1, Sec. 1 and all other
15 applicable federal and state privacy and employment laws. Google is not authorized
16 to and cannot waive such statutory and constitutional privacy rights and will not
17 produce any documents implicating such rights. Google further objects to the
18 request on the grounds that it seeks confidential information received in the course
19 of judicial employment. Google is not authorized to and cannot waive the
20 protections afforded such privileged and confidential information. Google further
21 objects to this request on the grounds that it is improper, harassing, and not
22 propounded for any legitimate litigation purpose.

23 **DOCUMENT REQUEST 367:**

24 DOCUMENTS sufficient to show when QUINN EMANUEL first did any
25 legal work for GOOGLE on any matter involving Perfect 10, Inc.

26 **RESPONSE TO DOCUMENT REQUEST 367:**

27 Google objects to this request on the grounds that it seeks information outside
28 the scope of permissible discovery, not relevant to the subject matter of the action,

1 and not reasonably calculated to lead to the discovery of admissible evidence.
2 Google further objects to the request on the grounds that it calls for the disclosure of
3 documents protected by the attorney-client privilege, work product doctrine and/or
4 other applicable privileges. Such documents will not be produced. Google further
5 objects to this request on the grounds that it is improper, harassing, and not
6 propounded for any legitimate litigation purpose.

7 **DOCUMENT REQUEST 368:**

8 All DOCUMENTS that show any involvement THOMAS NOLAN had in the
9 CCBILL CASE while working for the Ninth Circuit Court of Appeals.

10 **RESPONSE TO DOCUMENT REQUEST 368:**

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 on the grounds that it seeks documents not
15 within Google’s possession, custody or control. Google further objects to this
16 request as vague, ambiguous and unintelligible, including without limitation with
17 respect to the terms “show” and “involvement.” Google further objects to this
18 request on the grounds that it calls for the production of private and confidential
19 employment information of individual non-parties whose privacy is protected by the
20 United States Constitution; the California Constitution, Art. 1, Sec. 1 and all other
21 applicable federal and state privacy and employment laws. Google is not authorized
22 to and cannot waive such statutory and constitutional privacy rights and will not
23 produce any documents implicating such rights. Google further objects to the
24 request on the grounds that it seeks confidential information received in the course
25 of judicial employment. Google is not authorized to and cannot waive the
26 protections afforded such privileged and confidential information. Google further
27 objects to this request on the grounds that it is improper, harassing, and not
28 propounded for any legitimate litigation purpose. Google further objects to the

1 request on the grounds that it calls for the disclosure of documents protected by the
2 attorney-client privilege, work product doctrine and/or other applicable privileges.
3 Such documents will not be produced.

4 **DOCUMENT REQUEST 369:**

5 All DOCUMENTS that show any involvement THOMAS NOLAN had in the
6 VISA CASE while working for the Ninth Circuit Court of Appeals.

7 **RESPONSE TO DOCUMENT REQUEST 369:**

8 Google objects to this request on the grounds that it seeks information outside
9 the scope of permissible discovery, not relevant to the subject matter of the action,
10 and not reasonably calculated to lead to the discovery of admissible evidence.
11 Google further objects to this request on the grounds that it seeks documents not
12 within Google's possession, custody or control. Google further objects to the
13 request on the grounds that it calls for the disclosure of documents protected by the
14 attorney-client privilege, work product doctrine and/or other applicable privileges.
15 Such documents will not be produced. Google further objects to this request as
16 vague, ambiguous and unintelligible, including without limitation with respect to the
17 terms "show" and "involvement." Google further objects to this request on the
18 grounds that it calls for the production of private and confidential employment
19 information of individual non-parties whose privacy is protected by the United
20 States Constitution; the California Constitution, Art. 1, Sec. 1 and all other
21 applicable federal and state privacy and employment laws. Google is not authorized
22 to and cannot waive such statutory and constitutional privacy rights and will not
23 produce any documents implicating such rights. Google further objects to the
24 request on the grounds that it seeks confidential information received in the course
25 of judicial employment. Google is not authorized to and cannot waive the
26 protections afforded such privileged and confidential information. Google further
27 objects to this request on the grounds that it is improper, harassing, and not
28 propounded for any legitimate litigation purpose.

1 **DOCUMENT REQUEST 370:**

2 All DOCUMENTS that show any involvement THOMAS NOLAN had in the
3 PERFECT 10 V. GOOGLE MATTER while working for the Ninth Circuit Court of
4 Appeals.

5 **RESPONSE TO DOCUMENT REQUEST 370:**

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 on the grounds that it seeks documents not
10 within Google’s possession, custody or control. Google further objects to the
11 request on the grounds that it calls for the disclosure of documents protected by the
12 attorney-client privilege, work product doctrine and/or other applicable privileges.
13 Such documents will not be produced. Google further objects to this request as
14 vague, ambiguous and unintelligible, including without limitation with respect to the
15 terms “show” and “involvement.” Google further objects to this request on the
16 grounds that it calls for the production of private and confidential employment
17 information of individual non-parties whose privacy is protected by the United
18 States Constitution; the California Constitution, Art. 1, Sec. 1 and all other
19 applicable federal and state privacy and employment laws. Google is not authorized
20 to and cannot waive such statutory and constitutional privacy rights and will not
21 produce any documents implicating such rights. Google further objects to the
22 request on the grounds that it seeks confidential information received in the course
23 of judicial employment. Google is not authorized to and cannot waive the
24 protections afforded such privileged and confidential information. Google further
25 objects to this request on the grounds that it is improper, harassing, and not
26 propounded for any legitimate litigation purpose.

27
28

1 **DOCUMENT REQUEST 371:**

2 All DOCUMENTS that show any steps taken by QUINN EMANUEL
3 RELATING TO possible conflicts or violations of ethical rules, court rules, or any
4 other rules, if THOMAS NOLAN worked on the PERFECT 10 V. GOOGLE
5 MATTER.

6 **RESPONSE TO DOCUMENT REQUEST 371:**

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 on the grounds that it seeks documents not
11 within Google’s possession, custody or control. Google further objects to the
12 request on the grounds that it calls for the disclosure of documents protected by the
13 attorney-client privilege, work product doctrine and/or other applicable privileges.
14 Such documents will not be produced. Google further objects to this request as
15 vague, ambiguous and unintelligible, including without limitation with respect to the
16 terms “possible conflicts or violations”, “show” and “steps.” Google further objects
17 to this request on the grounds that it calls for the production of private and
18 confidential employment information of individual non-parties whose privacy is
19 protected by the United States Constitution; the California Constitution, Art. 1, Sec.
20 1 and all other applicable federal and state privacy and employment laws. Google is
21 not authorized to and cannot waive such statutory and constitutional privacy rights
22 and will not produce any documents implicating such rights. Google further objects
23 to this request on the grounds that it is improper, harassing, and not propounded for
24 any legitimate litigation purpose.

25 **DOCUMENT REQUEST 372:**

26 All DOCUMENTS that show information about Perfect 10, Inc. that
27 THOMAS NOLAN obtained prior to his first day of employment at QUINN
28 EMANUEL.

1 **RESPONSE TO DOCUMENT REQUEST 372:**

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 on the grounds that it seeks documents not
6 within Google’s possession, custody or control. Google further objects to the
7 request on the grounds that it calls for the disclosure of documents protected by the
8 attorney-client privilege, work product doctrine and/or other applicable privileges.
9 Such documents will not be produced. Google further objects to this request as
10 vague, ambiguous and unintelligible, including without limitation with respect to the
11 terms “show” and “information.” Google further objects to this request on the
12 grounds that it calls for the production of private and confidential employment
13 information of individual non-parties whose privacy is protected by the United
14 States Constitution; the California Constitution, Art. 1, Sec. 1 and all other
15 applicable federal and state privacy and employment laws. Google is not authorized
16 to and cannot waive such statutory and constitutional privacy rights and will not
17 produce any documents implicating such rights. Google further objects to the
18 request on the grounds that it seeks confidential information received in the course
19 of judicial employment. Google is not authorized to and cannot waive the
20 protections afforded such privileged and confidential information. Google further
21 objects to this request on the grounds that it is improper, harassing, and not
22 propounded for any legitimate litigation purpose.

23 **DOCUMENT REQUEST 373:**

24 All DOCUMENTS that show if THOMAS NOLAN disclosed any
25 information about the CCBILL CASE that THOMAS NOLAN learned while
26 clerking for the Ninth Circuit, to any other person at QUINN EMANUEL, any other
27 counsel for GOOGLE, any employee or representative of GOOGLE, or any counsel
28 for Amazon.com.

