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## NEWS/ Blogger Perez Sued over Topless Aniston Pic

by Natalie Finn

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Universal has a boob, er, bone to pick with Perez Hilton.

The studio sued the celebrity-gossip blogger Tuesday for copyright infringement, accusing Hilton of posting a stolen topless picture of Jennifer Aniston that was shot and then swiped either during production or postproduction of 2006's *The Break-Up*.

The scantily clad shot of Aniston, 38, didn't end up in the final cut of the antiromantic comedy, which grossed more than \$118 million at the box office last summer amid reports of a real-life hookup between Aniston and costar Vince Vaughn.

Universal City Studios Productions alleges that the shot posted on Perezhilton.com was "misappropriated and illegally copied," according to court documents obtained by the Smoking Gun, and that Hilton "illegally obtained a copy of all or part of the stolen footage."

The blog purveyor, whose real name is Mario Lavandeira, then disregarded a letter sent earlier this month requesting that he take down the offending footage and continued to display the racy shot, Universal states in its complaint.

Hilton's legal camp is saying, however, that the picture was just as available for viewing on other Websites, and that because Hilton published the picture "for the purpose of commentary and satire," his actions constitute fair use.

"It is unfortunate that Universal has chosen to bring this lawsuit as our client has done nothing wrong," attorney Bryan Freedman said in a statement obtained by E! Online, adding that the brazen blogger did take the Aniston picture down when he finally learned of Universal's request.

"Apparently, Universal's notice was sent somewhere in Arizona rather than to our client directly, and when our client received direct notice, in good faith, our client removed the picture notwithstanding the right to the fair use of the photograph.

"Our client questions whether this lawsuit was in fact motivated by Ms. Aniston as a result of her disdain for viewpoints expressed about her on the site," Freedman continued, referring to the fairly catty tone Hilton, 28, generally takes when commenting on the former *Friends* star, going so far as to refer to her as "Maniston."

"Otherwise, there seems to be no reason to single our client out when, as Universal and Ms. Aniston know, the picture was published on numerous Websites before any publication on our client's site," Freedman said.

According to its complaint, Universal is seeking unspecified damages; an injunction barring any further use of the studio's copyrighted material, be it photos, videos, Internet content or, well, anything; and a seizure order allowing the U.S. Marshals to impound any items "possessed, owned or under the control of Defendants...and all persons in active concert or participation with them" that infringe the studio's copyrights, as well as any business records related to the obtainment of said items.

While Hilton doesn't discriminate with regard to the content he posts—the more lascivious the better, usually—Universal isn't the first outfit to have a beef with the West Hollywood-based columnist as to how he obtains that content.

Celebrity photo agency X17 has filed a \$7.5 million copyright suit against Hilton, accusing him of using its images without permission, a complaint that the Miami native has said is just one more opportunity to make his point via the justice system.

"I believe at the core of my being that I'm not doing anything illegal or unethical. They have their points, and I have my points, so I guess the only way to decide this is through the legal system," Hilton, who was also sued by the *New York Post* at one point because he used to call his site PageSixSixSix, told a reporter for McClatchy Newspapers earlier this month.

Jennifer Aniston is no stranger to being caught with her top down, either.

The actress, who recently vouched for the authenticity of her cleavage in an interview with *People*, reached an undisclosed settlement with photographer Peter Brandt last September in an invasion-of-privacy lawsuit she filed against the paparazzo in 2005, accusing him of using a telephoto lens to snap her inside her home while she was partly undressed.

Brandt maintains that he took his photos while standing on a public street at least 300 yards away from Aniston's home.

Maybe it's that lens-maker that needs a talking-to.