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9 Attorneys for Plaintiff Perfect 10, Inc.

10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA

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

14 Plaintiff,

15 v.

16 GOOGLE INC., a corporation,

17 Defendants.

Case No. CV 04-9484 AHM (SHx)

Before Judge A. Howard Matz

**DECLARATION OF JEFFREY N.
 MAUSNER IN SUPPORT OF
 NOTICE SUBMITTING TO THE
 COURT GOOGLE’S RESPONSES
 AND OBJECTIONS TO PERFECT
 10’S FOURTEENTH SET OF
 REQUESTS FOR THE
 PRODUCTION OF DOCUMENTS,
 SUBMITTED IN CONNECTION
 WITH PERFECT 10’S MOTION
 FOR REVIEW OF, AND
 OBJECTIONS TO, MAGISTRATE
 JUDGE HILLMAN’S JUNE 16, 2010
 ORDER**

Date: None Set
 Time: None Set
 Place: Courtroom 14, Courtroom of the
 Honorable A. Howard Matz

Discovery Cut-Off Date: None Set
 Pretrial Conference Date: None Set
 Trial Date: None Set

DECLARATION OF JEFFREY N. MAUSNER

I, Jeffrey N. Mausner, declare as follows:

1. I am a member of the State Bar of California and admitted to practice before this Court. I am counsel of record for Plaintiff Perfect 10, Inc. (“Perfect 10”) in this action. All of the matters stated herein are of my own personal knowledge, except where otherwise stated, and if called as a witness, I could and would testify competently thereto.

2. Attached hereto as Exhibit A is a true and correct copy of Defendant Google Inc.’s Responses and Objections to Plaintiff Perfect 10 Inc.’s Fourteenth Set of Requests for the Production of to Documents, which was served on August 16, 2010.

3. Attached hereto as Exhibit B is a true and correct copy of a letter that I received from Google’s attorney, Brad Love, on August 16, 2010, re: Perfect 10, Inc. v. Google Inc.: stay of discovery pending appeal.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on August 18, 2010 at Berkeley, California.

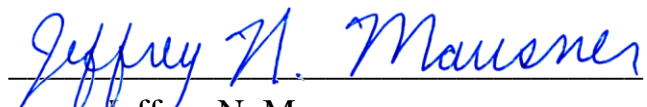

Jeffrey N. Mausner

Exhibit A

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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.

26 CASE NO. CV 04-9484 AHM (SHx)

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

29 AND COUNTERCLAIM

30 PROPOUNDING PARTY: PLAINTIFF PERFECT 10, INC.

31 RESPONDING PARTY: DEFENDANT GOOGLE, INC.

32 SET NUMBER: FOURTEEN

33 REQUEST NOS. 415-452

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

5 **GENERAL OBJECTIONS**

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

9 1. Google objects generally to the designated time and place for
10 production of documents in response to Perfect 10’s Fourteenth Set of Document
11 Requests. Google will produce any such responsive documents at a mutually
12 agreeable place and time.

13 2. Google objects to the improper and argumentative “preliminary
14 statement” Perfect 10 included with its Fourteenth Set of Document Requests, which
15 claims that Google was already obligated to produce certain unspecified “documents
16 concerning Blogger and third-party DMCA notices.” The “preliminary statement”
17 further admits that Perfect 10 is simultaneously seeking an order from the Court
18 requiring the production of the same documents concerning Blogger and third-party
19 DMCA notices sought by its Fourteenth Set of Document Requests. Perfect 10’s
20 admitted waste of Google’s and the Court’s time by either seeking to compel
21 documents that it has not ever requested under Rule 34 or requesting documents that
22 it admits were called for by prior document requests is improper.

23 3. Google objects to the definitions and instructions provided with the
24 Plaintiff’s Requests and to each Request on the grounds that they seek the
25 production of documents protected from disclosure by the attorney-client privilege,
26 work product doctrine, or any other evidentiary privilege. Such information will not
27 be provided in response to the Requests, and any inadvertent disclosure thereof shall
28

1 not be deemed a waiver of any privilege with respect to such information or of any
2 work product doctrine that may attach thereto.

3 4. Google objects generally to the definitions and instructions provided
4 with Plaintiffs' Requests on the grounds that those definitions seek to impose
5 obligations and demands on Google greater than those imposed by the Federal Rules
6 of Civil Procedure.

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

13 6. Google objects to the definition of "DOCUMENT" and
14 "DOCUMENTS" on the grounds that they exceed the limitations of Federal Rule of
15 Civil Procedure 34.

16 7. Google objects to the definition of "DMCA LOG" as vague,
17 ambiguous, and unintelligible.

18 8. Google objects to the definition of "REPEAT INFRINGER
19 TRACKING SHEET" as vague, ambiguous, and unintelligible.

20 9. Google objects to the definition of "RELATE TO" and "RELATING
21 TO" as vague and ambiguous, particularly on the grounds that the definition
22 includes "contradicting."

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

25 11. Google objects to the Requests on the grounds that they seek
26 information that is neither relevant nor reasonably calculated to lead to the discovery
27 of admissible evidence, especially in light of Judge Matz's July 26, 2010 Order on
28 Google's DMCA Motions (Dkt. No. 937) and July 30, 2010 Order on Perfect 10's

1 Second Motion for Preliminary Injunction (Dkt. No. 953). Based on Judge Matz's
2 rulings, all documents related to third-party DMCA notices and infringements are
3 not relevant nor likely to lead to the discovery of admissible evidence, and they will
4 not be produced.

5 12. Google objects to each Request on the grounds that it is vague,
6 ambiguous or unintelligible.

7 13. Google objects to the Requests on the grounds that they require
8 production of confidential, proprietary, or trade secret business information of
9 Google or a non-party. Google will only produce such documents pursuant to and
10 in reliance upon the parties' stipulated Protective Order and expressly reserves the
11 right to seek any further relief it deems necessary.

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

6 **REQUEST FOR PRODUCTION NO. 415:**

7 YOUR DMCA LOG RELATING TO BLOGGER.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 415:**

9 Google objects to this request on the grounds that it calls for the disclosure of
10 documents protected by the attorney-client privilege, work product doctrine and/or
11 other applicable privileges. Such documents will not be produced. Google further
12 objects to this request on the grounds that it seeks information outside the scope of
13 permissible discovery, not relevant to the subject matter of the action, and not
14 reasonably calculated to lead to the discovery of admissible evidence, especially as
15 it seeks documents related to intellectual property not owned by Perfect 10 or being
16 asserted in this action. In light of Judge Matz's July 26, 2010 Order on Google's
17 DMCA Motions (Dkt. No. 937) and July 30, 2010 Order on Perfect 10's Second
18 Motion for Preliminary Injunction (Dkt. No. 953), all documents related to third-
19 party DMCA notices and infringements are not relevant nor likely to lead to the
20 discovery of admissible evidence, and they will not be produced. Google further
21 objects to the request as duplicative (in whole or in part) of previous Document
22 Requests made to Google, including without limitation Request Nos. 6, 8, 56, 62,
23 78, 79, 84, 85 and 132. Google further objects to this request as overbroad,
24 oppressive, and unduly burdensome. Google further objects to this request on the
25 grounds that it seeks documents outside of Google's possession, custody or control
26 and/or seeks to require Google to create documents in response to a request for
27 production. Google further objects to this request as vague, ambiguous and
28 unintelligible. Subject to and without waiving the specific and General Objections

1 above, Google responds that it has previously responded to Perfect 10's prior
2 Request Nos. 6, 8, 56, 62, 78, 79, 84, 85 and 132, and will supplement its production
3 regarding these requests as necessary and appropriate.

4 **REQUEST FOR PRODUCTION NO. 416:**

5 All notices of termination issued by GOOGLE as a result of alleged
6 intellectual property violations RELATING TO BLOGGER.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 416:**

8 Google objects to this request on the grounds that it calls for the disclosure of
9 documents protected by the attorney-client privilege, work product doctrine and/or
10 other applicable privileges. Such documents will not be produced. Google further
11 objects to this request on the grounds that it seeks information outside the scope of
12 permissible discovery, not relevant to the subject matter of the action, and not
13 reasonably calculated to lead to the discovery of admissible evidence, especially as
14 it seeks documents related to intellectual property not owned by Perfect 10 or being
15 asserted in this action. In light of Judge Matz's July 26, 2010 Order on Google's
16 DMCA Motions (Dkt. No. 937) and July 30, 2010 Order on Perfect 10's Second
17 Motion for Preliminary Injunction (Dkt. No. 953), all documents related to third-
18 party DMCA notices and infringements are not relevant nor likely to lead to the
19 discovery of admissible evidence, and they will not be produced. Google further
20 objects to the request as duplicative (in whole or in part) of previous Document
21 Requests made to Google, including without limitation Request Nos. 6, 8, 28, 55,
22 56, 62, 78, 79, 84, 85 and 132. Google further objects to this request as overbroad,
23 oppressive, and unduly burdensome. Google further objects to this request as
24 vague, ambiguous and unintelligible, including without limitation with respect to the
25 phrases "notices of termination" and "alleged intellectual property violations."

