

UNITED STATES COURT of APPEALS

FOR THE FOURTH CIRCUIT

1100 East Main Street, Richmond, Va. 23219.

GRAHAM SCHREIBER, Pro Se.
Plaintiff,

CASE NO. 1:12-cv-00852.

v.

LORRAINE LESLEY DUNABIN, et al	Defendant	(1)
CENTRALNIC LTD,	Defendant	(2)
NETWORK SOLUTIONS,	Defendant	(3)
VERISIGN INC,	Defendant	(4)
ICANN,	Defendant	(5)
ENOM / DEMAND MEDIA,	Defendant	(6)
Defendants,		

Notice of Motion to Appeal the Order.

As issued by:

UNITED STATES DISTRICT COURT - EASTERN DISTRICT OF VIRGINIA, ALEXANDRIA DIVISION.

Dated May 15th 2013.

Honorable Judge & Clerk of Court, at the Fourth Circuit of Appeals, this request is merited for a variety of tangible reasons.

My rather **unique & complex** Pro Se efforts were clearly communicated, perhaps not crystalline as a practiced Attorney would submit; however, they were legible, decipherable, very truthful, time-line succinct and respectful, efforts which I feel were not "construed liberally".

Many of my observations & factual third party evidence / documents filed, didn't - I feel - get suitably investigated, let alone read, to pique curiosity, to stimulate investigation.

From my "simple" perspective as Pro Se; and a person with copious amounts of respect for the processes of a Court & Honorable Judge Gerald Lee, I'm very distressed & uncomfortable to say, the "Memorandum Opinion and Order" and "Opinion" which followed, both communicated words, phrases & views, bearing a very prominent resemblance to the observations & arguments presented by the Defendants numbered (2) through (6).

In my request for Continuance or Appeal, I remarked that my case seemed to be discredited and dismissed, with / by the justification of "Case Law" rather than an objective point-by-point "opinion" on each of my documented observations.

I thought, rather naively in hindsight, that by filing my suit, with the compiled thought provoking evidence furnished, one would just enter Court, "tell the truth, the whole truth and nothing but the truth" and that my documents would be read, and researched, as / for the formulation of questions, by the Judge, to the Defendants.

Some of the evidence submitted, shows CentralNic negotiating with WIPO, in an effort to avoid or escape US Law! If my documents were truly read, this should have raised substantive concerns and prompted deeper Judicial, FBI or ICE inquiry.

It's for this reason I've requested the help of an assigned Attorney, to communicate my case, in the trained, familiar & required ways of a Court dialog.

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One primary issue was, the denial of my claimed "rights". I stated having protection from, under the Common Law of Lanham Act as a "Mark" owner, with a business having "an effect on United States commerce" as I'm doing business in / with the USA.

In my presentation, I spoke in a cumulative fashion, expressing my "rights" through an evolution, from 1998 to the point where as at June 4th, 2013, I was granted a "Registered" status for my Trademark.

Please see USPTO certificate enclosed, as pdf.

This tenderness in expression was done with intent, as I'm not so verbose as to make bold declarations or demands.

Being a Pro Se; in such a prestigious environment as a Federal Court of the United States, I communicated with complete truth, in very clear & simple terms, with nothing presented that required "struggling" to comprehend, as the Defendants Attorney's so eloquently infer.

ICANN, Network Solutions, VeriSign & eNom / Demand Media have all blatantly lied to the Court about CentralNic's status within the Internet Industry, in this circumstance.

CentralNic - **are not** - accredited by ICANN to sell / license Subdomains. CentralNic's activity is "licensing" the use of a Domain Name, as a "sub-domain" of their own UK.com Domain Name, **which is subject to, not above or excluded from**, the Rules & Terms of use, issued by ICANN, for execution, management and "monitoring" by / with their peers at VeriSign & Network Solutions.

Jurisdiction & Venue of a United States protected "Mark" - "Mark in Commerce" - Trademark in the form of "TM" and Trademark in the form of "R" employing a US Governed TLD - the ".COM" sits squarely and undeniably in Virginia's Eastern District of Alexandria & Yours, under direction.

Such domicile, venue or jurisdiction of / for the ".COM" Top Level Domain, in Virginia is known and unquestionable.

ICANN, VeriSign & Network Solutions are contractually bound together in this municipality, as I've testified and presented - by their own documents - conceding such.

CentralNic, with USA offices, using a USA governed ".com" are subject to Virginia's Jurisdiction & Venue, as is their accomplice, eNom / Demand Media.

CentralNic's UK.com was sold as a "sub-license" by eNom / Demand Media, in Washington State; and Washington State businesses are subject to all Laws issued by the Department of Commerce, under Congress.

Finally, Lorraine Dunabin is bound by USA Law too. Through her contracted use of a ".com" designation, employing the UK.com, in sub-license as Landcruise.UK.COM *[having effect on US consumers]* where her "Infringement" is using my "Brand Name" in an Identical & Confusing manner, with ".com" and posing as a "simultaneously local" part of my business ".com" corporate image, in the UK.

Citing "Case Law" - Your Court kindly accepted the Appeal of: Rosetta Stone V Google, a case under Judge Lee, where a struggling brand owner fought for the rights they possessed, against abuse.

Whereas that was "newer" case law, my problem was anticipated by ICANN; and addressed in their long established rules, as published in their Registrant Rights and Responsibilities & Registrar Accreditation Agreement in Section's - 3.7.7.3 & 3.7.7.9.

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It's based on these vital facts, that my case deserves the privilege of being heard and serviced, in addition to the fact that I've previously presented documents, illustrating CentralNic has caused great harm and financial hardship to companies, large & small, through the exercise of engineering a relationship with WIPO, whereby they are conveniently avoiding the US Laws that prevail over the ".com".

I sincerely hope my request is granted; and reaffirm that the [any] Relief granted will be appropriately channeled to my Third Party benefactor, **after the Attorney I'm granted is remunerated**, as I'm diligently working to resolve an injustice imparted upon many.

Regards,
Graham Schreiber.

CERTIFICATE OF TRUTH.

I, Graham Schreiber /GS/ composed & wrote this request; and everything stated is truthful, further all documents spoken of, are currently filed in Virginia, sustaining my feelings expressed.

CERTIFICATE OF SERVICE.

The above named parties, including the appropriate staff at the Alexandria Court House will receive this document via email. It'll be saved and sent in ".pdf" formate.

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