

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION**

CURTIS J. NEELEY JR.,	§	
	§	
PLAINTIFF	§	
	§	
VS.	§	CIVIL ACTION NO. 09-5151
	§	
NAMEMEDIA, INC., NETWORK SOLUTIONS, INC., GOOGLE INC.	§	
	§	
	§	
DEFENDANT	§	

GOOGLE INC.'S CROSS MOTION FOR RECONSIDERATION

By its order of March 4, 2010, this Court correctly dismissed Mr. Neeley's copyright, invasion of privacy, and direct and contributory trademark claims against Google Inc. Although the Court's ruling disposed of Mr. Neeley's direct and contributory trademark claims, the Court has left intact a single claim against Google "insofar as Neeley alleges that Google conspired with the other defendants to infringe his trademark," based on Neeley's allegation that Google "conspired to cybersquat the Plaintiff's domains." Second Amended Complaint ¶3; Order at 13. Google respectfully asks that the Court reconsider this ruling. The tort of conspiracy to cybersquat does not exist, and the provisions of the Anticybersquatting Consumer Protection Act ("ACPA"), 15 U.S.C. § 1125(d) expressly limit liability to the actual cybersquatters.

For these reasons and those stated in the accompanying brief, Google respectfully requests that the Court reconsider its finding of a claim of "conspiracy to cybersquat," and dismiss that claim with prejudice.

Respectfully submitted,

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

I, Joshua R. Thane, hereby certify that on March 11, 2010, I electronically filed the foregoing GOOGLE INC.'S CROSS MOTION FOR RECONSIDERATION with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following list:

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and I hereby certify that I have mailed the document by the United States Postal Service to the following non-CM/ECF participants:

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