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September 2, 2011

BY ELECTRONIC FILING

Hon. Phyllis Hamilton
Oakland Courthouse
Courtroom 3 - 3rd Floor
1301 Clay Street
Oakland, CA 94612

Re: *Petronas v. GoDaddy*, 09-CV-5939 PJH

Dear Judge Hamilton,

We write regarding certain discovery disputes that have arisen in this cybersquatting and trademark case. The parties were able to resolve some discovery issues by meeting and conferring telephonically on August 8, 2011 and exchanging correspondence thereafter. For the remaining discovery disputes, the parties submit this joint letter based on your Honor's directions at the May 26, 2011 Case Management Conference at which the Court retained discovery (no referral) and directed that, "if there is a discovery dispute, counsel should submit a joint letter brief of dispute in a minimum amount of pages. The Courtroom Deputy will contact counsel when/if a phone conference will be held as to a discovery issue." (Doc. No. 91).

The parties' positions on the disputes are set forth below.

Go Daddy's Response to Petronas's Document Request No. 5 (Ex. A at 4:18-5:5)

Petronas's Position

Go Daddy should be compelled to comply with Petronas's Document Request No. 5 which seeks specific information related to the "thousands" of trademark infringement notices Go Daddy claims to receive each year regarding the domain name services at issue in this case. (Ex. A at 4:18-5:5). One of GoDaddy's defenses in this case is that it did not have a "bad faith intent to profit" from its refusal to stop providing its domain name services after receiving Petronas's notices of trademark infringement. The only reason Go Daddy has identified for its refusal to act on Petronas's trademark infringement notices is its allegation that it would be impossible for it investigate such notices because it receives thousands of them each year. Go Daddy, however, has refused to produce documents related to any trademark infringement

notices, except for the notices it received from Petronas and copies of its trademark dispute policies, much less the supposedly “thousands” of notices it receives from other trademark owners each year.

Go Daddy has repeatedly argued that the reason it does not investigate notices of trademark infringement regarding its domain name services—including the notices it received from Petronas that led to this case—is because it receives so many notices of trademark infringement that it would be impossible to investigate any of them. As Go Daddy’s counsel represented to this Court in a hearing on September 8, 2010, “Go Daddy is put on notice of trademark disputes, again, it happens thousands of times a year . . . and it would be impossible for it to sort through these trademark issues.” (Ex. B Transcript at 24:9-25). Similarly, at another hearing, Go Daddy’s counsel represented to this Court that “I am told that over 800 times a year it [Go Daddy] is put on notice of some sort of adversary proceeding of trademark infringement like the one we are talking about today . . . If the Go Daddys of the world, meaning registrar internet service providers were put in the position of policing these issue, it would have a very, very, very significant adverse impact on their ability to do business.” (Ex. C. Transcript at 9:21-10:1).

Petronas’s Document Request No. 5 is narrowly tailored to obtain only the documents that are “sufficient to show” relevant information (such as the nature of the trademark complaint, the date, Go Daddy’s response, etc.) and is expressly limited to complaints after January 1, 2008. (Ex. A at 4:19-26).¹ Go Daddy’s response contains only boilerplate objections and offers no justification for Go Daddy’s decision to limit its response to documents “relating to disputes involving the PETRONAS trademark that can be located after a reasonable search, as well as documents sufficient to show the trademark policy and standard operating procedure of Go Daddy.” (Ex. A at 4:27-5:3).

GoDaddy’s arguments below also fail. First, although 15 U.S.C. § 1125(d) refers to a bad faith intent to profit *from a mark*, GoDaddy bases its “safe-harbor” defense on 15 U.S.C. § 1114(D)(iii) which refers to a “bad faith intent to profit *from [the] registration or maintenance of the domain name*.” Second, and as GoDaddy acknowledges below, Petronas’s complaint alleges that GoDaddy had a bad faith intent to profit from refusing to investigate Petronas’s trademark infringement notices because it intended to set a general “precedent” sparing Go Daddy the cost of investigating others’ complaints. FAC at 71-74. Because the cost of investigating other trademark infringement complaints is relevant to Petronas’s claims in this case, Go Daddy should be compelled to produce all of the documents requested by Petronas’s Document Request No. 5.

Go Daddy’s Position

This is Petronas’ second attempt at demanding production of Go Daddy documents related to complaints by *other* trademark owners. The Court struck Petronas’ first attempt -- Document Request No. 4 -- at the May 26, 2011 Case Management Conference. These documents sought by Petronas are not relevant to any of the claims or defenses in the First Amended Complaint, the demand is overly broad and unduly burdensome, and thus the Court should strike the demand

¹ In fact, Petronas drafted Document Request No. 5 to incorporate the exact limitations the Court recommended at the May 26, 2011 Case Management Conference including, among other things, limiting it to a very short time frame, requesting only “documents sufficient to show” as opposed to “all documents,” and precisely identifying the categories of information sought.

once again. As Go Daddy explained in an e-mail message to Petronas' counsel dated July 6, 2011:

1. The statute on which plaintiff is relying, 15 USC § 1125(d), requires a showing that Go Daddy acted with bad faith intent to profit *from Petronas' trademark*. It does not speak to Go Daddy's general intent or Go Daddy's intent with respect to others' trademarks.
2. The First Amended Complaint does not allege that the two disputed domain names were treated differently than others registered with Go Daddy; rather, it alleges that complaints about the disputed domain names were treated in the same manner as others, that this treatment is "crucial," "central," and/or "core" to [Go Daddy's] business," and that continuing such treatment with the disputed domain names would set a general "precedent" sparing Go Daddy the cost of investigating others' complaints. FAC at 71-74. Go Daddy is already in the process of providing documents and information concerning the disputed domain names. Go Daddy will also make available a 30(b)(6) witness, as appropriate, to discuss the company's trademark policy and how/whether the domain names were treated within it. If it turns out that Go Daddy somehow deviated from its standard policy when responding to plaintiff's complaints – which by all indications it did not – only then would it make sense to benchmark Go Daddy's response against its actions in other, illustrative situations.

Indeed, the statute on which Petronas is basing its claims could not be more clear: "A person shall be liable in a civil action by the owner of a mark ... if, without regard to the goods or services of the parties, that person ... has a bad faith intent to profit *from that mark* ..." 15 U.S.C. § 1125(d) (emphasis added). It does not contemplate Go Daddy's intent with respect to *other* trademarks. *Solid Host, NL v. Namecheap, Inc.*, 652 F.Supp.2d 1092, 1110 (C.D. Cal. 2009) ("The bad faith required to support a cybersquatting claim is not general bad faith, but 'a bad faith intent to profit *from the mark*'") (emphasis in original)²; *see also, Tiffany (NJ) Inc. v. eBay Inc.*, 600 F.3d 93, 107 (2d Cir. 2010) (no liability for contributory trademark infringement where eBay's generalized knowledge of infringement of on its website was insufficient to impose upon eBay an affirmative duty to remedy a specific problem).

