

1 **NEWMAN & NEWMAN, ATTORNEYS AT LAW, LLP**

2 Derek A. Newman (190467)
3 S. Christopher Winter (190474)
4 Venkat Balasubramani (189192)
5 505 Fifth Avenue South, Suite 610
6 Seattle, WA 98104
7 Telephone: (206) 274-2800
8 Facsimile: (206) 274-2801

9 Attorneys for Plaintiffs

10 **UNITED STATES DISTRICT COURT**
11 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

12 REGISTERSITE.COM, an Assumed
13 Name of ABR PRODUCTS INC., a
14 New York Corporation, *et al.*,

15 Plaintiffs,

16 v.

17 INTERNET CORPORATION FOR
18 ASSIGNED NAMES AND
19 NUMBERS, a California corporation,
20 *et al.*,

21 Defendants.

Case No. CV 04-1368 ABC (CWx)

Hon. Audrey B. Collins

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION TO
STRIKE PORTIONS OF
DEFENDANT INTERNET
CORPORATION FOR ASSIGNED
NAMES AND NUMBERS'S
MOTION TO DISMISS CERTAIN
CAUSES OF ACTION FOR
FAILURE TO STATE A CLAIM
UNDER FED. R. CIV. P. 12(b)(6);
and MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT
THEREOF**

DATE: July 12, 2004
TIME: 10:00 a.m.
COURTROOM: Room 680 –
Roybal Bldg.

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

2 PLEASE TAKE NOTICE that, on July 12, 2004, at 10:00 a.m., or as soon
3 thereafter as the matter may be heard, at the courtroom of the Honorable Audrey B.
4 Collins, located at 255 East Temple Street, Los Angeles, California, the Plaintiffs in
5 the above captioned action will, and hereby do, move this Court to strike certain
6 portions of Defendant Internet Corporation for Assigned Names and Numbers's
7 ("ICANN") Motion to Dismiss Certain Causes of Action for Failure to State a
8 Claim Under FED. R. CIV. P. 12(B)(6) (the "Motion"), for the following reason:

9 ICANN has made a number of factual contentions in its Motion that are
10 unsupported by declarations or "other written evidence," as required by Local Rule
11 7-6. Accordingly, this Court should strike ICANN's unsupported factual
12 contentions from the record.


13 This motion will be based on this Notice of Motion and Motion at the
14 accompanying Memorandum of Points and Authorities, ICANN's above referenced
15 Motion at and such other and further evidence as may be presented to the Court at
16 the time of hearing.

17 Dated this 17th day of June, 2004.

18
19 Respectfully Submitted,

20 **NEWMAN & NEWMAN,**
21 **ATTORNEYS AT LAW, LLP**

22
23 By:



Derek A. Newman (190467)
S. Christopher Winter (190474)
Venkat Balasubramani (189192)

24
25 Attorneys for Plaintiffs
26
27
28

