

**EXHIBIT 11**

**FILED**

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KING COUNTY  
SUPERIOR COURT CLERK  
SEATTLE, WA

CHIEF JUDGE ERLICK  
HONORABLE DEAN S. HAN  
NOTED FOR HEARING: August 21, 2007 (1:30 PM)

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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING

1st Technology LLC,

Plaintiff,

v.

BODOG ENTERTAINMENT GROUP S.A.,  
BODOG.NET, AND BODOG.COM,

Defendants.

**CASE NO: 07-2-25305-0 SEA**

MOTION FOR WRIT OF  
EXECUTION RE DOMAIN NAMES

BODOG.COM;  
BODOG.NET;  
BODOG.CO.UK;  
BODOGPOKER.COM;  
BODOGCASINO.COM;  
BODOGSPORTSBOOK.COM;  
BODOGAFFILIATE.COM;  
BODOGAFFILIATES.COM;  
BODOGNATION.COM;  
BODOGFIGHT.COM; AND

ANY OTHER DOMAIN NAMES  
LISTED IN EXHIBIT A

**I. Introduction and Relief Requested**

Plaintiff, 1<sup>st</sup> Technology LLC ("**1<sup>st</sup> Technology**") seeks a Writ of Execution seeking execution on the domain names registered to Defendants, including those listed in **Exhibit A** of the Declaration of Dr. Scott Lewis (the "**Domain Names**"). 1<sup>st</sup> Technology obtained a judgment – in the amount of \$48,937,456 (including pre and post-judgment interest to date) – on its patent infringement claims against Defendants (jointly and severally). That judgment remains wholly unsatisfied. All of the Domain Names are registered through a registrar located

1 in Washington (eNom, Inc. or its subsidiaries or affiliates ("eNom")). 1<sup>st</sup>  
2 Technology may properly execute on these domain names.

3 **II. Statement of Facts**

4 1<sup>st</sup> Technology filed the underlying lawsuit (in the United States District  
5 Court for the District of Nevada) alleging Defendants infringed on a patent held  
6 by 1<sup>st</sup> Technology (United States Patent 5,564,001, entitled, "Method and System  
7 for Interactively Transmitting Multimedia Information Over a Network which  
8 Requires a Reduced Bandwidth" (hereinafter the "'001 Patent")). Defendants  
9 are foreign companies headquartered in Costa Rica who have infringed on the  
10 '001 Patent in violation of 35 U.S.C. § 271 by, among other activities,  
11 implementing, and continuing to implement, the '001 Patent techniques by  
12 using software on Defendants' online gaming websites which is downloaded  
13 before use and periodically thereafter (usually at least once a year to  
14 incorporate software optimization updates). See affidavit of Scott Lewis ("**Lewis**  
15 **Affidavit**"), submitted herewith.

16 Each of the Defendants were properly served and failed to appear.  
17 Accordingly, the Nevada Court entered Default on February 26, 2007.  
18 Thereafter, 1<sup>st</sup> Technology moved for Default Judgment, and along with its  
19 application included a detailed calculation of damages, with supporting  
20 evidence, to its Application. The supporting evidence included, among other  
21 things, the approximate net worth of one of the principals who held significant  
22 interests in Defendants, traffic to the websites operated by Defendants (these  
23 websites reported 16 million customers worldwide in 2005 and 18 million  
24 customers worldwide in 2006), evidence of revenues generated by Defendants,  
25 and evidence of a license agreement entered into by 1<sup>st</sup> Technology with  
26 respect to the 001 Patent. The Nevada Court considered this evidence and  
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1 issued a Default Judgment against Defendants jointly and severally in the  
2 amount of \$46,597,849, which along with pre and post-judgment interest equals  
3 \$48,937,456.

4 Defendants have not appealed that Judgment, or moved to have it  
5 stayed. (See Lewis Decl.) Nor have Defendants satisfied the Judgment. (See  
6 Lewis Decl.) 1<sup>st</sup> Technology conducted searches for assets held by Defendants  
7 and came across numerous domain names registered through Washington-  
8 based registrars, eNom Inc. and its subsidiaries. (See Lewis Decl.) A partial list of  
9 these domain names is attached to the Declaration of Scott Lewis. (See Lewis  
10 Decl.)

### 11 III. Statement of Issues

12 Whether the Court should enter a Writ of Execution delivering to 1<sup>st</sup>  
13 Technology the Domain Names held by eNom (or any eNom affiliated entity)  
14 and any other domain names which are registered to Defendants or any of their  
15 affiliated entities.

