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11 *Attorneys for Plaintiff*
 12 RUBY GLEN, LLC

13 UNITED STATES DISTRICT COURT
 14 FOR THE CENTRAL DISTRICT OF CALIFORNIA

15 RUBY GLEN, LLC

16 Plaintiff,

17 vs.

18 INTERNET CORPORATION FOR
 19 ASSIGNED NAMES AND NUMBERS
 20 AND DOES 1-10

21 Defendant

Case No.:

**DECLARATION OF JONATHON
 NEVETT IN SUPPORT OF
 PLAINTIFF’S *EX PARTE*
 APPLICATION FOR
 TEMPORARY RESTRAINING
 ORDER**

DECLARATION OF JONATHON NEVETT

I, Jonathon Nevett, hereby declare as follows:

1. I am the co-founder and Executive Vice President for Corporate Affairs of Donuts Inc., an affiliate of Ruby Glen, LLC (“Ruby Glen”). I coordinated Ruby Glen’s application for the .WEB generic Top-level Domain (“gTLD”). The matters referred to in this declaration are based upon my personal knowledge, and if called as a witness, I could and would testify competently thereto.

2. In or about 2011, ICANN approved the expansion of a number of the gTLDs available to eligible applicants as part of its 2012 Generic Top Level Domains Internet Expansion Program. In January 2012, ICANN invited eligible domain name registries to submit applications to obtain the rights to operate various new gTLDs, including .WEB and .WEBS.

3. In May, 2012, Ruby Glen submitted application number 1-1527-54849 for the .WEB contention set. Ruby Glen also paid ICANN the required \$185,000 participation fee.

4. ICANN encourages applicants to settle string contention amongst themselves. If the applicants are able to do so, then ICANN receives only the \$185,000 participation fee from each bidder in a given contention set. If a private resolution cannot be reached, ICANN will hold what is called “an auction of last resort.” Unlike the private resolution of the contention set, ICANN not only receives the application fee from each applicant, but it also receives 100% of the proceeds from the auction.

5. On June 1, 2016, I learned that Nu Dotco, LLC (“NDC”) was the only member of the .WEB contention set unwilling to agree to participate in resolving the contention set by way of a private resolution. Of the 9 previous New gTLD Program resolutions that NDC has participated in, this was the first auction in which NDC pushed for an auction of last resort. As far as I am aware, NDC was the only .WEB contention set member that refused to resolve the process privately.

1 6. On June 7, 2016, I contacted Jose Rasco, a manager of NDC, to inquire as
2 to whether NDC might reconsider its decision to forego resolution of the .WEB
3 contention set prior to ICANN's auction of last resort. In response, Mr. Rasco advised
4 that Nicolai Bezsonoff, who is identified on NDC's .WEB application as Secondary
5 Contact, Manager, and COO, was no longer involved with NDC's applications. Mr.
6 Rasco also stated that their board included several new members and indicated a
7 potential change in NDC's ownership. A true and correct copy of my email
8 correspondence with Mr. Rasco on June 7, 2016 is attached hereto as Exhibit A.

9 7. On June 22, 2016, I contacted ICANN staff in writing regarding apparent
10 discrepancies between NDC's application and the information provided by to me by
11 Mr. Rasco. I also formally raised the issue with the ICANN Ombudsman on or about
12 June 30, 2016, and discussed the matter with ICANN staff and the Ombudsman at
13 ICANN's recent meeting in Helsinki, Finland. On July 10, 2016, I submitted
14 correspondence to the ICANN Ombudsman in which I provided further information
15 related to the statements made by NDC.

16 8. I raised the need for a postponement of the .WEB auction to allow ICANN
17 (and the other applicants) time to investigate and address the contradictory
18 representations made by NDC in relation to its pending application and status as an
19 auction participant at every opportunity in order to achieve an appropriate level of
20 transparency as to who we were competing with for .WEB.

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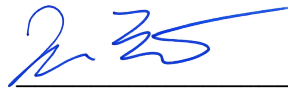
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1 9. On July 22, 2016, Ruby Glen initiated ICANN's Independent Review
2 Process by transmitting a Notice of Independent Review and Request for Independent
3 Review Process to the International Centre for Dispute Resolution.

4 I declare under penalty of perjury under the laws of the United States of America
5 that the foregoing is true and correct. Executed on July 22, 2016 at Rockville,
6 Maryland.

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Jonathon Nevett