26 Subject to and without waiving the specific and General Objections above, Google
27 responds that it has previously responded to Perfect 10's prior Request Nos. 6, 8, 55,
28

1 56, 62, 78, 79, 84, 85 and 132, and will supplement its production regarding these
2 requests as necessary and appropriate.

3 **REQUEST FOR PRODUCTION NO. 417:**

4 All notices of termination issued by GOOGLE as a result of alleged
5 intellectual property violations RELATING TO GOOGLE GROUPS.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 417:**

7 Google objects to this request on the grounds that it calls for the disclosure of
8 documents protected by the attorney-client privilege, work product doctrine and/or
9 other applicable privileges. Such documents will not be produced. Google further
10 objects to this request on the grounds that it seeks information outside the scope of
11 permissible discovery, not relevant to the subject matter of the action, and not
12 reasonably calculated to lead to the discovery of admissible evidence, especially as
13 it seeks documents related to intellectual property not owned by Perfect 10 or being
14 asserted in this action. In light of Judge Matz's July 26, 2010 Order on Google's
15 DMCA Motions (Dkt. No. 937) and July 30, 2010 Order on Perfect 10's Second
16 Motion for Preliminary Injunction (Dkt. No. 953), all documents related to third-
17 party DMCA notices and infringements are not relevant nor likely to lead to the
18 discovery of admissible evidence, and they will not be produced. Google further
19 objects to this request as overbroad, oppressive, and unduly burdensome. Google
20 further objects to this request as vague, ambiguous and unintelligible, including
21 without limitation with respect to the phrases "notices of termination" and "alleged
22 intellectual property violations."

23 **REQUEST FOR PRODUCTION NO. 418:**

24 All notices of termination issued by GOOGLE as a result of alleged
25 intellectual property violations RELATING TO PICASA.

26 **RESPONSE TO REQUEST FOR PRODUCTION NO. 418:**

27 Google objects to this request on the grounds that it calls for the disclosure of
28 documents protected by the attorney-client privilege, work product doctrine and/or

1 other applicable privileges. Such documents will not be produced. Google further
2 objects to this request on the grounds that it seeks information outside the scope of
3 permissible discovery, not relevant to the subject matter of the action, and not
4 reasonably calculated to lead to the discovery of admissible evidence, especially as
5 it seeks documents related to (1) intellectual property not owned by Perfect 10 or
6 being asserted in this action and (2) Google products not at issue in this action. In
7 light of Judge Matz's July 26, 2010 Order on Google's DMCA Motions (Dkt. No.
8 937) and July 30, 2010 Order on Perfect 10's Second Motion for Preliminary
9 Injunction (Dkt. No. 953), all documents related to third-party DMCA notices and
10 infringements are not relevant nor likely to lead to the discovery of admissible
11 evidence, and they will not be produced. Google further objects to this request as
12 overbroad, oppressive, and unduly burdensome. Google further objects to this
13 request as vague, ambiguous and unintelligible, including without limitation with
14 respect to the phrases "notices of termination" and "alleged intellectual property
15 violations."

16 **REQUEST FOR PRODUCTION NO. 419:**

17 All notices of termination issued by GOOGLE as a result of alleged
18 intellectual property violations RELATING TO any GOOGLE product, program, or
19 service in which GOOGLE stores images on GOOGLE servers.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 419:**

21 Google objects to this 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 on the grounds that it seeks information outside the scope of
25 permissible discovery, not relevant to the subject matter of the action, and not
26 reasonably calculated to lead to the discovery of admissible evidence, especially as
27 it seeks documents related to (1) intellectual property not owned by Perfect 10 or
28 being asserted in this action and (2) Google products not at issue in this action. In

1 light of Judge Matz's July 26, 2010 Order on Google's DMCA Motions (Dkt. No.
2 937) and July 30, 2010 Order on Perfect 10's Second Motion for Preliminary
3 Injunction (Dkt. No. 953), all documents related to third-party DMCA notices and
4 infringements are not relevant nor likely to lead to the discovery of admissible
5 evidence, and they will not be produced. Google further objects to the request as
6 duplicative (in whole or in part) of previous Document Requests made to Google,
7 including without limitation Request Nos. 3, 6, 8, 24, 25, 26, 27, 28, 29, 55, 56, 62,
8 78, 79, 83, 84, 85, 132, 155 and 314. Google further objects to this request as
9 overbroad, oppressive, and unduly burdensome. Google further objects to this
10 request as vague, ambiguous and unintelligible, including without limitation with
11 respect to the phrases "notices of termination," "alleged intellectual property
12 violations," "product, program, or service," and "stores images." Subject to and
13 without waiving the specific and General Objections above, Google responds that it
14 has previously responded to Perfect 10's prior Request Nos. 3, 6, 8, 24, 25, 28, 29,
15 55, 56, 62, 78, 79, 83, 84, 85, 132, 155 and 314, and will supplement its production
16 regarding these requests as necessary and appropriate.

17 **REQUEST FOR PRODUCTION NO. 420:**

18 All notices of termination notices that RELATE TO any DMCA notice
19 received by GOOGLE from an ENTITY other than Perfect 10.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 420:**

21 Google objects to this 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 on the grounds that it seeks information outside the scope of
25 permissible discovery, not relevant to the subject matter of the action, and not
26 reasonably calculated to lead to the discovery of admissible evidence, especially as
27 it seeks documents related to (1) intellectual property not owned by Perfect 10 or
28 being asserted in this action and (2) Google products not at issue in this action. In

1 light of Judge Matz's July 26, 2010 Order on Google's DMCA Motions (Dkt. No.
2 937) and July 30, 2010 Order on Perfect 10's Second Motion for Preliminary
3 Injunction (Dkt. No. 953). Google further objects to the request as duplicative (in
4 whole or in part) of previous Document Requests made to Google, including
5 without limitation Request Nos. 26 and 27. Based on Judge Matz's rulings, all
6 documents related to third-party DMCA notices and infringements are not relevant
7 nor likely to lead to the discovery of admissible evidence, and they will not be
8 produced. Google further objects to this request as overbroad, oppressive, and
9 unduly burdensome. Google further objects to this request as vague, ambiguous and
10 unintelligible, including without limitation with respect to the phrases "notices of
11 termination" and "any DMCA notice."

12 **REQUEST FOR PRODUCTION NO. 421:**

13 All correspondence, emails, or other COMMUNICATIONS RELATING TO
14 any notice of termination issued by GOOGLE as a result of alleged intellectual
15 property violations.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 421:**

17 Google objects to this request on the grounds that it calls for the disclosure of
18 documents protected by the attorney-client privilege, work product doctrine and/or
19 other applicable privileges. Such documents will not be produced. Google further
20 objects to this request on the grounds that it seeks information outside the scope of
21 permissible discovery, not relevant to the subject matter of the action, and not
22 reasonably calculated to lead to the discovery of admissible evidence, especially as
23 it seeks documents related to (1) intellectual property not owned by Perfect 10 or
24 being asserted in this action and (2) Google products not at issue in this action. In
25 light of Judge Matz's July 26, 2010 Order on Google's DMCA Motions (Dkt. No.
26 937) and July 30, 2010 Order on Perfect 10's Second Motion for Preliminary
27 Injunction (Dkt. No. 953), all documents related to third-party DMCA notices and
28 infringements are not relevant nor likely to lead to the discovery of admissible

1 evidence, and they will not be produced. Google further objects to the request as
2 duplicative (in whole or in part) of previous Document Requests made to Google,
3 including without limitation Request Nos. 3, 6, 8, 24, 25, 26, 27, 28, 29, 55, 56, 62,
4 78, 79, 83, 84, 85, 132, 155 and 314. Google further objects to this request as
5 overbroad, oppressive, and unduly burdensome. Google further objects to this
6 request as vague, ambiguous and unintelligible, including without limitation with
7 respect to the phrases “notice of termination” and “alleged intellectual property
8 violations.” Subject to and without waiving the specific and General Objections
9 above, Google responds that it has previously responded to Perfect 10’s prior
10 Request Nos. 3, 6, 8, 24, 25, 28, 29, 55, 56, 62, 78, 79, 83, 84, 85, 132, 155 and 314,
11 and will supplement its production regarding these requests as necessary and
12 appropriate. .

13 **REQUEST FOR PRODUCTION NO. 422:**

14 To the extent not included in response to any previous request, all
15 DOCUMENTS RELATING TO any notice of termination issued by GOOGLE as a
16 result of alleged intellectual property violations.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 422:**

18 Google objects to this request on the grounds that it calls for the disclosure of
19 documents protected by the attorney-client privilege, work product doctrine and/or
20 other applicable privileges. Such documents will not be produced. Google further
21 objects to this request on the grounds that it seeks information outside the scope of
22 permissible discovery, not relevant to the subject matter of the action, and not
23 reasonably calculated to lead to the discovery of admissible evidence, especially as
24 it seeks documents related to (1) intellectual property not owned by Perfect 10 or
25 being asserted in this action and (2) Google products not at issue in this action. In
26 light of Judge Matz’s July 26, 2010 Order on Google’s DMCA Motions (Dkt. No.
27 937) and July 30, 2010 Order on Perfect 10’s Second Motion for Preliminary
28 Injunction (Dkt. No. 953), all documents related to third-party DMCA notices and

1 infringements are not relevant nor likely to lead to the discovery of admissible
2 evidence, and they will not be produced. Google further objects to the request as
3 duplicative (in whole or in part) of previous Document Requests made to Google,
4 including without limitation Request Nos. 3, 6, 8, 24, 25, 26, 27, 28, 29, 55, 56, 62,
5 78, 79, 83, 84, 85, 132, 155 and 314. Google further objects to this request as
6 overbroad, oppressive, and unduly burdensome. Google further objects to this
7 request on the grounds that it seeks documents outside of Google's possession,
8 custody or control and/or seeks to require Google to create documents in response to
9 a request for production. Google further objects to this request as vague, ambiguous
10 and unintelligible, including without limitation with respect to the phrases "notice of
11 termination" and "alleged intellectual property violations." Subject to and without
12 waiving the specific and General Objections above, Google responds that it has
13 previously responded to Perfect 10's prior Request Nos. 3, 6, 8, 24, 25, 28, 29, 55,
14 56, 62, 78, 79, 83, 84, 85, 132, 155 and 314, and will supplement its production
15 regarding these requests as necessary and appropriate.

