

1 Jeffrey A. LeVee (State Bar No. 125863)
John S. Sasaki (State Bar No. 202161)
2 Sean W. Jaquez (State Bar No. 223132)
JONES DAY
3 555 West Fifth Street, Suite 4600
Los Angeles, CA 90013
4 Telephone: (213) 489-3939
Facsimile: (213) 243-2539

5 Attorneys for Defendant
6 INTERNET CORPORATION FOR ASSIGNED
NAMES AND NUMBERS
7

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES**

10
11 REGISTERSITE.COM, et. al.,

12 Plaintiff,

13 v.

14 INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS,
15 a California Corporation, et al., and
DOES 1-10, inclusive,

16 Defendants.
17

CASE NO. SC082479

Assigned for all purposes to
Judge Gerald Rosenberg

Complaint Filed: August 4, 2004

**ICANN'S REPLY IN SUPPORT OF
NOTICE OF RELATED CASE**

**[RE: *SNAPNAMES.COM V. ICANN*, CASE
NO. BC324782]**

[LASC Rule 7.3(f)]

18
19
20
21 On November 29, 2004, Defendant Internet Corporation For Assigned Names And
22 Numbers ("ICANN") filed a Notice of Related Case in this matter with respect to
23 SnapNames.com, Incorporated v. Internet Corporation for Assigned Names and Numbers,
24 Case No. BC324782 (hereinafter Snapnames). SnapNames subsequently filed an opposition to
25 ICANN's Notice of Related Case, asserting among other things that the SnapNames action is
26 more closely related to a different action currently pending in the Superior Court, VeriSign, Inc.
27 v. Internet Corporation for Assigned Names and Numbers, Case No. BC320763 (hereinafter
28 VeriSign).

1 ICANN does not wish to burden the Court with additional argument concerning this
2 matter. ICANN seeks only to alert the Court to a factual misstatement that appears repeatedly
3 throughout SnapNames' opposition, specifically, SnapNames' assertion that "**Judge Treu has**
4 **already determined that SnapNames' lawsuit is related to the VeriSign matter.**" [See, e.g.,
5 Opposition to Notice of Related Case at 2:27-28.]

6 Although SnapNames has filed a separate Notice of Related Case with respect to the
7 SnapNames and VeriSign actions, ICANN is unaware of any order from Judge Treu deeming
8 those cases to be related. To the contrary, the only action taken by Judge Treu with respect to
9 SnapNames' Notice of Related Case has been the issuance of a minute order on December 6,
10 2004, **requesting additional briefing** on the matter. (A true and correct copy of that minute order
11 is attached hereto as Exhibit 1.) Clearly, Judge Treu has not yet made any determination that the
12 SnapNames action should be related to the VeriSign action.

13 For the reasons stated in ICANN's Notice of Related Case filed in the instant action,
14 ICANN believes that the Registersite and SnapNames cases should be related, not the VeriSign
15 and Snapnames cases.

16 DATED: December 8, 2004

JONES DAY

17
18
19 By: 

Jeffrey A. LeVee

20 Attorneys for Defendant
21 INTERNET CORPORATION FOR
22 ASSIGNED NAMES AND NUMBERS
23
24
25
26
27
28

EXHIBIT 1

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 12/06/04

DEPT. 58

HONORABLE ROLF M. TREU

JUDGE

E.C. VILLA

DEPUTY CLERK

HONORABLE #11

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

E. RAGER, C/A

Deputy Sheriff

NONE

Reporter

8:30 am BC320763

Plaintiff Counsel

VERISIGN INC

NO APPEARANCES

VS

Defendant Counsel

INTERNET CORP FOR ASSIGNED NAME AND NUMBERS

NATURE OF PROCEEDINGS:

COURT ORDER

The Court is in receipt of Notice of Related Case filed by Snapnames.com in this action on 11/19/04 and the opposition thereto filed by Internet Corp. on 11/29/04.

The Court requests a further submission within 10 days from Snapnames as to Internet's position as set forth in the opposition.

CLERK'S CERTIFICATE OF MAILING/ NOTICE OF ENTRY OF ORDER

I, the below named Executive Officer/Clerk of the above-entitled court, do hereby certify that I am not a party to the cause herein, and that this date I served Notice of Entry of the above minute order of 12/6/04 upon each party or counsel named below by depositing in the United States mail at the courthouse in Los Angeles, California, one copy of the original entered herein in a separate sealed envelope for each, addressed as shown below with the postage thereon fully prepaid.

Date: 12/6/04

John A. Clarke, Executive Officer/Clerk

MINUTES ENTERED 12/06/04 COUNTY CLERK

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

DATE: 12/06/04

DEPT. 58

HONORABLE ROLF M. TREU

JUDGE

E.C. VILLA

DEPUTY CLERK

HONORABLE #11

JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

E. RAGER, C/A

Deputy Sheriff

NONE

Reporter

8:30 am

BC320763

Plaintiff
Counsel

VERISIGN INC

NO APPEARANCES

VS

Defendant
Counsel

INTERNET CORP FOR ASSIGNED NAME
AND NUMBERS

NATURE OF PROCEEDINGS:

By:

E.C. Villa

Shaye Diveley
Attorney At Law
111 Sutter St., Ste. 700
San Francisco, CA 94104

Jeffrey A. LeVee
Attorney At Law
555 West Fifth St., Ste. 4600
Los Angeles, CA 90013-1025

MINUTES ENTERED
12/06/04
COUNTY CLERK

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 555 West Fifth Street, Suite 4600, Los Angeles, California 90013.

On December 8, 2004, I caused to be served the document described as:

ICANN'S REPLY IN SUPPORT OF NOTICE OF RELATED CASE

on the interested parties in this action.

X **BY (U.S. MAIL).** I placed _____ the original X a true copy thereof enclosed in sealed envelope(s) to the addressee(s) as follows:

See Attached Service List

____ **BY PERSONAL SERVICE.** I placed ___ the original X true copies thereof enclosed in sealed envelope(s) and caused such envelope to be hand delivered via messenger to the offices of the addressee(s) as follows:

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit of mailing in affidavit.

X (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

____ (FEDERAL) I declare that I am employed in the office of a member of the bar of this Court at whose direction this service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on December 8, 2004, at Los Angeles, California.

Elba Alonso de Ortega
Type or Print Name

Elba Alonso de Ortega
Signature

SERVICE LIST

REGISTERSITE.COM v. ICANN

Derek A. Newman, Esq.
NEWMAN & NEWMAN, Attorneys at Law
505 Fifth Avenue, South, Suite 610
Seattle, WA 98104

Laurence Hutt, Esq.
ARNOLD & PORTER
777 S. Figueroa, 44th Fl.,
Los Angeles, CA 90017

Frederick F. Mumm, Esq.
DAVIS WRIGHT TREMAINE LLP
865 S. Figueroa Street, Suite 2400
Los Angeles, CA 90017

SERVICE LIST

SNAPNAMES.COM V. ICANN

Shaye Diveley
STOEL RIVES LLP
111 Sutter Street, Suite 700
San Francisco, CA 94104