UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF VIRGINIA

FILED

ALEXANDRIA DIVISION.

GRAHAM SCHREIBER,
Plaintiff,

v.

LORRAINE LESLEY DUNABIN; CENTRALNIC LTD.;
NETWORK SOLUTIONS LLC; VERISIGN INC.;
INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS;
AND ENOM, INC.,

Defendants.

CASE NO: 1:12-cv-00852.

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CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

JOINT DISCOVERY PLAN.

Meeting Summary, composed by Plaintiff: On December 28th, 2012 at 11:00am *(Toronto / Washington EST)* the parties had a conversation, kindly coordinated by **Eric, at Jones Day**, who also prepared a comprehensive document *which uniquely satisfies the needs of the Defendants,* but not myself, as such, I've not signed their document.

If ICANN's system recorded the teleconference, it'll be known that I wanted to cooperate; and accepted, in spirit, their leadership, with some of the document, except the delayed time-line and one or two other stalling points.

I'm keen to seek a peaceable resolution ~ quickly, as recorded ~ however, it seemed that since the "Venue" hasn't been solved to their satisfaction, my overtures were declined as being helpful but not appropriately timed.

As such, the teleconference was not as successful as I'd personally hoped.

I confirmed that I seek the guidance of the Court, to determine a fair percentage of liability for CentralNic, Network Solutions & VeriSign, relative to ICANN being levied with assigned $50,000,000.00 USD, which ICANN felt to be excessive, setting aside a slightly scaled back assessment's for the Defendants CentralNic, Network Solutions & VeriSign, individually.

Founded on recent case law, on (Page 4) of this summary, I'd say that a settlement for me, alone of $50,000,000.00 would be fitting, from ICANN, with similar ~ but slightly lower amounts ~ from the others, as a sum which **WILL BE** furnished directly to Rotary, as my original plan! (Tax receipt-able.)

While ICANN may feel the sum to high, they've collected a staggering sum of money, for a "not for profit" of $355 MILLION to initiate the"New gTLD's" which are still half-baked and detrimental to many.

{ICANN Decides Where To Invest its $355 Cash Haul From New gTLD Program 2012 DECEMBER 22. by Michael Berkens
http://www.thedomains.com/2012/12/22/icann-decides-where-to-invest-its-355-cash-haul-from-new-gtld-program/ **}**

I also expressed that my goal was to save both the Courts & Defendants future lawsuits, by having the case assessed as a "Class Action" with "relief" being assigned to Rotary, as the symbolic recipient, for a greater good.

Sadly, understanding my desire, declined on a technical merit, as the Attorney's don't feel this overture to be beneficial. Which I can understand, although I think, it fails to respect the Courts future time.

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My thinking was & is, that this would eliminate the Courts & Defendants from having a stream of other Plaintiffs, filing against them, having capitalized on my research & investment. Would not a figurative "Class Action" close the book?

ICANN who conducted the meeting, with CentralNic / Network Solutions *(same Attorney representation ??)* VeriSign and eNom wish to draw this out; and I suspect it's because this Judgement will adversely affect, or perhaps even suspend the implementation of the "New gTLD's".

As for the "New gTLD's" these same Defendants; and others including WIPO, are still trying to figure out ... and complete ... the following protection's for Virginia Common Law Brands such as mine and fully Trademarked entities.

> Trademark Clearinghouse ~ http://newgtlds.icann.org/en/about/trademark-clearinghouse
> Trademark Clearinghouse "Strawman Solution" ~ http://www.icann.org/en/news/public-comment/tmch-strawman-30nov12-en.htm

Most notably, they're sailing into a strong headwind, more a hurricane, of their own set of rules, identifying who qualifies; and who doesn't, as per: gTLD Applicant Guidebook, Version 2012-06-04 - ICANN New gTLDs newgtlds.icann.org/en/.../agb/guidebook-full-04jun12-en.pdf

During the Toronto ICANN 45 Conference, they were talking about revising the rules of their own RAA = Registrar Accreditation Agreement & RRR = Registrant Rights and Responsibilities and I'm on the record as attending via their Online Attendee Service **(100% GREAT WORK & THANK's TO ICANN.)** remarking that they shouldn't be making changes, when in fact as per my issue, they don't enforce the well considered & composed rules presently published.

I've been thorough in my collection of & presentation of documents; and feel that the Defendants have nothing to **"Discover"** including Ms. Dunabin, who communicated and confirmed, via Andrew, that they know of the document library compiled by ICANN, at the public website and have received my communications too.

