

DECLARATION OF ERIC P. ENSON

I, Eric P. Enson, declare and affirm as follows:

1. I am an attorney with the law firm of Jones Day. I have been admitted *pro hac vice* in this matter as counsel for defendant Internet Corporation for Assigned Names and Numbers (“ICANN”). I make this declaration in connection with the Reply Memorandum filed in support of ICANN’s Motion to Dismiss (“Motion”) in this action. As counsel for ICANN, I have personal knowledge of the facts set forth herein.

2. In his Opposition to ICANN’s Motion, Plaintiff Graham Schreiber refers to and provides the Internet addresses for four purported contracts located in ICANN’s website, but he does not attach these documents to his Opposition. (Opp. at pp. 34-35.) For the Court’s convenience, true and correct copies of the documents referenced in Plaintiff’s Opposition are provided with this Declaration.

3. Attached hereto as Exhibit 1 is a true and correct copy of a 2006 tentative “Registry-Registrar Agreement,” which is referenced in Plaintiff’s Opposition at page 34 and is publicly available on ICANN’s website at <http://archive.icann.org/en/topics/vrsn-settlement/revised-appendix8-clean-29jan06.pdf>. This tentative, unexecuted agreement purports to set forth the terms between Defendant Verisign, Inc. (“Verisign”), the operator of the .COM top-level domain (“TLD”), and the companies that assist consumers and businesses in obtaining the right to use Internet domain names. ICANN is not now, nor ever has been, a party to this purported contract.

4. Attached hereto as Exhibit 2 is a true and correct copy of a 1998 tentative “Registrar License Agreement,” which is referenced in Plaintiff’s Opposition at page 35 and is publicly available on ICANN’s website at <http://archive.icann.org/en/financials/tax/us/appendix-5d.htm>. This tentative, unexecuted agreement purports to set forth the terms between Defendant Network Solutions, Inc. (“NSI”), the operator of the .COM, .ORG and .NET TLDs in 1998, and the companies that assist consumers and businesses in obtaining the right to use Internet domain names. ICANN is not now, nor ever has been, a party to this purported contract.

5. Attached hereto as Exhibit 3 is a true and correct copy of a 1999 tentative “Zone File Access Agreement,” which is referenced in Plaintiff’s Opposition at page 35 and is publicly available on ICANN’s website at <http://archive.icann.org/en/nsi/zonefileaccess.htm>. This tentative, unexecuted agreement purports to set forth the terms between Defendant NSI and entities or individuals seeking to obtain information and data regarding Internet domain names. ICANN is not now, nor ever has been, a party to this purported contract.

6. Attached hereto as Exhibit 4 is a true and correct copy of a 1999 “Zone File Access Agreement,” which is referenced in Plaintiff’s Opposition at page 35 and is publicly available on ICANN’s website at <http://archive.icann.org/en/nsi/nsi-registry-agreement-appd-04nov99.htm>. This unexecuted agreement purports to set forth the terms between Defendant NSI and entities or individuals seeking to obtain information and data regarding Internet domain names. ICANN is not now, nor ever has been, a party to this purported contract.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

This declaration was signed on December 18, 2012 at Los Angeles, California.

/s/ Eric P. Enson
Eric P. Enson

CERTIFICATE OF SERVICE

As Plaintiff Graham Schreiber is proceeding *pro se* in the above entitled action, he is not registered with the ECF system and cannot be served electronically. I certify that on December 18, 2012, a copy of the foregoing was filed electronically with the Clerk of Court using the ECF system, which will send notifications to any ECF participants, and was served via First Class Mail on the following:

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Dated: December 18, 2012

/s/ Walter D. Kelley, Jr.

Walter D. Kelley, Jr. (VA Bar. No. 21622)
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NAMES AND NUMBERS*