Go Daddy has over 40 million domain names under its supervision. In connection with its defense of this lawsuit the company has searched nearly 90 million e-mails, and to date it has produced to Petronas approximately 2400 pages of documents. The documents relate to the two disputed domain names and to Go Daddy's general policies and procedures for responding to incoming trademark complaints. Go Daddy's July 6 offer to make available a 30(b)(6) witness to discuss general policies and procedures, the volume of incoming trademark complaints as well as the specific handling of the two disputed domain names still stands. There is no basis, however, for compelling Go Daddy to gather, review and produce responses to *other* trademark complaints, particularly where, as here, Go Daddy receives nearly a thousand such complaints a year, the documents do not bear on the specific issues in this dispute, the documents are confidential, and

² The statutory language is equally clear with respect to the registrar's safe harbor (15 U.S.C. § 1114(D)(iii)), which likewise refers to bad faith intent to profit from "*the domain name*" (emphasis added).

the number of documents is substantial. Accordingly, the objections to Document Request No. 5 are well founded and should be sustained.

Go Daddy's Responses to Petronas's Interrogatory Nos. 2, 3, 4, 5, 6, and 8 (Ex. D. at 5:23-11:11-17)

Petronas's Position

Petronas seeks an order compelling Go Daddy to provide complete responses to Petronas's Interrogatory Nos. 2, 3, 4, 5, 6, and 8, which seek information about the existence and description of documents containing information potentially relevant to this case. (Ex. D. at 5:23-11:11-17). In particular, Interrogatory Nos. 2, 3, 4, 5, and 6 are directed to the documents Go Daddy identified in its Fed. R. Civ. P. 26(a)(1)(A)(ii) initial disclosures as documents it "may use to support its claims or defenses." (Ex. E at 3:24-4:5). Interrogatory No. 8 is directed to documents related to the notices of trademark infringement Go Daddy claims to have received (discussed above). Petronas sought this information in order to narrowly tailor its document requests to relevant documents and to avoid the production of numerous, irrelevant documents by Go Daddy. The information requested by Petronas's interrogatories is specifically identified as discoverable in Fed R. Civ. P. 26(b)(1), which provides that "parties may seek discovery regarding any nonprivileged matter that is relevant to a party's claim or defense, including *the existence, description, nature, custody, condition and location of any documents or other tangible things . . .*" (emphasis added).

Go Daddy refused to provide any response to Interrogatory Nos. 4, 5, and 8 and instead interposed boilerplate, unsupported objections. For the others (Nos. 2, 3, and 6), Go Daddy stated only that documents "exist in electronic form on Go Daddy's servers," which is tantamount to providing no answer at all. As such, Petronas requests that Go Daddy be compelled to provide complete responses to Interrogatory Nos. 2, 3, 4, 5, 6, and 8.

Go Daddy's Position

It remains unclear what additional information Petronas could be seeking with respect to Go Daddy's documents and on what basis it is entitled to any further information. As set forth above, Go Daddy has produced approximately 2400 pages of relevant documents to Petronas. Go Daddy is not withholding other responsive documents, nor has it delivered unnecessary or irrelevant documents. Moreover, at Petronas' request, on June 29, 2011 Go Daddy provided Supplemental Initial Disclosures with identification of witnesses and descriptions by category and location of the documents it may use to support its defenses. Exhibit F.

In many instances, Go Daddy has not waited for an appropriate document request from Petronas, and has simply provided documents on topics related to the two disputed domain names, agreements relevant to the two disputed domain names, registration and forwarding services generally, among others. Many of the interrogatories request information about documents that are outrageously overbroad and unrelated to this action (such as documents related to registration of websites generally and all customer accounts (Interrogatory No. 3), or documents regarding Go Daddy's website generally and domain name registration process in general (Interrogatory No. 5)).

Setting aside the clearly overbroad categories of documents, all that is left here is tantamount to a request for Go Daddy to describe the documents it has already produced to Petronas; this request is well beyond what is required in the Federal Rules.

Go Daddy has produced documents that address each of the relevant and proper subjects identified in the interrogatories, and those documents speak for themselves. In particular, for Interrogatory No. 2 – regarding the registration and hosting of the two disputed domain names – Go Daddy has responded that, as Petronas was aware, Go Daddy did not provide hosting services for the domain names, and Go Daddy produced all account information available on its servers regarding registration of the two domain names. For Interrogatory No. 4 – regarding contracts and agreements – Go Daddy has produced all contracts and agreements related to the disputed domain names. For Interrogatory No. 6 – regarding communications between plaintiff’s counsel and Go Daddy – Go Daddy has searched its entire universe of nearly 90 million emails, and has produced all such communications. For Interrogatory No. 7 – regarding Go Daddy’s intent with respect to the disputed domain names – Go Daddy responded that its intent was to provide (and it did provide) registrar services with respect to the domain names. The documents already provided to Petronas demonstrate that Go Daddy provided such registrar services, and only such registrar services. Even for the overbroad requests referenced above (Interrogatory Nos. 3 and 5), Go Daddy has produced documents in these categories as they relate to the disputed domain names, as well as documents from its website that explain or assist with domain name registration, routing, and forwarding

Interrogatory No. 8 seeks details concerning third-party trademark complaints submitted to Go Daddy. Go Daddy’s objections to this demand are discussed in detail above.

Under these circumstances, there is no basis to compel further responses from Go Daddy to these Interrogatories.

Petronas’ Document Collection in Response to Go Daddy’s Discovery Demands

Go Daddy’s Position

Petronas’ document production begs serious questions about the thoroughness and sufficiency of its collection efforts. Go Daddy respectfully requests that the Court direct Petronas to produce all responsive documents, including e-mails and other electronic documents, no later than September 8, 2011, which is one week before the scheduled 30(b)(6) deposition of Petronas in Palo Alto.

According to published reports, Petronas is a Fortune 500 company with nearly 40,000 employees. Its website boasts that Petronas is a leader in harnessing technology to advance its business. In this lawsuit Go Daddy has served on Petronas a number of document demands (copies of which are attached as Exhibit G (June 17, 2011 N.D.C.A.) and Exhibit H (November 23, 2010 (U.S.P.T.O. Trademark Trial and Appeal Board)). These 31 document demands address Petronas’ U.S. sale of a wide variety of goods and services under the PETRONAS trademark (in connection with Go Daddy’s counterclaim for cancellation of

Petronas' trademark registration), Petronas' trademark generally, the two disputed domain names, Petronas' trademark policing efforts and Petronas' claim of damages, among other topics.


Curiously, Petronas has failed to produce a single e-mail document in response. At the same time, a disproportionate number of the documents actually produced by Petronas suggest that they were merely generated by or came from the files of not Petronas, but its outside counsel: e.g., a print-out of the Lanham Act from LEXIS, the Standing Order for All Judges of the N.D. Cal. re Joint Case Management Statements, court papers from federal court actions involving other parties, print-outs from Go Daddy's website, print-outs from third-party websites and correspondence from Petronas' counsel. It seems implausible that a large, international business such as Petronas would not have *any* e-mails or other electronic documents related to claims or defenses in a lawsuit based on the PETRONAS brand. If such documents do exist, then they must be provided to Go Daddy right away, given that the 30(b)(6) deposition of Petronas is scheduled to proceed on September 15.

Petronas' Position

Petronas's document production is ongoing and Petronas does not anticipate that it will interfere with any upcoming depositions. With respect to emails, Petronas has searched for and located responsive emails. Because they are privileged, Petronas is producing a privilege log as required by the relevant rules and despite GoDaddy's failure to do the same.

Respectfully submitted,

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Attorneys for Defendant
GODADDY.COM, INC.

EXHIBIT A

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13 Attorneys for Defendant
14 GODADDY.COM, INC.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 PETROLIAM NASIONAL BERHAD,) CASE NO: 09-CV-5939 PJH
14)
15 Plaintiff,)
16 vs.) **DEFENDANT'S RESPONSES TO**
17 GODADDY.COM, INC.,) **PLAINTIFF'S SECOND SET OF**
18 Defendant.) **DOCUMENT REQUESTS**
19)

20 Pursuant to Federal Rule of Civil Procedure 34, Defendant GoDaddy.com, Inc. ("Go
21 Daddy"), by and through its undersigned counsel, hereby responds to the Second Set of
22 Document Requests ("Requests") by Plaintiff Petroliam Nasional Berhad ("Plaintiff" or
23 "Petroliam") as follows:

24 **GENERAL OBJECTIONS**

25 Go Daddy makes the following General Objections in response to each Request, whether
26 or not separately set forth in response thereto:

27 **GENERAL OBJECTION NO. 1:**

28 Go Daddy objects to the Requests, and to each and every individual request, to the extent

1 they seek information protected by the attorney-client privilege, work product doctrine, and/or any
2 other applicable privilege or protection. Without prejudice to this objection, Go Daddy will
3 provide responses to the Requests to the extent that such responses do not waive such privileges or
4 protections.

5 **GENERAL OBJECTION NO. 2:**

6 Go Daddy has not completed its investigation in this matter. All responses to the Requests
7 are based upon the information presently known to Go Daddy and are given without prejudice to
8 Go Daddy's right to adduce evidence discovered or analyzed subsequent to the date of these
9 responses. Go Daddy expressly reserves the right to revise and supplement its responses to the
10 Requests in the event that its continuing investigation of the facts and/or discovery bring to light
11 any additional information responsive to the Requests.

12 **GENERAL OBJECTION NO. 3:**

13 Go Daddy objects to the Requests, and to each and every individual request, to the extent
14 they seek information outside of Go Daddy's possession, custody, or control, on the grounds that
15 any such request is overbroad and unduly burdensome, seeks to impose discovery obligations in
16 excess of those imposed by the Federal Rules of Civil Procedure, and would subject Go Daddy to
17 unreasonable annoyance, burden, and expense.

18 **GENERAL OBJECTION NO. 4:**

19 Go Daddy objects to the Requests, and to each and every individual request, as unduly
20 burdensome, oppressive and in violation of the Federal Rules of Civil Procedure to the extent they
21 purport to require Go Daddy to respond on behalf of, or conduct any inquiry or investigation with
22 respect to, any party other than Go Daddy. Go Daddy will only answer the request on its own
23 behalf.

24 **GENERAL OBJECTION NO. 5:**

25 Go Daddy objects to the Requests to the extent that they seek information that is neither
26 relevant, admissible, nor reasonably calculated to lead to the discovery of admissible evidence,
27 and to the extent that they require Go Daddy to make legal conclusions.

1 **GENERAL OBJECTION NO. 6:**

2 Go Daddy objects to the Requests, to each and every individual request, and the
3 “definitions” contained in the Requests to the extent they are not consistent with or do not meet
4 the requirements of Federal Rule of Civil Procedure 34. Go Daddy’s agreement to endeavor to
5 answer the Requests, and each and every individual request, is not, and should not be construed as,
6 Go Daddy’s waiver of its right to object to these or any other requests as violative of the Federal
7 Rules of Civil Procedure.

8 **GENERAL OBJECTION NO. 7:**

9 Go Daddy objects to the Requests, and to each and every individual request, to the extent
10 they seek information related to experts. Go Daddy will provide information related to experts
11 consistent with the Court’s schedule for expert discovery.

12 **GENERAL OBJECTION NO. 8:**

13 Go Daddy objects to the Requests, and to each and every individual request, to the extent
14 they seek trade secret information or information that is commercially sensitive. Go Daddy can
15 only disclose such information pursuant to the protective order entered in this action.

16 **GENERAL OBJECTION NO. 9:**

17 Go Daddy specifically reserves all objections as to the competence, relevancy, materiality,
18 and admissibility of its documents and interrogatory responses or the subject matter thereof, and
19 all rights to object on any ground to the use of any document or interrogatory response, or the
20 subject matter thereof, in any subsequent proceeding, including without limitation the trial of this
21 or any action. Go Daddy’s Responses are made expressly subject to, and without in any manner
22 waiving, any and all objections to the competency, relevance, materiality and/or admissibility of
23 any of the matters encompassed in the following Responses.

24 **GENERAL OBJECTION NO. 10:**

25 Go Daddy objects to the Requests, and to each and every individual request contained
26 therein, to the extent that they call for the production of “all documents” where compliance with
27 such request would be unduly burdensome.

1 Go Daddy expressly incorporates the above General Objections as though set forth fully in
2 response to each of the following individual requests, and, to the extent they are not raised in any
3 particular response, Go Daddy does not waive those objections. An answer to a request shall not
4 be deemed a waiver of any applicable specific or general objection to a request. Likewise, an
5 answer to a request shall not be deemed an admission of any assertions contained in that request.

6 RESPONSES

7 REQUEST NO. 5:

8 With respect to the “notice of trademark disputes,” and the “notice of some sort of
9 adversary proceeding involving allegations of trademark infringement” to which counsel for
10 GoDaddy referred at the hearings in this case on December 23, 2009 and September 9, 2010 and
11 that occurred after January 1, 2008, please produce documents sufficient to show (1) the party
12 putting GoDaddy on notice, (2) the nature of the trademark infringement that was the subject of
13 the notice and the parties involved, (3) the date on which GoDaddy received the notice, (3)
14 GoDaddy’s response, (4) communications regarding the notice, the trademark dispute, the
15 allegations of trademark infringement, or the adversary proceeding, (5) the outcome of, or
16 subsequent actions related to, the notice, the trademark dispute, the allegations of trademark
17 infringement, or the adversary proceeding, and (6) persons with knowledge of the forgoing.

18 RESPONSE TO REQUEST NO. 5:

19 Go Daddy objects to this request on the ground that it is irrelevant and not reasonably
20 calculated to lead to the discovery of admissible evidence. Go Daddy further objects to this
21 request to the extent it calls for documents that are protected from disclosure by the attorney-
22 client privilege or work product doctrine and to the extent it calls for legal conclusions. Go
23 Daddy also objects to this request on the grounds that it seeks to impose discovery obligations in
24 excess of those imposed by the Federal Rules of Civil Procedure, would subject Go Daddy to
25 undue and unreasonable burden and expense, is vague and ambiguous, and assumes facts not in
26 evidence.

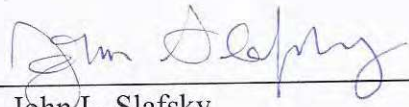
27 Subject to and without waiving the specific objections or the General Objections above,
28 Go Daddy will produce all non-privileged documents in its possession, custody, or control

1 relating to disputes involving the PETRONAS trademark that can be located after a reasonable
2 search, as well as documents sufficient to show the trademark policy and standard operating
3 procedure of Go Daddy during the time period of 2007 (when the domain name registrant
4 transferred the disputed domain names to Go Daddy from another registrar) to 2010 (when the
5 First Amended Complaint in this case was filed).

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Dated: July 27, 2011

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: 
John L. Slafsky
David H. Kramer
Hollis Beth Hire

1 CERTIFICATE OF SERVICE

2

3 I, Elvira Minjarez, declare:

4 I am employed in Santa Clara County. I am over the age of 18 years and not a party to
5 the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill
6 Road, Palo Alto, California 94304-1050. On this date, I caused to be served:

7 **DEFENDANT'S RESPONSES TO PLAINTIFF'S SECOND SET OF**
8 **DOCUMENT REQUESTS**

9 on each person listed below, by placing the document(s) described above in an envelope
10 addressed as indicated below, which I sealed. I placed the envelope(s) for collection and mailing
11 with the United States Postal Service on this day, following ordinary business practices at
12 Wilson Sonsini Goodrich & Rosati.

13 Perry R. Clark
14 Law Offices of Perry R. Clark
15 825 San Antonio Road
16 Palo Alto, CA 94303

17 I declare under penalty of perjury under the laws of the State of California that the
18 foregoing is true and correct. Executed at Palo Alto, California on July 27, 2011.

19 
20 Elvira Minjarez

EXHIBIT B

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE PHYLLIS J. HAMILTON, JUDGE

PETROLIUM NASIONAL BERHAD,)	
)	
)	
PLAINTIFF,	)	NO. C-09-5939 PJH
)	
VS.	)	WEDNESDAY, SEPTEMBER 8, 2010
)	
GODADDY.COM, INC.	)	OAKLAND, CALIFORNIA
)	
DEFENDANT.)	
_____)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

FOR PLAINTIFF: LAW OFFICE OF PERRY R. CLARK
3457 COWPER STREET
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FOR DEFENDANT: WILSON, SONSINI GOODRICH & ROS
650 PAGE MILL ROAD
PALO ALTO, CALIFORNIA 94304
BY: JOHN L. SLAFSKY, ESQUIRE
HOLLIS BETH HIRE, ESQUIRE

REPORTED BY: DIANE E. SKILLMAN, CSR 4909, RPR, FCRR
OFFICIAL COURT REPORTER

1 INDICATES THAT HIS CLIENT FILLED OUT ALL THE FORMS NECESSARY
2 AND GODADDY DECIDED THAT IT WASN'T GOING TO INVESTIGATE OR TAKE
3 ANY ACTION WITH REGARD TO THEIR CLAIM.

4 **MR. SLAFSKY:** SURE. AND STEPPING BACK ONE SECOND.
5 SO THE STANDARD CONTRACT THAT GODADDY HAS WITH ITS CUSTOMERS,
6 ITS REGISTRANTS INCLUDES REPRESENTATIONS AND WARRANTIES BY THE
7 CUSTOMER THAT THEY WILL NOT USE THE DOMAIN NAME FOR INFRINGING
8 OR ILLEGAL PURPOSES. THAT'S THE STARTING POINT.

9 WHEN GODADDY IS PUT ON NOTICE OF TRADEMARK DISPUTES,
10 AGAIN, IT HAPPENS THOUSANDS OF TIMES A YEAR AND IT MAKES A FORM
11 AVAILABLE FOR TRADEMARK OWNERS TO CALL THESE ISSUE TO ITS
12 ATTENTION. IT WILL LOCK THE DOMAIN NAME UP SO THAT THE
13 REGISTRANT CANNOT THEN TRANSFER IT TO A THIRD PARTY AND EVADE
14 DUE PROCESS, FOR EXAMPLE, AND IT WILL COMMUNICATE PROMPTLY TO
15 THE TRADEMARK OWNER, AS IT DID IN THIS CASE, THAT THERE ARE
16 VARIOUS OPTIONS AVAILABLE TO THE TRADEMARK OWNER. THE
17 TRADEMARK OWNER CAN BRING A UDRP PROCEEDING, THAT'S TYPICALLY
18 WHAT HAPPENS. THE TRADEMARK OWNER CAN FILE A LAWSUIT IN COURT
19 AGAINST THE REGISTRANT, THE INFRINGER. THAT'S PROBABLY THE
20 SECOND SCENARIO, AND GODADDY COMMUNICATES TO TRADEMARK OWNERS
21 THAT FOR REASONS WE HAVE ALLUDED TO EARLIER, IT CANNOT BE JUDGE
22 OR JURY IN THIS TYPE OF DISPUTE. IT'S A MULTIFACETED
23 FACT-INTENSIVE ANALYSIS INVOLVING INTERNATIONAL LAW, IN MANY
24 CASES, AND IT WOULD BE IMPOSSIBLE FOR IT TO SORT THROUGH THESE
25 TRADEMARK MESSES.

EXHIBIT C

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE PHYLLIS J. HAMILTON, JUDGE

PETROLIAM NASIONAL BERHAD,)	
)	
)	
PLAINTIFF,	)	NO. C-09-5939 PJH
)	
VS.	)	WEDNESDAY, DECEMBER 23, 2009
)	
GO DADDY.COM,)	OAKLAND, CALIFORNIA
)	
DEFENDANT.)	
_____)	

REPORTER'S TRANSCRIPT OF PROCEEDINGS

APPEARANCES:

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BY: PERRY R. CLARK, ESQUIRE

FOR DEFENDANT: WILSON, SONSINI, GOODRICH & RO
GOODRICH & ROSATI
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BY: JOHN L. SLAFSKY, ESQUIRE
HOLLIS BETH HIRE, ESQUIRE
DAVID KRAMER, ESQUIRE

REPORTED BY: DIANE E. SKILLMAN, CSR 4909, RPR, FCRR
OFFICIAL COURT REPORTER

1 AND I DON'T KNOW WHAT THE TERMINOLOGY DE-REGISTERED CERTAIN
2 DOMAIN NAMES BECAUSE OF ALLEGATIONS OF INFRINGEMENT?

3 **MR. SLAFSKY:** LET ME SEE IF I CAN SUMMARIZE FOR THE
4 COURT, YOUR HONOR.

5 GO DADDY HAS OVER 37 MILLION DOMAIN NAMES UNDER ITS
6 MANAGEMENT. AND I AM TOLD THAT OVER 800 TIMES A YEAR, IT IS
7 PUT ON NOTICE OF SOME SORT OF ADVERSARY PROCEEDING INVOLVING
8 ALLEGATIONS OF TRADEMARK INFRINGEMENT LIKE THE ONES WE ARE
9 TALKING ABOUT TODAY.

10 ITS POLICY, AS A GENERAL MATTER, WHICH REFLECTS THE
11 VERY WELL-ESTABLISHED LAW IN THIS AREA, IS THAT IT DOES NOT
12 WANT TO BE JUDGE OR JURY, IT'S NOT CAPABLE OF BEING JUDGE OR
13 JURY TO ASSESS TRADEMARK INFRINGEMENT CLAIMS. IT STAYS OUT OF
14 THEM.