1 **RESPONSE TO DOCUMENT REQUEST 373:**

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 on the grounds that it calls for the disclosure of
6 documents protected by the attorney-client privilege, work product doctrine and/or
7 other applicable privileges. Such documents will not be produced. Google further
8 objects to this request as vague, ambiguous and unintelligible, including without
9 limitation with respect to the terms “show” and “information.” Google further
10 objects to this request on the grounds that it calls for the production of private and
11 confidential employment information of individual non-parties whose privacy is
12 protected by the United States Constitution; the California Constitution, Art. 1, Sec.
13 1 and all other applicable federal and state privacy and employment laws. Google is
14 not authorized to and cannot waive such statutory and constitutional privacy rights
15 and will not produce any documents implicating such rights. Google further objects
16 to this request on the grounds that it is improper, harassing, and not propounded for
17 any legitimate litigation purpose.

18 **DOCUMENT REQUEST 374:**

19 All DOCUMENTS that show if THOMAS NOLAN disclosed any
20 information about the VISA CASE that THOMAS NOLAN learned while clerking
21 for the Ninth Circuit, to any other person at QUINN EMANUEL, any other counsel
22 for GOOGLE, any employee or representative of GOOGLE, or any counsel for
23 Amazon.com.

24 **RESPONSE TO DOCUMENT REQUEST 374:**

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 on the grounds that it calls for the disclosure of

1 documents protected by the attorney-client privilege, work product doctrine and/or
2 other applicable privileges. Such documents will not be produced. Google further
3 objects to this request as vague, ambiguous and unintelligible, including without
4 limitation with respect to the terms “show” and “information.” Google further
5 objects to this request on the grounds that it calls for the production of private and
6 confidential employment information of individual non-parties whose privacy is
7 protected by the United States Constitution; the California Constitution, Art. 1, Sec.
8 1 and all other applicable federal and state privacy and employment laws. Google is
9 not authorized to and cannot waive such statutory and constitutional privacy rights
10 and will not produce any documents implicating such rights. Google further objects
11 to this request on the grounds that it is improper, harassing, and not propounded for
12 any legitimate litigation purpose.

13 **DOCUMENT REQUEST 375:**

14 All DOCUMENTS that show if THOMAS NOLAN disclosed any
15 information about the PERFECT 10 V. GOOGLE MATTER that THOMAS
16 NOLAN learned while clerking for the Ninth Circuit, to any other person at QUINN
17 EMANUEL, any other counsel for GOOGLE, any employee or representative of
18 GOOGLE, or any counsel for Amazon.com.

19 **RESPONSE TO DOCUMENT REQUEST 375:**

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 the request on the grounds that it calls for the disclosure of
24 documents protected by the attorney-client privilege, work product doctrine and/or
25 other applicable privileges. Such documents will not be produced. Google further
26 objects to this request as vague, ambiguous and unintelligible, including without
27 limitation with respect to the terms “show” and “information.” Google further
28 objects to this request on the grounds that it calls for the production of private and

1 confidential employment information of individual non-parties whose privacy is
2 protected by the United States Constitution; the California Constitution, Art. 1, Sec.
3 1 and all other applicable federal and state privacy and employment laws. Google is
4 not authorized to and cannot waive such statutory and constitutional privacy rights
5 and will not produce any documents implicating such rights. Google further objects
6 to this request on the grounds that it is improper, harassing, and not propounded for
7 any legitimate litigation purpose.

8 **DOCUMENT REQUEST 376:**

9 All DOCUMENTS RELATING TO whether THOMAS NOLAN discussed
10 any of the cases involving Perfect 10 with any of the clerks for the judges who wrote
11 the Court of Appeals opinion in Perfect 10 v. Amazon.com.

12 **RESPONSE TO DOCUMENT REQUEST 376:**

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 on the grounds that it seeks documents not
17 within Google’s possession, custody or control. Google further objects to the
18 request on the grounds that it calls for the disclosure of documents protected by the
19 attorney-client privilege, work product doctrine and/or other applicable privileges.
20 Such documents will not be produced. Google further objects to this request as
21 vague, ambiguous and unintelligible, including without limitation with respect to the
22 term “RELATING TO.” Google further objects to this request on the grounds that it
23 calls for the production of private and confidential employment information of
24 individual non-parties whose privacy is protected by the United States Constitution;
25 the California Constitution, Art. 1, Sec. 1 and all other applicable federal and state
26 privacy and employment laws. Google is not authorized to and cannot waive such
27 statutory and constitutional privacy rights and will not produce any documents
28 implicating such rights. Google further objects to the request on the grounds that it

1 seeks confidential information received in the course of judicial employment.
2 Google is not authorized to and cannot waive the protections afforded such
3 privileged and confidential information. Google further objects to this request on
4 the grounds that it is improper, harassing, and not propounded for any legitimate
5 litigation purpose.

6 **DOCUMENT REQUEST 377:**

7 All DOCUMENTS RELATING TO communications between THOMAS
8 NOLAN and any of the clerks for Judges Cynthia Holcomb Hall, Hawkins, and
9 Sandra S. Ikuta.

10 **RESPONSE TO DOCUMENT REQUEST 377:**

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 on the grounds that it seeks documents not
15 within Google’s possession, custody or control. Google further objects to the
16 request on the grounds that it calls for the disclosure of documents protected by the
17 attorney-client privilege, work product doctrine and/or other applicable privileges.
18 Such documents will not be produced. Google further objects to this request as
19 vague, ambiguous and unintelligible, including without limitation with respect to the
20 term “RELATING TO.” Google further objects to this request on the grounds that it
21 calls for the production of private and confidential employment and personal
22 information of individual non-parties whose privacy is protected by the United
23 States Constitution; the California Constitution, Art. 1, Sec. 1 and all other
24 applicable federal and state privacy and employment laws. Google is not authorized
25 to and cannot waive such statutory and constitutional privacy rights and will not
26 produce any documents implicating such rights. Google further objects to the
27 request on the grounds that it seeks confidential information received in the course
28 of judicial employment. Google is not authorized to and cannot waive the

1 protections afforded such privileged and confidential information. Google further
2 objects to this request on the grounds that it is improper, harassing, and not
3 propounded for any legitimate litigation purpose.

4 **DOCUMENT REQUEST 378:**

5 All e-mails between THOMAS NOLAN and any of the clerks for Judges
6 Cynthia Holcomb Hall, Hawkins, and Sandra S. Ikuta.

7 **RESPONSE TO DOCUMENT REQUEST 378:**

8 Google objects to this request on the grounds that it seeks information outside
9 the scope of permissible discovery, not relevant to the subject matter of the action,
10 and not reasonably calculated to lead to the discovery of admissible evidence.
11 Google further objects to this request on the grounds that it seeks documents not
12 within Google's possession, custody or control. Google further objects to the
13 request on the grounds that it calls for the disclosure of documents protected by the
14 attorney-client privilege, work product doctrine and/or other applicable privileges.
15 Such documents will not be produced. Google further objects to this request on the
16 grounds that it calls for the production of private and confidential employment and
17 personal information of individual non-parties whose privacy is protected by the
18 United States Constitution; the California Constitution, Art. 1, Sec. 1 and all other
19 applicable federal and state privacy and employment laws. Google is not authorized
20 to and cannot waive such statutory and constitutional privacy rights and will not
21 produce any documents implicating such rights. Google further objects to the
22 request on the grounds that it seeks confidential information received in the course
23 of judicial employment. Google is not authorized to and cannot waive the
24 protections afforded such privileged and confidential information. Google further
25 objects to this request on the grounds that it is improper, harassing, and not
26 propounded for any legitimate litigation purpose.

27
28

1 **DOCUMENT REQUEST 379:**

2 All DOCUMENTS that show if THOMAS NOLAN informed the Ninth
3 Circuit about his employment by GOOGLE’s counsel.

4 **RESPONSE TO DOCUMENT REQUEST 379:**

5 Google objects to this request on the grounds that it seeks information outside
6 the scope of permissible discovery, not relevant to the subject matter of the action,
7 and not reasonably calculated to lead to the discovery of admissible evidence.
8 Google further objects to this request on the grounds that it seeks documents not
9 within Google’s possession, custody or control. Google further objects to the
10 request on the grounds that it calls for the disclosure of documents protected by the
11 attorney-client privilege, work product doctrine and/or other applicable privileges.
12 Such documents will not be produced. Google further objects to this request as
13 vague, ambiguous and unintelligible, including without limitation with respect to the
14 term “show.” Google further objects to this request on the grounds that it calls for
15 the production of private and confidential employment and personal information of
16 individual non-parties whose privacy is protected by the United States Constitution;
17 the California Constitution, Art. 1, Sec. 1 and all other applicable federal and state
18 privacy and employment laws. Google is not authorized to and cannot waive such
19 statutory and constitutional privacy rights and will not produce any documents
20 implicating such rights. Google further objects to the request on the grounds that it
21 seeks confidential information received in the course of judicial employment.
22 Google is not authorized to and cannot waive the protections afforded such
23 privileged and confidential information. Google further objects to this request on
24 the grounds that it is improper, harassing, and not propounded for any legitimate
25 litigation purpose.

26
27
28

1 **DOCUMENT REQUEST 380:**

2 All DOCUMENTS, including correspondence, between Rachel Herrick
3 Kassabian and THOMAS NOLAN RELATING TO his work for the Ninth Circuit
4 Court of Appeals and Perfect 10, Inc.

5 **RESPONSE TO DOCUMENT REQUEST 380:**

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 on the grounds that it seeks documents not
10 within Google’s possession, custody or control. Google further objects to the
11 request on the grounds that it calls for the disclosure of documents protected by the
12 attorney-client privilege, work product doctrine and/or other applicable privileges.
13 Such documents will not be produced. Google further objects to this request as
14 vague, ambiguous and unintelligible, including without limitation with respect to the
15 terms “between” and “RELATING TO.” Google further objects to this request on
16 the grounds that it calls for the production of private and confidential employment
17 and personal information of individual non-parties whose privacy is protected by the
18 United States Constitution; the California Constitution, Art. 1, Sec. 1 and all other
19 applicable federal and state privacy and employment laws. Google is not authorized
20 to and cannot waive such statutory and constitutional privacy rights and will not
21 produce any documents implicating such rights. Google further objects to this
22 request on the grounds that it is improper, harassing, and not propounded for any
23 legitimate litigation purpose.

24 **DOCUMENT REQUEST 381:**

25 All DOCUMENTS, including correspondence, between Michael Zeller and
26 THOMAS NOLAN RELATING TO his work for the Ninth Circuit Court of
27 Appeals and Perfect 10, Inc.

28

1 **RESPONSE TO DOCUMENT REQUEST 381:**

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 on the grounds that it seeks documents not
6 within Google’s possession, custody or control. Google further objects to the
7 request on the grounds that it calls for the disclosure of documents protected by the
8 attorney-client privilege, work product doctrine and/or other applicable privileges.
9 Such documents will not be produced. Google further objects to this request as
10 vague, ambiguous and unintelligible, including without limitation with respect to the
11 terms “between” and “RELATING TO.” Google further objects to this request on
12 the grounds that it calls for the production of private and confidential employment
13 and personal information of individual non-parties whose privacy is protected by the
14 United States Constitution; the California Constitution, Art. 1, Sec. 1 and all other
15 applicable federal and state privacy and employment laws. Google is not authorized
16 to and cannot waive such statutory and constitutional privacy rights and will not
17 produce any documents implicating such rights. Google further objects to this
18 request on the grounds that it is improper, harassing, and not propounded for any
19 legitimate litigation purpose.

20 DATED: October 5, 2009

Respectfully submitted,

21 QUINN EMANUEL URQUHART OLIVER &
22 HEDGES, LLP

23
24 By *Rachel Herrick Kassabian*
25 Michael T. Zeller (Bar No. 196417)
26 Rachel Herrick Kassabian (Bar No.
191060)
Attorneys for Defendant GOOGLE INC.

1 QUINN EMANUEL URQUHART OLIVER & HEDGES, LLP
Michael T. Zeller (Bar No. 196417)
2 michaelzeller@quinnemanuel.com
865 South Figueroa Street, 10th Floor
3 Los Angeles, California 90017-2543
Telephone: (213) 443-3000; Facsimile: (213) 443-3100
4 Charles K. Verhoeven (Bar No. 170151)
charlesverhoeven@quinnemanuel.com
5 50 California Street, 22nd Floor
San Francisco, California 94111
6 Rachel Herrick Kassabian (Bar No. 191060)
rachelkassabian@quinnemanuel.com
7 555 Twin Dolphin Drive, Suite 560
Redwood Shores, California 94065

8 Attorneys for Defendant GOOGLE INC.
9

10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA

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

14 Plaintiff,

15 vs.

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

17 Defendants.
18

19 AND COUNTERCLAIM

20 PERFECT 10, INC., a California
21 corporation,

22 Plaintiff,

23 vs.

24 AMAZON.COM, INC., a corporation;
A9.COM, INC., a corporation; and
DOES 1 through 100, inclusive,

25 Defendants.
26
27
28

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

PROOF OF SERVICE

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, California 94111.

5 On October 5, 2009, I served true copies of the following document(s)
6 described as

7 **DEFENDANT GOOGLE INC.'S RESPONSES AND OBJECTIONS TO
8 PLAINTIFF PERFECT 10, INC.'S TENTH SET OF REQUESTS FOR
9 PRODUCTION OF DOCUMENTS**

10 on the parties in this action as follows:

11 Jeffrey N. Mausner, Esq.
12 jeff@mausnerlaw.com

13 Law Offices of Jeffrey N. Mausner
14 21800 Oxnard Street, Suite 910
15 Woodland Hills, CA 91367-3640

16 *Counsel for Plaintiff Perfect 10, Inc.*

17 Mark Jansen, Esq.
18 mtjansen@townsend.com

19 Anthony Malutta, Esq.
20 ajmalutta@townsend.com

21 Tim Cahn, Esq.
22 trcahn@townsend.com

23 Gia Cincone, Esq.
24 glcincone@townsend.com

25 Townsend & Townsend & Crew, LLP
26 Two Embarcadero Center, 8th Floor
27 San Francisco, CA 94111-3834

28 *Counsel for Defendant Amazon.com, Inc.*

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

20 **BY EMAIL:** By electronic mail transmission from bradlove@quinnemanuel.com
21 on October 5, 2009, by transmitting a PDF format copy of such documents to each
22 such person at the e-mail address listed below their addresses. The documents were
23 transmitted by electronic transmission and such transmission was reported as
24 complete and without error.

25 I declare under penalty of perjury under the laws of the state of California that
26 the foregoing is true and correct. I further declare that I am employed in the office
27 of a member of the bar of this Court at whose direction the service was made.

28 Executed on October 5, 2009, at San Francisco, California.

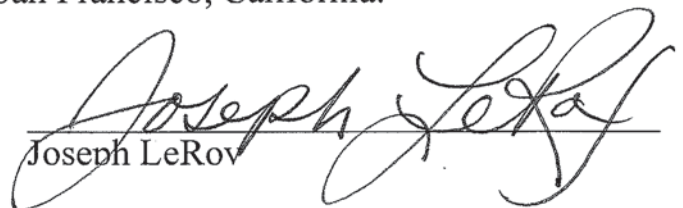
29 
30 Joseph LeRov

Exhibit L

Filed Separately Under Seal
Pursuant to Protective Order

Exhibit M

Filed Separately Under Seal
Pursuant to Protective Order

Exhibit N

Filed Separately Under Seal
Pursuant to Protective Order

Exhibit O

1 RUSSELL J. FRACKMAN (State Bar No. 49087)
JEFFREY D. GOLDMAN (State Bar No. 155589)
2 MITCHELL SILBERBERG & KNUPP LLP
11377 West Olympic Boulevard
3 Los Angeles, CA 90064-1683
Telephone: (310) 312-2000
4 Facsimile: (310) 312-3100

5 DANIEL J. COOPER (State Bar No. 198460)
PERFECT 10, INC.
6 72 Beverly Park Dr.
Beverly Hills, California 90210
7 Telephone: (310) 205-9817
8 Facsimile: (310) 205-9638

9 JEFFREY N. MAUSNER (State Bar No. 122385)
BERMAN, MAUSNER & RESSER
11601 Wilshire Boulevard, Suite 600
10 Los Angeles, California 90025-1742
Telephone: (310) 473-3333
11 Facsimile: (310) 473-8303

12 Attorneys for Plaintiff
Perfect 10, Inc.

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

17 PERFECT 10, INC., a California
corporation,
18
19 Plaintiff,
20 v.
21 GOOGLE, INC., a corporation; and
DOES 1 through 100, inclusive,
22 Defendants.

