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6 Attorneys for Plaintiff  
7 The Internet Corporation for Assigned Names  
and Numbers

9 UNITED STATES DISTRICT COURT  
10 CENTRAL DISTRICT OF CALIFORNIA

11  
12 The Internet Corporation for Assigned  
Names and Numbers,

13  
14 Plaintiff,

15 v.

16 RegisterFly.Com, Inc., and  
UnifiedNames, Inc.,

17 Defendants.

Case No. \_\_\_\_\_

CV 07-02089

MRP (PLAN)

**NOTICE OF EX PARTE  
APPLICATION AND  
APPLICATION FOR  
TEMPORARY RESTRAINING  
ORDER**

Date: [to be set]  
Time: [to be set]  
Judge: [to be set]

18  
19 TO DEFFENDANTS REGISTERFLY, INC. AND UNIFIEDNAMES, INC.:

20 NOTICE IS HEREBY GIVEN that, pursuant to this Court's rules for *ex*  
21 *parte* applications, Plaintiff The Internet Corporation for Assigned Names and  
22 Numbers ("ICANN") will, and hereby does, move for a Temporary Restraining  
23 Order against defendants RegisterFly.Com, Inc and UnifiedNames, Inc.  
24 (collectively referred to as "RegisterFly"), and those acting in concert with  
25 RegisterFly as follows:

- 26 1. Requiring RegisterFly to provide ICANN with a complete and updated  
27 copy of all registrant data, on a recurring 48 hour basis, for all  
28 registered names for which RegisterFly serves as the ICANN-

1 accredited Registrar ("Data") pursuant to Sections 3.4 and 3.6 of the  
2 Registrar Accreditation Agreement between the parties;

3 2. Requiring RegisterFly to allow ICANN immediate access to inspect  
4 and copy all Data, in accordance with Section 3.4.3 of the RAA, and  
5 further enjoining RegisterFly from preventing ICANN's audit of  
6 RegisterFly's Data; and

7 3. Enjoining RegisterFly from taking any actions to interfere with  
8 ICANN's rights to access and use the Data if necessary.

9 The grounds and facts in support of this Application are set forth in ICANN's  
10 Complaint, its Memorandum in Support of the *Ex Parte* Application for Temporary  
11 Restraining Order, the supporting Declarations of Kurt Pritz and Jeffrey A. LeVee,  
12 and ICANN's proposed order, each of which accompanies this Application.

13  
14 Dated: March 29, 2007

JONES DAY

15  
16 By: 

17 Jeffrey A. LeVee

18 Attorneys for Plaintiff  
19 THE INTERNET CORPORATION  
20 FOR ASSIGNED NAMES AND  
21 NUMBERS

1                   **PROOF OF SERVICE BY OVERNIGHT DELIVERY AND ELECTRONIC**

2                   I am a citizen of the United States and employed in Los Angeles County,  
3 California. I am over the age of eighteen years and not a party to the within-entitled  
4 action. My business address is 555 South Flower Street, Fiftieth Floor, Los  
5 Angeles, California 90071-2300. On March 29, 2007, I deposited with Federal  
6 Express, a true and correct copy of the within documents:

7   **NOTICE OF *EX PARTE* APPLICATION AND**  
8   **APPLICATION FOR TEMPORARY**  
9   **RESTRAINING ORDER**

10                   in a sealed envelope, addressed as follows and by transmitting electronically the  
11 document(s) listed above:

12                   Kevin Medina  
13                   RegisterFly.com, Inc.  
14                   960 Arthur Godfrey Road  
15                   Suite 402  
16                   Miami Beach, FL 33140  
17                   Email: [kevin@unifiednames-inc.com](mailto:kevin@unifiednames-inc.com)

  Harold Rabner, Esq.  
  Rabner, Allcorn, Baumgart & Ben  
  Asher, P.C.  
  52 Upper Montclair Plaza (Upper  
  Montclair)  
  Montclair, New Jersey 07043  
  Email:  
  [hrabner@rabnerallcorn.com](mailto:hrabner@rabnerallcorn.com)

18                   Mitchell Novick, Esq.  
19                   Law Offices of Mitchell P. Novick  
20                   66 Park Street  
21                   Montclair, New Jersey 07042  
22                   Email: [mnovick@mitchellnovick.com](mailto:mnovick@mitchellnovick.com)

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

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

28                   I declare under penalty of perjury under the laws of the State of California  
that the above is true and correct.

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Executed on March 29, 2007, at Los Angeles, California.

Martha L. Espelage-Alvarez  
Martha L. Espelage-Alvarez