15 IT DOES HAVE AN ABUSE POLICY FOR THE MOST EGREGIOUS,
16 EXCEPTIONAL SITUATIONS INVOLVING SPAM AND CHILD PORNOGRAPHY,
17 AND THINGS LIKE THAT, WHERE IN EXCEPTIONAL SITUATIONS IT WILL
18 TAKE ACTION, BUT IT TRIES TO BE AS CONSISTENT AS POSSIBLE TO
19 AVOID GETTING INVOLVED IN THE MANNER THAT PLAINTIFF IS SEEKING
20 GO DADDY TO GET INVOLVED TODAY.

21 THAT POLICY MAKES SENSE AS A BUSINESS MATTER. IT
22 MAKES SENSE AS A MATTER OF PUBLIC POLICY. IF THE GO DADDY'S OF
23 THE WORLD DEMEANING REGISTRAR INTERNET SERVICE PROVIDERS WERE
24 PUT IN THE POSITION OF POLICING THESE ISSUES, IT WOULD HAVE A
25 VERY, VERY, VERY SIGNIFICANT ADVERSE IMPACT ON THEIR ABILITY TO

1 DO BUSINESS.

2 **THE COURT:** BUT --

3 **MR. SLAFSKY:** I WANT TO POINT OUT, YOUR HONOR, FIRST
4 OF ALL, I THINK COUNSEL HAS MISCHARACTERIZED THE LOCKHEED
5 DECISION, AND I WOULD RESPECTFULLY REQUEST --

6 **THE COURT:** BEFORE WE GET TO THAT, I WANT TO HAVE A
7 CLEAR UNDERSTANDING OF THE PROCESS.

8 COUNSEL HAS REFERRED TO THE FACT THAT HIS CLIENT
9 FOLLOWED THE PROCEDURE. CAN YOU DESCRIBE WHAT THE PROCEDURE IS
10 IN ABUSE SITUATIONS WHICH I ASSUME IS WHAT WE HAVE HERE. YOUR
11 CLIENT -- AND WHAT IS YOUR CLIENT'S RESPONSE TO THOSE
12 PROCEDURES?

13 **MR. SLAFSKY:** SO VERY GENERALLY SPEAKING, THE CLIENT
14 HAS A PROCEDURE WHERE IT PUBLICIZES AN E-MAIL ADDRESS AND PHONE
15 NUMBER FOR PEOPLE TO CALL ATTENTION TO PROBLEMS, AN ABUSE
16 DEPARTMENT. THERE IS A TEAM OF PEOPLE WHO WORK AT THE COMPANY
17 WHO REVIEW INCOMING COMPLAINTS.

18 THEY CATEGORIZE THESE COMPLAINTS INTO DIFFERENT
19 CATEGORIES. THIS TYPE OF DISPUTE FALLS INTO, FRANKLY, A FAIRLY
20 COMMON CATEGORY OF A TRADEMARK DISPUTE, AND GO DADDY'S POLICY
21 IN THIS TYPE OF CASE IS TO NOTIFY THE TRADEMARK OWNER THAT IT
22 OR HE OR SHE SHOULD BE PURSUING THE BAD ACTOR, WHICH IN THIS
23 CASE IS THE DOMAIN NAME OWNER. UNDER THE LAW IN THE UNITED
24 STATES, THE TRADEMARK OWNER CAN SUE THE DOMAIN NAME REGISTRANT
25 OR IF IT IS HAVING A DIFFICULT TIME TRACKING THAT PERSON DOWN

EXHIBIT D

1 JOHN L. SLAFSKY, State Bar No. 195513
DAVID H. KRAMER, State Bar No. 168452
2 HOLLIS BETH HIRE, State Bar No. 203651
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hhire@wsgr.com
7

8 Attorneys for Defendant
GODADDY.COM, INC.
9

10 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

12	PETROLIAM NASIONAL BERHAD,	)	CASE NO: 09-CV-5939 PJH
)	
13	Plaintiff,)	
		)	DEFENDANT GODADDY.COM'S
14	vs.	)	RESPONSES TO
		)	PLAINTIFF PETROLIAM
15	GODADDY.COM, INC.,	)	NASIONAL BERHAD'S FIRST SET
		)	OF INTERROGATORIES
16	Defendant.)	
)	

17
18 Pursuant to Federal Rule of Civil Procedure 33, Defendant GoDaddy.com, Inc. ("Go
19 Daddy"), by and through its undersigned counsel, hereby responds to the First Set of
20 Interrogatories ("Requests") by Plaintiff Petroliam Nasional Berhad ("Plaintiff" or "Petroliam") as
21 follows:

22 **GENERAL OBJECTIONS**

23 Go Daddy makes the following General Objections in response to each Request, whether
24 or not separately set forth in response thereto:

1 **GENERAL OBJECTION NO. 1:**

2 Go Daddy objects to the Requests, and to each and every individual request, to the extent
3 they seek information protected by the attorney-client privilege, work product doctrine, and/or any
4 other applicable privilege or protection. Without prejudice to this objection, Go Daddy will
5 provide responses to the Requests to the extent that such responses do not waive such privileges or
6 protections.

6 **GENERAL OBJECTION NO. 2:**

7 Go Daddy has not completed its investigation in this matter. All responses to the Requests
8 are based upon the information presently known to Go Daddy and are given without prejudice to
9 Go Daddy's right to adduce evidence discovered or analyzed subsequent to the date of these
10 responses. Go Daddy expressly reserves the right to revise and supplement its responses to the
11 Requests in the event that its continuing investigation of the facts and/or discovery bring to light
12 any additional information responsive to the Requests.

12 **GENERAL OBJECTION NO. 3:**

13 Go Daddy objects to the Requests, and to each and every individual request, to the extent
14 they seek information outside of Go Daddy's possession, custody, or control, on the grounds that
15 any such request is overbroad and unduly burdensome, seeks to impose discovery obligations in
16 excess of those imposed by the Federal Rules of Civil Procedure, and would subject Go Daddy to
17 unreasonable annoyance, burden, and expense.

17 **GENERAL OBJECTION NO. 4:**

18 Go Daddy objects to the Requests, and to each and every individual request, as unduly
19 burdensome, oppressive and in violation of the Federal Rules of Civil Procedure to the extent they
20 purport to require Go Daddy to respond on behalf of, or conduct any inquiry or investigation with
21 respect to, any party other than Go Daddy. Go Daddy will only answer the request on its own
22 behalf.

22 **GENERAL OBJECTION NO. 5:**

23 Go Daddy objects to the Requests to the extent that they seek information that is neither
24

1 relevant, admissible, nor reasonably calculated to lead to the discovery of admissible evidence,
2 and to the extent that they require Go Daddy to make legal conclusions.

3 **GENERAL OBJECTION NO. 6:**

4 Go Daddy objects to the Requests, and to each and every individual request, as overbroad
5 and unduly burdensome to the extent they do not include a limitation or proposed definition of a
6 relevant time period.

