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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

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

Case No. CV 12-08968-DDP (JCx)

Assigned for all purposes to the
 Honorable Dean D. Pregerson

**DEFENDANT ICANN'S NOTICE
 OF RELATED CASES**

[Central Dist. L.R. 83-1.3]

Complaint Filed Oct. 17, 2012

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

3 Pursuant to Central District Local Rule 83-1.3, Defendant Internet
4 Corporation for Assigned Names and Numbers (“ICANN”) is obligated to give
5 notice to the Court that Plaintiff Image Online Design, Inc. (“IOD”), “previously
6 filed” a related case in the Central District of California, which called for – and
7 resulted in – determination of “substantially related or similar questions of law” and
8 involved the “same” alleged trademark. *See* C.D. Cal L. R. 88-1.3.1(b), (d). The
9 related case, Case No. CV 99-11347, was filed on October 29, 1999 and was
10 dismissed by the Honorable Robert J. Kelleher on June 21, 2000 in:

11 *Image Online Design, Inc. v. Core Ass’n and Ken Stubbs,*
12 120 F. Supp. 2d 870 (C.D. Cal. 2000).

13 In the related case, IOD claimed that it had common law trademark rights in
14 the .WEB top-level domain (“TLD”), and that the defendants had infringed these
15 rights by providing Internet network addresses and domain name registry services
16 using the alleged .WEB mark. *Id.* at 872, 874. Judge Kelleher granted the
17 defendants’ motion for summary judgment, finding that IOD had no trademark
18 rights in the .WEB TLD. *Id.* at 880. However, the related case has been on appeal
19 since July 2000, in Ninth Circuit Court of Appeals Docket No. 00-56284, and
20 apparently has been stayed since that time. The Court of Appeals docket reflects a
21 status conference at the Ninth Circuit scheduled for December 20, 2012.

22 In the instant action, IOD again claims that it has common law trademark
23 rights in the .WEB TLD; and IOD accuses ICANN of infringing these purported
24 rights. Accordingly, the two actions are related under the Central District Local
25 Rules because the instant action calls for “determination of the same or
26 substantially related or similar questions of law” as that presented in the related
27 case and both matters involve “the same patent, trademark or copyright.” C.D. Cal.
28 L. R. 83-1.3.1(b), (d).

1 Dated: December 7, 2012

JONES DAY

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

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