16 **REQUEST FOR PRODUCTION NO. 423:**

17 All DMCA notices received by GOOGLE RELATING TO BLOGGER.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 423:**

19 Google objects to this request on the grounds that it calls for the disclosure of
20 documents protected by the attorney-client privilege, work product doctrine and/or
21 other applicable privileges. Such documents will not be produced. Google further
22 objects to this request on the grounds that it seeks information outside the scope of
23 permissible discovery, not relevant to the subject matter of the action, and not
24 reasonably calculated to lead to the discovery of admissible evidence, especially as
25 it seeks documents related to intellectual property not owned by Perfect 10 or being
26 asserted in this action. In light of Judge Matz's July 26, 2010 Order on Google's
27 DMCA Motions (Dkt. No. 937) and July 30, 2010 Order on Perfect 10's Second
28 Motion for Preliminary Injunction (Dkt. No. 953), all documents related to third-

1 party DMCA notices and infringements are not relevant nor likely to lead to the
2 discovery of admissible evidence, and they will not be produced. Google further
3 objects to the request as duplicative (in whole or in part) of previous Document
4 Requests made to Google, including without limitation Request Nos. 1, 2, 5, 6, 56
5 and 94. Google further objects to this request as overbroad, oppressive, and unduly
6 burdensome. Google further objects to this request as vague, ambiguous and
7 unintelligible, including without limitation with respect to the phrase “DMCA
8 notices.” Subject to and without waiving the specific and General Objections above,
9 Google responds that it has previously responded to Perfect 10’s prior Request Nos.
10 1, 2, 5, 6, 56 and 94, and will supplement its production regarding these requests as
11 necessary and appropriate.

12 **REQUEST FOR PRODUCTION NO. 424:**

13 All DMCA notices received by GOOGLE RELATING TO GOOGLE
14 ADSENSE.

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 424:**

16 Google objects to this request on the grounds that it calls for the disclosure of
17 documents protected by the attorney-client privilege, work product doctrine and/or
18 other applicable privileges. Such documents will not be produced. Google further
19 objects to this request on the grounds that it seeks information outside the scope of
20 permissible discovery, not relevant to the subject matter of the action, and not
21 reasonably calculated to lead to the discovery of admissible evidence, especially as
22 it seeks documents related to intellectual property not owned by Perfect 10 or being
23 asserted in this action. In light of Judge Matz’s July 26, 2010 Order on Google’s
24 DMCA Motions (Dkt. No. 937) and July 30, 2010 Order on Perfect 10’s Second
25 Motion for Preliminary Injunction (Dkt. No. 953), all documents related to third-
26 party DMCA notices and infringements are not relevant nor likely to lead to the
27 discovery of admissible evidence, and they will not be produced. Google further
28 objects to the request as duplicative (in whole or in part) of previous Document

1 Requests made to Google, including without limitation Request Nos. 1, 2, 5, 6, 56
2 and 94. Google further objects to this request as overbroad, oppressive, and unduly
3 burdensome. Google further objects to this request as vague, ambiguous and
4 unintelligible, including without limitation with respect to the phrase “DMCA
5 notices.” Subject to and without waiving the specific and General Objections above,
6 Google responds that it has previously responded to Perfect 10’s prior Request Nos.
7 1, 2, 5, 6, 56 and 94, and will supplement its production regarding these requests as
8 necessary and appropriate.

9 **REQUEST FOR PRODUCTION NO. 425:**

10 All DMCA notices received by GOOGLE RELATING TO GOOGLE
11 ADWORDS.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 425:**

13 Google objects to this request on the grounds that it calls for the disclosure of
14 documents protected by the attorney-client privilege, work product doctrine and/or
15 other applicable privileges. Such documents will not be produced. Google further
16 objects to this request on the grounds that it seeks information outside the scope of
17 permissible discovery, not relevant to the subject matter of the action, and not
18 reasonably calculated to lead to the discovery of admissible evidence, especially as
19 it seeks documents related to intellectual property not owned by Perfect 10 or being
20 asserted in this action. In light of Judge Matz’s July 26, 2010 Order on Google’s
21 DMCA Motions (Dkt. No. 937) and July 30, 2010 Order on Perfect 10’s Second
22 Motion for Preliminary Injunction (Dkt. No. 953), all documents related to third-
23 party DMCA notices and infringements are not relevant nor likely to lead to the
24 discovery of admissible evidence, and they will not be produced. Google further
25 objects to the request as duplicative (in whole or in part) of previous Document
26 Requests made to Google, including without limitation Request Nos. 1, 2, 5, 6, 56
27 and 94. Google further objects to this request as overbroad, oppressive, and unduly
28 burdensome. Google further objects to this request as vague, ambiguous and

1 unintelligible, including without limitation with respect to the phrase “DMCA
2 notices.” Subject to and without waiving the specific and General Objections above,
3 Google responds that it has previously responded to Perfect 10’s prior Request Nos.
4 1, 2, 5, 6, 56 and 94, and will supplement its production regarding these requests as
5 necessary and appropriate.

6 **REQUEST FOR PRODUCTION NO. 426:**

7 All DMCA notices received by GOOGLE RELATING TO GOOGLE WEB
8 SEARCH.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 426:**

10 Google objects to this request on the grounds that it calls for the disclosure of
11 documents protected by the attorney-client privilege, work product doctrine and/or
12 other applicable privileges. Such documents will not be produced. Google further
13 objects to this request on the grounds that it seeks information outside the scope of
14 permissible discovery, not relevant to the subject matter of the action, and not
15 reasonably calculated to lead to the discovery of admissible evidence, especially as
16 it seeks documents related to intellectual property not owned by Perfect 10 or being
17 asserted in this action. In light of Judge Matz’s July 26, 2010 Order on Google’s
18 DMCA Motions (Dkt. No. 937) and July 30, 2010 Order on Perfect 10’s Second
19 Motion for Preliminary Injunction (Dkt. No. 953), all documents related to third-
20 party DMCA notices and infringements are not relevant nor likely to lead to the
21 discovery of admissible evidence, and they will not be produced. Google further
22 objects to the request as duplicative (in whole or in part) of previous Document
23 Requests made to Google, including without limitation Request Nos. 1, 2, 5, 6, 56
24 and 94. Google further objects to this request as overbroad, oppressive, and unduly
25 burdensome. Google further objects to this request as vague, ambiguous and
26 unintelligible, including without limitation with respect to the phrase “DMCA
27 notices.” Subject to and without waiving the specific and General Objections above,
28 Google responds that it has previously responded to Perfect 10’s prior Request Nos.

1 1, 2, 5, 6, 56 and 94, and will supplement its production regarding these requests as
2 necessary and appropriate.

3 **REQUEST FOR PRODUCTION NO. 427:**

4 All DMCA notices received by GOOGLE RELATING TO GOOGLE
5 IMAGE SEARCH.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 427:**

7 Google objects to this request on the grounds that it calls for the disclosure of
8 documents protected by the attorney-client privilege, work product doctrine and/or
9 other applicable privileges. Such documents will not be produced. Google further
10 objects to this request on the grounds that it seeks information outside the scope of
11 permissible discovery, not relevant to the subject matter of the action, and not
12 reasonably calculated to lead to the discovery of admissible evidence, especially as
13 it seeks documents related to intellectual property not owned by Perfect 10 or being
14 asserted in this action. In light of Judge Matz's July 26, 2010 Order on Google's
15 DMCA Motions (Dkt. No. 937) and July 30, 2010 Order on Perfect 10's Second
16 Motion for Preliminary Injunction (Dkt. No. 953), all documents related to third-
17 party DMCA notices and infringements are not relevant nor likely to lead to the
18 discovery of admissible evidence, and they will not be produced. Google further
19 objects to the request as duplicative (in whole or in part) of previous Document
20 Requests made to Google, including without limitation Request Nos. 1, 2, 5, 6, 56
21 and 94. Google further objects to this request as overbroad, oppressive, and unduly
22 burdensome. Google further objects to this request as vague, ambiguous and
23 unintelligible, including without limitation with respect to the phrase "DMCA
24 notices." Subject to and without waiving the specific and General Objections above,
25 Google responds that it has previously responded to Perfect 10's prior Request Nos.
26 1, 2, 5, 6, 56 and 94, and will supplement its production regarding these requests as
27 necessary and appropriate.
28

