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17 Attorneys for Plaintiffs

18 UNITED STATES DISTRICT COURT
19 CENTRAL DISTRICT OF CALIFORNIA
20 AT LOS ANGELES

21 03-5045

22 Civil Case No. _____

23 DOTSTER, INC., a Washington
24 corporation, GO DADDY SOFTWARE,
25 INC., an Arizona corporation, eNOM,
26 INC., a Washington corporation,
REGISTRATION TECHNOLOGIES,
INC., a Rhode Island corporation,

Plaintiffs,

v.

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

Defendant.

DECLARATION OF TIM RUIZ
IN SUPPORT OF PLAINTIFFS'
MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION

Page 1- DECLARATION OF TIM RUIZ IN SUPPORT OF
PLAINTIFFS' MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY
INJUNCTION

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FILED
JUL 16 2003 15
CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES

JFW

(NAME)

1 I, Tim Ruiz, declare and state as follows:

2 I am the Product Manager of Domain Name Services of Plaintiff Go Daddy
3 Software, Inc. ("Go Daddy"). I make this declaration of my own knowledge, and after
4 a review of documents maintained by Go Daddy in the normal course of business. If
5 called as a witness I could testify to each of the following facts:

6 1. I have read and agree with paragraphs 1 through 37 of the Declaration of
7 Clint Page in Support of Plaintiffs' Motion for Temporary Restraining Order and
8 Preliminary Injunction dated July 10, 2003.

9 2. Go Daddy has been accredited as a domain name ("Domain") registrar
10 ("Registrar") by Internet Corporation for Assigned Names and Numbers
11 ("Defendant"). Go Daddy has signed a Registrar Accreditation Agreement
12 ("Accreditation Agreement") with Defendant, and such Accreditation Agreement is
13 dated May 17, 2001 and is attached hereto as Exhibit A. Go Daddy is accredited to
14 register the .COM and .NET top-level Domains ("TLDs").

15 3. Go Daddy is one of approximately 45 Registrars who compete to re-
16 register Domains that are expiring or otherwise being deleted by the VeriSign Global
17 Registry Services, a division of VeriSign, Inc., which operates the .COM and .NET
18 registry (the "Registry").

19 4. The technology and process that Go Daddy has developed to register
20 expiring Domains that are being deleted in a Batch Delete is marketed to potential
21 domain registrants ("Domain Registrants") under the name "DomainAlert™."
22 DomainAlert operates as a first-come first-served model.

23 5. DomainAlert allows potential Domain Registrants to backorder domain
24 names that are currently not available. DomainAlert will hold the backorder request
25 and monitor the status of the backordered domain name. When it is determined that
26 the backordered domain name will be released, DomainAlert attempts to register the

1 domain name for the Domain Registrant. DomainAlert allows only one backorder per
2 domain name within its system. If the domain name is successfully registered that
3 backorder is considered fulfilled. If the domain name is not registered the Domain
4 Registrant may reassign the backorder to a different domain name at no additional
5 cost. DomainAlert backorders are currently priced at \$18.95 and include the
6 registration fee if successful.

7 6. On an annual basis, Go Daddy pays registrar accreditation fees to
8 Defendant in accordance with the Accreditation Agreement and Defendant's then-
9 current policies. In 2002, for example, Go Daddy paid over \$130,000 in accreditation
10 fees. In 2001, Go Daddy paid over \$25,000 in accreditation fees.

11 7. Implementation of the proposed WLS will effectively destroy Go
12 Daddy's DomainAlert and other competing models because WLS creates a first-come,
13 first-served model that preempts the competitive Batch Delete process that currently
14 exists, which allows Registrars to compete with one another.

15 8. Implementation of the WLS will essentially end the current business
16 model Go Daddy has created, as well as the business models created by its
17 competitors. There will no longer be deleting Domains of value for people to bid on,
18 as valuable Domains will likely have WLS subscriptions placed on them.

19 9. The estimated value of the business that Go Daddy will lose if WLS is
20 implemented substantially exceeds \$100,000.

21 I declare under penalty of perjury under the laws of the United States of
22 America that the foregoing is true and correct, and that this declaration was executed
23 on July 11, 2003 at Cedar Rapids, Iowa.

24
25 
26 Tim Ruiz

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