Lorraine Dunabin was represented by Andrew Wheeler, who advised our groups conversation, that they've not been receiving documents mailed, from the Clerks office!

This statement was queried by one of the Attorney's, representing fellow Defendants, who's name I can't recall. When the address was quoted for verification, it was agreed as being correct.

Lorraine Dunabin fails to see, or accept that under the exercise of a ".com" including being the "Licensee" to a "Sub-Domian" as being UK.com she, through CentralNic & eNom, has subjected herself to Liability, under United States Law.

As per: *"When ICANN is not enough, try a US cyberpiracy lawsuit"* http://www.venable.com/files/Publication/4418a9ec-0b75-4ffc-9e07-b4d25db7f20c/Presentation/PublicationAttachment/becc65f0-3334-455f-94e9-4d1f98124cce/1426.pdf

"If the registrant also happens to be in the United States, ***or through its activity has subjected itself to the personal jurisdiction of a US court,*** *then an in personam action can be filed as well,* ***which in*** *most cases can subject the pirate to damages."* ..... not to mention the *"Don't be dotconned"* (on file) article advising she was fleeced, written by a well regarded, UK Newspaper, in September of the year 2000.

The year 2000 was Twelve years ago, so CentralNic's antics are neither new, nor unknown.

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As a consequence of using the United States Governed ".com" Top Level Domain (TLD) and similarly the UK.com ~ Domain Name ~ the Court is in a position to make Ms. Dunabin an **"In Personam"** Defendant.

As such, it's within their power to assign damages of $800,000.00 USD to / against Lorraine and demand the release of the ill gotten UK Trademark, secured through the fraudulent service, identified as "Contributory Infringement" conceived & engineered by CentralNic.

To accommodate this Settlement, may I suggest that the Court Order ... CentralNic, to finance a 20 year ~ Interest free loan to Lorraine, for $800,000.00 USD, drawn from UK bank account.

Such a payment & financing, I believe, will eliminate any future liability of, or by CentralNic in the United Kingdom Court, from or by Lorraine. **Which is my being thoughtful to CentralNic!**

Should the Court exclude Ms. Dunabin from "In Personam" recovery of the ill-gotten UK Trademark, it will be the sole liability of CentralNic to fund $50,000,000 as I'm no longer able to present "Landcruise" in the UK, to generate Tourism Revenue for both my business ... and the United States, again in due course.

World Intellectual Property Organization:

For the record, I've not had any further communications from WIPO, who I've identified as aiding CentralNic in their ~ domain name ~ licensing activity, yielding protection for far to long.

As WIPO has been instrumental with ICANN, in developing the Trademark Clearing House; and other activities, could the Court take from ICANN's $355 Million, the sums of $50,000,000 to represent all US.com US.Net & US.org domains business aggravated by CentralNic and an additional $50,000,000 to represent, the rest of world?

The $100 Million appraised against WIPO, paid by ICANN, would be given directly to the ... Wounded Warrior Project ~ http://www.woundedwarriorproject.org

Settlement:

As ICANN are sitting astride this vast sum, could perhaps ICANN be obliged to to settle, leaving the Defendants of Network Solutions, VeriSign, eNom and CentralNic as "relieved" without financial penalty ... and anything conflicting with the "New gTLD" rules be ignored, in / within the Legal process?

The fines drawn from ICANN's "New gTLD" program, currently holding $355 MILLION would accommodate WIPO and also the sums listed.

ICANN	$50,000,000.00
CentralNic	$25,000,000.00
Network Solution	$49,000,000.00
VeriSign dba GRS	$48,000,000.00
eNom	$ 5,000,000.00

Both of the stated recipients are United States based; and would be able to furnish ICANN a Tax Receipt, so it becomes a "Win, Win"?

My goal remains, as always recover of "Landcruise" and a settlement from Lorraine, all else, for the greater good.

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REQUEST: I understand that generally, the Court only accepts and process files through an in-house electronic mail system; and would like to request a consideration to waive this process, and allow Ms. Dunabin & I, to send our communications as "PDF.s" via email, for speed, given our locations and "snail mail" delays.

UNITED STATES DISTRICT COURT,
NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE) Case # C 07 3952 JW

Louis Vuitton Awarded $32.4 Million in Damages in Lawsuit Against Web Host of Sites That Sell Counterfeit Merchandise.