1 **REQUEST FOR PRODUCTION NO. 428:**

2 All DMCA notices received by GOOGLE RELATING TO GOOGLE
3 GROUPS.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 428:**

5 Google objects to this 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 on the grounds that it seeks information outside the scope of
9 permissible discovery, not relevant to the subject matter of the action, and not
10 reasonably calculated to lead to the discovery of admissible evidence, especially as
11 it seeks documents related to intellectual property not owned by Perfect 10 or being
12 asserted in this action. In light of Judge Matz's July 26, 2010 Order on Google's
13 DMCA Motions (Dkt. No. 937) and July 30, 2010 Order on Perfect 10's Second
14 Motion for Preliminary Injunction (Dkt. No. 953), all documents related to third-
15 party DMCA notices and infringements are not relevant nor likely to lead to the
16 discovery of admissible evidence, and they will not be produced. Google further
17 objects to the request as duplicative (in whole or in part) of previous Document
18 Requests made to Google, including without limitation Request Nos. 1, 2, 5, 6, 56
19 and 94. Google further objects to this request as overbroad, oppressive, and unduly
20 burdensome. Google further objects to this request as vague, ambiguous and
21 unintelligible, including without limitation with respect to the phrase "DMCA
22 notices." Subject to and without waiving the specific and General Objections above,
23 Google responds that it has previously responded to Perfect 10's prior Request Nos.
24 1, 2, 5, 6, 56 and 94, and will supplement its production regarding these requests as
25 necessary and appropriate.

26 **REQUEST FOR PRODUCTION NO. 429:**

27 All DMCA notices received by GOOGLE RELATING TO PICASA.
28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 429:**

2 Google objects to this 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 seeks information outside the scope of
6 permissible discovery, not relevant to the subject matter of the action, and not
7 reasonably calculated to lead to the discovery of admissible evidence, especially as
8 it seeks documents related to (1) intellectual property not owned by Perfect 10 or
9 being asserted in this action and (2) Google products not at issue in this action. In
10 light of Judge Matz's July 26, 2010 Order on Google's DMCA Motions (Dkt. No.
11 937) and July 30, 2010 Order on Perfect 10's Second Motion for Preliminary
12 Injunction (Dkt. No. 953), all documents related to third-party DMCA notices and
13 infringements are not relevant nor likely to lead to the discovery of admissible
14 evidence, and they will not be produced. Google further objects to the request as
15 duplicative (in whole or in part) of previous Document Requests made to Google,
16 including without limitation Request Nos. 1, 2, 5, 6, 56 and 94. Google further
17 objects to this request as overbroad, oppressive, and unduly burdensome. Google
18 further objects to this request as vague, ambiguous and unintelligible, including
19 without limitation with respect to the phrase "DMCA notices." Subject to and
20 without waiving the specific and General Objections above, Google responds that it
21 has previously responded to Perfect 10's prior Request Nos. 1, 2, 5, 6, 56 and 94,
22 and will supplement its production regarding these requests as necessary and
23 appropriate.

24 **REQUEST FOR PRODUCTION NO. 430:**

25 All DMCA notices received by GOOGLE RELATING TO any GOOGLE
26 product, program, or service in which GOOGLE stores images on GOOGLE
27 servers.
28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 430:**

2 Google objects to this 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 seeks information outside the scope of
6 permissible discovery, not relevant to the subject matter of the action, and not
7 reasonably calculated to lead to the discovery of admissible evidence, especially as
8 it seeks documents related to (1) intellectual property not owned by Perfect 10 or
9 being asserted in this action and (2) Google products not at issue in this action. In
10 light of Judge Matz's July 26, 2010 Order on Google's DMCA Motions (Dkt. No.
11 937) and July 30, 2010 Order on Perfect 10's Second Motion for Preliminary
12 Injunction (Dkt. No. 953), all documents related to third-party DMCA notices and
13 infringements are not relevant nor likely to lead to the discovery of admissible
14 evidence, and they will not be produced. Google further objects to the request as
15 duplicative (in whole or in part) of previous Document Requests made to Google,
16 including without limitation Request Nos. 1, 2, 5, 6, 56 and 94. Google further
17 objects to this request as overbroad, oppressive, and unduly burdensome. Google
18 further objects to this request as vague, ambiguous and unintelligible, including
19 without limitation with respect to the phrases "DMCA notices," "product, program,
20 or service," and "stores images." Subject to and without waiving the specific and
21 General Objections above, Google responds that it has previously responded to
22 Perfect 10's prior Request Nos. 1, 2, 5, 6, 56 and 94, and will supplement its
23 production regarding these requests as necessary and appropriate.

24 **REQUEST FOR PRODUCTION NO. 431:**

25 All DMCA notices received by GOOGLE from an ENTITY other than
26 Perfect 10.
27
28

1 **RESPONSE TO REQUEST FOR PRODUCTION NO. 431:**

2 Google objects to this 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 seeks information outside the scope of
6 permissible discovery, not relevant to the subject matter of the action, and not
7 reasonably calculated to lead to the discovery of admissible evidence, especially as
8 it seeks documents related to (1) intellectual property not owned by Perfect 10 or
9 being asserted in this action and (2) Google products not at issue in this action. In
10 light of Judge Matz's July 26, 2010 Order on Google's DMCA Motions (Dkt. No.
11 937) and July 30, 2010 Order on Perfect 10's Second Motion for Preliminary
12 Injunction (Dkt. No. 953), all documents related to third-party DMCA notices and
13 infringements are not relevant nor likely to lead to the discovery of admissible
14 evidence, and they will not be produced. Google further objects to this request as
15 overbroad, oppressive, and unduly burdensome. Google further objects to this
16 request as vague, ambiguous and unintelligible, including without limitation with
17 respect to the phrase "DMCA notices."

18 **REQUEST FOR PRODUCTION NO. 432:**

19 All correspondence, emails, or other COMMUNICATIONS RELATING TO
20 any DMCA notice received by GOOGLE.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 432:**

22 Google objects to this request on the grounds that it calls for the disclosure of
23 documents protected by the attorney-client privilege, work product doctrine and/or
24 other applicable privileges. Such documents will not be produced. Google further
25 objects to this request on the grounds that it seeks information outside the scope of
26 permissible discovery, not relevant to the subject matter of the action, and not
27 reasonably calculated to lead to the discovery of admissible evidence, especially as
28 it seeks documents related to (1) intellectual property not owned by Perfect 10 or

1 being asserted in this action and (2) Google products not at issue in this action. In
2 light of Judge Matz's July 26, 2010 Order on Google's DMCA Motions (Dkt. No.
3 937) and July 30, 2010 Order on Perfect 10's Second Motion for Preliminary
4 Injunction (Dkt. No. 953), all documents related to third-party DMCA notices and
5 infringements are not relevant nor likely to lead to the discovery of admissible
6 evidence, and they will not be produced. Google further objects to the request as
7 duplicative (in whole or in part) of previous Document Requests made to Google,
8 including without limitation Request Nos. 3, 6, 8, 24, 25, 26, 27, 28, 29, 55, 56, 62,
9 78, 79, 83, 84, 85, 132, 155 and 314. Google further objects to this request as
10 overbroad, oppressive, and unduly burdensome. Google further objects to this
11 request as vague, ambiguous and unintelligible, including without limitation with
12 respect to the phrase "DMCA notice." Subject to and without waiving the specific
13 and General Objections above, Google responds that it has previously responded to
14 Perfect 10's prior Request Nos. 3, 6, 8, 24, 25, 28, 29, 55, 56, 62, 78, 79, 83, 84, 85,
15 132, 155 and 314, and will supplement its production regarding these requests as
16 necessary and appropriate.

17 **REQUEST FOR PRODUCTION NO. 433:**

18 To the extent not included in response to any previous request, all
19 DOCUMENTS RELATING TO any DMCA notice received by GOOGLE.

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 433:**

21 Google objects to this 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 on the grounds that it seeks information outside the scope of
25 permissible discovery, not relevant to the subject matter of the action, and not
26 reasonably calculated to lead to the discovery of admissible evidence, especially as
27 it seeks documents related to (1) intellectual property not owned by Perfect 10 or
28 being asserted in this action and (2) Google products not at issue in this action. In

1 light of Judge Matz's July 26, 2010 Order on Google's DMCA Motions (Dkt. No.
2 937) and July 30, 2010 Order on Perfect 10's Second Motion for Preliminary
3 Injunction (Dkt. No. 953), all documents related to third-party DMCA notices and
4 infringements are not relevant nor likely to lead to the discovery of admissible
5 evidence, and they will not be produced. Google further objects to the request as
6 duplicative (in whole or in part) of previous Document Requests made to Google,
7 including without limitation Request Nos. 3, 6, 8, 24, 25, 26, 27, 28, 29, 51, 55, 56,
8 62, 78, 79, 83, 84, 85, 132, 155, 196 and 314. Google further objects to this request
9 as overbroad, oppressive, and unduly burdensome. Google further objects to this
10 request on the grounds that it seeks documents outside of Google's possession,
11 custody or control and/or seeks to require Google to create documents in response to
12 a request for production. Google further objects to this request as vague, ambiguous
13 and unintelligible, including without limitation with respect to the phrase "DMCA
14 notice." Subject to and without waiving the specific and General Objections above,
15 Google responds that it has previously responded to Perfect 10's prior Request Nos.
16 3, 6, 8, 24, 25, 28, 29, 51, 55, 56, 62, 78, 79, 83, 84, 85, 132, 155, 196 and 314, and
17 will supplement its production regarding these requests as necessary and
18 appropriate.

