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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 **NAME.SPACE, INC.,**

14 **Plaintiff,**

15 **v.**

16 **INTERNET CORPORATION FOR**
ASSIGNED NAMES AND
 17 **NUMBERS,**

18 **Defendant.**

Case No. CV 12-8676-PA

Assigned for all purposes to the
 Honorable Percy Anderson

**DEFENDANT ICANN'S NOTICE
 OF MOTION AND MOTION TO
 DISMISS COMPLAINT**

[Memorandum of Points and
 Authorities; Request for Judicial
 Notice; and [Proposed] Order Filed,
 Served and Lodged Concurrently
 Herewith]

Hearing Date: Feb. 11, 2013

Hearing Time: 1:30 p.m.

Hearing Location: 312 N. Spring St.

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that, pursuant to Federal Rules of Civil Procedure
3 12(b)(6) and 12(b)(1), Defendant Internet Corporation for Assigned Names and
4 Numbers (“ICANN”) will and hereby does move the Court to dismiss Plaintiff’s
5 Complaint. This motion shall be heard on February 11, 2013, at 1:30 p.m., or as
6 soon thereafter as it may be heard, assuming the Court grants the parties’ previously
7 filed and lodged Stipulation and [Proposed] Order Regarding Briefing Schedule on
8 Defendant’s Motion to Dismiss, in the courtroom of the Honorable Percy Anderson,
9 United States District Judge, United States District Court, 312 N. Spring Street, Los
10 Angeles, California 90012.

11 This motion is made pursuant to Federal Rules of Civil Procedure 12(b)(6)
12 on the grounds that Plaintiff’s entire Complaint, and each of its claims, is barred by
13 a release of ICANN executed by Plaintiff on October 6, 2000. This motion is
14 further made on the grounds that Plaintiff has failed to allege facts plausibly
15 suggesting that ICANN has violated Section 1 or Section 2 of the Sherman Act,
16 California’s Cartwright Act, California’s Unfair Competition Law, or that ICANN
17 has tortiously interfered with Plaintiff’s contracts or prospective economic
18 advantage. This motion is also made pursuant to Federal Rule of Civil Procedure
19 12(b)(1) on the grounds that Plaintiff’s claims for trademark infringement and
20 common law unfair competition are not ripe for adjudication and are insufficient to
21 meet Article III’s justiciability requirement.

22 This motion is based on this Notice of Motion and Motion, the concurrently-
23 filed Memorandum of Points and Authorities and Request for Judicial Notice, the
24 complete files and records in this action, including Plaintiff’s Complaint, oral
25 argument of counsel, and such other and further matters this Court may consider.

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This motion is made following the conference of counsel pursuant to Central District Local Rule 7-3, which took place on November 26, 2012.

Dated: November 30, 2012

JONES DAY

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

Attorneys for Defendant
INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS