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13 INTERNET CORPORATION FOR  
14 ASSIGNED NAMES AND NUMBERS

15 **UNITED STATES DISTRICT COURT**  
16 **NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

17 COALITION FOR ICANN  
18 TRANSPARENCY INC.,

19 Plaintiff,

20 v.

21 VERISIGN, INC; and INTERNET  
22 CORPORATION FOR ASSIGNED  
23 NAMES AND NUMBERS,

24 Defendants.

Case No. 05-4826 (RMW)

**DEFENDANT INTERNET  
CORPORATION FOR ASSIGNED NAMES  
AND NUMBERS' EVIDENTIARY  
OBJECTIONS TO DECLARATIONS  
OFFERED IN SUPPORT OF PLAINTIFF  
COALITION FOR ICANN  
TRANSPARENCY, INC.'S APPLICATION  
FOR A TEMPORARY RESTRAINING  
ORDER**

1 Defendant Internet Corporation for Assigned Names and Numbers (“ICANN”) hereby  
 2 objects to certain portions of the Declarations of Richard L. Chambers, Michael A. Geist, Keith  
 3 L. Butler, Anthony Farrow, and Taryn Naidu (“Declarations”) offered in support of plaintiff’s  
 4 application for a temporary restraining order. Due to the time constraints of this response,  
 5 ICANN makes categorical objections to plaintiff’s declarations. While ICANN only objects to  
 6 selected portions of the Declarations, for all other purposes, ICANN does not waive further  
 7 objection to, or stipulate to, the introduction of evidence not objected to herein, nor does ICANN  
 8 waive its right to provide evidentiary objections with greater specificity at a future date.

9 **DECLARATION OF RICHARD L. CHAMBERS**

INADMISSIBLE EVIDENCE	EVIDENTIARY OBJECTION(S)
Paragraph 2.	Improper opinion (FRE 701).
Paragraphs 3 - 8.	Violates the Best Evidence Rule (FRE 1002). Lack of Authenticity (FRE 901). Hearsay (FRE 801, 802).
Paragraph 9.	Lack of Foundation and Personal Knowledge (FRE 602). Improper opinion (FRE 701).
Paragraphs 10 - 12.	Lack of Foundation and Personal Knowledge (FRE 602). Improper opinion (FRE 701). Misleading and improper speculation as to future events (FRE 401, 402, and 403).

21 **DECLARATION OF DR. MICHAEL A. GEIST**

INADMISSIBLE EVIDENCE	EVIDENTIARY OBJECTION(S)
Paragraphs 2 - 5.	Lack of Foundation and Personal Knowledge (FRE 602). Improper opinion (FRE 701, 702). Violates the Best Evidence Rule (FRE 1002). Irrelevant and improper hypothetical (FRE 401, 402, 403).
Paragraphs 6 - 9.	Lack of Foundation and Personal Knowledge

1		(FRE 602). Improper opinion (FRE 701, 702).
2		Violates the Best Evidence Rule (FRE 1002).
3		Irrelevant and improper hypothetical (FRE 401,
4		402, 403).
5	Paragraphs 10 - 13.	Lack of Foundation and Personal Knowledge
6		(FRE 602). Improper opinion (FRE 701, 702).
7		Violates the Best Evidence Rule (FRE 1002).
8		Hearsay (FRE 801). Lack of Authenticity
9		(FRE 901).
10	Paragraphs 14 - 17.	Lack of Foundation and Personal Knowledge
11		(FRE 602). Improper opinion (FRE 701, 702).
12		Hearsay (FRE 801). Lack of Authenticity
13		(FRE 901). Misleading and improper
14		speculation as to future events (FRE 401, 402,
15		and 403).

**DECLARATION OF KEITH L. BUTLER**

INADMISSIBLE EVIDENCE	EVIDENTIARY OBJECTION(S)
Paragraphs 3 - 9.	Lack of Foundation and Authentication (FRE 602, 901).

**DECLARATION OF ANTHONY FARROW**

INADMISSIBLE EVIDENCE	EVIDENTIARY OBJECTION(S)
Paragraph 2.	Lack of Foundation and Authentication (FRE 602, 901).
Paragraphs 3 - 4.	Lack of Foundation and Personal Knowledge (FRE 602). Violates the Best Evidence Rule (FRE 1002). Lack of Authenticity (FRE 901). Hearsay (FRE 801, 802).

1 2 3 4	Paragraphs 10 - 13.	Lack of Foundation and Personal Knowledge (FRE 602). Lack of Authenticity (FRE 901). Improper opinion (FRE 701).
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**DECLARATION OF TARYN NAIDU**

	<b>INADMISSIBLE EVIDENCE</b>	<b>EVIDENTIARY OBJECTION(S)</b>
5 6 7 8 9 10	Paragraph 3.	Lack of Foundation and Personal Knowledge (FRE 602). Lack of Authenticity (FRE 901). Improper opinion (FRE 701). Violates the Best Evidence Rule (FRE 1002). Irrelevant and improper hypothetical (FRE 401, 402, 403).
11 12 13 14 15 16	Paragraphs 4 - 10.	Lack of Foundation and Personal Knowledge (FRE 602). Lack of Authenticity (FRE 901). Improper opinion (FRE 701). Violates the Best Evidence Rule (FRE 1002). Irrelevant and improper hypothetical (FRE 401, 402, 403). Hearsay (FRE 801, 802).
17 18 19 20 21 22	Paragraphs 11 - 19.	Lack of Foundation and Personal Knowledge (FRE 602). Lack of Authenticity (FRE 901). Improper opinion (FRE 701). Violates the Best Evidence Rule (FRE 1002). Misleading and improper speculation as to future events (FRE 401, 402, and 403). Hearsay (FRE 801, 802).
23 24 25 26 27	Paragraphs 20 - 21.	Lack of Foundation and Personal Knowledge (FRE 602). Improper opinion (FRE 701). Misleading and improper speculation as to future events (FRE 401, 402, and 403).

1 Dated: November 29, 2005

Respectfully Submitted,  
JONES DAY

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By:   
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Courtney M. Schaberg

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Attorneys for Defendant  
INTERNET CORPORATION FOR  
ASSIGNED NAMES AND NUMBERS

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**PROOF OF SERVICE**

I, Lynne E. Trotti, declare:

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 555 South Flower Street, Fiftieth Floor, Los Angeles, California 90071-2300. On November 29, 2005, I caused to be served a copy of the within document(s):

**DEFENDANT INTERNET CORPORATION FOR ASSIGNED NAMES AND NUMBERS' EVIDENTIARY OBJECTIONS TO DECLARATIONS OFFERED IN SUPPORT OF PLAINTIFF COALITION FOR ICANN TRANSPARENCY, INC.'S APPLICATION FOR A TEMPORARY RESTRAINING ORDER**

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 p.m.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- by placing the document(s) listed above in a sealed envelope and affixing a pre-paid air bill, and causing the envelope to be delivered to a agent for delivery.
- by electronically delivering the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

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Jennifer Lee Taylor  
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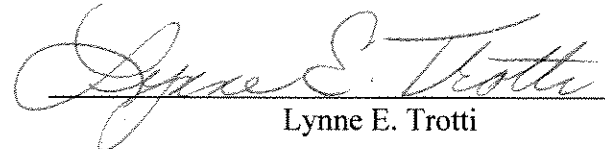
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I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on November 29, 2005, at Los Angeles, California.

  
Lynne E. Trotti