19 **REQUEST FOR PRODUCTION NO. 434:**

20 All requests for counter-notifications issued by GOOGLE as a result of any
21 DMCA notice received by GOOGLE from Perfect 10.

22 **RESPONSE TO REQUEST FOR PRODUCTION NO. 434:**

23 Google objects to this 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 on the grounds that it seeks information cumulative of the
27 DMCA logs and processing documents Google previously produced. Google
28 further objects to the request as duplicative (in whole or in part) of previous

1 Document Requests made to Google, including without limitation Request Nos. 3,
2 6, 8, 24, 25, 28, 29, 55, 56, 62, 78, 79, 83, 84, 85, 132, 155, and 314. Google further
3 objects to this request as overbroad, oppressive, and unduly burdensome. Google
4 further objects to this request as vague, ambiguous and unintelligible, including
5 without limitation with respect to the phrase “requests for counter-notifications.”
6 Subject to and without waiving the specific and General Objections above, Google
7 responds that it has produced non-privileged documents responsive to this request in
8 response to Perfect 10’s prior Request Nos. 3, 6, 8, 24, 25, 28, 29, 55, 56, 62, 78, 79,
9 83, 84, 85, 132, 155 and 314, and will supplement its production regarding these
10 requests as necessary and appropriate.

11 **REQUEST FOR PRODUCTION NO. 435:**

12 All requests for counter-notifications issued by GOOGLE as a result of any
13 DMCA notice received by GOOGLE from an ENTITY other than Perfect 10.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 435:**

15 Google objects to this request on the grounds that it calls for the disclosure of
16 documents protected by the attorney-client privilege, work product doctrine and/or
17 other applicable privileges. Such documents will not be produced. Google further
18 objects to this request on the grounds that it seeks information outside the scope of
19 permissible discovery, not relevant to the subject matter of the action, and not
20 reasonably calculated to lead to the discovery of admissible evidence, especially as
21 it seeks documents related to (1) intellectual property not owned by Perfect 10 or
22 being asserted in this action and (2) Google products not at issue in this action. In
23 light of Judge Matz’s July 26, 2010 Order on Google’s DMCA Motions (Dkt. No.
24 937) and July 30, 2010 Order on Perfect 10’s Second Motion for Preliminary
25 Injunction (Dkt. No. 953), all documents related to third-party DMCA notices and
26 infringements are not relevant nor likely to lead to the discovery of admissible
27 evidence, and they will not be produced. Google further objects to the request as
28 duplicative (in whole or in part) of previous Document Requests made to Google,

1 including without limitation Request Nos. 26 and 27. Google further objects to this
2 request as overbroad, oppressive, and unduly burdensome. Google further objects to
3 this request as vague, ambiguous and unintelligible, including without limitation
4 with respect to the phrase “requests for counter-notifications.”

5 **REQUEST FOR PRODUCTION NO. 436:**

6 All requests for counter-notifications issued by GOOGLE as a result of any
7 DMCA notice received by GOOGLE RELATING TO BLOGGER.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 436:**

9 Google objects to this request on the grounds that it calls for the disclosure of
10 documents protected by the attorney-client privilege, work product doctrine and/or
11 other applicable privileges. Such documents will not be produced. Google further
12 objects to this request on the grounds that it seeks information outside the scope of
13 permissible discovery, not relevant to the subject matter of the action, and not
14 reasonably calculated to lead to the discovery of admissible evidence, especially as
15 it seeks documents related to intellectual property not owned by Perfect 10 or being
16 asserted in this action. In light of Judge Matz’s July 26, 2010 Order on Google’s
17 DMCA Motions (Dkt. No. 937) and July 30, 2010 Order on Perfect 10’s Second
18 Motion for Preliminary Injunction (Dkt. No. 953), all documents related to third-
19 party DMCA notices and infringements are not relevant nor likely to lead to the
20 discovery of admissible evidence, and they will not be produced. Google further
21 objects to the request as duplicative (in whole or in part) of previous Document
22 Requests made to Google, including without limitation Request Nos. 6, 8, 28, 55,
23 56, 62, 78, 79, 84, 85 and 132. Google further objects to this request as overbroad,
24 oppressive, and unduly burdensome. Google further objects to this request as
25 vague, ambiguous and unintelligible, including without limitation with respect to the
26 phrase “requests for counter-notifications.” Subject to and without waiving the
27 specific and General Objections above, Google responds that it has previously
28 responded to Perfect 10’s prior Request Nos. 6, 8, 55, 56, 62, 78, 79, 84, 85 and 132,

1 and will supplement its production regarding these requests as necessary and
2 appropriate.

3 **REQUEST FOR PRODUCTION NO. 437:**

4 All requests for counter-notifications issued by GOOGLE as a result of any
5 DMCA notice received by GOOGLE RELATING TO GOOGLE ADSENSE.

6 **RESPONSE TO REQUEST FOR PRODUCTION NO. 437:**

7 Google objects to this request on the grounds that it calls for the disclosure of
8 documents protected by the attorney-client privilege, work product doctrine and/or
9 other applicable privileges. Such documents will not be produced. Google further
10 objects to this request on the grounds that it seeks information outside the scope of
11 permissible discovery, not relevant to the subject matter of the action, and not
12 reasonably calculated to lead to the discovery of admissible evidence, especially as
13 it seeks documents related to intellectual property not owned by Perfect 10 or being
14 asserted in this action. In light of Judge Matz's July 26, 2010 Order on Google's
15 DMCA Motions (Dkt. No. 937) and July 30, 2010 Order on Perfect 10's Second
16 Motion for Preliminary Injunction (Dkt. No. 953), all documents related to third-
17 party DMCA notices and infringements are not relevant nor likely to lead to the
18 discovery of admissible evidence, and they will not be produced. Google further
19 objects to the request as duplicative (in whole or in part) of previous Document
20 Requests made to Google, including without limitation Request Nos. 3, 6, 8, 24, 25,
21 26, 27, 28, 29, 55, 56, 62, 78, 79, 83, 84, 85, 132, 155 and 314. Google further
22 objects to this request as overbroad, oppressive, and unduly burdensome. Google
23 further objects to this request as vague, ambiguous and unintelligible, including
24 without limitation with respect to the phrase "requests for counter-notifications."
25 Subject to and without waiving the specific and General Objections above, Google
26 responds that it has previously responded to Perfect 10's prior Request Nos. 3, 6, 8,
27 24, 25, 28, 29, 51, 55, 56, 62, 78, 79, 83, 84, 85, 132, 155, 196 and 314, and will
28 supplement its production regarding these requests as necessary and appropriate.

1 **REQUEST FOR PRODUCTION NO. 438:**

2 All requests for counter-notifications issued by GOOGLE as a result of any
3 DMCA notice received by GOOGLE RELATING TO GOOGLE ADWORDS.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 438:**

5 Google objects to this 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 on the grounds that it seeks information outside the scope of
9 permissible discovery, not relevant to the subject matter of the action, and not
10 reasonably calculated to lead to the discovery of admissible evidence, especially as
11 it seeks documents related to intellectual property not owned by Perfect 10 or being
12 asserted in this action. In light of Judge Matz's July 26, 2010 Order on Google's
13 DMCA Motions (Dkt. No. 937) and July 30, 2010 Order on Perfect 10's Second
14 Motion for Preliminary Injunction (Dkt. No. 953), all documents related to third-
15 party DMCA notices and infringements are not relevant nor likely to lead to the
16 discovery of admissible evidence, and they will not be produced. Google further
17 objects to the request as duplicative (in whole or in part) of previous Document
18 Requests made to Google, including without limitation Request Nos. 3, 6, 8, 24, 25,
19 26, 27, 28, 29, 55, 56, 62, 78, 79, 83, 84, 85, 132, 155 and 314. Google further
20 objects to this request as overbroad, oppressive, and unduly burdensome. Google
21 further objects to this request as vague, ambiguous and unintelligible, including
22 without limitation with respect to the phrase "requests for counter-notifications."
23 Subject to and without waiving the specific and General Objections above, Google
24 responds that it has previously responded to Perfect 10's prior Request Nos. 3, 6, 8,
25 24, 25, 28, 29, 51, 55, 56, 62, 78, 79, 83, 84, 85, 132, 155, 196 and 314, and will
26 supplement its production regarding these requests as necessary and appropriate.

