

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

NETSPHERE, INC.,	§	
MANILA INDUSTRIES, INC., AND	§	
MUNISH KRISHAN,	§	
	§	
PLAINTIFFS,	§	
	§	
V.	§	CIVIL ACTION NO. 3:09-CV-0988-F
	§	
JEFFREY BARON AND	§	
ONDOVA LIMITED COMPANY,	§	
	§	
DEFENDANTS.	§	

ORDER GRANTING THE RECEIVER’S SECOND MOTION TO ENFORCE STAY

BEFORE THE COURT is the Receiver Peter Vogel’s Second Motion to Enforce Stay (the “Motion”) (Doc. No. 739). The Receiver filed a Supplement to the Second Motion to Enforce Stay on December 23, 2011 (Doc. No. 756). Non-Party ICANN responded on January 1, 2012 (Doc. No. 772), and the Receiver replied two days later (Doc. No. 775).

The Court having considered the Motion, the evidence, and the pleadings on file finds that the Motion is well taken and should in all way be GRANTED.

Therefore, the Court ORDERS, ADJUDGES, and DECREES as follows:

1. The decision of the World Intellectual Property Organization (“WIPO”) rendered under the Uniform Domain Name Dispute Resolution Policy (“UDRP”) in the matter styled *Weta Digital Ltd.* (“Complainant Weta”) v. *Texas International Property Associates* (“TIPA”), case number D2010-1692 and dated December 10, 2010, that the domain name wetafx.com was registered and being used in bad faith in violation of the UDRP and should be transferred to Complainant Weta (the “Weta Decision”) is VOID and UNENFORCEABLE based upon the stay of

any and all legal actions against Receivership Assets pursuant to the “Stay of Actions” included on pages 12-13 of the Court’s *Order Appointing Receiver* dated November 24, 2010 (the “Stay”);

2. The decision of WIPO rendered under the UDRP in the matter styled as *Public Storage* (“Complainant Public Storage”) v. *TIPA*, case number D2010-1782 and dated December 20, 2010, that the domain names publicstorge.com, publicstroagejobs.com, pulicstorage.com, and puplicstorage.com were registered and are being used in bad faith and should be transferred to Complainant Public Storage (the “Public Storage Decision”) is VOID and UNENFORCEABLE based upon the Stay;
3. The decision of the National Arbitration Forum (the “NAF”) rendered under the UDRP in the matter styled as *Fandango, Inc. and Daily Candy, Inc.* (collectively, “Complainant Fandango/Daily Candy”) v. *TIPA*, claim number FA 1358961 and dated December 23, 2010, that the domain names dailycand.com, dailycandi.com, dailycandychicago.com, dailycandynyc.com, fanngo.com, jandango.com, and jobfandango.com were registered and are being used in bad faith and should be transferred to Complainant Fandango/Daily Candy (the “Fandango/Daily Candy Decision”) is VOID and UNENFORCEABLE based upon the Stay;
4. The decision of WIPO rendered under the UDRP in the matter styled as *Apple, Inc.* (“Complainant Apple”) v. *Oakwood Services, Inc.*, case number D2010-1917 and dated December 28, 2010, that the domain name aplle.com was registered and is being used in bad faith and should be transferred to Complainant Apple (the “Apple Decision”) is VOID and UNENFORCEABLE based upon the Stay;

5. The decision of NAF rendered under the UDRP in the matter styled as *HBI Branded Apparel Enterprises, LLC and HBI Branded Apparel Limited, Inc.* (collectively, “Complainant HBI Apparel”) v. *URDMC, LLC* (“URDMC”), claim number FA1012001361369 and dated January 18, 2011,¹ that the domain name leghanesbali.com was registered and is being used in bad faith and should be transferred to Complainant HBI Apparel (the “HBI Apparel Decision”) is VOID and UNENFORCEABLE based upon the Stay;
6. The decision of WIPO rendered under the UDRP in the matter styled as *Johnson & Johnson, Inc. and Korres S.A.* (collectively, “Complainant Johnson & Johnson”) v. *TIPA*, case number D2010-1996 and dated January 19, 2011, that the domain name korresproducts.com was registered and is being used in bad faith and should be transferred to Complainant Johnson & Johnson (the “Johnson & Johnson Decision”) is VOID and UNENFORCEABLE based upon the Stay;
7. The decision of WIPO rendered under the UDRP in the matter styled as *Eli Lilly and Company* (“Complainant Eli Lilly”) v. *TIPA*, case number D2010-1985 and dated February 7, 2011, that the domain name zigris.com was registered and is being used in bad faith and should be transferred to Complainant Eli Lilly (the “First Eli Lilly Decision”) is VOID and UNENFORCEABLE based upon the Stay;
8. The decision of WIPO rendered under the UDRP in the matter styled as *Amica Mutual Insurance Company* (“Complainant Amica”) v. *TIPA and URDMC*, case number D2010-2144 and dated February 7, 2011, that the domain name

¹ While this decision on its face reflects a decision date of January 18, 2010, the decision was actually entered on January 18, 2011.

amicains.com was registered and is being used in bad faith and should be transferred to Complainant Amica (the “Amica Decision”) is VOID and UNENFORCEABLE based upon the Stay;

