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11 Attorneys for Plaintiff  
NAME.SPACE, INC.

13 UNITED STATES DISTRICT COURT  
14 CENTRAL DISTRICT OF CALIFORNIA  
15 WESTERN DIVISION

17 NAME.SPACE, INC.,  
18 Plaintiff,  
19 v.  
20 INTERNET CORPORATION FOR  
21 ASSIGNED NAMES AND NUMBERS,  
22 Defendant.

Case No. CV 12-8676 (PA)

**PLAINTIFF NAME.SPACE'S  
L.R. 56-2 STATEMENT OF  
GENUINE DISPUTES OF  
MATERIAL FACT**

Hearing Date: February 25, 2013  
Hearing Time: 1:30 p.m.  
Judge: Honorable Percy Anderson  
Hearing Location: 312 N. Spring St.

1 Pursuant to Local Rule 56-2, Plaintiff name.space, Inc. (“name.space”) sets  
 2 forth its Statement of Genuine Disputes of Material Fact in Opposition to  
 3 Defendant Internet Corporation for Assigned Names and Numbers’ (“ICANN”)  
 4 Motion for Summary Judgment.

ICANN’s FACTS	RESPONSE AND EVIDENTIARY SUPPORT
8 1. The 2000 Application releases each 9 of the claims asserted in the 10 Complaint. <b>Support:</b> ICANN’s 11 Request for Judicial Notice (“RJN”), ECF No. 20, Ex. C.)	<b>Disputed.</b>  The release language in the 2000 Application does not release any claim asserted in the Complaint.  <b>Support:</b> Declaration of Paul Garrin in Support of name.space’s Opposition to ICANN’s Motion for Summary Judgment (“Garrin Decl.”) ¶¶ 2-26, Exs. 1-4; <i>see</i> also Declaration of Michael Miller in Support of name.space’s Opposition to ICANN’s Motion for Summary Judgment (“Miller Decl.”) ¶¶ 8, 11-15, 20-21, Ex.1.)

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<p style="text-align: center;"><b>ICANN’s FACTS</b></p>	<p style="text-align: center;"><b>RESPONSE AND EVIDENTIARY SUPPORT</b></p>
<p>2. ICANN’s Articles of Incorporation (the “Articles”) exist in the form attached to ICANN’s Request for Judicial Notice, Exhibit A. <b>Support:</b> RJN, Ex. A.</p>	<p><b>Not Disputed But Irrelevant.</b></p> <p>name.space does not dispute that ICANN’s Articles exist in the form attached to ICANN’s Request for Judicial Notice, Exhibit A, but the existence of ICANN’s Articles is irrelevant and does not support any inference that ICANN followed or complied with the provisions contained therein. ICANN has provided no admissible evidence to suggest that it has acted in compliance with the Articles.</p> <p>name.space <i>disputes</i> that ICANN followed or complied with the Articles.</p> <p><b>Support:</b> Garrin Decl. ¶¶ 22, 25-26 Ex. 3-4; Miller Decl. ¶¶ 9, 16-19.</p>
<p>3. ICANN’s bylaws (“Bylaws”) exist in the form attached to ICANN’s Request for Judicial Notice, Exhibit B. <b>Support:</b> RJN, Ex. B.</p>	<p><b>Not Disputed But Irrelevant.</b></p> <p>name.space does not dispute that ICANN’s Bylaws exist in the form attached to ICANN’s Request for Judicial Notice, Exhibit B, but the existence of ICANN’s Bylaws is irrelevant and does not support any inference that ICANN followed or complied with the provisions contained therein. ICANN has provided no admissible evidence to suggest that it has acted in compliance with the Bylaws.</p> <p>name.space <i>disputes</i> that ICANN followed or complied with the Bylaws.</p> <p><b>Support:</b> Garrin Decl. ¶¶ 22, 25-26 Ex. 3-4; Miller Decl. ¶¶ 9, 16-19.</p>

1 Dated: February 4, 2013

MORRISON & FOERSTER LLP

2 By: /s/ Craig B. Whitney  
3 Craig B. Whitney

4 Attorneys for Plaintiff  
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