### 16 IV. Evidence Relied Upon

17 The Motion relies on the Declaration of Scott Lewis submitted herewith.

### 18 V. Argument and Authority

19 Under Washington statutes, unless the judgment debtor files a bond in  
20 twice the amount of the judgment or otherwise obtains a stay, the judgment  
21 creditor may execute on all non-exempt property of the judgment debtor. See  
22 *Generally* RCW 6.17, et seq. Indeed, section 090 provides that "[a]ll property,  
23 real and personal, of the judgment debtor that is not exempted by law is liable  
24 to execution." See RCW 6.17.090. Section 160, which sets forth the manner of  
25 execution of various types of property, provides:

26 Other intangible personal property may be levied on by serving a copy of  
27 the writ on, or mailing it to, the judgment debtor in the manner as required

1 by RCW 6.17.130, together with a description of the property.

2 See RCW 6.17.090.

3 Given the expansive scope of property which is subject to execution  
4 (which includes "other intangible personal property") there is no reason why the  
5 Domain Names cannot be executed on in order to satisfy the Judgment in this  
6 case. Indeed, this would be in accord with decisions holding that domain  
7 names are a species of property which can be converted like any other  
8 property. See Kremen v. Cohen, 337 F.3d 1024, 1030 (9th Cir. 2003). In Kremen,  
9 the Ninth Circuit held that domain names "satisfy [all of the] criterion [for  
10 property]." A domain name "is a well-defined interest. Someone who registers a  
11 domain name decides where on the Internet those who invoke that particular  
12 name – whether by typing it into their web browsers, by following a hyperlink, or  
13 by other means – are sent." Equally important, "domain names are valued,  
14 bought and sold, often for millions of dollars . . . and they are now even subject  
15 to in rem jurisdiction . . ." Kremen v. Cohen, 337 F.3d 1024, 1030 (9th Cir. 2003).

16 In sum, given the expansive scope of property subject to execution, and  
17 the fact that domain names are viewed as a species of property, Washington  
18 statute allows execution of a judgment against a domain name which is  
19 registered to the judgment debtor.

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24 **VI. Conclusion**

25 1<sup>st</sup> Technology requests that the Court issue the attached Writ of  
26 Execution, ordering the Registrar for the Domain Names to (1) confirm whether  
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1 they are registered to Defendants (or any of their affiliated entities); (2) produce  
2 a list of any other domain names registered to Defendants (or any of their  
3 affiliated entities); and (3) with respect to any of the domain names which are  
4 registered any of the foregoing persons or entities, to make arrangements to  
5 transfer them to 1<sup>st</sup> Technology (and cooperate in their liquidation or other use in  
6 order to satisfy the Judgment in 1<sup>st</sup> Technology's favor).  
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8 Respectfully submitted, dated this 3<sup>rd</sup> of August, 2007.  
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11 **BALASUBRAMANI LAW**

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13 By: 

14 Venkat Balasubramani, WSBA # 28269  
15 Attorneys for Plaintiff  
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EXHIBIT A  
DOMAIN NAMES

bodog.com  
bodog.net  
bodog.co.uk  
bodogpoker.com  
bodogcasino.com  
bodogsportsbook.com  
bodogaffiliate.com  
bodogaffiliates.com  
bodognation.com  
bodogfight.com

bodog.org  
bodog.info  
bodog.mobi  
bodog.biz  
bodog.us  
bodog.co.uk  
bodog.tv  
bodog.cc  
bodog.eu  
bodog.nu  
bodog.ca  
bodog.name  
bodog.ac  
bodog.me.uk  
bodog.am  
bodog.ms  
bodog.at  
bodog.net.cn  
bodog.be  
bodog.nl  
bodog.bz  
bodog.cn  
bodog.org.cn  
bodog.org.nz  
bodog.co.nz

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bodog.com.cn  
bodog.org.uk  
bodog.com.mx  
bodog.com.tw  
bodog.de  
bodog.fm



bodog.tc  
bodog.in  
bodog.io  
bodog.it  
bodog.jp  
bodog.vg  
bodog.ws  
bodog.la  
bodogpoker.com  
bodogpoker.net  
bodogpoker.org  
bodogpoker.info  
bodogpoker.mobi  
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bodogpoker.us  
bodogpoker.co.uk  
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bodogcasino.za.com  
bodogsportsbook.com  
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**CERTIFICATE OF SERVICE**

I certify that I caused to be mailed a copy of the foregoing (1) **Plaintiff's Motion for Writ of Execution**; (2) **Declaration of Scott Lewis**; and (3) **Proposed Order to Defendants** at:

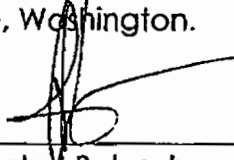
Oficentro Ejecutivo Sabana Sur, Edificio 7  
5 Piso San Jose  
San Jose, Costa Rica 01017  
(via DHL)

And to eNom at:

eNom, Incorporated  
15801 NE 24TH STREET  
Bellevue, WA 98008  
(via hand delivery)

on August 3, 2007.

I declare under penalty of perjury that the foregoing is true and correct.  
Executed on August 3<sup>rd</sup>, 2007, at Seattle, Washington.



\_\_\_\_\_  
Venkat Balasubramani (WSBA # 28269)  
Attorney for Plaintiff