

COPY

LODGED

2004 MAY 28 PM 4:16
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
By: _____

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Jeffrey A. LeVee (State Bar No. 125863)
Emma Killick (State Bar No. 192469)
Sean W. Jaquez (State Bar No. 223132)
JONES DAY
555 West Fifth Street, Suite 4600
Los Angeles, CA 90013-1025
Telephone: (213) 489-3939
Facsimile: (213) 243-2539

Joe Sims (*pro hac vice* pending)
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
Telephone: (202) 879-3939
Facsimile: (202) 626-1700

Attorneys for Defendant
INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

REGISTERSITE.COM, et al.,

Plaintiff,

v.

INTERNET CORPORATION FOR
ASSIGNED NAMES AND
NUMBERS, a California
Corporation; VERISIGN, INC., a
Delaware Corporation; and DOES 1-
150, inclusive,

Defendants.

Case No. CV 04-1368 ABC (CWx)

**[PROPOSED] ORDER GRANTING
DEFENDANT INTERNET
CORPORATION FOR ASSIGNED
NAMES AND NUMBERS' MOTION
TO DISMISS CERTAIN CAUSES OF
ACTION FOR FAILURE TO STATE
A CLAIM UNDER FRCP 12(B)(6)**

1 This Court, having read and considered the papers submitted by the parties,
2 and finding good cause therefor, orders that the motion to dismiss pursuant to
3 Federal Rule of Civil Procedure section 12(b)(6) filed by Defendant Internet
4 Corporation for Assigned Names and Numbers is hereby SUSTAINED without
5 leave to amend as to plaintiffs Registersite.com, Name.com, R. Lee Chambers
6 Company LLC, Fiducia LLC, Spot Domain, LLC, !\$6.25 Domains! Network, Inc.,
7 AusRegistry Group Pty Ltd and !\$!Bid It Win It, Inc.'s ("Plaintiffs") first claim for
8 relief for violation of California Business and Professions Code Section 17200 et
9 seq., as against ICANN; fifth claim for relief for violation of California Business
10 and Professions Code Section 17200 et seq., as against ICANN; seventh claim for
11 relief for violation of California Business and Professions Code Section 17200 et
12 seq., as against ICANN; and twelfth claim for relief for breach of contract.
13 Plaintiffs' first, fifth, seventh, and twelfth causes of action are hereby dismissed
14 with prejudice as against ICANN because none of these claims for relief states a
15 claim upon which relief may be granted.

16
17 IT IS SO ORDERED.

18 Dated: _____, 2004

19 _____
20 Honorable Audrey B. Collins
21 U.S. District Court Judge
22
23
24
25
26
27
28

1 **PROOF OF SERVICE BY OVERNIGHT DELIVERY**

2 I am a citizen of the United States and employed in Los Angeles County, California. I am
3 over the age of eighteen years and not a party to the within-entitled action. My business address
4 is 555 West Fifth Street, Suite 4600, Los Angeles, California 90013-1025. On May 28, 2004, I
5 deposited with Federal Express, a true and correct copy of the within documents:

6 **DEFENDANT ICANN'S MOTION TO DISMISS CERTAIN
7 CAUSES OF ACTION FOR FAILURE TO STATE A CLAIM
8 UNDER FRCP 12(B)(6);**

9 **DEFENDANT ICANN'S REQUEST FOR JUDICIAL NOTICE
10 IN SUPPORT OF ITS MOTION TO DISMISS CERTAIN
11 CAUSES OF ACTION FOR FAILURE TO STATE A CLAIM
12 UNDER FRCP 12(B)(6);**

13 **[PROPOSED] ORDER GRANTING DEFENDANT ICANN'S
14 MOTION TO DISMISS CERTAIN CAUSES OF ACTION
15 FOR FAILURE TO STATE A CLAIM UNDER FRCP
16 12(B)(6); AND**

17 **[PROPOSED] ORDER GRANTING DEFENDANT ICANN'S
18 REQUEST FOR JUDICIAL NOTICE**

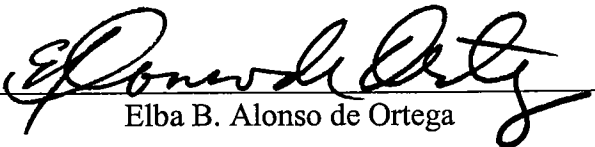
19 in a sealed envelope, addressed as follows:

20 SEE ATTACHED SERVICE LIST

21 Following ordinary business practices, the envelope was sealed and placed for collection
22 by Federal Express on this date, and would, in the ordinary course of business, be retrieved by
23 Federal Express for overnight delivery on this date.

24 I declare that I am employed in the office of a member of the bar of this court at whose
25 direction the service was made.

26 Executed on May 28, 2004, at Los Angeles, California.

27 
28 Elba B. Alonso de Ortega

SERVICE LIST
REGISTERSITE.COM v. ICANN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Derek A. Newman
NEWMAN & NEWMAN, ATTORNEYS AT LAW
505 Fifth Avenue, South, Suite 610
Seattle, WA 98104

Laurence Hutt, Esq.
ARNOLD & PORTER
777 S. Figueroa, 44th Fl.,
Los Angeles, CA 90017

Frederick F. Mumm, Esq.
DAVIS WRIGHT TREMAINE LLP
865 South Figueroa Street, Suite 2400
Los Angeles, California 90017