27
28

1 **REQUEST FOR PRODUCTION NO. 439:**

2 All requests for counter-notifications issued by GOOGLE as a result of any
3 DMCA notice received by GOOGLE RELATING TO GOOGLE WEB SEARCH.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 439:**

5 Google objects to this 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 on the grounds that it seeks information outside the scope of
9 permissible discovery, not relevant to the subject matter of the action, and not
10 reasonably calculated to lead to the discovery of admissible evidence, especially as
11 it seeks documents related to intellectual property not owned by Perfect 10 or being
12 asserted in this action. In light of Judge Matz's July 26, 2010 Order on Google's
13 DMCA Motions (Dkt. No. 937) and July 30, 2010 Order on Perfect 10's Second
14 Motion for Preliminary Injunction (Dkt. No. 953), all documents related to third-
15 party DMCA notices and infringements are not relevant nor likely to lead to the
16 discovery of admissible evidence, and they will not be produced. Google further
17 objects to the request as duplicative (in whole or in part) of previous Document
18 Requests made to Google, including without limitation Request Nos. 3, 6, 8, 55, 56,
19 62, 78, 79, 83, 84, 85 and 132. Google further objects to this request as overbroad,
20 oppressive, and unduly burdensome. Google further objects to this request as
21 vague, ambiguous and unintelligible, including without limitation with respect to the
22 phrase "requests for counter-notifications." Subject to and without waiving the
23 specific and General Objections above, Google responds that it has previously
24 responded to Perfect 10's prior Request Nos. 3, 6, 8, 55, 56, 62, 78, 79, 84, 85 and
25 132, and will supplement its production regarding these requests as necessary and
26 appropriate.

27
28

1 **REQUEST FOR PRODUCTION NO. 440:**

2 All requests for counter-notifications issued by GOOGLE as a result of any
3 DMCA notice received by GOOGLE RELATING TO GOOGLE IMAGE
4 SEARCH.

5 **RESPONSE TO REQUEST FOR PRODUCTION NO. 440:**

6 Google objects to this request on the grounds that it calls for the disclosure of
7 documents protected by the attorney-client privilege, work product doctrine and/or
8 other applicable privileges. Such documents will not be produced. Google further
9 objects to this request on the grounds that it seeks information outside the scope of
10 permissible discovery, not relevant to the subject matter of the action, and not
11 reasonably calculated to lead to the discovery of admissible evidence, especially as
12 it seeks documents related to intellectual property not owned by Perfect 10 or being
13 asserted in this action. In light of Judge Matz's July 26, 2010 Order on Google's
14 DMCA Motions (Dkt. No. 937) and July 30, 2010 Order on Perfect 10's Second
15 Motion for Preliminary Injunction (Dkt. No. 953), all documents related to third-
16 party DMCA notices and infringements are not relevant nor likely to lead to the
17 discovery of admissible evidence, and they will not be produced. Google further
18 objects to the request as duplicative (in whole or in part) of previous Document
19 Requests made to Google, including without limitation Request Nos. 3, 6, 8, 55, 56,
20 62, 78, 79, 83, 84, 85 and 132. Google further objects to this request as overbroad,
21 oppressive, and unduly burdensome. Google further objects to this request as
22 vague, ambiguous and unintelligible, including without limitation with respect to the
23 phrase "requests for counter-notifications." Subject to and without waiving the
24 specific and General Objections above, Google responds that it has previously
25 responded to Perfect 10's prior Request Nos. 3, 6, 8, 55, 56, 62, 78, 79, 84, 85 and
26 132, and will supplement its production regarding these requests as necessary and
27 appropriate.

28

1 **REQUEST FOR PRODUCTION NO. 441:**

2 All requests for counter-notifications issued by GOOGLE as a result of any
3 DMCA notice received by GOOGLE RELATING TO GOOGLE GROUPS.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 441:**

5 Google objects to this 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 on the grounds that it seeks information outside the scope of
9 permissible discovery, not relevant to the subject matter of the action, and not
10 reasonably calculated to lead to the discovery of admissible evidence, especially as
11 it seeks documents related to intellectual property not owned by Perfect 10 or being
12 asserted in this action. In light of Judge Matz's July 26, 2010 Order on Google's
13 DMCA Motions (Dkt. No. 937) and July 30, 2010 Order on Perfect 10's Second
14 Motion for Preliminary Injunction (Dkt. No. 953), all documents related to third-
15 party DMCA notices and infringements are not relevant nor likely to lead to the
16 discovery of admissible evidence, and they will not be produced. Google further
17 objects to this request as overbroad, oppressive, and unduly burdensome. Google
18 further objects to this request as vague, ambiguous and unintelligible, including
19 without limitation with respect to the phrase "requests for counter-notifications."

20 **REQUEST FOR PRODUCTION NO. 442:**

21 All requests for counter-notifications issued by GOOGLE as a result of any
22 DMCA notice received by GOOGLE RELATING TO PICASA.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 442:**

24 Google objects to this request on the grounds that it calls for the disclosure of
25 documents protected by the attorney-client privilege, work product doctrine and/or
26 other applicable privileges. Such documents will not be produced. Google further
27 objects to this request on the grounds that it seeks information outside the scope of
28 permissible discovery, not relevant to the subject matter of the action, and not

1 reasonably calculated to lead to the discovery of admissible evidence, especially as
2 it seeks documents related to (1) intellectual property not owned by Perfect 10 or
3 being asserted in this action and (2) Google products not at issue in this action. In
4 light of Judge Matz's July 26, 2010 Order on Google's DMCA Motions (Dkt. No.
5 937) and July 30, 2010 Order on Perfect 10's Second Motion for Preliminary
6 Injunction (Dkt. No. 953), all documents related to third-party DMCA notices and
7 infringements are not relevant nor likely to lead to the discovery of admissible
8 evidence, and they will not be produced. Google further objects to this request as
9 overbroad, oppressive, and unduly burdensome. Google further objects to this
10 request as vague, ambiguous and unintelligible, including without limitation with
11 respect to the phrase "requests for counter-notifications."

12 **REQUEST FOR PRODUCTION NO. 443:**

13 All requests for counter-notifications issued by GOOGLE as a result of any
14 DMCA notice received by GOOGLE RELATING TO any GOOGLE product,
15 program, or service in which GOOGLE stores images on GOOGLE servers.

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 443:**

17 Google objects to this request on the grounds that it calls for the disclosure of
18 documents protected by the attorney-client privilege, work product doctrine and/or
19 other applicable privileges. Such documents will not be produced. Google further
20 objects to this request on the grounds that it seeks information outside the scope of
21 permissible discovery, not relevant to the subject matter of the action, and not
22 reasonably calculated to lead to the discovery of admissible evidence, especially as
23 it seeks documents related to (1) intellectual property not owned by Perfect 10 or
24 being asserted in this action and (2) Google products not at issue in this action. In
25 light of Judge Matz's July 26, 2010 Order on Google's DMCA Motions (Dkt. No.
26 937) and July 30, 2010 Order on Perfect 10's Second Motion for Preliminary
27 Injunction (Dkt. No. 953), all documents related to third-party DMCA notices and
28 infringements are not relevant nor likely to lead to the discovery of admissible

1 evidence, and they will not be produced. Google further objects to the request as
2 duplicative (in whole or in part) of previous Document Requests made to Google,
3 including without limitation Request Nos. 3, 6, 8, 24, 25, 28, 29, 55, 56, 62, 78, 79,
4 83, 84, 85, 132, 155 and 314. Google further objects to this request as overbroad,
5 oppressive, and unduly burdensome. Google further objects to this request as
6 vague, ambiguous and unintelligible, including without limitation with respect to the
7 phrases “requests for counter-notifications” “any DMCA notice,” “product,
8 program, or service,” and “stores images.” Subject to and without waiving the
9 specific and General Objections above, Google responds that it has previously
10 responded to Perfect 10’s prior Request Nos. 3, 6, 8, 24, 25, 28, 29, 51, 55, 56, 62,
11 78, 79, 83, 84, 85, 132, 155, 196 and 314, and will supplement its production
12 regarding these requests as necessary and appropriate.

13 **REQUEST FOR PRODUCTION NO. 444:**

14 All correspondence, emails, or other COMMUNICATIONS RELATING TO
15 any request for counter-notifications issued by GOOGLE as a result of any DMCA
16 notice received by GOOGLE.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 444:**

18 Google objects to this request on the grounds that it calls for the disclosure of
19 documents protected by the attorney-client privilege, work product doctrine and/or
20 other applicable privileges. Such documents will not be produced. Google further
21 objects to this request on the grounds that it seeks information outside the scope of
22 permissible discovery, not relevant to the subject matter of the action, and not
23 reasonably calculated to lead to the discovery of admissible evidence, especially as
24 it seeks documents related to (1) intellectual property not owned by Perfect 10 or
25 being asserted in this action and (2) Google products not at issue in this action. In
26 light of Judge Matz’s July 26, 2010 Order on Google’s DMCA Motions (Dkt. No.
27 937) and July 30, 2010 Order on Perfect 10’s Second Motion for Preliminary
28 Injunction (Dkt. No. 953), all documents related to third-party DMCA notices and

1 infringements are not relevant nor likely to lead to the discovery of admissible
2 evidence, and they will not be produced. Google further objects to the request as
3 duplicative (in whole or in part) of previous Document Requests made to Google,
4 including without limitation Request Nos. 3, 6, 8, 24, 25, 28, 29, 55, 56, 62, 78, 79,
5 83, 84, 85, 132, 155 and 314. Google further objects to this request as overbroad,
6 oppressive, and unduly burdensome. Google further objects to this request as
7 vague, ambiguous and unintelligible, including without limitation with respect to the
8 phrases “requests for counter-notifications” and “any DMCA notice.” Subject to
9 and without waiving the specific and General Objections above, Google responds
10 that it has previously responded to Perfect 10’s prior Request Nos. 3, 6, 8, 24, 25,
11 28, 29, 51, 55, 56, 62, 78, 79, 83, 84, 85, 132, 155, 196 and 314, and will
12 supplement its production regarding these requests as necessary and appropriate.