MASTER FILE NO. CV04-9484 AHM
(SHX)
**PLAINTIFF'S FIFTH SET OF REQUESTS
FOR THE PRODUCTION OF
DOCUMENTS TO DEFENDANT
GOOGLE, INC.**

24 AND CONSOLIDATED CASE

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

1 result of linking to CELEBRITY images or displaying CELEBRITY images.

2 126. All reports, studies, internal memorandums, or other DOCUMENTS
3 which refer or RELATE TO user behavior.

4 127. All reports, studies, internal memorandums, and other DOCUMENTS
5 published, released, or circulated by the Google Analytics Department.

6 128. All reports, studies, internal memorandums, or other DOCUMENTS
7 ordered, requested, or circulated by Bob Brougher.

8 129. All reports, studies, internal memorandums, or other DOCUMENTS
9 ordered, requested, or circulated by Susan Wojcicki.

10 130. All reports, studies, internal memorandums, or other DOCUMENTS
11 ordered, requested, or circulated by Walt Drummond.

12 131. All reports, studies, internal memorandums, or other DOCUMENTS
13 referring or RELATING TO Google user behavior, ordered, requested, or
14 circulated by Eric Schmidt.

15 132. DOCUMENTS sufficient to IDENTIFY all Google employees who
16 reviewed or processed Perfect 10's notices of infringement and which notices that
17 employee processed.

18 133. For any employees noted in response to Request No. 132,
19 DOCUMENTS sufficient to determine the dates that employee was employed by
20 GOOGLE.

21 134. For each of the terms Perfect 10, Perfect10, Perfect Ten, and
22 perfect10.com, DOCUMENTS sufficient to determine the approximate number of
23 GOOGLE Web Searches done which included that term, for each of the years 2001
24 through 2006 or for any portion of those years if yearly summaries do not exist.

25 135. For each of the Perfect 10 model names listed in Exhibit B attached
26 hereto, DOCUMENTS sufficient to determine the approximate number of
27 GOOGLE Web Searches which included the name of that model, for each of the
28 years 2001 through 2006 or for any portions of those years if yearly summaries do

1 194. All documents RELATING TO John Levine, Heraldo Botelho,
2 Radhika Malpani, Jessie Jiang, Lawrence You, Diane Tang, and Alexander
3 Macgillivray.

4 195. All documents constituting, comprising, evidencing, RELATING TO,
5 or referring to communications to, from, or with John Levine, Heraldo Botelho,
6 Radhika Malpani, Jessie Jiang, Lawrence You, Diane Tang, and Alexander
7 Macgillivray, or persons or entities acting on their behalf.

8 196. Google's DMCA log of DMCA notices received from 3rd parties.

9
10 Dated: January 17, 2007

11 JEFFREY N. MAUSNER,
12 BERMAN, MAUSNER & RESSER

13 DANIEL J. COOPER,
14 PERFECT 10, INC.

15 By: Jeffrey N. Mausner
16 Jeffrey N. Mausner Attorneys for Plaintiff,
17 PERFECT 10, INC.
18
19
20
21
22
23
24
25
26
27
28

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the county of Los Angeles, State of California.

4 I am over the age of 18 and am not a party to the within action; my business address is: 11601
5 Wilshire Blvd., Suite 600, Los Angeles, CA 90025-1742.

6 On January 18, 2007, I served the foregoing document(s) described as follows:

7 **PLAINTIFF'S FIFTH SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS TO
8 DEFENDANT GOOGLE, INC.**

9 on the interested party(ies) in this action by faxing a copy to the fax number(s) as shown below and
10 by placing a true copy thereof enclosed in a sealed envelope addressed to the address(es) as follows:

11 **Andrew P. Bridges, Esq.**
12 **Jennifer Golinveaux, Esq.**
13 **Winston & Strawn, LLP.**
14 **101 California Street, 39th Floor**
15 **San Francisco, California 94111-5894**
16 **Facsimile: (415) 591-1400**

17 **Mark T. Jansen, Esq.**
18 **Anthony Malutta, Esq.**
19 **Townsend Townsend & Crew**
20 **Two Embarcadero Center, 8th Floor**
21 **San Francisco, California 94111**
22 **Facsimile: (415) 576-0300**

23 **FACSIMILE:** I transmitted by facsimile such document(s) to the office(s) of the addressee(s).

24 **MAIL:** I placed such envelope with fully prepaid postage thereon in the United States mail at Los
25 Angeles, California.

26 **FEDERAL:** I declare that I am employed in the office of a member of the bar of this court at whose
27 direction the service was made. I declare, under penalty of perjury, that the foregoing is true and
28 correct.

Executed on **January 18, 2007**, at Los Angeles, California

BY: 
Jordan Bekier

Exhibit P

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

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

6
7
8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

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

12 Plaintiff,

13 vs.

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

16 Defendant.

17 AND COUNTERCLAIM

18 PERFECT 10, INC., a California
19 corporation,

20 Plaintiff,

21 vs.

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

24 Defendants.

Case No. CV04-9484 AHM (SHx)

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

25
26 PROPOUNDING PARTY: PLAINTIFF PERFECT 10, INC.

27 RESPONDING PARTY: DEFENDANT GOOGLE INC.

28 SET NUMBER: FIVE

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

3 **REQUEST NO. 129:**

4 All reports, studies, internal memorandums, or other DOCUMENTS ordered,
5 requested, or circulated by Susan Wojcicki.

6 **RESPONSE TO REQUEST NO. 129:**

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

12 **REQUEST NO. 130:**

13 All reports, studies, internal memorandums, or other DOCUMENTS ordered,
14 requested, or circulated by Walt Drummond.

15 **RESPONSE TO REQUEST NO. 130:**

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

21 **REQUEST NO. 131:**

22 All reports, studies, internal memorandums, or other DOCUMENTS referring
23 or RELATING TO Google user behavior, ordered, requested, or circulated by Eric
24 Schmidt.

25 **RESPONSE TO REQUEST NO. 131:**

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

1 **admissible evidence. Google further objects to this request as vague and ambiguous.**

2 **Google objects to this request as overly broad, unduly burdensome, and oppressive.**

3 **REQUEST NO. 132:**

4 DOCUMENTS sufficient to IDENTIFY all Google employees who reviewed or
5 processed Perfect 10's notices of infringement and which notices that employee
6 processed.

7 **RESPONSE TO REQUEST NO. 132:**

8 Google objects to this request as overly broad, unduly burdensome, and
9 oppressive and improper as a document request.

10 **REQUEST NO. 133:**

11 For any employees noted in response to Request No. 132, DOCUMENTS
12 sufficient to determine the dates that employee was employed by GOOGLE.

13 **RESPONSE TO REQUEST NO. 133:**

14 Google objects to this request as seeking information outside the scope of
15 permissible discovery in that it seeks information that is not relevant to the subject
16 matter of this action and is not reasonably calculated to lead to the discovery of
17 admissible evidence. Google further objects to this request for the reasons stated in
18 response to Request No. 132.

19 **REQUEST NO. 134:**

20 For each of the terms Perfect 10, Perfect10, Perfect Ten, and perfect10.com,
21 DOCUMENTS sufficient to determine the approximate number of GOOGLE Web
22 Searches done which included that term, for each of the years 2001 through 2006 or
23 for any portion of those years if yearly summaries do not exist.

24 **RESPONSE TO REQUEST NO. 134:**

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

1 matter of this action and is not reasonably calculated to lead to the discovery of
2 admissible evidence. Google objects to this request to the extent it seeks documents
3 protected by the attorney client privilege or work product doctrine. Google further
4 objects to this request as vague and ambiguous. Google objects to this request as
5 overly broad, unduly burdensome, and oppressive.

6 **REQUEST NO. 196:**

7 Google's DMCA log of DMCA notices received from 3rd parties.

8 **RESPONSE TO REQUEST NO. 196:**

9 Google objects to this request as seeking information outside the scope of
10 permissible discovery in that it seeks information that is not relevant to the subject
11 matter of this action and is not reasonably calculated to lead to the discovery of
12 admissible evidence. Google objects to this request as overly broad, unduly
13 burdensome, and oppressive. Google further objects to the request as duplicative of
14 Plaintiff's Request No. 51, which called for "GOOGLE's DMCA Log for the years
15 2001 through 2005, or any other DOCUMENTS sufficient to IDENTIFY all
16 ENTITIES other than Perfect 10 from whom GOOGLE has received a notice
17 regarding an intellectual property violation, the URLs complained about in each notice
18 from each such ENTITY, and the dates of the complaints for each such URL. These
19 DOCUMENTS should be provided in electronic format if available." Google already
20 produced documents responsive to Request No. 51, constituting all notices received
21 by Google regarding intellectual property violations.

22 Dated: February 23, 2007

WINSTON & STRAWN LLP

23
24 By 

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

1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a party
3 to the within action. My business address is Winston & Strawn LLP, 101 California Street, San
4 Francisco, CA 94111-5894. On February 23, 2007, I served the within document:

5 **DEFENDANT GOOGLE INC.'S RESPONSES AND OBJECTIONS TO PLAINTIFF'S**
6 **FIFTH SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS**

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

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

Jeffrey N. Mausner
Berman, Mausner & Resser
11601 Wilshire Boulevard, Suite 600
Los Angeles, CA 90025-1742

20 Daniel J. Cooper
21 Perfect 10, Inc.
22 72 Beverly Park Drive
Beverly Hills, CA 90210

Anthony J. Malutta
Mar. T. Jansen
Townsend, Townsend & Crew
2 Embarcadero Center, 8th Floor
San Francisco, CA 94111

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

25 Executed on February 23, 2007, at San Francisco, California.

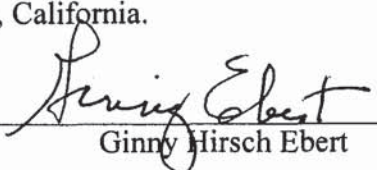
26 
27 _____
28 Ginny Hirsch Ebert

Exhibit Q

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PERFECT 10, INC., a California corporation,

Plaintiff,

v.

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

Defendants.

MASTER FILE NO. CV04-9484 AHM (SHX)

ORDER RE PERFECT 10'S MOTION TO COMPEL DEFENDANT GOOGLE INC. TO PRODUCE DOCUMENTS

Date: November 27, 2007

Time: 9:30 A.M.

Place: Courtroom of Judge Hillman

AND CONSOLIDATED CASE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Plaintiff Perfect 10 Inc.'s Motion to Compel Defendant Google Inc., to produce Documents (Sets 5-7), came on for hearing at the above noted time and place, the Honorable Stephen J. Hillman presiding. Jeffrey N. Mausner appeared on behalf of Plaintiff Perfect 10, Inc. ("Perfect 10"). Andrew P. Bridges and Jennifer A. Golinveaux appeared on behalf of Defendant Google Inc. ("Google").

Upon consideration of all papers and records on file and the parties' oral argument, the Court orders as follows:

ORDERS RE PERFECT 10'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS

On or before May 1, 2008, Google is ordered to produce the following:

REQUEST NO. 132

DOCUMENTS sufficient to IDENTIFY all Google employees who reviewed or processed Perfect 10's notices of infringement and which notices each employee processed.

REQUEST NO. 133

For any employees noted in response to Request No. 132, DOCUMENTS sufficient to determine the dates that employee was employed by GOOGLE.

REQUEST NO. 169

DOCUMENTS sufficient to determine the names and current contact information of all GOOGLE employees who have communicated with Perfect 10 in response to Perfect 10's notices of infringement, and which notices those employees processed.

1 **REQUEST NO. 135, as modified**

2 For each of the nine Perfect 10 model names listed in Exhibit B attached to
3 the Fifth Document Request, existing logs, data, documents and information from
4 the Google Trends Data Base or elsewhere, sufficient to determine the approximate
5 number of GOOGLE Web Searches which included the name of that model, for
6 each of the years 2001 through 2006 or for any portions of those years if yearly
7 summaries do not exist.

8
9 **REQUEST NO. 136, as modified**

10 For each of the terms Perfect 10, Perfect Ten, Perfect10, and perfect10.com,
11 existing logs, data, documents and information from the Google Trends Data Base
12 or elsewhere sufficient to determine the approximate number of GOOGLE Image
13 Searches done which included that term, for each of the years 2001 through 2006, or
14 for any portions of those years if yearly summaries do not exist.

15
16 **REQUEST NO. 137, as modified**

17 For each of the nine Perfect 10 model names listed in Exhibit B attached to
18 the Fifth Document Request, existing logs, data, documents and information from
19 the Google Trends Data Base or elsewhere sufficient to determine the approximate
20 number of GOOGLE Image Searches which included that model name, for each of
21 the years 2001 through 2006, or for any portions of those years if yearly summaries
22 do not exist.

23
24 **REQUEST NO. 146, as modified**

25 DOCUMENTS currently in existence or information readily accessible to
26 reasonably estimate the number of clicks there have been on Perfect 10 thumbnail
27 images (which images Perfect 10 has identified to Google by URL), in each of the
28 years 2007, 2006, 2005, 2004, 2003, and 2002 (or, if not available for a full year,

1 any period over which such records are available). Information readily accessible
2 includes those DOCUMENTS which Google can create without undue expense or
3 burden. Alternatively, if Google does not have such information, information
4 sufficient to reasonably estimate, for each model whose name appears in Exhibit B,
5 the number of clicks on thumbnails that have appeared in Google Image Search
6 results on that model name, for each of the years 2007, 2006, 2005, 2004, 2003, and
7 2002 (or, if not available for a full year, any period over which such records are
8 available).

9
10 **REQUEST NO. 154, as modified**

11 DOCUMENTS sufficient to describe the process or procedure which
12 GOOGLE has undertaken in each of the years 2006, 2005, 2004, 2003, and 2002, to
13 review any content on any website that participated in the AdWords or AdSense
14 programs for copyright infringement. Such documents are ordered produced only to
15 the extent that Google has not already produced them pursuant to the Court's prior
16 ruling on Request No. 54.

17
18 **REQUEST NO. 155, as modified**

19 DOCUMENTS sufficient to describe any efforts GOOGLE has made to
20 ensure that AdWords and AdSense affiliated Websites do not contain infringing
21 materials belonging to Perfect 10. Such documents are ordered produced only to the
22 extent that Google has not already produced them pursuant to the Court's prior
23 ruling on Request No. 54.

24
25 **REQUEST NO. 128, as modified**

26 All reports, studies, internal memorandums, or other DOCUMENTS ordered,
27 requested, or circulated by Bob Brougher, relating to the following topics: search
28 query frequencies, search query frequencies for adult related terms, number of clicks

1 on adult images and images in general, traffic to infringing websites, the draw of
2 adult content, and percentage of searches conducted with the safe search filter off.

3
4 **REQUEST NO. 129, as modified**

5 All reports, studies, internal memorandums, or other DOCUMENTS ordered,
6 requested, or circulated by Susan Wojcicki, relating to the following topics: search
7 query frequencies, search query frequencies for adult related terms, number of clicks
8 on adult images and images in general, traffic to infringing websites, the draw of
9 adult content, and percentage of searches conducted with the safe search filter off.

10
11 **REQUEST NO. 130, as modified**

12 All reports, studies, internal memorandums, or other DOCUMENTS ordered,
13 requested, or circulated by Walt Drummond, relating to the following topics: search
14 query frequencies, search query frequencies for adult related terms, number of clicks
15 on adult images and images in general, traffic to infringing websites, the draw of
16 adult content, and percentage of searches conducted with the safe search filter off.

17
18 **REQUEST NO. 131, as modified**

19 All reports, studies, internal memorandums, or other DOCUMENTS referring
20 or RELATING TO Google user behavior, ordered, requested, or circulated by Eric
21 Schmidt relating to the following topics: search query frequencies, search query
22 frequencies for adult related terms, number of clicks on adult images and images in
23 general, traffic to infringing websites, the draw of adult content, and percentage of
24 searches conducted with the safe search filter off.

25
26 **REQUEST NO. 194, as modified**

27 All documents circulated to John Levine, Heraldo Botelho, Radhika Malpani,
28 Jessie Jiang, Lawrence You, Diane Tang, and Alexander Macgillivray, relating to

1 the following topics: search query frequencies, search query frequencies for adult
2 related terms, number of clicks on adult images and images in general, traffic to
3 infringing websites, the draw of adult content, and percentage of searches conducted
4 with the safe search filter off.

5
6 **REQUEST NO. 195, as modified**

7 All documents constituting, comprising, evidencing, RELATING TO, or
8 referring to communications to, from, or with John Levine, Heraldo Botelho,
9 Radhika Malpani, Jessie Jiang, Lawrence You, Diane Tang, and Alexander
10 Macgillivray, or persons or entities acting on their behalf, relating to the following
11 topics: search query frequencies, search query frequencies for adult related terms,
12 number of clicks on adult images and images in general, traffic to infringing
13 websites, the draw of adult content, and percentage of searches conducted with the
14 safe search filter off.

15
16 **REQUEST NO. 151, as modified**

17 If Google is currently asserting that the statements it made in a June 27, 2001
18 email to Jeff Mausner, that “Without administrator cooperation, we cannot exclude
19 material available on the Internet from our index,” and “there is nothing that
20 GOOGLE can do to remove the offending content without the cooperation of the
21 site administrator,” are true, documents sufficient to support Google’s statements.

22
23 **REQUEST NO. 152, as modified**

24 DOCUMENTS sufficient to contradict or tend to disprove your statements in
25 a June 27, 2001 email to Jeff Mausner, wherein YOU stated that “Without
26 administrator cooperation, we cannot exclude material available on the Internet from
27 our index,” and “there is nothing that GOOGLE can do to remove the offending
28 content without the cooperation of the site administrator.”

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

REQUEST NO. 174, as modified

DOCUMENTS sufficient to describe Google’s attempts to develop or use any image recognition software.

REQUEST NO. 182, as modified

All DOCUMENTS RELATING TO GOOGLE monitoring or tracking searches or other activities of Dr. Zada, any employee of Perfect 10, any attorney for Perfect 10, or any employee of an attorney for Perfect 10, limited to documents that exceed Google’s published privacy policy; and

All DOCUMENTS RELATING TO GOOGLE monitoring or tracking searches or other activities of Dr. Zada, any employee of Perfect 10, any attorney for Perfect 10, or any employee of an attorney for Perfect 10, within Google’s privacy policy but nevertheless utilized in this litigation.

REQUEST NO. 183, as modified

All DOCUMENTS RELATING TO any investigation conducted of Dr. Zada, any employees of Perfect 10, any attorney for Perfect 10, or any employee of an attorney of Perfect 10, limited to documents that exceed Google’s published privacy policy; and

All DOCUMENTS RELATING TO any investigation conducted of Dr. Zada, any employees of Perfect 10, any attorney for Perfect 10, or any employee of an attorney of Perfect 10, within Google’s privacy policy but nevertheless utilized in this litigation.

REQUEST NO. 193, as modified

A listing of all lawsuits filed against GOOGLE relating to or involving click fraud.

1 **REQUEST NO. 196, as modified**

2 Google's DMCA Log.

3
4 **REQUEST NO. 197**

5 Perfect 10's Motion to Compel production of documents in response to
6 **Request 197** ("Copies of the deposition transcripts of all employees, officers and
7 directors of Google taken in connection with the lawsuit Columbia Pictures
8 Industries, et.al. v. Drury et.al., pending in the U.S. District Court for the Southern
9 District of New York.") is hereby DENIED.

10
11 **FURTHER ORDERS**

12 **Further Order No. 1**

13 Perfect 10's motion to compel production of documents in response to
14 **Request 153** ("DOCUMENTS sufficient to explain how Google can make a
15 thumbnail from a larger image without making a copy of the larger image.") was
16 heard. The Court finds that Google has sufficiently responded to this request, and
17 declines to order any further response.

18
19 **Further Order No. 2**

20 Google shall serve a Privilege Log for the above ordered requests on or before
21 May 1, 2008.

22
23 **Further Order No. 3**

24 The above-referenced Orders are made subject to the following:

25 (1) The provisions of Fed. R. Civ. P. 26(b)(2) regarding data not reasonably
26 accessible because of undue burden or expense. To the extent Google asserts with
27 specificity that responsive documents exist that are not readily accessible, such

28

1 documents are not ordered produced, but the parties are ordered to comply with Fed.
2 R. Civ. P. 26(b)(2).

3
4 **Further Order No. 4**

5 The Court takes under submission the other documents that Perfect 10 has
6 moved to compel Google to produce, pending further briefing.

7 **IT IS SO ORDERED.**

8 DATED: February 22, 2008
9

10
11 **STEPHEN J. HILLMAN**

12
13 _____
14 STEPHEN J. HILLMAN
15 United States Magistrate Judge
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit R

1 QUINN EMANUEL URQUHART & SULLIVAN, LLP

2 Michael T. Zeller (Bar No. 196417)
3 michaelzeller@quinnemanuel.com
4 865 South Figueroa Street, 10th Floor
5 Los Angeles, California 90017-2543

6 Telephone: (213) 443-3000
7 Facsimile: (213) 443-3100
8 Charles K. Verhoeven (Bar No. 170151)
9 charlesverhoeven@quinnemanuel.com
10 50 California Street, 22nd Floor
11 San Francisco, California 94111
12 Rachel Herrick Kassabian (Bar No. 191060)

13 rachelkassabian@quinnemanuel.com
14 555 Twin Dolphin Drive, 5th Floor
15 Redwood Shores, California 94065

16 Attorneys for Defendant GOOGLE INC.

17 UNITED STATES DISTRICT COURT
18 CENTRAL DISTRICT OF CALIFORNIA

19 PERFECT 10, INC., a California
20 corporation,

21 Plaintiff,

22 vs.

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

25 Defendants.

CASE NO. CV 04-9484 AHM (SHx)

**DEFENDANT GOOGLE INC.'S
RESPONSES AND OBJECTIONS
TO PLAINTIFF PERFECT 10,
INC.'S TWELFTH SET OF
REQUESTS FOR THE
PRODUCTION OF DOCUMENTS**

PROPOUNDING PARTY:
PLAINTIFF PERFECT 10, INC.

RESPONDING PARTY:
DEFENDANT GOOGLE, INC.

SET NUMBER: TWELVE

REQUEST NOS. 389-401

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RESPONSES TO REQUESTS FOR PRODUCTION

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendant Google Inc. and Dr. Eric Schmidt (collectively "Google") hereby responds and objects to the Twelfth Set of Requests for Production of Documents from Plaintiff Perfect 10, Inc. ("Perfect 10") and the identical document requests attached to Perfect 10's March 26, 2010 Notice of Deposition of Dr. Eric Schmidt (hereinafter "Perfect 10's Twelfth Set of Document Requests")¹, as follows:

GENERAL OBJECTIONS

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

1. Google objects generally to the designated time and place for production of documents in response to Perfect 10's Twelfth Set of Document Requests. Google will produce any such responsive, non-privileged, documents at a mutually agreeable place and time.

2. Google objects to the definitions and instructions provided with the Plaintiff's Requests and to each Request on the grounds that they seek the production of documents protected from disclosure by the attorney-client privilege,

¹ Perfect 10 represented to Google during the parties' April 19, 2010 telephonic meet and confer that its Twelfth Set of Document Requests to Google and document requests attached to the Notice of Deposition of Dr. Eric Schmidt sought the same categories of documents from the same sources. Accordingly, Perfect 10 represented that it did not expect two document productions from Google and Dr. Schmidt. Google and Dr. Schmidt hereby assert a single set of written responses and objections to Perfect 10's identical sets of document requests. By submitting these objections, Google and Dr. Schmidt do not concede that the identical document requests included in Perfect 10's March 26, 2010 Notice of Deposition of Dr. Eric Schmidt required any response from Dr. Schmidt in his individual capacity.

1 work product doctrine, or any other evidentiary privilege. Such information will not
2 be provided in response to the Requests, and any inadvertent disclosure thereof shall
3 not be deemed a waiver of any privilege with respect to such information or of any
4 work product doctrine that may attach thereto.

5 3. Google objects generally to the definitions and instructions provided
6 with Plaintiffs' Requests on the grounds that those definitions seek to impose
7 discovery obligations upon Google that exceed those required by the Federal Rules
8 of Civil Procedure.

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

15 5. Google objects to the definition of "DOCUMENT" and
16 "DOCUMENTS" on the grounds that they exceed the limitations of Federal Rule of
17 Civil Procedure 34.

18 6. Google objects to the definition of "RELATE TO" and "RELATING
19 TO" as vague and ambiguous, particularly on the grounds that the definition
20 includes "contradicting."

