

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 JEFFREY N. MAUSNER (State Bar No. 122385)
BERMAN, MAUSNER & RESSER
6 11601 Wilshire Boulevard, Suite 600
Los Angeles, California 90025-1742
7 Telephone: (310) 473-3333
Facsimile: (310) 473-8303

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

12 Attorneys for Plaintiff

13
14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

16 PERFECT 10, INC., a California
corporation,

17 Plaintiff,

18 v.

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

21 Defendants.

CASE NO. CV 04-9484 AHM (SHx)

**NOTICE OF MOTION AND
MOTION OF PLAINTIFF PERFECT
10, INC. FOR PRELIMINARY
INJUNCTION; MEMORANDUM OF
POINTS AND AUTHORITIES**

Date: September 19, 2005

Time: 10:00 a.m.

Ctrm: The Honorable A. Howard Matz

22
23 **TO DEFENDANT GOOGLE, INC. AND ITS ATTORNEYS OF**
24 **RECORD:**

25
26 **PLEASE TAKE NOTICE** that on September 19, 2005, at 10:00 a.m., or as
27 soon thereafter as the matter may be heard, in the courtroom of the Honorable A.
28 Howard Matz, located at 312 N. Spring Street, Los Angeles, California, plaintiff

1 Perfect 10, Inc. ("Perfect 10") will and hereby does move for a preliminary
2 injunction enjoining Google, Inc. ("Google") from engaging in continuing acts of
3 copyright infringement. Specifically, Perfect 10 seeks an order in the form of the
4 [Proposed] Preliminary Injunction lodged herewith and which provides in
5 substance that:

6
7 Google, its parents, subsidiaries, affiliates, officers, agents, servants,
8 employees, and any persons acting in concert or participation with them are
9 preliminarily enjoined from:

10
11 (a) Copying, reproducing, distributing, publicly displaying, adapting or
12 otherwise infringing, or contributing to the infringement of any copyrighted image
13 owned by Perfect 10 which has been or will be identified in notices to Google
14 ("PERFECT 10 COPYRIGHTED IMAGES"). Perfect 10 will provide to Google
15 notice of PERFECT 10 COPYRIGHTED IMAGES within ten (10) business days
16 of the issuance of this Order, and may supplement that notice once each month.
17 Within ten (10) business days of the receipt of notice of PERFECT 10
18 COPYRIGHTED IMAGES, Google shall delete and disable its display of all such
19 images, including without limitation, deletion from any database owned or
20 controlled by Google, and shall not display such images in the future.

21
22 (b) Linking to websites which display or make available PERFECT 10
23 COPYRIGHTED IMAGES, for which Google has received notice ("Infringing
24 Websites"). Infringing Websites are (i) websites which were linked to by Google
25 as identified in any notice of infringement from Perfect 10 to Google prior to June
26 20, 2005 (Exhs. 40-73 of the Declaration of Norman Zada filed herein) and which
27 as of July 11, 2005, continued to display or make available PERFECT 10
28 COPYRIGHTED IMAGES on any of their web pages, or (ii) websites that in the