Jury Finds Akanoc Solutions Inc., Managed Solutions Group Inc. and Steve Chen Liable for Contributory Trademark and Copyright Infringement.

NEW YORK--(BUSINESS WIRE)--Louis Vuitton Malletier, S.A. ("Louis Vuitton") part of LVMH, the world's leading luxury group, today announced that it has won the lawsuit it filed in 2007 against the California based Internet hosting business of Akanoc Solutions, Inc., Managed Solutions Group, Inc., and Steven Chen (the "Akanoc Defendants") in the United States District Court, Northern District of California (San Jose). On August 28th, the jury found the Akanoc Defendants ***liable for contributory trademark and copyright infringement, and awarded statutory damages in the amount of $32,400,000.00.*** *The court is expected shortly to issue a permanent injunction banning the Akanoc Defendants from hosting websites that sell counterfeit or infringing Louis Vuitton goods.*

Nathalie Moullé-Berteaux, Intellectual Property Director of Louis Vuitton, said, "We are very pleased that the jury recognized the Akanoc Defendants' contributory liability. This decision is another important step towards reducing the illegal activity of websites selling counterfeit merchandise and enforcing the rule of law on the Internet. The Akanoc Defendants' specific business model of providing unmanaged server capacity to web hosting resellers does not exempt them from taking active steps to effectively prevent infringing activity upon notification from an intellectual property rights owner. This case is a particularly important one in that it involves the successful application on the Internet of the theory of contributory liability—those who know or should have known that the business operations, for which they provide venues are conducting illegal activities, have an obligation to ensure those business operations are legal.

"The size of this award should make it clear to all Internet Service Providers (ISPs) that they cannot act, or fail to act, with impunity when a trademark owner provides notice that websites hosted by the ISP are selling counterfeit goods. We believe the size of the damages awarded should serve as a deterrent to other ISPs who may consider ignoring counterfeit trade on the websites they host. *Louis Vuitton will continue its fight throughout the world—concrete and virtual— to protect its brand and customers against counterfeiting."*

Andy Coombs, Louis Vuitton's counsel, said, ***"This verdict clearly establishes a standard for infringement complaints on the Internet based on trademark. It represents a positive contribution to existing case law and marks the first time statutory damages have been awarded against those found contributorily liable for trademark infringement.*** *The standard applied to copyright infringement claims must also be applied to trademark infringement claims. The jury recognized that having an appropriate use policy is not sufficient. Internet Service Providers have an obligation to effectively enforce that policy as well."*

CERTIFICATE OF SERVICE. *I, Graham Schreiber, declare that this document was sent to the respective parties, plus Mr. Wheeler, via email. An email service provided by Network Solutions, for purposes of third party verification.*

* DOCUMENT LOCATED AT STEPTOE.COM ON PAGE /ASSETS/ATTACHEMENTS/3715.PDF

* THIS SHOWS THAT THE ATTORNEYS FOR CENTRAL NC AND NETWORK SOLUTIONS ARE AWARE OF THEIR POSITIONS, WITHIN US LAW.

United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

Louis Vuitton Malletier, S.A.,

Plaintiff,

v.

Akanoc Solutions, Inc. et al.,

Defendants.

_____/

NO. C 07-03952 JW

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

I. INTRODUCTION

Luis Vuitton Malletier, S.A., ("Plaintiff") brings this action against Akanoc Solutions, Inc. ("Akanoc"), Managed Solutions Group, Inc. ("MSGI"), and Steven Chen (collectively, "Defendants"), alleging violations of the Trademark Act, 15 U.S.C. §§ 1051, *et seq.*, and the Copyright Act of 1976, 17 U.S.C. §§ 101, *et seq.*[1] Plaintiff alleges that Akanoc and MSGI, both owned and managed by Chen, knowingly allowed and encouraged certain websites to use Defendants' services for infringing Plaintiff's valid trademarks and copyrights.

Presently before the Court are Defendants' Motion for Summary Judgment and Supplemental Motion for Summary Judgment.[2] The Court conducted a hearing on September 8, 2008. Based on

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[1] (First Amended Complaint For: Contributory and Vicarious Trademark Infringement; Contributory and Vicarious Copyright Infringement ¶ 1, hereafter, "Complaint," Docket Item No. 71.)

[2] (Defendants' Motion for Summary Judgment, hereafter, "Motion," Docket Item No. 47; Defendants' Supplemental Motion for Summary Judgment, hereafter, "Supplemental Motion," Docket Item No. 73.)