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SECOND NOTICE

Via Signed Facsimile to [REDACTED] and [REDACTED] and Via email to [REDACTED]@google.com

November 14, 2005 10:15 AM (California Time)

Dear Mr. Macgillivray:

A few minutes before I sent the below email to you, I also complained — **via email only** — about <http://www.thenewsvault.com/cgi/news.pl?1=71> to EBay/PayPal. It only took eBay/PayPal a total of 198 minutes (on a Sunday) to email me the following response:

“Hi Jim,

We have reviewed the site reported and taken action on the associated PayPal account.

Please let me know if there is any further assistance we can provide.”

By contrast, it's now been more than 22 hours since I sent the below emailed first notice to you and yet we haven't received any email response from you whatsoever and the Infringing Site which I delineated below is still returned on a Google Search!

Remember, the longer you take, the more your unlawful conduct damages us and the more you incentivize the infringer / fraudster for the next time!

For ease of reference, I include hereafter my first notice to you:

Via email

From: [REDACTED] (email: [REDACTED]@msn.com)
[REDACTED] (SBN: 1303131) and [REDACTED] (SBN: 175030)
COSTA, ABRAMS, and COATE, LLP
[REDACTED]
Santa Monica, CA 90401
(310) 576-6161

To: [REDACTED]
Intellectual Property Counsel
Google, Inc.
[REDACTED]
Mountain View, CA 94043

Re: [REDACTED] v. Net Management Services, et al./Copyright Violations

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**United States District Court, Central District of California
Case No. CV 04-1553 DDP**

Dear [REDACTED]

My name is [REDACTED] and I own substantial rights in the [REDACTED] Hilton Video. This is a follow up to the [REDACTED] Esq. of Lavelly & Singer letter to you of March 16, 2004; and the [REDACTED] Esq. of [REDACTED] LLP letter to you of July 26, 2004. I'd be happy to email to you: a copy of the [REDACTED] letter; a copy of the [REDACTED] letter; and a copy of the above-referenced signed complaint as a pdf attachment if you so request.

As you may recall, [REDACTED] LLP are litigation counsel for my brother [REDACTED]. Pursuant to Google's copyright complaint procedure, this letter shall set forth a website returned on a Google Search which is infringing upon my rights, the rights of [REDACTED] and the rights of other significant interests.

The copyrighted work at issue is the much-publicized Video showing my brother [REDACTED] and his girlfriend at the time, famous socialite and aspiring actress, Paris Hilton, engaged in sexual activity and other intimate relations. Footage was registered in November, 2003 (NO. Pau-780-223). Please take the necessary steps to remove the infringing website from your search engine immediately and confirm the removal with me — via email — as soon as possible!

Infringing Material: We strongly believe that the operators of the following websites are engaging in copyright infringement either by (a) directly infringing upon the copyrights in the Video, or (b) by engaging in "personal conduct that encourages or assists the infringement." Perfect 10, Inc. v. Cybernet Ventures, Inc., 213 F.Supp.2d 1146 (9th Cir. 2002). Each of these instances of copyright infringement relates to recognizable portions of the Video which has been registered by the U.S. Copyright Office.

Yahoo Search: Paris Hilton Sex Tape

Infringing Site:

www.freewareweb.com/cgi-bin/ufm.cgi?t=71 FOR
http://www.thenewsvault.com/cgi/news.pl?t=71

The use of the copyrighted materials described above on the allegedly infringing web pages is not authorized by the copyright owner, its agent, or the law.

I swear, under penalty of perjury, that the information in the notification is accurate and

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that I am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Should Google fail to fully comply with these reasonable demands, we will have no alternative but to assert our legal rights against Google, and those acting on Google's behalf, under both U.S. federal and state law, and seek compensatory damages, punitive damages, injunctive relief, and the recovery of attorneys' fees necessitated by Google's unlawful conduct.

This letter does not constitute a complete or exhaustive statement of all of our rights, claims, contentions or legal theories regarding this matter. Nothing stated herein is intended as, nor should it be deemed to constitute, a waiver or relinquishment of any of our rights or remedies, whether legal or equitable, all of which are hereby expressly reserved.

I'd also be happy to email to you my electronic signature as a jpg attachment if you so request.

We await your email response. - [REDACTED]

cc: [REDACTED] Esq.
[REDACTED] Esq.
[REDACTED]