

1 RONALD L. JOHNSTON (State Bar No. 057418)
2 LAURENCE J. HUTT (State Bar No. 066269)
3 THADDEUS M. POPE (State Bar No. 200633)
4 ARNOLD & PORTER LLP
5 1900 Avenue of the Stars, 17th Floor
6 Los Angeles, California 90067-4408
7 Telephone: (310) 552-2500
8 Facsimile: (310) 552-1191

9 Of Counsel:
10 RICHARD L. ROSEN (Admitted *pro hac vice*)
11 ARNOLD & PORTER LLP
12 555 Twelfth Street NW
13 Washington, D.C. 20004-1206
14 Telephone: (202) 942-5000
15 Facsimile: (202) 942-5999

16 BRIAN A. DAVIS (Admitted *pro hac vice*)
17 VERISIGN, INC.
18 21355 Ridgetop Circle
19 Dulles, Virginia 20166
20 Telephone: (703) 948-2300
21 Facsimile: (703) 450-7326

22 Attorneys for Plaintiff
23 VERISIGN, INC.

24 **UNITED STATES DISTRICT COURT**
25 **CENTRAL DISTRICT OF CALIFORNIA**

26 VERISIGN, INC., a Delaware
27 corporation,

28 Plaintiff,

v.

INTERNET CORPORATION FOR
ASSIGNED NAMES AND
NUMBERS, a California corporation;
DOES 1-50,

Defendants.

Case No. CV 04-1292 AHM (CTx)

**PLAINTIFF VERISIGN, INC.'S
REQUEST FOR JUDICIAL
NOTICE ACCOMPANYING ITS
MEMORANDUM IN OPPOSITION
TO DEFENDANT'S MOTION TO
DISMISS THE FIRST THROUGH
SIXTH CLAIMS FOR RELIEF
PURSUANT TO FEDERAL RULE
OF CIVIL PROCEDURE 12(b)(6)**

Date: May 17, 2004
Time: 10:00 a.m.
Courtroom: 14 – Spring Street Bldg.
Hon. A. Howard Matz

Plaintiff VeriSign, Inc. (“VeriSign”), in opposition to the motion of defendant
Internet Corporation for Assigned Names and Numbers (“ICANN”) to dismiss the first

1 through sixth claims for relief pursuant to Federal Rule of Civil Procedure 12(b)(6),
2 hereby requests that the Court take judicial notice, pursuant to Federal Rule of Evidence
3 201, of portions of appendices C and K to the .com Registry Agreement between
4 ICANN and VeriSign, true and correct copies of which are attached hereto as Exhibit 1.

5 In this action VeriSign alleges, among other things, that ICANN breached the
6 .com Registry Agreement with VeriSign, and asserts claims for, among other things,
7 ICANN's breaches of contract. In support of its Motion To Dismiss, ICANN requested
8 that the Court take judicial notice of the .com Registry Agreement, which, it stated, is
9 "at the center of VeriSign's dispute." (ICANN's RJN at 3-4.) On its face, the .com
10 Registry Agreement consists not only of the main body of the agreement, but also of
11 "its appendices, which form a part of it." (ICANN Ex. E § II.35, at 121.) ICANN did
12 not submit any of the appendices to the .com Registry Agreement with its Request for
13 Judicial Notice, but submitted only the main body of the agreement. The purpose of
14 this request is to have the Court take judicial notice of relevant portions of two of the
15 appendices to the .com Registry Agreement that ICANN omitted.

16 The existence and contents of appendices C and K are facts not subject to
17 reasonable dispute. ICANN posts the .com Registry Agreement, with appendices, on its
18 website. See <http://icann.org/tlds/agreements/verisign/com-index.htm>.

19 DATED: April 22, 2004.

ARNOLD & PORTER LLP
RONALD L. JOHNSTON
LAURENCE J. HUTT
THADDEUS M. POPE

22
23 By: _____

Laurence J. Hutt
Attorneys for Plaintiff

24
25 Of Counsel:

ARNOLD & PORTER LLP
RICHARD L. ROSEN

26
27 VERISIGN, INC.
28 BRIAN A. DAVIS

#319590v1<LA>

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28