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9 Attorneys for Defendant eNOM, INC., a Nevada
10 Corporation, erroneously sued as eNOM, Inc., a
11 Washington Corporation and ENOM FOREIGN
12 HOLDINGS CORPORATION, a Washington
13 Corporation

14 UNITED STATES DISTRICT COURT
15 CENTRAL DISTRICT OF CALIFORNIA

16 **REGISTERSITE.COM**, an Assumed
17 Name of ABR PRODUCTS INC., a
18 New York corporation; et al.,

19 Plaintiffs,

20 vs.

21 **INTERNET CORPORATION FOR**
22 **ASSIGNED NAMES AND**
23 **NUMBERS**, a California corporation;
24 **VERISIGN, INC.**, a Delaware
25 corporation; **NETWORK SOLUTIONS,**
26 **INC.**, a Delaware corporation; **ENOM,**
27 **INC.**, a Washington corporation; **ENOM**
28 **FOREIGN HOLDINGS**
CORPORATION, a Washington
corporation; and **DOES 1-10**, inclusive,

Defendants.

Case No. **CV04-1368 ABC (CWx)**

AMENDED PROOF OF SERVICE
RE NOTICE OF MOTION AND
MOTION TO DISMISS FIRST
AMENDED COMPLAINT BY
DEFENDANT ENOM, INC.;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT
THEREOF; EXHIBITS A AND B

Date: July 12, 2004
Time: 10:00 a.m.
Courtroom: 680

The Honorable Audrey B. Collins
Roybal Fed. Building

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PROOF OF SERVICE BY MAIL

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Davis Wright Tremaine LLP, Suite 2400, 865 South Figueroa Street, Los Angeles, California 90017-2566.

On May 28, 2004, I served the foregoing document(s) described as: **NOTICE OF MOTION AND MOTION TO DISMISS FIRST AMENDED COMPLAINT BY DEFENDANT ENOM, INC.; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF; EXHIBITS A AND B** by placing a **true copy** of said document(s) enclosed in a sealed envelope(s) for each addressee named below, with the name and address of the person served shown on the envelope as follows:

Emma Killick, Esq.
JONES DAY
555 West Fifth Street, Suite 4600
Los Angeles, CA 90013-1025

Joe Sims, Esq.
JONES DAY (admitted *pro hac vice*)
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113

I placed such envelope(s) with postage thereon fully prepaid for deposit in the United States Mail in accordance with the office practice of Davis Wright Tremaine LLP, for collecting and processing correspondence for mailing with the United States Postal Service. I am familiar with the office practice of Davis Wright Tremaine LLP, for collecting and processing correspondence for mailing with the United States Postal Service, which practice is that when correspondence is deposited with the Davis Wright Tremaine LLP, personnel responsible for delivering correspondence to the United States Postal Service, such correspondence is delivered to the United States Postal Service that same day in the ordinary course of business.

Executed on May 28, 2004, at Los Angeles, California.

- State I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.
- Federal I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Miriam Cardona
Print Name


Signature

1 PROOF OF SERVICE BY MAIL

2 I am employed in the County of Los Angeles, State of California. I am over the age of 18
3 and not a party to the within action. My business address is Davis Wright Tremaine LLP, Suite
2400, 865 South Figueroa Street, Los Angeles, California 90017-2566.

4 On May 28, 2004, I served the foregoing document(s) described as: **AMENDED PROOF
5 OF SERVICE RE NOTICE OF MOTION AND MOTION TO DISMISS FIRST AMENDED
6 COMPLAINT BY DEFENDANT ENOM, INC.; MEMORANDUM OF POINTS AND
7 AUTHORITIES IN SUPPORT THEREOF; EXHIBITS A AND B** by placing a true copy of
said document(s) enclosed in a sealed envelope(s) for each addressee named below, with the name
and address of the person served shown on the envelope as follows:

8 Laurence J. Hutt, Esq.
9 Arnold & Porter LLP
777 South Figueroa Street, 44th Floor
Los Angeles, California 90017-5844

10 Derek A. Newman, Esq.,
11 Newman & Newman, Attorneys At Law LLP
12 505 Fifth Avenue South, Suite 610
Seattle, Washington 98104

13 Emma Killick, Esq.
14 JONES DAY
555 West Fifth Street, Suite 4600
Los Angeles, CA 90013-1025

15 Joe Sims, Esq.
16 JONES DAY (admitted *pro hac vice*)
51 Louisiana Avenue, N.W.
17 Washington, D.C. 20001-2113

18 I placed such envelope(s) with postage thereon fully prepaid for deposit in the United States
19 Mail in accordance with the office practice of Davis Wright Tremaine LLP, for collecting and
20 processing correspondence for mailing with the United States Postal Service. I am familiar with
21 the office practice of Davis Wright Tremaine LLP, for collecting and processing correspondence
for mailing with the United States Postal Service, which practice is that when correspondence is
deposited with the Davis Wright Tremaine LLP, personnel responsible for delivering
correspondence to the United States Postal Service, such correspondence is delivered to the United
States Postal Service that same day in the ordinary course of business.