9. The decision of WIPO rendered under the UDRP in the matter styled as *Ariens Company* (“Complainant Ariens”) v. *URDMC*, case number D2010-2216 and dated February 7, 2011, that the domain name *gravelymowers.com* was registered and is being used in bad faith and should be transferred to Complainant Ariens (the “Ariens Decision”) is VOID and UNENFORCEABLE based upon the Stay;
10. The decision of WIPO rendered under the UDRP in the matter styled as *Judah Smith* (“Complainant Smith”) v. *Whois Privacy Service Ltd. and URDMC*, case number D2011-0397 and dated April 18, 2011, that the domain name *judahsmith.com* was registered and is being used in bad faith and should be transferred to Complainant Smith (the “Smith Decision”) is VOID and UNENFORCEABLE based upon the Stay;
11. The decision of WIPO rendered under the UDRP in the matter styled as *American Woodmark Corporation* (“Complainant American Woodmark”) v. *Whois Privacy Services Pty Ltd., TIPA, and URDMC*, case number D2011-0804 and dated June 28, 2011, that the domain name *americanwoodmarkcabinetry.com* was registered and is being used in bad faith and should be transferred to Complainant American Woodmark (the “American Woodmark Decision”) is VOID and UNENFORCEABLE based upon the Stay;
12. The decision of WIPO rendered under the UDRP in the matter styled as *Complainant Eli Lilly v. URDMC*, case number D2011-0715 and dated July 6,

2011, that the domain name lilycares.com was registered and is being used in bad faith and should be transferred to Complainant Eli Lilly (the “Second Eli Lilly Decision”) is VOID and UNENFORCEABLE based upon the Stay; and

13. The decision of WIPO rendered under the UDRP in the matter styled as *I-TO-I International Projects, Limited* (“Complainant I-TO-I”) v. *Quantec, LLC/Novo Point, LLC*, case number D2011-1492 and dated November 24, 2011, that the domain name itoitavel.com was registered and is being used in bad faith and should be transferred to Complainant I-TO-I (the “I-TO-I Decision”) is VOID and UNENFORCEABLE based upon the Stay;
14. The Weta Decision, Public Storage Decision, Fandango/Daily Candy Decision, Apple Decision, HBI Apparel Decision, Johnson & Johnson Decision, First Eli Lilly Decision, Amica Decision, Ariens Decision, Smith Decision, American Woodmark Decision, Second Eli Lilly Decision, and I-TO-I Decision will be collectively referred to herein as the “Default Decisions”;
15. The domain names publicstorge.com, pulicstorage.com, puplicstorage.com, and aplle.com, will be collectively referred to herein as the “4 Transferred Domain Names.”² According to both the Receiver and the Internet Corporation for Assigned Names and Numbers (“ICANN”), each of the 4 Transferred Domain Names has already been transferred from its original registrant—Receivership Party Novo Point, LLC (as to domain name aplle.com) and Quantec, LLC (as to

² According to both the Receiver and ICANN, the domain name wetafx.com has already been transferred from its original registrant—Receivership Party Quantec, LLC—as a result of the Weta Decision. However, the Receiver has presented evidence to this Court that the domain name wetafx.com is (a) a money-losing domain name, *i.e.*, a domain name whose renewal fees exceed revenues and, thus, is required by previous order of this Court not to be renewed [*see* Docket No. 177], and (b) not a future profitable domain name, *i.e.*, not a domain that could be developed into a profitable name with proper development efforts in the future. Thus, the Receiver is not seeking to re-obtain the domain name wetafx.com and this order does not include wetafx.com as one of the 4 Transferred Domain Names subject to the “Retransfer,” defined below.

domain names publicstorge.com, pulicstorage.com, and puplicstorage.com)—as a result of a Default Decision by WIPO;

16. The domain names publicstroagejobs.com, dailycand.com, dailycandi.com, dailycandychicago.com, dailycandynyc.com, fanngo.com, jandango.com, jobfandango.com, leghanesbali.com, korresproducts.com, zigris.com, amicains.com, gravelymowers.com, judahsmith.com, americanwoodmarkcabinetry.com, lilycares.com, and itoitavel.com will be collectively referred to herein as the “Non-Transferred Domain Names.” According to both the Receiver and ICANN, none of the Non-Transferred Domain Names has yet been transferred from their original registrant—Receivership Party Novo Point, LLC or Quantec, LLC—as a result of a Default Decision by WIPO;
17. The internet domain registrar for the Non-Transferred Domain Names, Fabulous.com, shall immediately disregard the Default Decisions and not transfer the Non-Transferred Domain Names until and unless it receives further order by this Court (the “Instruction”);
18. ICANN and Fabulous.com shall immediately re-transfer back to their original registrant—Receivership Party Novo Point, LLC (as to domain name aapple.com) and Quantec, LLC (as to domain names publicstorge.com, pulicstorage.com, and puplicstorage.com)—the 4 Transferred Domain Names which have already been transferred as a result of a Default Decision by WIPO (the “Retransfer”);
19. Within two days of the issuance of this Order, Fabulous.com shall file a written report with this Court confirming that it has complied with this Order and

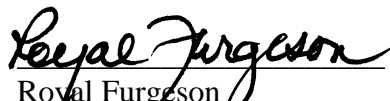
performed the Instruction and the Retransfer (and if Fabulous and the Receiver both consent, the Receiver may file this written report with the Court on behalf of Fabulous); and

20. Within two weeks of the issuance of this Order, ICANN shall file a written report with this Court confirming that it has complied with this Order and performed the Retransfer.

Accordingly, the hearing set for Wednesday, February 1, 2012 at 2:00 pm is unnecessary and is hereby CANCELLED.

IT IS SO ORDERED.

SIGNED this 10th day of January, 2012.


Royal Furgeson
Senior United States District Judge