21 7. Google objects to the Request's Instruction No. 1 on the basis that it
22 seeks to impose an unreasonable and undue burden on Google's production of
23 responsive documents. Google will produce any electronic documents in a manner
24 consistent with prior productions.

25 8. Google objects to the Request's Instruction No. 2 on the basis that it
26 seeks to impose an unreasonable and undue burden on Google's production of
27 responsive documents that exceeds the limitations of Federal Rule of Civil
28

1 Procedure 34. Google will not agree to identify to which of P10's more than four
2 hundred overlapping and duplicative requests a document is responsive.

3 9. Google objects to the Request's Instruction No. 3 on the basis that it
4 seeks to impose an unreasonable and undue burden on Google's production of
5 responsive documents that exceeds the limitations of Federal Rule of Civil
6 Procedure 34.

7 10. Google objects to the Requests on the grounds that they are overbroad,
8 unduly burdensome, oppressive, cumulative, redundant and harassing.

9 11. Google objects to the Requests on the grounds that they seek
10 information that is neither relevant nor reasonably calculated to lead to the discovery
11 of admissible evidence.

12 12. Google objects to the Requests on the grounds that they seek
13 documents not within Google's possession, custody or control. Any objection by
14 Google herein does not constitute a representation or admission that such
15 information and/or documents do in fact exist.

16 13. Google objects to each Request on the grounds that it is vague,
17 ambiguous or unintelligible.

18 14. Google objects to each Request to the extent and on the grounds that it
19 may require the production of private and confidential information of non-parties
20 whose privacy is protected by the United States Constitution; the California
21 Constitution, Art. 1, Sec. 1 (and/or all other state constitutions); the Electronic
22 Communications Privacy Act, 18 U.S.C. §§ 2510-2522, 2701-2711; and all other
23 applicable federal and state privacy laws. Google is not authorized to and cannot
24 waive third parties' statutory and constitutional privacy rights and will not produce
25 any documents implicating such rights.

26 15. Google objects to the Requests on the grounds that they require
27 production of confidential, proprietary, or trade secret business information of
28 Google or a non-party. Google will only produce such documents pursuant to and

1 in reliance upon the parties' stipulated Protective Order and expressly reserves the
2 right to seek any further relief it deems necessary.

3 16. Google objects to the Requests on the grounds that they seek
4 documents that are equally available to Perfect 10 because they are currently in
5 Perfect 10's possession, under Perfect 10's control or in the possession or control of
6 the Plaintiff's attorney or agents.

7 17. Google objects generally to requests that call for extensive electronic
8 production as overly broad, unduly burdensome and oppressive. Google further
9 objects to each Request to the extent it may seek inaccessible electronically-stored
10 information as that information is presumptively non-discoverable under Fed. R.
11 Civ. P. 26(b)(2). Additionally, Google reserves the right to seek cost-shifting for
12 expenses associated with production of costly or inaccessible electronically-stored
13 information.

14 18. Google objects to the Requests on the grounds that they are duplicative
15 of prior document requests and seek documents previously produced by Google.
16 Such documents will not be re-produced.

17 19. Google objects to the Requests on the grounds that the Requests
18 attached to the Notice of Deposition of Dr. Schmidt are duplicative of document
19 requests made to Google, including but not limited to being identical to requests in
20 Perfect 10's Twelfth Requests for Production of Documents to Google. These
21 requests further seek documents previously produced by Google in this matter and it
22 is unduly burdensome and harassing to compel Dr. Schmidt to obtain such
23 duplicative documents.

24 20. Google objects generally to the Requests attached to the Notice of
25 Deposition of Dr. Schmidt to the extent and on the grounds that that they seek
26 production of Google's corporate documents by one of Google's employees. Such
27 documents are not within Dr. Schmidt's individual possession, custody, or control.
28

1 and unintelligible, including without limitation with respect to the terms and phrases
2 "copyright infringement" and "alleged." Google further objects to this request
3 because it calls for a legal conclusion regarding what constitutes "copyright
4 infringement." Google further objects because this request is unlimited as to time
5 and scope. Subject to and without waiving the specific and General Objections
6 above, Google responds that it has produced non-privileged documents responsive
7 to this request in response to Perfect 10's prior Request Nos. 13, 14, 17, 55, 56, 62
8 and/or 131, and will continue to supplement its production regarding these requests
9 as necessary or appropriate.

10
11 REQUEST FOR PRODUCTION NO. 390:

12 All DOCUMENTS RELATING TO copyright infringement or alleged
13 copyright infringement by GOOGLE.

14
15 RESPONSE TO REQUEST FOR PRODUCTION NO. 390:

16 Google objects to this request on the grounds that it seeks information
17 outside the scope of permissible discovery, not relevant to the subject matter of the
18 action, and not reasonably calculated to lead to the discovery of admissible
19 evidence, especially as it seeks documents related to (1) copyrights not owned by
20 Perfect 10 or being asserted in this action, and (2) Google products or services not at
21 issue in this action. Google further objects to the request as duplicative (in whole or
22 in part) of previous Document Requests, including Request Nos. 1-8, 13, 14, 17, 23,
23 26-28, 30, 31, 51, 55, 56, 59, 62, 66, 68, 77-81, 83, 85, 128-132, 154, 155, 157, 169,
24 176-180, 194-196, 200, 244, 250-252, 254, 265-267, 302, 308, 310, 311, 314-316,
25 323-326, 342-356, and 383-388. Google further objects to this request as overbroad,
26 oppressive, and unduly burdensome, especially to the extent it calls for inaccessible
27 electronically-stored information. Google further objects to the request on the
28 grounds that it calls for the disclosure of documents protected by the attorney-client

1 privilege, work product doctrine and/or other applicable privileges. Such documents
2 will not be produced. Google further objects to this request as vague, ambiguous
3 and unintelligible, including without limitation with respect to the terms and phrases
4 "copyright infringement," and "alleged." Google further objects to this request
5 because it calls for a legal conclusion regarding what constitutes "copyright
6 infringement." Google further objects because this request is unlimited as to time
7 and scope. Subject to and without waiving the specific and General Objections
8 above, Google responds that it has produced non-privileged documents responsive
9 to this request in response to Perfect 10's Request for Production Nos. 1-8, 13, 14,
10 17, 23, 26-28, 30, 31, 51, 55, 56, 59, 62, 66, 68, 77-81, 83, 85, 128-132, 154, 155,
11 157, 169, 194-196, 200, 244, 254, 314-316, and/or 383-388 and will continue to
12 supplement its production regarding these requests as necessary or appropriate.

13

14 REQUEST FOR PRODUCTION NO. 391:

15 All CORRESPONDENCE RELATING TO Perfect 10, Inc., sent by or
16 received by Eric Schmidt, including all CORRESPONDENCE Mr. Schmidt was
17 cc'd or bcc'd on.

18

19 RESPONSE TO REQUEST FOR PRODUCTION NO. 391:

20 Google objects to this request on the grounds that it seeks information
21 outside the scope of permissible discovery, not relevant to the subject matter of the
22 action, and not reasonably calculated to lead to the discovery of admissible
23 evidence. Google further objects to the request as duplicative (in whole or in part)
24 of previous Document Requests, including Request Nos. 13, 17, 55, 56 and 62.
25 Google further objects to this request as overbroad, oppressive, and unduly
26 burdensome. Google further objects to this request to the extent that it requests
27 documents not in the control or possession of Google, and/or documents already or
28 originally within the control or possession of Perfect 10. Google further objects to

1 the request on the grounds that it calls for the disclosure of documents protected by
2 the attorney-client privilege, work product doctrine and/or other applicable
3 privileges. Such documents will not be produced. Google further objects to this
4 request as vague, ambiguous and unintelligible. Subject to and without waiving the
5 specific and General Objections above, Google responds that it has produced non-
6 privileged documents responsive to this request in response to Perfect 10's Request
7 for Production Nos. 13, 17, 55, 56 and/or 62, and will continue to supplement its
8 production regarding these requests as necessary or appropriate.

