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10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA

13 PERFECT 10, INC., a California
 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)

**GOOGLE INC.'S STATEMENT RE
 WHETHER PERFECT 10, INC.'S
 GROUP B NOTICES IDENTIFIED
 ALLEGED INFRINGING
 MATERIAL IN GOOGLE'S CACHE
 IN RESPONSE TO THE COURT'S
 JULY 21, 2010 ORDER**

Hon. A. Howard Matz

19 AND COUNTERCLAIM
 20

Date: None Set
 Time: None Set
 Crtrm.: 14

Discovery Cutoff: None Set
 Pretrial Conference Date: None Set
 Trial Date: None Set

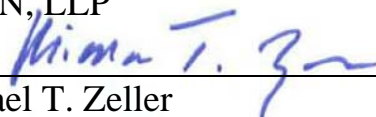
1 Google respectfully submits the following statement in response to the
2 Court's July 21, 2010 Order (Dkt. No. 931).

3 The Court's Order asks the parties "to identify where in the existing briefs on
4 Google's motion for safe harbor under 17 U.S.C. § 512(b) [Dkt. No. 458, ("Cache
5 Motion")] there is any reference in any of the 'Group B' 'spreadsheet' notices sent
6 between May 31, 2004 and April 24, 2007 identifying any specific material on
7 Google's cache as infringing." The answer is: **nowhere**.

8 P10's Group B Notices never asked Google to remove specific material from
9 its cache nor were otherwise directed to Google's cache with the required attestation
10 that "the material has been removed from the originating site." See Cache Reply
11 (Dkt. No. 531) at 10 (citing 17 U.S.C. § 512(b)(2)(E)); Poovala Decl., Exs. L1-L48.
12 P10's Opposition to Google's Cache Motion never argued, or offered any evidence,
13 to the contrary. Indeed, as P10 admits, its complaints to Google concerned material
14 that was still available on the originating web sites. See, e.g., Zada Decl. ¶ 59, Exs.
15 9 (\Still up after notice\monitor.hr\33009) & 44. Thus, they could not have been
16 properly directed to Google's cache under 17 U.S.C. § 512(b)(2)(E). Rather, P10's
17 argument that Google was "put on notice" of cache infringements is premised
18 entirely on a few sample screenshots of Google cache web pages allegedly included
19 in the massive DVDs attached to P10's *Group C Notices*. See Consol. Statement of
20 Undisputed Facts in Support of Google's Cache Motion (Dkt. No. 502) ¶ 11 (citing
21 Zada Decl. ¶¶ 39 & 59, Exs. 26 & 44). As explained in Google's briefing, such
22 images cannot constitute sufficient notice to Google to remove cache material under
23 the DMCA. See Search Motion (Dkt No. 456) at 20-23; Cache Motion at 9; Search
24 Reply (Dkt. No. 529) at 7-15; Cache Reply at 10-11.

25 DATED: July 22, 2010

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