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7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

10
11 THE INTERNET CORPORATION FOR)
ASSIGNED NAMES AND NUMBERS,)

12 Plaintiff,

13 v.

14 REGISTERFLY.COM, INC., and)
15 UNIFIED NAMES, INC. ,)

16 Defendants.

CASE NO. CV 07-2089 R (PLAx)

**RESPONSE OF DEFENDANTS
REGISTERFLY.COM, INC. AND
UNIFIEDNAMES, INC. TO ORDER
TO SHOW CAUSE RE FURTHER
CONTEMPT SANCTIONS**

Date: May 25, 2007

Time: 10:00 a.m.

Place: Ctrm. 8 (Hon. Manuel L. Real)

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19 Defendants RegisterFly.com, Inc. and UnifiedNames, Inc. (hereinafter
20 "defendants") submit the following brief in response to this Court's Order To Show
21 Cause Re Further Contempt Sanctions.

22 As explained in defendants' response to this Court's Order To Show Cause
23 Why Permanent Injunction Should Not Issue, defendants have not appeared in this
24 action up until this time because (1) ICANN is entitled to limited relief under the
25 terms of the Registrar Accreditation Agreement which is the basis for this dispute,
26 and RegisterFly does not contest ICANN's right to this relief; and (2) RegisterFly
27 has no intention of refusing to comply with the preliminary injunction entered by
28 this Court. In fact, RegisterFly has been attempting to comply with ICANN's

1 demands for registrant data since early March 2007, before either the arbitration
2 proceeding or this litigation were instituted.

3 RegisterFly has now provided all of the data which ICANN has demanded
4 and this Court has ordered be provided, although it acknowledges that there remain
5 formatting issues with the data it has transferred, so RegisterFly is not in compliance
6 with those terms of the preliminary injunction. However, RegisterFly continues to
7 work with ICANN to correct these formatting issues so that the data provided is
8 usable.

9 RegisterFly will provide evidence at the hearing on this Court's OSC Re:
10 Further Contempt Sanctions of RegisterFly's efforts to comply with the orders of
11 this Court. Given these efforts to comply, further sanctions are not appropriate or
12 necessary.

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14 DATED: May 24, 2007

ERVIN, COHEN & JESSUP LLP
Kelly O. Scott
Heather L. McCloskey

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19 Attorneys for REGISTERFLY.COM, INC.
20 AND UNIFIEDNAMES, INC.
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PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss:

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 9401 Wilshire Boulevard, Beverly Hills, California 90212-2974.

On May 24, 2007, I served the document described as **RESPONSE OF DEFENDANTS REGISTERFLY.COM, INC. AND UNIFIEDNAMES, INC. TO ORDER TO SHOW CAUSE RE FURTHER CONTEMPT SANCTIONS** on counsel for the parties in this action, or on the parties in propria persona, addressed as stated on the attached service list:

BY MAIL: By placing true and correct copies thereof in individual sealed envelopes, with postage thereon fully prepaid, which I deposited with my employer for collection and mailing by the United States Postal Service. I am readily familiar with my employer's practice for the collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, this correspondence would be deposited by my employer with the United States Postal Service on that same day. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

BY NEXT-DAY DELIVERY: Via Overnight Express. I am readily familiar with my employer's practice for the collection and processing of correspondence via Overnight Express. In the ordinary course of business, this correspondence would be picked up by Overnight Express on that same day.

BY EMAIL: I caused such document to be sent via email to the names and email addresses listed herein and received confirmed transmission reports indicating that this document was successfully transmitted to the parties named above.

(STATE) I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

(FEDERAL) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

EXECUTED on May 24, 2007 at Beverly Hills, California.



PATRICIA ROJAS

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