9
10 REQUEST FOR PRODUCTION NO. 392:

11 All DOCUMENTS RELATING TO Perfect 10, Inc.

12
13 RESPONSE TO REQUEST FOR PRODUCTION NO. 392:

14 Google objects to this request on the grounds that it seeks information
15 outside the scope of permissible discovery, not relevant to the subject matter of the
16 action, and not reasonably calculated to lead to the discovery of admissible
17 evidence. Google further objects to the request as duplicative (in whole or in part)
18 of previous Document Requests, including Request Nos. 1-8, 13, 14, 16, 17, 23-28,
19 30, 31, 48, 51, 55, 56, 59, 62, 66-68, 77-85, 132, 134-137, 154, 155, 157, 169, 176-
20 180, 182-183, 196, 237-240, 247-254, 265, 292, 293, 302, 309-311, 314-316, 323-
21 326, 328, 333, 342-356, and 383-388. Google further objects to this request as
22 overbroad, oppressive, and unduly burdensome, especially to the extent it calls for
23 inaccessible electronically-stored information. Google further objects to the request
24 on the grounds that it calls for the disclosure of documents protected by the
25 attorney-client privilege, work product doctrine and/or other applicable privileges.
26 Such documents will not be produced. Google further objects to this request as
27 vague, ambiguous and unintelligible, including without limitation with respect to the
28 phrase "RELATING TO" as used in this request. Google further objects because

1 this request is unlimited as to time and scope. Subject to and without waiving the
2 specific and General Objections above, Google responds that it has produced non-
3 privileged documents responsive to this request in response to Perfect 10's Request
4 for Production Nos. 1-8, 13, 14, 17, 23-28, 30, 31, 48, 51, 55, 56, 59, 62, 66-68, 77-
5 81, 83, 85, 132, 134-137, 154, 155, 157, 169, 196, 249, 254, 314-316, and/or 383-
6 388 and will continue to supplement its production regarding these requests as
7 necessary or appropriate.

8
9 REQUEST FOR PRODUCTION NO. 393:

10 All CORRESPONDENCE RELATING TO intellectual property
11 violations or alleged intellectual property violations by GOOGLE, sent by or
12 received by ERIC SCHMIDT, including all CORRESPONDENCE Mr. Schmidt
13 was cc'd or bcc'd on.

14
15 RESPONSE TO REQUEST FOR PRODUCTION NO. 393:

16 Google objects to this request on the grounds that it seeks information
17 outside the scope of permissible discovery, not relevant to the subject matter of the
18 action, and not reasonably calculated to lead to the discovery of admissible
19 evidence, especially as it seeks communications related to (1) copyrights and/or
20 other intellectual property rights not owned by Perfect 10 or being asserted in this
21 action, and (2) Google products or services not at issue in this action. Google
22 further objects to the request as duplicative (in whole or in part) of previous
23 Document Requests, including Request Nos. 13, 14, 17, 55, 56, 62, and 131.
24 Google further objects to this request as overbroad, oppressive, and unduly
25 burdensome. Google further objects to the request on the grounds that it calls for
26 the disclosure of documents protected by the attorney-client privilege, work product
27 doctrine and/or other applicable privileges. Such documents will not be produced.
28 Google further objects to this request as vague, ambiguous and unintelligible,

1 including without limitation with respect to the terms and phrases
2 "CORRESPONDENCE," "intellectual property violations," and "alleged." Google
3 further objects to this request because it calls for a legal conclusion regarding what
4 constitutes "intellectual property violations." Google further objects because this
5 request is unlimited as to time and scope. Subject to and without waiving the
6 specific and General Objections above, Google responds that it has produced non-
7 privileged documents responsive to this request in response to Perfect 10's Request
8 for Production Nos. 13, 14, 17, 55, 56, 62, and/or 131 and will continue to
9 supplement its production regarding these requests as necessary or appropriate.

10
11 REQUEST FOR PRODUCTION NO. 394:

12 All DOCUMENTS RELATING TO intellectual property violations or
13 alleged intellectual property violations by GOOGLE, sent by or received by ERIC
14 SCHMIDT, including all CORRESPONDENCE Mr. Schmidt was cc'd or bcc'd on.

15
16 RESPONSE TO REQUEST FOR PRODUCTION NO. 394:

17 Google objects to this request on the grounds that it seeks information
18 outside the scope of permissible discovery, not relevant to the subject matter of the
19 action, and not reasonably calculated to lead to the discovery of admissible
20 evidence, especially as it seeks communications related to (1) copyrights and/or
21 other intellectual property rights not owned by Perfect 10 or being asserted in this
22 action, and (2) Google products or services not at issue in this action. Google
23 further objects to the request as duplicative (in whole or in part) of previous
24 Document Requests, including Request Nos. 13, 14, 17, 55, 56, 62, 131, and 393.
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 on the grounds that it calls for the
28 disclosure of documents protected by the attorney-client privilege, work product

1 doctrine and/or other applicable privileges. Such documents will not be produced.
2 Google further objects to this request as vague, ambiguous and unintelligible,
3 including without limitation with respect to the terms and phrases "intellectual
4 property violations" and "alleged." Google further objects to this request because it
5 calls for a legal conclusion regarding what constitutes "intellectual property
6 violations." Google further objects because this request is unlimited as to time and
7 scope. Subject to and without waiving the specific and General Objections above,
8 Google responds that it has produced non-privileged documents responsive to this
9 request in response to Perfect 10's Request for Production Nos. 13, 14, 17, 55, 56,
10 62, and/or 131 and will continue to supplement its production regarding these
11 requests as necessary or appropriate.

12

13 REQUEST FOR PRODUCTION NO. 395:

14 All DOCUMENTS RELATING TO intellectual property violations or
15 alleged intellectual property violations by GOOGLE.

16

17 RESPONSE TO REQUEST FOR PRODUCTION NO. 395:

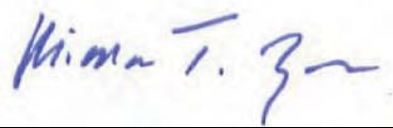
18 Google objects to this request on the grounds that it seeks information
19 outside the scope of permissible discovery, not relevant to the subject matter of the
20 action, and not reasonably calculated to lead to the discovery of admissible
21 evidence, especially as it seeks documents related to (1) copyrights and/or other
22 intellectual property rights not owned by Perfect 10 or being asserted in this action,
23 and (2) Google products or services not at issue in this action. Google further
24 objects to the request as duplicative (in whole or in part) of previous Document
25 Requests, including Request Nos. 1-14, 16, 17, 22-31, 35, 36, 44-48, 51-56, 58-59,
26 62-71, 77-86, 89-91, 93, 132, 134-137, 150, 154, 155, 157-159, 169, 176-180, 184-
27 192, 196, 237-240, 244, 246-267, 290-293, 302, 309-311, 314-316, 323-326, 328,
28 333, 342-356, and 383-388. Google further objects to this request as overbroad,

1 protected by the attorney-client privilege, work product doctrine, confidentiality
2 agreements, and/or other applicable privileges. Such documents will not be
3 produced.

4
5 DATED: April 29, 2010

Respectfully submitted,

6 QUINN EMANUEL URQUHART &
7 SULLIVAN, LLP

8
9 

10 By _____
11 Michael T. Zeller
12 Attorneys for Defendant GOOGLE INC.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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, California 94111-4788.

4 On April 29, 2010, I served true copies of the following document(s)
5 described as **DEFENDANT GOOGLE INC.'S RESPONSES AND**
6 **OBJECTIONS TO PLAINTIFF PERFECT 10, INC.'S TWELFTH SET OF**
7 **REQUESTS FOR THE PRODUCTION OF DOCUMENTS** on the interested
8 parties in this action as follows:

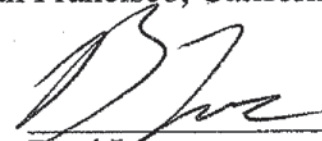
7 Jeffrey N. Mausner, Esq.
8 jeff@mausnerlaw.com
9 Law Offices of Jeffrey N. Mausner
10 21800 Oxnard Street, Suite 910
11 Woodland Hills, CA 91367-3640
12 *Counsel for Plaintiff Perfect 10. Inc.*

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

12 **BY ELECTRONIC MAIL TRANSMISSION:** By electronic mail transmission
13 from bradlove@quinnemanuel.com on April 29, 2010, by transmitting a PDF format
14 copy of such document(s) to each such person at the e mail address listed below
15 their address(es). The document(s) was/were transmitted by electronic transmission
16 and such transmission was reported as complete and without error.

15 I declare under penalty of perjury under the laws of the state of California that
16 the foregoing is true and correct.

17 Executed on April 29, 2010, at San Francisco, California.

18 
19 _____
20 Brad Love