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11 Attorneys for Plaintiff
NAME.SPACE, INC.

13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15 WESTERN DIVISION

17 NAME.SPACE, INC.,
18 Plaintiff,
19 v.
20 INTERNET CORPORATION FOR
21 ASSIGNED NAMES AND NUMBERS,
22 Defendant.

Case No. CV 12-8676 (PA)

**STIPULATION TO MODIFY
HEARING DATE FOR
DEFENDANT'S MOTION TO
DISMISS**

Current Hearing Date: Jan. 7, 2012

New Hearing Date: Jan. 28, 2012

Judge: Honorable Percy Anderson

1 WHEREAS, on October 25, 2012, Plaintiff name.space, Inc. (“name.space”)
2 and Defendant Internet Corporation for Assigned Names and Numbers (“ICANN”)
3 entered into a stipulation pursuant to Local Rule 8-3, extending the time for ICANN
4 to answer or otherwise respond to name.space’s Complaint in this action by 29
5 days, to November 30, 2012 [ECF No. 10];

6 WHEREAS, on November 29, 2012, the parties submitted a stipulation and
7 proposed order seeking a hearing date of February 11, 2013 for ICANN’s motion to
8 dismiss name.space’s Complaint, which the parties believed was necessary for a
9 full and fair discussion of the issues to be raised in Defendant’s motion, particularly
10 in light of the upcoming holidays (the “First Stipulated Request”) [ECF No. 29];

11 WHEREAS, on November 30, 2012, ICANN filed its motion to dismiss and
12 noticed February 11, 2013 as the hearing date, as set forth in the parties’ First
13 Stipulated Request [ECF Nos. 19 and 21];

14 WHEREAS, on December 3, 2012, the Court denied the parties’ First
15 Stipulated Request [ECF No. 23] and sent counsel for ICANN a notice by e-mail
16 requiring that ICANN prepare an amended notice of hearing date that conforms
17 with Local Rule 6-1, Local Rule 7 and the Court’s Standing Order, which requires,
18 in part, that “No motion shall be noticed for hearing for more than thirty-five (35)
19 days after service of the motion unless otherwise ordered by the Court”;

20 WHEREAS, on December 3, 2012, ICANN filed an Amended Notice of
21 Motion setting a hearing date of January 7, 2013 for its motion to dismiss [ECF No.
22 24];

23 WHEREAS, a January 7, 2013 hearing date requires name.space to submit its
24 opposition on or before December 17, 2012 and ICANN to submit its reply on or
25 before December 24, 2012 in order to comply with Local Rules 7-9 and 7-10;
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WHEREAS, a January 14, 2013 hearing date would require name.space to submit its opposition on or before December 24, 2012 and ICANN to submit its reply on or before December 31, 2012;

WHEREAS, the Court is closed for motion hearings on January 21, 2013;

WHEREAS, January 28, 2013 is therefore the earliest possible motion hearing date that avoids filing deadlines falling on either Christmas Eve or New Year's Eve or otherwise during the holiday season;

WHEREAS, the Court's Standing Order requires leave from the Court to permit a January 28, 2013 hearing date on ICANN's motion to dismiss;

THEREFORE, the parties, through their undersigned counsel, hereby stipulate and agree, subject to the Court's approval, that the hearing on Defendant's motion to dismiss will be scheduled for January 28, 2013.

Dated: December 7, 2012

MORRISON & FOERSTER LLP

By: /s/ Craig B. Whitney
Craig B. Whitney

Attorneys for Plaintiff
NAME.SPACE, INC.

Dated: December 7, 2012

JONES DAY

By: /s/ Eric P. Enson [with permission]
Eric P. Enson

Attorneys for Defendant
INTERNET CORPORATION FOR
ASSIGNED NAMES AND
NUMBERS