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15 Attorneys for Plaintiffs Dotster, Inc.,

16 GoDaddy Software, Inc., and eNOM

17 Incorporated

18 **UNITED STATES DISTRICT COURT**
19 **CENTRAL DISTRICT OF CALIFORNIA**

20 **DOTSTER, INC., a Washington**

21 **corporation, GO DADDY**

22 **SOFTWARE, INC., an Arizona**

23 **corporation, and eNOM,**

24 **INCORPORATED, a Nevada**

25 **corporation,**

26 Plaintiffs,

27 v.

28 **INTERNET CORPORATION FOR**

ASSIGNED NAMES AND

NUMBERS, a California corporation,

Defendant.

Case No. CVO3-5045 JFW

(MAXx)

**PLAINTIFFS' NOTICE OF
MOTION AND MOTION
FOR PRELIMINARY
INJUNCTION**

(Oral Argument Requested)

Date: October 6, 2003

Time: 1:30 p.m.

Ctrm: 16

Judge: John F. Walter

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

2 **PLEASE TAKE NOTICE** that at 1:30 p.m. on October 6, 2003 or as soon
3 thereafter as counsel may be heard in Courtroom 16 of the above entitled Court,
4 located at located at 312 N. Spring Street, Dept. 16, Los Angeles, CA 90012, the
5 Honorable John F. Walter presiding, Plaintiffs DOTSTER, INC., GODADDY
6 SOFTWARE, INC., and eNOM, INC. (“Plaintiffs”) will and hereby do move this
7 Court, pursuant to Fed. R. Civ. Pro. 65, for a preliminary injunction against Defendant
8 INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS
9 (“ICANN”) enjoining ICANN, its agents, servants, and employees, all person acting
10 or purporting to act under its authority, direction, or control, and all persons acting in
11 concert or in participation with it who receive notice of the preliminary injunction
12 from:

13 (1) taking any steps or actions to facilitate or encourage the implementation of a
14 proposed Wait List Service (“WLS”), as further described in the Complaint and
15 moving papers, including, but not limited to further steps or action to negotiate or
16 execute an amendment to the Registry Agreement, or any of its exhibits, between the
17 Defendant and VeriSign, Inc., attached to the first Declaration of Clint Page as Exhibit
18 B, which in any way would facilitate or encourage the implementation of WLS; and

19 (2) taking any further steps or actions which would constitute a breach of the
20 terms of any of the Registrar Accreditation Agreements (See Exhibit 1 to Plaintiff’s
21 Complaint) between the Defendant and any of the Plaintiffs, including but not limited
22 to Section 4 of those Agreements regarding Procedures for Establishment for Revision
23 of Specifications and Policies.


24 This motion is based on this Notice of Motion and Motion, Plaintiffs’
25 Memorandum of Points and Authorities in support thereof, the declarations of Clint
26 Page, Paul Stahura, Robert Parsons, Tim Ruiz, Sharon K. Dunham, Thomas Bennett,
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1 and Harvey Spigal, the pleadings and papers on file herein, and upon such other
2 matters as may be presented to the Court at the time of the hearing.

3 This motion is made following the conference of counsel pursuant to L.R. 7-3
4 which took place on August 12th and was reconfirmed between counsel on September
5 2, 2003.

6
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8 DATED: September 8, 2003

PRESTON GATES & ELLIS LLP

9
10 By 

Aaron M. McKown

11 J. W. Ring
12 Attorneys for Plaintiffs
13 Dotster, Inc., Go Daddy Software, Inc.
14 and eNOM, Inc.
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PROOF OF SERVICE BY PERSONAL DELIVERY

I, _____, declare as follows:

I am a citizen of the United States and a resident of the County of Orange; I am over the age of 18 years and am not a party to the within action or proceedings. My business address is Worldwide Attorney Services, Inc., 850 North Parton Street, Santa Ana, California 92701.

On September 8, 2003, I served a true copy of the following document(s) described as: **PLAINTIFFS' NOTICE OF MOTION AND MOTION FOR PRELIMINARY INJUNCTION** on the interested parties in this action by personally delivering a copy to:

Jeffrey A. LeVee
Emma Killick
Eric P. Enson
JONES DAY
555 West Fifth Street, Suite 4600
Los Angeles, CA 90013

I hereby declare under penalty of perjury that the foregoing is true and correct.
Executed on September 8, 2003 at Irvine, California.

(Print Name)

WORLDWIDE ATTORNEY SERVICES, INC.