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6 Attorneys for Defendants and Counterclaimant
ICM REGISTRY, LLC, d/b/a .XXX

7 UNITED STATES DISTRICT COURT
8 CENTRAL DISTRICT OF CALIFORNIA
9

10 MANWIN LICENSING INTER-
NATIONAL S.A.R.L., a Luxemburg
11 limited liability company (s.à.r.l.), and
DIGITAL PLAYGROUND, INC., a
12 California corporation,

13 Plaintiffs,

14 v.

15 ICM REGISTRY, LLC, d/b/a .XXX, a
Delaware limited liability corporation;
16 INTERNET CORPORATION FOR
ASSIGNED NAMES AND NUMBERS,
17 a California nonprofit public benefit
corporation; and Does 1-10,

18 Defendants.
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20 ICM REGISTRY, LLC, d/b/a .XXX, a
Delaware limited liability corporation,

21 Counterclaimant,

22 v.

23 MANWIN LICENSING
INTERNATIONAL S.A.R.L., a
24 Luxemburg limited liability company
(s.à.r.l.), and DIGITAL
25 PLAYGROUND, INC., a California
corporation; and DOES 1 through 10,
26 inclusive;

27 Counterdefendants.
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Case No. CV11- 9514 PSG (JCGx)

Honorable Philip S. Gutierrez

**STIPULATION REGARDING
SCHEDULE FOR FILING SECOND
AMENDED ANSWER**

Courtroom: 880 Roybal Federal Building

1 Plaintiffs and Counterdefendants Manwin Licensing International S.à.r.l. and
2 Digital Playground, Inc. (collectively, “Plaintiffs”), Defendant Internet Corporation
3 for Assigned Names and Numbers (“ICANN”), and Defendant and Counterclaimant
4 ICM Registry, LLC (“ICM”), all collectively referred to herein as the “Parties,”
5 stipulate as follows through their undersigned counsel of record:

6 1. By Order dated October 19, 2012 (Doc. 58), the Court granted the
7 Parties’ Stipulation Regarding Schedule for Filing First Amended Answers and
8 Moving to Strike Same (the “October 19 Order”).

9 2. Pursuant to the October 19 Order, ICM filed its First Amended Answer
10 on November 2, 2012 (Doc. 59). ICANN filed its First Amended Answer on
11 November 5, 2012 (Doc. 60).

12 3. Plaintiffs have raised their concerns regarding both ICM and ICANN’s
13 First Amended Answers, and initiated a meet-and-confer process with regard to
14 Plaintiffs’ possible motion to strike certain affirmative defenses in the amended
15 answers.

16 4. Plaintiffs and ICM have met and conferred about the affirmative defenses
17 of waiver and estoppel asserted in ICM’s amended answer and Plaintiffs’ contentions
18 that they are insufficient, as well as ICM’s responses that those contentions lack merit.
19 As a result of the meet-and-confer process and in the interest of reducing disputes and
20 motion practice, ICM has agreed, without conceding the merits of Plaintiffs’ position,
21 to consider Plaintiffs’ arguments in good faith and to amend its First Amended
22 Answer by withdrawing its Third Affirmative Defense of Waiver and Fourth
23 Affirmative Defense of Estoppel. Without conceding the merits of ICM’s legal
24 arguments, Plaintiffs have agreed to consent to ICM’s filing a Second Amended
25 Answer to withdraw the Third Affirmative Defense of Waiver and Fourth Affirmative
26 Defense of Estoppel at issue. Plaintiffs and ICANN have met and conferred regarding
27 ICANN’s Third Affirmative Defense of Waiver and Laches and have come to the
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1 mutual understanding that the scope of ICANN’s Third Affirmative Defense is limited
2 to the equitable doctrine of laches, as pled.

3 5. Pursuant to Federal Rule of Civil Procedure 15(a)(2), the Parties
4 therefore agree that ICM shall have up to and including November 28, 2012 to file its
5 Second Amended Answer.

6 **SO STIPULATED.**

7

8 DATED: November 20, 2012

THOMAS P. LAMBERT
JEAN PIERRE NOGUES
KEVIN E. GAUT
J. MATTHEW WILLIAMS
MITCHELL SILBERBERG & KNUPP LLP

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by /s/ J. Matthew Williams
J. Matthew Williams
Attorneys for Plaintiffs and
Counterdefendants

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DATED: November 20, 2012

JEFFREY A. LEVEE
ERIC P. ENSON
JONES DAY

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by /s/ Eric P. Enson
Eric P. Enson
Attorneys for Defendant Internet
Corporation for Assigned Names and
Numbers

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DATED: November 20, 2012

RICHARD P. SYBERT
GORDON & REES LLP

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by /s/ Richard P. Sybert
Richard P. Sybert
Attorneys for Defendant and
Counterclaimant ICM Registry, LLC

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ATTESTATION REGARDING SIGNATURES

I, Richard P. Sybert, attest that all signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

DATED: November 20, 2012

/s/ Richard P. Sybert
Richard P. Sybert

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CERTIFICATE OF E-FILE SERVICE

I hereby certify that on November 20, 2012, a copy of the foregoing document and was filed electronically. Notice of this filing will be sent by operation of the Court’s electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail (N/A). Parties may access this filing through the Court’s electronic filing system.

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J. Matthew Williams Mitchell Silberberg and Knupp LLP 1818 N Street NE 8th Floor Washington, DC 20036 (202) 355-7900 Fax: (310) 312-3100 mxw@msk.com Attorneys for Plaintiffs Manwin Licensing International S.A.R.L. and Digital Playground, Inc.	

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and executed on November 20, 2012, in the City of San Diego, State of California.

/s/ Richard P. Sybert
Richard P. Sybert