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August 18, 2006

OUR FILE NUMBER  
27,559-999

**VIA FAX**

Google, Inc.  
Attn: Blogger Legal Support, DMCA Complaints  
Mountain View, CA 94043

WRITER'S DIRECT DIAL

WRITER'S E-MAIL ADDRESS  
@omm.com

**Re: *Apple Computer Copyrighted Material Illegally Disseminated by  
impulsivehighlighters.blogspot.com***

To Whom It May Concern:

We represent Apple Computer, Inc. ("Apple"). It has come to our attention that a Blogger blog, <http://impulsivehighlighters.blogspot.com/>, is posting screenshots of a pre-release developer's build of Apple's new operating system, Mac OS X 10.5 (aka "Leopard"). Per the requirements posted at [http://www.google.com/blogger\\_dmca.html#notification](http://www.google.com/blogger_dmca.html#notification), I hereby provide the requested information and request that Google take immediate action to remove the infringing screenshots.

1. The copyrighted work at issue is a pre-release developer's build of Apple's operating system, Mac OS X 10.5.
2. The materials infringing this work are the screenshots of the operation of the Leopard build posted at <http://impulsivehighlighters.blogspot.com/>. These screenshots have been posted at this URL since at least Wednesday, August 16, 2006. Under the United States Copyright Act, the rights given to the owner of a copyrighted work include, among other things, the exclusive right to display the work publicly. 17 U.S.C. § 106. The screenshots on this blog are unauthorized and therefore constitute copyright infringement. See *Playboy Enterprises, Inc. v. Frena*, 839 F.Supp. 1552, 1556-57 (M.D. Fla. 1993); *Perfect 10 v. Google, Inc.*, 416 F. Supp. 2d 828 (C.D. Cal. 2006).
3. I can be contacted at (415) 984-8783 or @omm.com.
4. I have a good faith belief that use of the copyrighted material described above on the allegedly infringing web pages is not authorized by the copyright owner, its agent, or the law.

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5. I swear, under penalty of perjury, that the information in the notification is accurate and that I am authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

Yesterday, I sent an e-mail to the contributors of the blog asking that they remove the screenshots. I received the attached response today. I trust that you will act expeditiously to remove the infringing content.

Sincerely,

A large black rectangular redaction box covering the signature area.

SF1:640441.1