22 Executed on May 28, 2004, at Los Angeles, California.

- 23 State I declare under penalty of perjury, under the laws of the State of California,
24 that the foregoing is true and correct.
25 Federal I declare under penalty of perjury under the laws of the United States of
26 America that the foregoing is true and correct and that I am employed in the
office of a member of the bar of this Court at whose direction the service was
made.

27 Miriam Cardona
28 Print Name


Signature

1 RONALD L. JOHNSTON (State Bar No. 057418)
LAURENCE J. HUTT (State Bar No. 066269)
2 SUZANNE V. WILSON (State Bar No. 152399)
JAMES S. BLACKBURN (State Bar No. 169134)
3 ARNOLD & PORTER LLP
1900 Avenue of the Stars, 17th Floor
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5 Facsimile: (310) 552-1191

6 Attorneys for Defendant
7 VERISIGN, INC.

8
9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

11
12 REGISTERSITE.COM, an Assumed
Name of ABR PRODUCTS INC., a
13 New York Corporation, et al.,

14 Plaintiffs,

15 v.

16 INTERNET CORPORATION FOR
ASSIGNED NAMES AND
17 NUMBERS, a California corporation;
VERISIGN, INC., a Delaware
18 Corporation; NETWORK
SOLUTIONS, INC., a Delaware
19 Corporation; ENOM, INC., a
Washington Corporation; ENOM
20 FOREIGN HOLDINGS
CORPORATION, a Washington
21 Corporation; and DOES 1-10,
inclusive,

22 Defendants.
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Case No. CV 04-1368 ABC (CWx)

**NOTICE OF MOTION AND
MOTION BY DEFENDANT
VERISIGN, INC. TO DISMISS
PLAINTIFFS' ELEVENTH
CLAIM FOR RELIEF FOR
IMPROPER VENUE**

[Fed. R. Civ. P. 12(b)(3)]

Date: July 12, 2004
Time: 10:00 a.m.
Courtroom: Room 680 – Roybal Bldg.
Judge: Hon. Audrey B. Collins

[Memorandum of Points and
Authorities and Declaration of Barbara
Knight filed concurrently herewith]

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that on July 12, 2004, at 10:00 a.m., or as soon
3 thereafter as the matter may be heard, in the Courtroom of the Honorable Audrey B.
4 Collins, located in Courtroom 680 at 255 E. Temple Street, Los Angeles, California
5 90012, Defendant VeriSign, Inc. ("VeriSign") will, and hereby does, move the Court
6 for an order dismissing the purported Eleventh Cause of Action in the First Amended
7 Complaint ("Complaint") for improper venue or, in the alternative, severing that claim
8 from all other claims in the Complaint and transferring it to the United States District
9 Court for the Eastern District of Virginia.

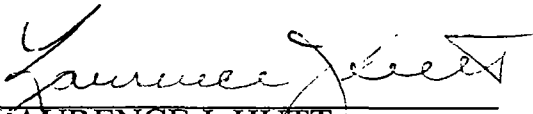
10 This motion is made pursuant to Rule 12(b)(3) of the Federal Rules of Civil
11 Procedure, based upon the facts that the Eleventh Cause of Action in the Complaint
12 seeks declaratory relief based upon a purported threatened breach of the Registry-
13 Registrar Agreement ("Agreement") between VeriSign and each Plaintiff; that the
14 Agreement contains a clear, express, and valid forum selection clause specifying that
15 the exclusive venue for any claim relating to the Agreement or its enforcement is the
16 Eastern District of Virginia; that the Eleventh Cause of Action in the Complaint is
17 subject to the forum selection clause; and that enforcement of the clause is consistent
18 with public policy and the expectations of the parties and promotes consistency and
19 uniformity in the interpretation and enforcement of the Agreement.

20 The motion is based upon this Notice, the supporting Memorandum of Points and
21 Authorities, and the Declaration of Barbara Knight, each of which is served and filed
22 concurrently herewith; upon the entire record on file in this action; and upon any other
23 or further papers filed or arguments made in support of the motion at or before the
24 hearing thereon.

1 This motion is made following the conference of counsel pursuant to Local
2 Rule 7-3, which took place on May 20, 2004.

3
4 DATED: May 28, 2004

ARNOLD & PORTER LLP
RONALD L. JOHNSTON
LAURENCE J. HUTT
SUZANNE V. WILSON
JAMES S. BLACKBURN

7
8
9 By: 
10 LAURENCE J. HUTT
11 Attorneys for Defendant
12 VeriSign, Inc.
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