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August 29, 2006

OUR FILE NUMBER
639,800-003

VIA E-MAIL

WRITER'S DIRECT DIAL
[redacted]

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

WRITER'S E-MAIL ADDRESS
[redacted]@omm.com

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

To Whom It May Concern:

As you know, we represent Apple Computer, Inc. ("Apple"). On August 18, 2006, I sent you a letter requesting that all screenshots of a pre-release developer's build of Apple's new operating system, Mac OS X 10.5 (aka "Leopard") be removed from a Blogger blog, http://impulsivehighlighters.blogspot.com/. On August 22, you sent me notification via e-mail that those screenshots had been removed. Additional screenshots have subsequently been posted on the blog, however.

Per the requirements posted at 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 [redacted] or [redacted]@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.

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.

As soon as possible, please remove all screenshots of the Leopard build from http://impulsivehighlighters.blogspot.com/.

Thank you,

SF1:641806.1