

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MANILA INDUSTRIES, INC. and	§	
NETSPHERE, INC.,	§	CASE NO. 3:09-CV-988-F
	§	
PLAINTIFF,	§	
	§	
v.	§	
	§	
ONDOVA LIMITED COMPANY,	§	
	§	
DEFENDANT.	§	

**QUANTEC, LLC, NOVO POINT, LLC, AND IGUANA CONSULTING, LLC’S
RESPONSE TO THE COURT’S PROPOSED ORDER OF TRANSPARENCY IN
THE TRANSFER AND DELETION OF DOMAIN NAMES**

NOW COMES, Quantec, LLC, Novo Point, LLC, and Iguana Consulting, LLC’s (“Pending Intervenors”) and files this Response to the Court’s Proposed Order of Transparency in the Transfer and Deletion of Domain Names and would respectfully show the Court the following:

I.
LENGTH OF TIME TO PROVIDE REASONABLE NOTICE FOR THE
OBJECTION OF DOMAIN NAMES

1.01 Pending Intervenors respectfully object to the reasonable notice which is described in the Proposed Order of Transparency in the Transfer and Deletion of Domain Names (“Proposed Order”). The Proposed Order states that Ondova shall provide all interested parties notice before transfer or deletion of domain names occur. The number of domain names which will be transferred or deleted dictates the specific amount of days

that must be given to the interested parties before a transfer or deletion of domain names may occur.

1.02 Pending Intervenors do not object to the day requirements contained in the Proposed Order for the transfer of domain names. However, Pending Intervenors object to the day requirements for the deletion of domain names.

1.03 The renewal registration fees for most of the domain names that are registered with Ondova as the registrar are currently being paid by the Pending Intervenors. Ondova is deleting domain names from the domain name portfolio which do not economically justify the payment of a renewal fee. The notice requirements in the Proposed Order could cause Ondova the inability to recapture credits for domain names that have been paid and renewed, but subsequently are deleted.

1.04 According to the terms with Verisign, which is the entity that receives the renewal payments from Ondova, a registrar has forty-five (45) days to request a credit from the day that a domain name is renewed. The notice requirement in the Proposed Order will cause Ondova to potentially be unable to claim credits for domain names that were paid, renewed, and later deleted due to the time sequence during this process. Consequently, Ondova could lose money by being required to provide the amount of notice as stated in the Proposed Order before domain names can be deleted.

1.05. The notice requirement contained in the Proposed Order could also be interpreted as a right of first refusal to a lesser degree. Even though an interested party cannot prevent the deletion of a domain name, it certainly has advance notice anywhere from two (2) to ten (10) days that domain names will be deleted. Again, this time delay

could render Ondova unable to re-claim registration fees for domain names that were paid, renewed, and subsequently deleted.

1.06 Pending Intervenors request that the Court only order that Manila and Ondova provide a list of the domain names to be deleted to all interested parties in this litigation without additional advance notice before deletion of the domain names may occur.

WHEREFORE, PREMISES CONSIDERED, Pending Intervenors respectfully request that the Court only mandate that Manila and Ondova be ordered to provide a list of the domain names to be deleted without any further requirements to all the interested parties, and for any further relief, at law and in equity, to which the Pending Intervenors are justly entitled.

Dated: February 5, 2010

Respectfully submitted,

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NOVO POINT, LLC**

CERTIFICATE OF SERVICE

This is to certify that on the 5th day of February, 2010, a true and correct copy of the foregoing **Quantec, LLC, Novo Point, LLC and Iguana Consulting, LLC'S Response to the Court's Proposed Order of Transparency in The Transfer and Deletion of Domain Names** was sent to the following counsels of record:

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