13 **REQUEST FOR PRODUCTION NO. 445:**

14 To the extent not included in response to any previous request, all
15 DOCUMENTS RELATING TO any request for counter-notifications issued by
16 GOOGLE as a result of any DMCA notice received by GOOGLE.

17 **RESPONSE TO REQUEST FOR PRODUCTION NO. 445:**

18 Google objects to this request on the grounds that it calls for the disclosure of
19 documents protected by the attorney-client privilege, work product doctrine and/or
20 other applicable privileges. Such documents will not be produced. Google further
21 objects to this request on the grounds that it seeks information outside the scope of
22 permissible discovery, not relevant to the subject matter of the action, and not
23 reasonably calculated to lead to the discovery of admissible evidence, especially as
24 it seeks documents related to (1) intellectual property not owned by Perfect 10 or
25 being asserted in this action and (2) Google products not at issue in this action. In
26 light of Judge Matz’s July 26, 2010 Order on Google’s DMCA Motions (Dkt. No.
27 937) and July 30, 2010 Order on Perfect 10’s Second Motion for Preliminary
28 Injunction (Dkt. No. 953), all documents related to third-party DMCA notices and

1 infringements are not relevant nor likely to lead to the discovery of admissible
2 evidence, and they will not be produced. Google further objects to the request as
3 duplicative (in whole or in part) of previous Document Requests made to Google,
4 including without limitation Request Nos. 3, 6, 8, 24, 25, 28, 29, 55, 56, 62, 78, 79,
5 83, 84, 85, 132, 155 and 314. Google further objects to this request as overbroad,
6 oppressive, and unduly burdensome. Google further objects to this request on the
7 grounds that it seeks documents outside of Google's possession, custody or control
8 and/or seeks to require Google to create documents in response to a request for
9 production. Google further objects to this request as vague, ambiguous and
10 unintelligible, including without limitation with respect to the phrases "requests for
11 counter-notifications" and "any DMCA notice." Subject to and without waiving the
12 specific and General Objections above, Google responds that it has previously
13 responded to Perfect 10's prior Request Nos. 3, 6, 8, 24, 25, 28, 29, 51, 55, 56, 62,
14 78, 79, 83, 84, 85, 132, 155, 196 and 314, and will supplement its production
15 regarding these requests as necessary and appropriate.

16 **REQUEST FOR PRODUCTION NO. 446:**

17 GOOGLE'S REPEAT INFRINGER TRACKING SHEET RELATING TO
18 BLOGGER.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 446:**

20 Google objects to this request on the grounds that it calls for the disclosure of
21 documents protected by the attorney-client privilege, work product doctrine and/or
22 other applicable privileges. Such documents will not be produced. Google further
23 objects to this request on the grounds that it seeks information outside the scope of
24 permissible discovery, not relevant to the subject matter of the action, and not
25 reasonably calculated to lead to the discovery of admissible evidence, especially as
26 it seeks documents related to intellectual property not owned by Perfect 10 or being
27 asserted in this action. In light of Judge Matz's July 26, 2010 Order on Google's
28 DMCA Motions (Dkt. No. 937) and July 30, 2010 Order on Perfect 10's Second

1 Motion for Preliminary Injunction (Dkt. No. 953), all documents related to third-
2 party DMCA notices and infringements are not relevant nor likely to lead to the
3 discovery of admissible evidence, and they will not be produced. Google further
4 objects to the request as duplicative (in whole or in part) of previous Document
5 Requests made to Google, including without limitation Request Nos. 6, 8, 56, 62,
6 78, 79, 84, 85 and 132. Google further objects to this request as overbroad,
7 oppressive, and unduly burdensome. Google further objects to this request on the
8 grounds that it seeks documents outside of Google's possession, custody or control
9 and/or seeks to require Google to create documents in response to a request for
10 production. Google further objects to this request as vague, ambiguous and
11 unintelligible. Subject to and without waiving the specific and General Objections
12 above, Google responds that it has previously responded to Perfect 10's prior
13 Request Nos. 6, 8, 56, 62, 78, 79, 84, 85 and 132, and will supplement its production
14 regarding these requests as necessary and appropriate.

15 **REQUEST FOR PRODUCTION NO. 447:**

16 GOOGLE'S REPEAT INFRINGER TRACKING SHEET RELATING TO
17 GOOGLE ADWORDS.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 447:**

19 Google objects to this request on the grounds that it calls for the disclosure of
20 documents protected by the attorney-client privilege, work product doctrine and/or
21 other applicable privileges. Such documents will not be produced. Google further
22 objects to this request on the grounds that it seeks information outside the scope of
23 permissible discovery, not relevant to the subject matter of the action, and not
24 reasonably calculated to lead to the discovery of admissible evidence, especially as
25 it seeks documents related to intellectual property not owned by Perfect 10 or being
26 asserted in this action. In light of Judge Matz's July 26, 2010 Order on Google's
27 DMCA Motions (Dkt. No. 937) and July 30, 2010 Order on Perfect 10's Second
28 Motion for Preliminary Injunction (Dkt. No. 953), all documents related to third-

1 party DMCA notices and infringements are not relevant nor likely to lead to the
2 discovery of admissible evidence, and they will not be produced. Google further
3 objects to the request as duplicative (in whole or in part) of previous Document
4 Requests made to Google, including without limitation Request Nos. 3, 6, 8, 51, 56
5 and 196. Google further objects to this request as overbroad, oppressive, and unduly
6 burdensome. Google further objects to this request on the grounds that it seeks
7 documents outside of Google's possession, custody or control and/or seeks to
8 require Google to create documents in response to a request for production. Google
9 further objects to this request as vague, ambiguous and unintelligible.

10 **REQUEST FOR PRODUCTION NO. 448:**

11 GOOGLE'S REPEAT INFRINGER TRACKING SHEET RELATING TO
12 GOOGLE WEB SEARCH.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 448:**

14 Google objects to this request on the grounds that it calls for the disclosure of
15 documents protected by the attorney-client privilege, work product doctrine and/or
16 other applicable privileges. Such documents will not be produced. Google further
17 objects to this request on the grounds that it seeks information outside the scope of
18 permissible discovery, not relevant to the subject matter of the action, and not
19 reasonably calculated to lead to the discovery of admissible evidence, especially as
20 it seeks documents related to intellectual property not owned by Perfect 10 or being
21 asserted in this action. In light of Judge Matz's July 26, 2010 Order on Google's
22 DMCA Motions (Dkt. No. 937) and July 30, 2010 Order on Perfect 10's Second
23 Motion for Preliminary Injunction (Dkt. No. 953), all documents related to third-
24 party DMCA notices and infringements are not relevant nor likely to lead to the
25 discovery of admissible evidence, and they will not be produced. Google further
26 objects to the request as duplicative (in whole or in part) of previous Document
27 Requests made to Google, including without limitation Request Nos. 3, 6, 8, 51, 56
28 and 196. Google further objects to this request as overbroad, oppressive, and unduly

1 burdensome. Google further objects to this request on the grounds that it seeks
2 documents outside of Google's possession, custody or control and/or seeks to
3 require Google to create documents in response to a request for production. Google
4 further objects to this request as vague, ambiguous and unintelligible.

5 **REQUEST FOR PRODUCTION NO. 449:**

6 GOOGLE'S REPEAT INFRINGER TRACKING SHEET RELATING TO
7 GOOGLE IMAGE SEARCH.

8 **RESPONSE TO REQUEST FOR PRODUCTION NO. 449:**

9 Google objects to this request on the grounds that it calls for the disclosure of
10 documents protected by the attorney-client privilege, work product doctrine and/or
11 other applicable privileges. Such documents will not be produced. Google further
12 objects to this request on the grounds that it seeks information outside the scope of
13 permissible discovery, not relevant to the subject matter of the action, and not
14 reasonably calculated to lead to the discovery of admissible evidence, especially as
15 it seeks documents related to intellectual property not owned by Perfect 10 or being
16 asserted in this action. In light of Judge Matz's July 26, 2010 Order on Google's
17 DMCA Motions (Dkt. No. 937) and July 30, 2010 Order on Perfect 10's Second
18 Motion for Preliminary Injunction (Dkt. No. 953), all documents related to third-
19 party DMCA notices and infringements are not relevant nor likely to lead to the
20 discovery of admissible evidence, and they will not be produced. Google further
21 objects to the request as duplicative (in whole or in part) of previous Document
22 Requests made to Google, including without limitation Request Nos. 3, 6, 8, 51, 56
23 and 196. Google further objects to this request as overbroad, oppressive, and unduly
24 burdensome. Google further objects to this request on the grounds that it seeks
25 documents outside of Google's possession, custody or control and/or seeks to
26 require Google to create documents in response to a request for production. Google
27 further objects to this request as vague, ambiguous and unintelligible.

