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7 Attorneys for Defendant  
INTERNET CORPORATION FOR  
ASSIGNED NAMES AND NUMBERS  
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9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA  
11 WESTERN DIVISION  
12

13 IMAGE ONLINE DESIGN, INC.,  
14 Plaintiff,  
15 v.  
16 INTERNET CORPORATION FOR  
ASSIGNED NAMES AND  
17 NUMBERS,  
18 Defendant.  
19

Case No. CV 12-08968-DDP (JCx)  
Assigned for all purposes to the  
Honorable Dean D. Pregerson

**DEFENDANT ICANN'S NOTICE  
OF PENDENCY OF OTHER  
ACTIONS OR PROCEEDINGS**

[Central Dist. L.R. 83-1.4]

Complaint Filed Oct. 17, 2012

1           **TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF**  
2 **RECORD:**

3           Pursuant to Central District Local Rule 83-1.4, Defendant Internet  
4 Corporation for Assigned Names and Numbers (“ICANN”) is obligated to give  
5 notice to the Court that the Complaint filed by Image Online Design, Inc. (“IOD”)  
6 in this action involves “a material part of the subject matter” of another action  
7 currently pending before the Ninth Circuit Court of Appeals. C.D. Cal. L. R. 83-  
8 1.4.1.

9           In *Image Online Design, Inc. v. Core Ass’n and Ken Stubbs*, Ninth Circuit  
10 Court of Appeals Docket No. 00-56284, IOD is appealing the Honorable Robert J.  
11 Kelleher’s dismissal of IOD’s trademark claims based on a finding that IOD had no  
12 common law trademark rights in the .WEB top-level domain (“TLD”). *Image*  
13 *Online Design, Inc. v. Core Ass’n and Ken Stubbs*, 120 F. Supp. 2d 870, 880 (C.D.  
14 Cal. 2000). IOD filed its appeal in July 2000, and the matter apparently has been  
15 stayed since that time. The Court of Appeals docket reflects a status conference at  
16 the Ninth Circuit scheduled for December 20, 2012.

17           In the this action, IOD again claims that it has common law trademark rights  
18 in the .WEB TLD; and IOD alleges that ICANN has infringed these purported  
19 rights. Accordingly, the instant action involves a “material part of the subject  
20 matter” pending before the Ninth Circuit. C.D. Cal. L. R. 83-1.4.1.

21           In the Ninth Circuit appeal, IOD is represented by David J. Steele, of Christie,  
22 Parker & Hale, LLP, 18101 Von Karman Ave., Suite 1950, Irvine, CA 92612, (949)  
23 476-0757, who is also IOD’s counsel of record in the instant action. The appellees  
24 in the Ninth Circuit appeal, Core Association and Ken Stubbs, are represented by  
25 Bret A. Fausett, Internet Pro APC, 4640 Admiralty Way, Fifth Fl., Marina Del Rey,  
26 CA 90292, (310) 496-5755.

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1 Dated: December 7, 2012

JONES DAY

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By: /s/ Eric P. Enson  
Eric P. Enson

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Attorneys for Defendant  
INTERNET CORPORATION FOR  
ASSIGNED NAMES AND NUMBERS

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