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E-FILED on 11/30/05

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

COALITION FOR ICANN TRANSPARENCY
INC.,

Plaintiff,

v.

VERISIGN, INC., INTERNET
CORPORATION FOR ASSIGNED NAMES
AND NUMBERS,

Defendants.

No. C-05-04826 RMW

ORDER SETTING HEARING ON
APPLICATION FOR PRELIMINARY
INJUNCTION

[Re Docket Nos. 1, 17, 22]

Plaintiff Coalition for ICANN Transparency Inc. has applied for an order to show cause ("OSC") on the issues set forth below, as well as a temporary restraining order ("TRO") pending hearing on the OSC. Defendants have filed oppositions. The court finds that plaintiff has not met the standards for a TRO because, among other reasons, it has not shown that the need for immediate relief is clear. However, the court will treat plaintiff's application for an OSC and TRO as a notice of motion for a preliminary injunction seeking:

- (1) that defendants Internet Corporation for Assigned Names and Numbers ("ICANN") and VeriSign, Inc., not enter into the proposed 2005 .com agreement,
- (2) that defendants ICANN and VeriSign abide by the terms of the current .com agreement dated May 25, 2001, until it expires on November 10, 2007, and

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(3) that VeriSign not engage in any "Registry Sevices" as defined in the proposed 2005 .com agreement, including without limitation the Central Listing Service, and excluding services that are defined as "Registry Services" in the 2001 .com agreement, pending further order of this court.

This order and all supporting pleadings and papers shall be served upon defendants by December 5, 2005. The normal motion briefing schedule set forth in Civil L.R. 7-2 shall apply and a hearing date of February 10, 2006, at 9:00 a.m. is hereby set.

DATED: 11/30/05

/s/ Ronald M. Whyte
RONALD M. WHYTE
United States District Judge

1 **Notice of this document has been electronically sent to:**

2 **Counsel for Plaintiff:**

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9 Counsel are responsible for distributing copies of this document to co-counsel that have not registered for e-filing under the court's CM/ECF program.

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12 **Dated:** 11/30/05 /s/ JH
Chambers of Judge Whyte

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