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12 Attorneys for Plaintiff

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14 UNITED STATES DISTRICT COURT  
15 CENTRAL DISTRICT OF CALIFORNIA  
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17 PERFECT 10, a California corporation,  
18 Plaintiff,

19 v.

20 GOOGLE, INC., a corporation; and  
DOES 1 through 100, inclusive,  
21 Defendants.  
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CASE NO. CV 04-09484 AHM (SHx)

**DECLARATION OF PATRICK  
SWART IN SUPPORT OF MOTION  
OF PLAINTIFF PERFECT 10, INC.  
FOR PRELIMINARY INJUNCTION**

Date: September 19, 2005  
Time: 10:00 a.m.  
Ctm: The Honorable A. Howard  
Matz

**DECLARATION OF PATRICK SWART**

I, Patrick Swart, declare as follows:

1. I make this declaration in support of the motion of Perfect 10, Inc. (“Perfect 10”) for preliminary injunction. Except where otherwise stated, I have direct and personal knowledge of the facts set forth herein and, if called as a witness, could and would competently testify thereto.

2. I am the Discovery Services Specialist of Trial Graphix, Inc., located in Miami, Florida.

3. Dr. Norm Zada, the president of Perfect 10, Inc., asked me to assist him in making a CD that would capture the experience of an Internet user using google.com, as well as the experience of a user of the perfect10.com website. On or about July 18 and 19, 2005, I made such a CD, which is attached as Exhibit 8.

4. For the “Google Experience,” Dr. Zada asked me to enter the following search terms, and to record on the CD the results of the search conducted using google.com: Vibe Sorensen, Monika Zsibrita, Alena Drazna, Pirated Perfect 10 Movies, mg.danboss.com and Shannon Hobbs. Exhibit 8 contains a true and correct depiction of the results that I viewed when I entered those terms in the Google search box. On the CD, I narrated what I was doing during the course of the searches. The description of the steps I took which is contained on the narration on the CD is a true and correct description of what I did. The images on the CD are a true and correct recording of the images that I viewed and recorded.

5. On this CD, in the folder entitled “Perfect 10 Experience,” I recorded the steps I made in viewing on the Perfect 10 website some of the same images as I had viewed using Google. All of the images shown in the “Perfect 10 Experience” are

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1 images that I viewed on the website www.perfect10.com.

2 I declare under penalty of perjury under the laws of the United States of  
3 America that the foregoing is true and correct. Executed on July 27, 2005, at  
4 Miami, Florida.

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Patrick Swart

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