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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

JFW

03-5045

(MANX)

**DOTSTER, INC., a Washington  
corporation, GO DADDY  
SOFTWARE, INC., an Arizona  
corporation, and eNOM, INC., a  
Washington corporation,**

**Plaintiffs,**

**v.**

**INTERNET CORPORATION FOR  
ASSIGNED NAMES AND  
NUMBERS, a California nonprofit  
corporation**

**Defendant.**

Civil Case No. \_\_\_\_\_

**DECLARATION OF BARRETT  
C. MERSEREAU IN SUPPORT  
OF PLAINTIFFS' MOTION  
FOR TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

ENTERED ON ICMS  
JUL 17 2003  
CV

I, Barrett C. Mersereau, declare and state as follows:

1 I am an attorney licensed by the State of Oregon. I represent Plaintiff Dotster,  
2 Inc. ("Dotster"). I make this declaration of my own knowledge, and if called as a  
3 witness I could testify to each of the following facts:

4 1. Plaintiffs' Exhibit 4 to their Memorandum of Points and Authorities in  
5 support of their Motion for Temporary Restraining Order is the Memorandum of  
6 Understanding ("MOU") between defendant ICANN and the federal Department of  
7 Commerce. I obtained the MOU from the web site of defendant ICANN, located at  
8 <http://icann.org>, on July 14, 2003. The exhibit is a true and accurate copy of the MOU  
9 as it appeared on defendant's web site. The MOU can be located at  
10 <http://www.icann.org/general/icann-mou-25nov98.htm>.

11 2. Plaintiffs' Exhibit 5 to their Memorandum of Points and Authorities in  
12 support of their Motion for Temporary Restraining Order is a copy of defendant  
13 ICANN's bylaws. I obtained the bylaws from the web site of defendant ICANN,  
14 located at <http://icann.org>, on July 14, 2003. The exhibit is a true and accurate copy of  
15 the bylaws as they appeared on defendant's web site. The bylaws can be located at  
16 <http://www.icann.org/general/archive-bylaws/bylaws-15dec02.htm>.

17 3. Plaintiffs' Exhibit 1 to their Complaint is the Registrar Accreditation  
18 Agreement. I obtained the agreement from the web site of defendant ICANN, located  
19 at <http://icann.org>, on July 15, 2003. The exhibit is a true and accurate copy of the  
20 agreement as it appeared on defendant's web site. The agreement can be located at  
21 <http://www.icann.org/nsi/icann-raa-04nov99.htm>.

22 4. Plaintiffs' Exhibit 2 to their Complaint is the final report of the Transfer  
23 Task Force. I obtained the report from the web site of defendant's subsidiary  
24 organization Domain Name Support Group ("DNSO"), located at <http://dnso.org>, on  
25 July 15, 2003. The exhibit is a true and accurate copy of the report as it appeared on  
26 defendant's web site. <http://www.dnso.org/dns/notes/NCFinal-report-WLS.html>.

1           5.     Plaintiffs' Exhibit 3 to their Complaint is a resolution adopted by  
2 defendant's Board of Directors on August 23, 2002. I obtained the agreement from  
3 the web site of defendant ICANN, located at <http://icann.org>, on July 15, 2003. The  
4 exhibit is a true and accurate copy of the resolution as it appeared on defendant's web  
5 site. The resolution can be located at [http://www.icann.org/minutes/prelim-report-  
6 23aug02.htm](http://www.icann.org/minutes/prelim-report-23aug02.htm).

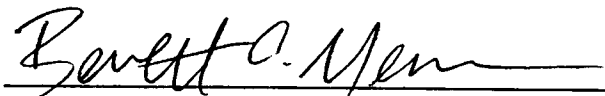
7           6.     Plaintiffs' Exhibit 4 to their Complaint is plaintiff Dotster's Request for  
8 Review submitted on September 9, 2002. I obtained the Request from the web site of  
9 defendant ICANN, located at <http://icann.org>, on July 15, 2003. The exhibit is a true  
10 and accurate copy of the Request as it appeared on defendant's web site. The Request  
11 can be located at [http://www.icann.org/correspondence/brannon-letter-to-lynn-  
12 09sep02.htm](http://www.icann.org/correspondence/brannon-letter-to-lynn-09sep02.htm).

13           7.     Plaintiffs' Exhibit 5 to their Complaint is plaintiff Dotster's  
14 Reconsideration Request submitted on September 12, 2002. I obtained the  
15 Reconsideration Request from the web site of defendant ICANN, located at  
16 <http://icann.org>, on July 15, 2003. The exhibit is a true and accurate copy of the  
17 Reconsideration Request as it appeared on defendant's web site. The Reconsideration  
18 Request can be located at [http://www.icann.org/committees/reconsideration/dotster-  
19 request-12sep02.htm](http://www.icann.org/committees/reconsideration/dotster-request-12sep02.htm).

20           8.     Plaintiffs' Exhibit 6 to their Complaint is the Recommendation issued by  
21 defendant's Board of Directors on May 20, 2003. I obtained the Recommendation  
22 from the web site of defendant ICANN, located at <http://icann.org>, on July 15, 2003.  
23 The exhibit is a true and accurate copy of the Recommendation as it appeared on  
24 defendant's web site. The Reconsideration Request can be located at  
25 <http://www.icann.org/committees/reconsideration/rc02-5.htm>.

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I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration was executed on July 15, 2003 at Portland, Oregon.

  
Barrett C. Mersereau