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

17 VERISIGN, INC., a Delaware
corporation,
18
19 Plaintiff,
20 v.
21 INTERNET CORPORATION FOR
ASSIGNED NAMES AND
22 NUMBERS, a California corporation;
DOES 1-50,

23 Defendants.

) Case No. CV 04-1292 AHM (CTx)

) **PLAINTIFF VERISIGN, INC.'S**
) **RESPONSE TO DEFENDANT ICANN'S**
) **EVIDENTIARY OBJECTIONS TO**
) **EXHIBITS AND DECLARATIONS**
) **FILED BY VERISIGN IN**
) **OPPOSITION TO ICANN'S SPECIAL**
) **MOTION TO STRIKE**

) Date: May 18, 2004
) Time: 10:00 a.m.
) Courtroom: 14 – Spring Street Bldg.
) Hon. A. Howard Matz

1 ICANN concedes that VeriSign has produced substantial evidence to
2 demonstrate that it will succeed on its underlying claims against ICANN, self-styling
3 it a “mountain of evidence,” but fails even to attempt to assert specific objections to
4 the vast majority of this “mountain.” (See ICANN’s Reply at 1:19 (admitting that
5 VeriSign has submitted a “mountain of evidence”); ICANN’s Evid. Obj. at 4
6 (“ICANN provides only a handful of specific objections”).) ICANN’s failure to
7 object effectively concedes the admissibility of the evidence and, thus, that VeriSign
8 has made a prima facie showing that its claims have merit.

9 ICANN attempts to avoid the consequences of its failure specifically to object
10 to most of VeriSign’s evidence by generally and conclusorily asserting that “most” of
11 VeriSign’s evidence is “truly not relevant” to ICANN’s motion, without identifying
12 which exhibits and portions of declarations supposedly are “not relevant.” (ICANN’s
13 Evid. Obj. at 2:12-14.) Such a generalized “objection” to VeriSign’s evidence is
14 procedurally improper. Accordingly, all of VeriSign’s evidence for which ICANN
15 has not provided any specific objection should be deemed admitted without the need
16 for any further analysis by the Court. See Fed. R. Evid. 103(a)(1) (a party
17 challenging the admission of evidence must timely object and “stat[e] the specific
18 ground of objection”); *United States v. Gomez-Norena*, 908 F.2d 497, 500 (9th Cir.
19 1990) (“[A] party fails to preserve an evidentiary issue for appeal . . . by failing to
20 make a specific objection.”).

21 Moreover, ICANN’s boilerplate relevancy objection is interposed only after it
22 mischaracterizes the applicable burdens at issue in this motion. Specifically, ICANN
23 misstates and narrowly defines what type of evidence is relevant to its motion,
24 claiming that VeriSign’s evidence is inadmissible if it does not directly refute “that
25 ICANN has made a prima facie showing that” the anti-SLAPP statute applies.
26 (ICANN’s Evid. Obj. at 2:21-23; see also *id.* at 4:11-14 (claiming evidence is not
27 admissible because it does not “address[] whether ICANN has established that the
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