28

1 **REQUEST FOR PRODUCTION NO. 450:**

2 GOOGLE'S REPEAT INFRINGER TRACKING SHEET RELATING TO
3 GOOGLE GROUPS.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 450:**

5 Google objects to this 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 on the grounds that it seeks information outside the scope of
9 permissible discovery, not relevant to the subject matter of the action, and not
10 reasonably calculated to lead to the discovery of admissible evidence, especially as
11 it seeks documents related to intellectual property not owned by Perfect 10 or being
12 asserted in this action. In light of Judge Matz's July 26, 2010 Order on Google's
13 DMCA Motions (Dkt. No. 937) and July 30, 2010 Order on Perfect 10's Second
14 Motion for Preliminary Injunction (Dkt. No. 953), all documents related to third-
15 party DMCA notices and infringements are not relevant nor likely to lead to the
16 discovery of admissible evidence, and they will not be produced. Google further
17 objects to this request as overbroad, oppressive, and unduly burdensome. Google
18 further objects to this request on the grounds that it seeks documents outside of
19 Google's possession, custody or control and/or seeks to require Google to create
20 documents in response to a request for production. Google further objects to this
21 request as vague, ambiguous and unintelligible.

22 **REQUEST FOR PRODUCTION NO. 451:**

23 GOOGLE'S REPEAT INFRINGER TRACKING SHEET RELATING TO
24 PICASA.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 451:**

26 Google objects to this request on the grounds that it calls for the disclosure of
27 documents protected by the attorney-client privilege, work product doctrine and/or
28 other applicable privileges. Such documents will not be produced. Google further

1 objects to this request on the grounds that it seeks information outside the scope of
2 permissible discovery, not relevant to the subject matter of the action, and not
3 reasonably calculated to lead to the discovery of admissible evidence, especially as
4 it seeks documents related to (1) intellectual property not owned by Perfect 10 or
5 being asserted in this action and (2) Google products not at issue in this action. In
6 light of Judge Matz's July 26, 2010 Order on Google's DMCA Motions (Dkt. No.
7 937) and July 30, 2010 Order on Perfect 10's Second Motion for Preliminary
8 Injunction (Dkt. No. 953), all documents related to third-party DMCA notices and
9 infringements are not relevant nor likely to lead to the discovery of admissible
10 evidence, and they will not be produced. Google further objects to this request as
11 overbroad, oppressive, and unduly burdensome. Google further objects to this
12 request on the grounds that it seeks documents outside of Google's possession,
13 custody or control and/or seeks to require Google to create documents in response to
14 a request for production. Google further objects to this request as vague, ambiguous
15 and unintelligible.

16 **REQUEST FOR PRODUCTION NO. 452:**

17 All correspondence, emails, or other COMMUNICATIONS RELATING TO
18 GOOGLE'S REPEAT INFRINGER TRACKING SHEETS.

19 **RESPONSE TO REQUEST FOR PRODUCTION NO. 452:**


20 Google objects to this request on the grounds that it calls for the disclosure of
21 documents protected by the attorney-client privilege, work product doctrine and/or
22 other applicable privileges. Such documents will not be produced. Google further
23 objects to this request on the grounds that it seeks information outside the scope of
24 permissible discovery, not relevant to the subject matter of the action, and not
25 reasonably calculated to lead to the discovery of admissible evidence, especially as
26 it seeks documents related to (1) intellectual property not owned by Perfect 10 or
27 being asserted in this action and (2) Google products not at issue in this action. In
28 light of Judge Matz's July 26, 2010 Order on Google's DMCA Motions (Dkt. No.

1 937) and July 30, 2010 Order on Perfect 10's Second Motion for Preliminary
2 Injunction (Dkt. No. 953), all documents related to third-party DMCA notices and
3 infringements are not relevant nor likely to lead to the discovery of admissible
4 evidence, and they will not be produced. Google further objects to the request as
5 duplicative (in whole or in part) of previous Document Requests made to Google,
6 including without limitation Request Nos. 3, 6, 8, 51, 56 and 196. Google further
7 objects to this request as overbroad, oppressive, and unduly burdensome. Google
8 further objects to this request as vague, ambiguous and unintelligible. Subject to
9 and without waiving the specific and General Objections above, Google responds
10 that it has previously responded to Perfect 10's prior Request Nos. 3, 6, 8, 51, 56
11 and/or 196, and will supplement its production regarding these requests as necessary
12 and appropriate.

13 DATED: August 16, 2010

Respectfully submitted,

14 QUINN EMANUEL URQUHART &
15 SULLIVAN, LLP

16
17 
18 By _____
19 Michael T. Zeller
20 Attorneys for Defendant GOOGLE INC.

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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.

4 On August 16, 2010, I served true copies of the following document(s)
5 described as

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

9 on the parties in this action as follows:

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

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

15 *Counsel for Plaintiff Perfect 10, Inc.*

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

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

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

27 Executed on August 16, 2010, at San Francisco, California.

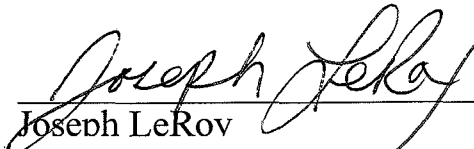
28 
Joseph LeRoy

Exhibit B

quinn emanuel trial lawyers

LOS ANGELES | NEW YORK | SAN FRANCISCO | SILICON VALLEY | CHICAGO | LONDON | TOKYO | MANNHEIM

WRITER'S INTERNET ADDRESS
bradlove@quinnemanuel.com

August 16, 2010

VIA EMAIL AND U.S. MAIL

Jeffrey N. Mausner
Law Offices of Jeffrey N. Mausner
21800 Oxnard Street, Suite 910
Woodland Hills, CA 91367
Email: jeff@mausnerlaw.com

Re: Perfect 10, Inc. v. Google Inc.: stay of discovery pending appeal

Dear Jeff:

It was good speaking with you the other day. This will confirm that P10 intends to appeal the Court's Order denying P10's Second Preliminary Injunction Motion (Dkt. No. 953). In light of that development, we propose a stay of discovery and other trial court proceedings during P10's planned appeal.

We believe this course is the most sensible for several reasons. For example, the appeal will implicate the proper legal standards for P10's copyright and right of publicity claims. Further litigation of those issues in the District Court, even assuming there was jurisdiction to do so, would be wasteful. Moreover, assuming the Ninth Circuit upholds the Court's analysis in denying a preliminary injunction, which incorporates by reference the DMCA Order (Dkt. No. 937), Google's liability for all of the alleged copyright infringement and right of publicity violations at issue in the case can be resolved based on the established facts and record, thus eliminating the need for further discovery.

quinn emanuel urquhart & sullivan, llp

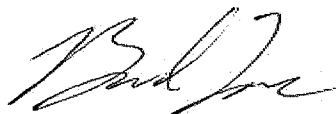
865 South Figueroa Street, 10th Floor, Los Angeles, California 90017-2543 | TEL (213) 443-3000 FAX (213) 443-3100
51 Madison Avenue, 22nd Floor, New York, New York 10010-1601 | TEL (212) 849-7000 FAX (212) 849-7100
50 California Street, 22nd Floor, San Francisco, California 94111-4788 | TEL (415) 875-6600 FAX (415) 875-6700
555 Twin Dolphin Drive, 5th Floor, Redwood Shores, California 94065-2139 | TEL (650) 801-5000 FAX (650) 801-5100
500 W. Madison Street, Suite 2450, Chicago, Illinois 60661-2510 | TEL (312) 705-7400 FAX (312) 705-7401
16 Old Bailey, London EC4M 7EG, United Kingdom | TEL +44(0) 20 7653 2000 FAX +44(0) 20 7653 2100
Akasaka Twin Tower Main Bldg., 6th Floor, 17-22 Akasaka 2-Chome, Minato-ku, Tokyo 107-0052, Japan | TEL +81 3 5561-1711 FAX +81 3 5561-1712
Erzbergerstraße 5, 68165 Mannheim, Germany | TEL +49(0) 621 43298 6000 FAX +49(0) 621 43298 6100

P10 itself has so argued. As Dr. Zada stated in support of P10's successful request to stay Google's pending discovery motions while dispositive motions were litigated, a stay "would make a lot of sense...[b]ecause until such time as we know what the Defendants will be held liable for, if anything, you know, for us to have to go through and do a massive amount of work on things that we may not be awarded damages on seems premature." See 9/4/09 Hearing Transcript at 15:2-16:24. In the meantime, additional discovery is pointless because the record for the appeal cannot be supplemented.

Please let us know whether P10 will agree to a stay of discovery during the pendency of its planned appeal of Judge Matz's recent rulings. If P10 will not stipulate to a stay of discovery, then please consider this letter Google's pre-filing conference pursuant to Local Rule 7-3 in advance of a motion for stay. I also am available on August 17th and 18th between 1 p.m. and 5 p.m. for any further pre-filing discussions concerning Google's contemplated motion for a stay that P10 would like to have.

I look forward to hearing from you.

Regards,

A handwritten signature in black ink, appearing to read "Brad Love", written in a cursive style.

Brad Love