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7 Attorneys for Defendant
 INTERNET CORPORATION FOR
 ASSIGNED NAMES AND NUMBERS
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9 UNITED STATES DISTRICT COURT
 10 CENTRAL DISTRICT OF CALIFORNIA
 11 WESTERN DIVISION

12
 13 **NAME.SPACE, INC.,**

14 **Plaintiff,**

15 **v.**

16 **INTERNET CORPORATION FOR**
ASSIGNED NAMES AND
 17 **NUMBERS,**

18 **Defendant.**

Case No. CV 12-8676-PA

Assigned for all purposes to the
 Honorable Percy Anderson

**DEFENDANT ICANN'S
 AMENDED NOTICE OF
 MOTION AND MOTION TO
 DISMISS COMPLAINT**

[Memorandum of Points and
 Authorities (Docket No. 19,
 Attachment #1); Request for Judicial
 Notice (Docket No. 20); and
 [Proposed] Order (Docket No. 19,
 Attachment #2) Previously Filed,
 Served and Lodged Concurrent with
 Original Notice]

Hearing Date: Jan. 7, 2013

Hearing Time: 1:30 p.m.

Hearing Location: 312 N. Spring St.

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

2 PLEASE TAKE NOTICE that, pursuant to Federal Rules of Civil Procedure
3 12(b)(6) and 12(b)(1), Defendant Internet Corporation for Assigned Names and
4 Numbers (“ICANN”) will and hereby does move the Court to dismiss Plaintiff’s
5 Complaint. Pursuant to the Court’s December 4, 2012 Order denying the parties’
6 Stipulation and [Proposed] Order Regarding Briefing Schedule on Defendant’s
7 Motion to Dismiss (Docket No. 23) and given the fact that December 31, 2012 is
8 closed for hearing, this motion shall be heard on January 7, 2013, at 1:30 p.m., or as
9 soon thereafter as it may be heard in the courtroom of the Honorable Percy
10 Anderson, United States District Judge, United States District Court, 312 N. Spring
11 Street, Los Angeles, California 90012.

12 This motion is made pursuant to Federal Rules of Civil Procedure 12(b)(6)
13 on the grounds that Plaintiff’s entire Complaint, and each of its claims, is barred by
14 a release of ICANN executed by Plaintiff on October 6, 2000. This motion is
15 further made on the grounds that Plaintiff has failed to allege facts plausibly
16 suggesting that ICANN has violated Section 1 or Section 2 of the Sherman Act,
17 California’s Cartwright Act, California’s Unfair Competition Law, or that ICANN
18 has tortiously interfered with Plaintiff’s contracts or prospective economic
19 advantage. This motion is also made pursuant to Federal Rule of Civil Procedure
20 12(b)(1) on the grounds that Plaintiff’s claims for trademark infringement and
21 common law unfair competition are not ripe for adjudication and are insufficient to
22 meet Article III’s justiciability requirement.

23 This motion is based on this Amended Notice of Motion and Motion, the
24 previously-filed Memorandum of Points and Authorities (Docket No. 19,
25 Attachment 1) and Request for Judicial Notice (Docket No. 20), the complete files
26 and records in this action, including Plaintiff’s Complaint, oral argument of counsel,
27 and such other and further matters this Court may consider.

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This motion is made following the conference of counsel pursuant to Central District Local Rule 7-3, which took place on November 26, 2012.

Dated: December 4, 2012

JONES DAY

By: /s/ Eric P. Enson
Eric P. Enson

Attorneys for Defendant
INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS