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22 ICM Registry, LLC

23 UNITED STATES DISTRICT COURT
24 CENTRAL DISTRICT OF CALIFORNIA

25 MANWIN LICENSING,
26 INTERNATIONAL S.A.R.L. and
27 DIGITAL PLAYGROUND, INC.

28 Plaintiffs,

vs.

ICM REGISTRY, LLC, d/b/a .XXX;
INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS;
and DOES 1-10

Defendants.

Case No. CV 11-9514-PSG (JCGx)

**DEFENDANT ICM REGISTRY,
LLC'S NOTICE OF MOTION AND
MOTION TO DISMISS
PLAINTIFFS' FIRST AMENDED
COMPLAINT PURSUANT TO RULE
12(b)(6)**

Date: July 30, 2012
Time: 1:30 p.m.
Place: Courtroom 880

Hon. Philip S. Gutierrez

NOTICE OF MOTION AND MOTION

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE TAKE NOTICE THAT:

At 1:30 p.m. on July 30, 2012, or as soon as the matter may be heard in the courtroom of the Honorable Philip S. Gutierrez, defendant ICM Registry, LLC (“ICM”), will and hereby does move pursuant to Federal Rule of Procedure 12(b)(6) for an order dismissing Plaintiffs’ First Amended Complaint. More specifically, ICM moves to dismiss Plaintiffs’ claims under §§ 1 and 2 of the Sherman Act on the grounds that (1) Plaintiffs have failed to plead antitrust injury or standing to assert claims under the antitrust laws; (2) Plaintiffs have failed to allege facts suggesting ICM and defendant Internet Corporation for Assigned Names and Numbers (“ICANN”) conspired to impose an anticompetitive restraint or to monopolize a relevant market; and (3) Plaintiffs have not alleged that ICM engaged in unilateral anticompetitive or exclusionary conduct.

This Motion is based on this Notice; the accompanying Memorandum of Points and Authorities; Section III.D. of the Memorandum of Points and Authorities in Support of ICANN’s motion to dismiss; and such other authorities and argument as may be submitted in any reply at or before the hearing.

This Motion is made following the conference of counsel pursuant to Local Rule 7-3, which took place on January 4, 2012.

Dated: May 8, 2012

Respectfully Submitted,
WILMER CUTLER PICKERING
HALE AND DORR LLP

By: /s/ Andrea Weiss Jeffries
Andrea Weiss Jeffries
Attorneys for Defendant
ICM Registry, LLC

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