

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
GREENSBORO DIVISION

ANNE MARTINEZ, individually and )  
on behalf of all other persons )  
similarly situated, )

Plaintiffs, )

v. )

REGISTERFLY, INC., )  
UNIFIEDNAMES INC. )

HOSTING SERVICES GROUP INC. )

KEVIN MEDINA, in his personal capacity and )  
as an agent of RegisterFly, Inc. and )  
as an agent of Unifiednames Inc. )

John Naruszewicz, in his capacity as an agent )  
of both Unifiednames and RegisterFly, )

ENOM, and )

ICANN, )

Defendants. )

**Civil Action No 07-CV-188**

**MOTION TO DISMISS PURSUANT  
TO F.R.C.P. 12(b)(2) AND 12(b)(3)**

COMES NOW the defendant, Internet Corporation for Assigned Names and Numbers (“ICANN”), by and through counsel, and hereby files this Motion to Dismiss plaintiff’s complaint pursuant to Federal Rule of Civil Procedure 12(b)(2) and (b)(3). Plaintiff has failed to prove that this Court can exercise jurisdiction over ICANN in a constitutionally reasonable manner. Plaintiff has also failed to prove that venue is proper in this district. In further support of this Motion, ICANN refers the Court to its brief filed simultaneously with this Motion, along with the affidavit of Mr. Doug Brent, ICANN’s COO, and the exhibits attached thereto.

This the 6<sup>th</sup> day of April, 2007.

/s/ Philip J. Mohr  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this date a the foregoing **MOTION TO DISMISS PURSUANT TO F.R.C.P. 12(b)(2) AND 12(b)(3)** has been caused to be electronically filed with the Clerk of Court and served electronically through the Clerk of Court on April 6<sup>th</sup>, 2007 to the following person(s):

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