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 11 GOOGLE INC.

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8 UNITED STATES DISTRICT COURT
 9 CENTRAL DISTRICT OF CALIFORNIA

Winston & Strawn LLP
 101 California Street
 San Francisco, CA 94111-5894

10 PERFECT 10, INC., a California
 11 corporation,
 12 Plaintiff,
 13 vs.
 14 GOOGLE INC., a corporation; and
 15 DOES 1 through 100, inclusive,
 16 Defendant.

Case No. CV04-9484 AHM (SHx)

**DECLARATION OF ALEXANDER
 MACGILLIVRAY IN SUPPORT OF
 GOOGLE'S OPPOSITION TO
 PLAINTIFF'S MOTION FOR
 PRELIMINARY INJUNCTION**

Date: November 7, 2005
 Time: 10:00 a.m.
 Location: Courtroom 14

17 GOOGLE INC., a corporation,
 18 Counterclaimant,
 19 vs.
 20 PERFECT 10, INC., a California
 21 corporation,
 22 Counter-defendant.

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1 I, Alexander Macgillivray, declare as follows:

2 1. I am Senior Product and Intellectual Property Counsel for
3 Defendant Google Inc. ("Google"). I have been employed by Google since May 12,
4 2003. During my time at Google I have been the lawyer primarily responsible for the
5 processing of intellectual property complaints regarding Google's services. I am
6 intimately familiar with our policies and procedures for suppression of results from
7 Web Search and Image Search. I am also familiar with our processes and policies for
8 account termination for AdSense. I am the lawyer primarily responsible for Web
9 Search and Image Search and am thoroughly familiar with how the products work.
10 The statements contained herein are based on my own personal knowledge and I could
11 and would be competent to testify to them if called as a witness in this matter.

12 **GOOGLE SEARCH**

13 2. When the Google Web Search engine receives a query, it searches
14 its index for pages relevant to the query. It then returns Web page links with snippets
15 of relevant text. It also provides a link to Google's "cached" copy of the text portion
16 of the Web page. By clicking on the "cached" link, the user will cause the cached
17 page to appear. While it may seem that the cached page contains images, in fact the
18 images are not from the Web Search cache; in fact, a user's web browser fetches any
19 images from their original location and not from Google's servers. Google also
20 provides a link for a version of the cached page that will disable this browser function.

21 3. The Image Search engine returns results consisting of a page of
22 "thumbnail" images – small low-resolution extracts of original images that aid the
23 user in identifying and locating the image most relevant to the research. The browser
24 obtains "thumbnail" images from Google's server, together with information about the
25 Web page associated with the image. The user then can choose to click on the image
26 thumbnail and show more information about the image and cause the user's browser
27 (typically Internet Explorer, Netscape, Mozilla Firefox, or Opera) to open a "window"
28 on the screen that will display the underlying Web page in a process called "framing."