7 **GENERAL OBJECTION NO. 7:**

8 Go Daddy objects to the Requests, to each and every individual request, and the
9 “definitions” contained in the Requests to the extent they are not consistent with or do not meet
10 the requirements of Federal Rules of Civil Procedure. Go Daddy’s agreement to endeavor to
11 answer the Requests, and each and every individual request, is not, and should not be construed as,
12 Go Daddy’s waiver of its right to object to these or any other requests as violative of the Federal
13 Rules of Civil Procedure.

14 **GENERAL OBJECTION NO. 8:**

15 Go Daddy objects to the Requests, and to each and every individual request contained
16 therein, to the extent they seek information related to experts. Go Daddy will provide information
17 related to experts consistent with the Court’s schedule for expert discovery.

18 **GENERAL OBJECTION NO. 9:**

19 Go Daddy objects to the Requests, and to each and every individual request, to the extent
20 they seek trade secret information or information that is commercially sensitive. Go Daddy can
21 only disclose such information after the execution and entry of an appropriate protective order.

22 **GENERAL OBJECTION NO. 10:**

23 Go Daddy specifically reserves all objections as to the competence, relevancy, materiality,
24 and admissibility of its documents and interrogatory responses or the subject matter thereof, and
all rights to object on any ground to the use of any document or interrogatory response, or the
subject matter thereof, in any subsequent proceeding, including without limitation the trial of this
or any action. Go Daddy’s Responses are made expressly subject to, and without in any manner

1 waiving, any and all objections to the competency, relevance, materiality and/or admissibility of
2 any of the matters encompassed in the following Responses.

3 Go Daddy expressly incorporates the above General Objections as though set forth fully in
4 response to each of the following individual requests, and, to the extent they are not raised in any
5 particular response, Go Daddy does not waive those objections. An answer to an interrogatory
6 shall not be deemed a waiver of any applicable specific or general objection. Likewise, an answer
7 to an interrogatory shall not be deemed an admission of any assertions contained in that
8 interrogatory.

8 RESPONSES

9 INTERROGATORY NO. 1:

10 Please describe what Go Daddy did or does with regard to the domain names
11 "petronastower.net" and "petronastowers.net," including what forwarding and "routing" are and
12 whether either or both can be considered part of domain name services generally or other services
13 offered by Go Daddy or both, and, if so, why. Please include complete information regarding the
14 existence, description, nature, custody, condition, and location of any documents regarding the
15 foregoing matter. Please also include complete information regarding the identity of persons with
16 knowledge of the foregoing matter and the nature of their knowledge and the nature of their
17 knowledge.

17 RESPONSE TO INTERROGATORY NO. 1:

18 Go Daddy objects to this interrogatory on the grounds that it is cumulative, it calls for legal
19 conclusions, and is vague, ambiguous, and unintelligible. Go Daddy further objects to this
20 interrogatory to the extent it calls for information that is protected from disclosure by the attorney-
21 client privilege or work product doctrine. Go Daddy also objects to this interrogatory to the extent
22 it calls for the disclosure of trade secrets or commercially sensitive information. Go Daddy can
23 only disclose such information after the execution and entry of an appropriate protective order.
24 Go Daddy also objects that its investigation is ongoing, and this response (as with all responses) is
based upon the information presently known to Go Daddy and is given without prejudice to Go

1 Daddy's right to adduce evidence discovered or analyzed subsequent to the date of this response.
2 Go Daddy expressly reserves the right to revise and supplement its response to this interrogatory
3 in the event that its continuing investigation of the facts and/or discovery bring to light any
4 additional information responsive to the interrogatory.

5 Subject to and without waiving the specific objections or the General Objections above,
6 Go Daddy responds as follows:

7 Go Daddy has served as the registrar for the domain names "petronastower.net" and
8 "petronastowers.net" from April 1, 2007 to the present. As part of its registrar services, Go Daddy
9 provided routing services, pointing to the name servers or website of the registrant's choosing. At
10 times, Go Daddy routed or "forwarded" the domain names to a pre-existing website, at the
11 automated request of the domain name registrant. Documents related to the account information
12 for the registrant of the "petronastower.net" and "petronastowers.net" domain names exist in
13 electronic form on Go Daddy's servers. Upon the entry of an appropriate protective order, Go
14 Daddy will produce documents related to the "petronastower.net" and "petronastowers.net"
15 domain names. Go Daddy's investigation into the person or persons most knowledgeable about
16 the services Go Daddy provided related to the domain names "petronastower.net" and
17 "petronastowers.net" is ongoing; information regarding persons most knowledgeable about the
18 subjects related to this case is included in Go Daddy's Supplemental Initial Disclosures, served
19 June 29, 2011.

20 **INTERROGATORY NO. 2:**

21 Please provide a statement detailing the existence, description, nature, custody, condition,
22 and location of any documents or tangible things relating to the registration and hosting of
23 "petronastower.net" and "petronastowers.net." In addition, for persons with knowledge of the
24 foregoing matter, please state their identity, location, and the nature of their knowledge.

RESPONSE TO INTERROGATORY NO. 2:

Go Daddy objects to this interrogatory on the grounds that it is cumulative, and it is
overbroad, unduly burdensome, and harassing to the extent it calls for information that is in the

1 possession of third parties and not in the possession of Go Daddy. Go Daddy also objects to this
2 request to the extent it calls for the disclosure trade secrets or commercially sensitive information.
3 Go Daddy can only disclose such information after the execution and entry of an appropriate
4 protective order. Go Daddy objects to this interrogatory on the ground that it calls for information
5 that is irrelevant and not likely to lead to the discovery of admissible evidence. Go Daddy also
6 objects that its investigation is ongoing, and this response (as with all responses) is based upon the
7 information presently known to Go Daddy and is given without prejudice to Go Daddy's right to
8 adduce evidence discovered or analyzed subsequent to the date of this response. Go Daddy
9 expressly reserves the right to revise and supplement its response to this interrogatory in the event
10 that its continuing investigation of the facts and/or discovery bring to light any additional
11 information responsive to the interrogatory.

12 Subject to and without waiving the specific objections or the General Objections above,
13 Go Daddy responds as follows:

14 Go Daddy has served as the registrar for the domain names "petronastower.net" and
15 "petronastowers.net" from April 1, 2007 to the present. Go Daddy has never provided hosting
16 services related to the domain names "petronastower.net" and "petronastowers.net." Documents
17 related to the account information for the registrant of the "petronastower.net" and
18 "petronastowers.net" domain names exist in electronic form on Go Daddy's servers. Upon the
19 entry of an appropriate protective order, Go Daddy will produce documents related to the
20 "petronastower.net" and "petronastowers.net" domain names. Go Daddy's investigation into the
21 person or persons most knowledgeable about the services Go Daddy provided related to the
22 domain names "petronastower.net" and "petronastowers.net" is ongoing; information regarding
23 persons most knowledgeable about the subjects related to this case is included in Go Daddy's
24 Supplemental Initial Disclosures, served June 29, 2011.

INTERROGATORY NO. 3:

Please provide a statement detailing the existence, description, nature, custody, condition,
and location of any documents or tangible things relating to customer accounts and the registration

1 of domain names. In addition, for persons with knowledge of the foregoing matter, please state
2 their identity, location, and the nature of their knowledge.

3 **RESPONSE TO INTERROGATORY NO. 3:**

4 Go Daddy objects to this interrogatory on the grounds that it is vague and ambiguous,
5 overbroad, unduly burdensome, and harassing. In particular, Go Daddy objects to this request on
6 the ground that it is so vague, ambiguous, and overbroad that it could conceivably implicate every
7 document and all electronically stored information that has ever existed since the launch of Go
8 Daddy's domain name registration service. Go Daddy also objects to this interrogatory to the
9 extent it calls for the disclosure trade secrets or commercially sensitive information. Go Daddy
10 could only disclose such information after the execution and entry of an appropriate protective
11 order. Go Daddy further objects to this request on the ground that it calls for information that is
12 irrelevant and not likely to lead to the discovery of admissible evidence. Go Daddy also objects
13 that its investigation is ongoing, and this response (as with all responses) is based upon the
14 information presently known to Go Daddy and is given without prejudice to Go Daddy's right to
15 adduce evidence discovered or analyzed subsequent to the date of this response. Go Daddy
16 expressly reserves the right to revise and supplement its response to this interrogatory in the event
17 that its continuing investigation of the facts and/or discovery bring to light any additional
18 information responsive to the interrogatory.

17 Subject to and without waiving the specific objections or the General Objections above,
18 Go Daddy responds as follows:

19 Documents related to the account information for the registrant of the "petronastower.net"
20 and "petronastowers.net" domain names exist in electronic form on Go Daddy's servers. Upon the
21 entry of an appropriate protective order, Go Daddy will produce documents related to the
22 "petronastower.net" and "petronastowers.net" domain names. Go Daddy's investigation into the
23 person or persons most knowledgeable about the services Go Daddy provided related to the
24 domain names "petronastower.net" and "petronastowers.net" is ongoing; information regarding
persons most knowledgeable about the subjects related to this case is included in Go Daddy's

1 Supplemental Initial Disclosures, served June 29, 2011.

2 **INTERROGATORY NO. 4:**

3 Please provide a statement detailing the existence, description, nature, custody, condition,
4 and location of any documents or tangible things relating to Go Daddy contracts or agreements. In
5 addition, for persons with knowledge of the foregoing matter, please state their identity, location,
6 and the nature of their knowledge.

6 **RESPONSE TO INTERROGATORY NO. 4:**

7 Go Daddy objects to this interrogatory on the grounds that it is cumulative, vague and
8 ambiguous, overbroad, unduly burdensome, and harassing. Go Daddy objects to this interrogatory
9 to the extent it calls for the disclosure trade secrets or commercially sensitive information, and to
10 the extent it calls for information that is protected from disclosure by the attorney-client privilege
11 or work product doctrine. Go Daddy further objects to this request on the ground that it calls for
12 information that is irrelevant and not likely to lead to the discovery of admissible evidence.

12 **INTERROGATORY NO. 5:**

13 Please provide a statement detailing the existence, description, nature, custody, condition,
14 and location of any documents or tangible things regarding Go Daddy's website and domain name
15 registration process. In addition, for persons with knowledge of the foregoing matter, please state
16 their identity, location, and the nature of their knowledge.

17 **RESPONSE TO INTERROGATORY NO. 5:**

18 Go Daddy objects to this interrogatory on the grounds that it is cumulative, vague and
19 ambiguous, overbroad, unduly burdensome, and harassing. Go Daddy further objects to this
20 request on the ground that it calls for information that is irrelevant and not likely to lead to the
21 discovery of admissible evidence. Go Daddy objects to this interrogatory to the extent it calls for
22 the disclosure trade secrets or commercially sensitive information, and to the extent it calls for
23 information that is protected from disclosure by the attorney-client privilege or work product
24 doctrine.

1 **INTERROGATORY NO. 6:**

2 Please provide a statement detailing the existence, description, nature, custody, condition,
3 and location of any documents or tangible things regarding communications between Plaintiff's
4 counsel and Go Daddy. In addition, for persons with knowledge of the foregoing matter, please
5 state their identity, location, and the nature of their knowledge.

6 **RESPONSE TO INTERROGATORY NO. 6:**

7 Go Daddy objects to this interrogatory on the ground that it is overbroad to the extent it
8 calls for information related to "all documents" regarding or related to communications between
9 Plaintiff's counsel and Go Daddy. Go Daddy objects to this interrogatory to the extent it calls for
10 information that is protected from disclosure by the attorney-client privilege or work product
11 doctrine. Go Daddy also objects to this interrogatory to the extent it calls for the disclosure of
12 trade secrets or commercially sensitive information. Go Daddy can only disclose such
13 information after the execution and entry of an appropriate protective order. Go Daddy also
14 objects that its investigation is ongoing, and this response (as with all responses) is based upon the
15 information presently known to Go Daddy and is given without prejudice to Go Daddy's right to
16 adduce evidence discovered or analyzed subsequent to the date of this response. Go Daddy
17 expressly reserves the right to revise and supplement its response to this interrogatory in the event
18 that its continuing investigation of the facts and/or discovery bring to light any additional
19 information responsive to the interrogatory.

20 Subject to and without waiving the specific objections or the General Objections above,
21 Go Daddy responds as follows:

22 Documents referring to and constituting communications between Plaintiff's counsel and
23 Go Daddy exist in electronic form on Go Daddy's servers. Upon the entry of an appropriate
24 protective order, Go Daddy will produce documents referring to or constituting communications
between Plaintiff's counsel and Go Daddy. Go Daddy's investigation into the person or persons
most knowledgeable about correspondence between Plaintiff's counsel and Go Daddy is ongoing;
information regarding persons most knowledgeable about the subjects related to this case is

1 included in Go Daddy's Supplemental Initial Disclosures, served June 29, 2011.

2 **INTERROGATORY NO. 7:**

3 Please describe Go Daddy's intent with respect to its conduct concerning the domain
4 names "petronastower.net" and "petronastowers.net," including in response to communications
5 from the Plaintiff. Please provide a statement detailing the existence, description, nature, custody,
6 condition, and location of any documents or tangible things regarding the foregoing matter. In
7 addition, for persons with knowledge of the foregoing matter, please state their identity, location,
8 and the nature of their knowledge.

8 **RESPONSE TO INTERROGATORY NO. 7:**

9 Go Daddy objects to this interrogatory on the grounds that it is cumulative, vague and
10 ambiguous, and unintelligible. Go Daddy further objects to this request to the extent it calls for a
11 legal conclusion. Go Daddy objects to this interrogatory to the extent it calls for information that
12 is protected from disclosure by the attorney-client privilege or work product doctrine. Go Daddy
13 also objects to this request to the extent it calls for the disclosure of trade secrets or commercially
14 sensitive information. Go Daddy can only disclose such information after the execution and entry
15 of an appropriate protective order. Go Daddy also objects that its investigation is ongoing, and
16 this response (as with all responses) is based upon the information presently known to Go Daddy
17 and is given without prejudice to Go Daddy's right to adduce evidence discovered or analyzed
18 subsequent to the date of this response. Go Daddy expressly reserves the right to revise and
19 supplement its response to this interrogatory in the event that its continuing investigation of the
20 facts and/or discovery bring to light any additional information responsive to the interrogatory.

19 Subject to and without waiving the specific objections or the General Objections above,
20 Go Daddy responds as follows:

21 Go Daddy's intent has been to provide registrar services concerning the domain names
22 "petronastower.net" and "petronastowers.net." Documents related to the account information for
23 the registrant of the "petronastower.net" and "petronastowers.net" domain names exist in
24 electronic form on Go Daddy's servers. Upon the entry of an appropriate protective order, Go

1 Daddy will produce documents related to the "petronastower.net" and "petronastowers.net"
2 domain names. Go Daddy's investigation into the person or persons most knowledgeable about
3 the services Go Daddy provided related to the domain names "petronastower.net" and
4 "petronastowers.net" is ongoing; information regarding persons most knowledgeable about the
5 subjects related to this case is included in Go Daddy's Supplemental Initial Disclosures, served
6 June 29, 2011.

6 **INTERROGATORY NO. 8:**

7 Please provide a statement detailing the existence, description, nature, custody, condition,
8 and location of any documents or tangible things regarding claims of trademark infringement
9 concerning Go Daddy's services. In addition, for persons with knowledge of the foregoing matter,
10 please state their identity, location, and the nature of their knowledge.

11 **RESPONSE TO INTERROGATORY NO. 8:**

12 Go Daddy objects to this interrogatory on the grounds that it is cumulative, vague and
13 ambiguous, overbroad, unduly burdensome, and harassing. Go Daddy further objects to this
14 request on the ground that it calls for information that is irrelevant and not likely to lead to the
15 discovery of admissible evidence. Go Daddy also objects to this request to the extent it calls for
16 the disclosure trade secrets or commercially sensitive information, and to the extent it calls for
17 information that is protected from disclosure by the attorney-client privilege or work product
18 doctrine.

18 Dated: June 29, 2011

18 WILSON SONSINI GOODRICH & ROSATI
19 Professional Corporation

20 By: _____

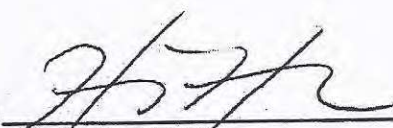
20 
21 John L. Slafsky
22 David H. Kramer
23 Hollis Beth Hire
24

EXHIBIT E

1 JOHN L. SLAFSKY, State Bar No. 195513
DAVID H. KRAMER, State Bar No. 168452
2 HOLLIS BETH HIRE, State Bar No. 203651
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6 dkramer@wsgr.com
hhire@wsgr.com
7

8 Attorneys for Defendant
GODADDY.COM, INC.
9

10 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
11

12
13 PETROLIAM NASIONAL BERHAD,)
14 Plaintiff,)
15 vs.)
16 GODADDY.COM, INC.,)
17 Defendant.)
18)
19)

CASE NO: 09-CV-5939 PJH
(Related Case No: C 10-0431 PJH)

**DEFENDANT'S INITIAL
DISCLOSURES**

20 Defendant GoDaddy.Com, Inc. ("GoDaddy"), through its attorneys, Wilson Sonsini
21 Goodrich & Rosati, provides the following initial disclosures to Plaintiff Petroliam Nasional
22 Berhad, ("Petroliam Nasional"), pursuant to Rule 26(a)(1) of the Federal Rules of Civil
23 Procedure.

24 These initial disclosures are made without waiver of, or prejudice to, any objections
25 GoDaddy may have. GoDaddy expressly reserves all such objections, including but not limited
26 to the admissibility in evidence of these initial disclosures or the subject matter thereof.
27 GoDaddy also reserves the right to seek an appropriate protective order.
28

1 These disclosures are made to the best of GoDaddy's present knowledge, information and
2 belief, formed after an inquiry that is reasonable under the circumstances. GoDaddy has not
3 completed its investigation of this case, and has not completed preparation for trial. Accordingly,
4 these initial disclosures are provided without prejudice to GoDaddy's right to introduce at a
5 hearing or at trial any evidence that is subsequently discovered. GoDaddy expressly reserves the
6 right to clarify, amend, modify, or supplement these disclosures.

7 **A. Disclosure pursuant to 26(a)(1)(A)(i)**
8 **Individuals Likely to Have Discoverable Information**

9 GoDaddy identifies the following persons as individuals who may have discoverable
10 information that GoDaddy may use to support its defenses. GoDaddy expressly reserves the right
11 to call these witnesses to testify about additional matters or to supplement these disclosures and
12 rely on additional witnesses.

Name and Address	Subject of Knowledge
Heiko Schoenekess BPM 195226 372 Old Street London, United Kingdom EC1V9AU +442076636606	Registration and use of the disputed domain name; hosting of website; website content
Banner & Witcoff Ltd. 1100 13th Street Northwest Washington, DC 20005-4057 (202) 962-0459	Plaintiff's trademark application and registration
Nate Curran c/o John L. Slafsky Wilson Sonsini Goodrich & Rosati 650 Page Mill Road Palo Alto, CA 94304 (650) 493-9300	GoDaddy's domain name registration process, website, and agreements governing GoDaddy's services
Jody Kolker c/o John L. Slafsky Wilson Sonsini Goodrich & Rosati 650 Page Mill Road Palo Alto, CA 94304 (650) 493-9300	GoDaddy's domain name registration process and records relating to domain name registrations

GoDaddy contracts and agreements	GoDaddy headquarters in Arizona; GoDaddy servers in Arizona
Documents regarding GoDaddy's website and domain name registration process	GoDaddy servers in Arizona
Communications between Plaintiff's counsel and GoDaddy	GoDaddy servers

C. Disclosure pursuant to 26(a)(1)(A)(iii)

Computation of Damages

GoDaddy is not seeking damages at this time. GoDaddy expressly reserves the right to supplement its initial disclosures as more information becomes available.

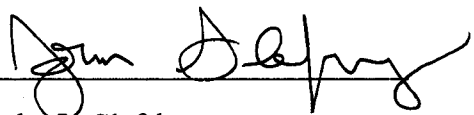
D. Disclosure pursuant to 26(a)(1)(A)(iv)

Insurance Agreements

GoDaddy is making available for inspection and copying a copy of an insurance agreement under which an insurance company may be liable to satisfy all or part of a possible judgment in this action or to indemnify or reimburse for payments made to satisfy a judgment.

Dated: July 15, 2010

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: 
John L. Slafsky

Attorneys for Defendant
GODADDY.COM, INC.

EXHIBIT F

1 JOHN L. SLAFSKY, State Bar No. 195513
DAVID H. KRAMER, State Bar No. 168452
2 HOLLIS BETH HIRE, State Bar No. 203651
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5 Facsimile: (650) 493-6811
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6 dkramer@wsgr.com
hhire@wsgr.com
7

8 Attorneys for Defendant
GODADDY.COM, INC.
9

10 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
11

12
13 PETROLIAM NASIONAL BERHAD,)
Plaintiff,) CASE NO: 09-CV-5939 PJH
14 vs.) **DEFENDANT’S SUPPLEMENTAL**
15 GODADDY.COM, INC.,) **INITIAL DISCLOSURES**
16 Defendant.)
17

18
19 Defendant GoDaddy.Com, Inc. (“Go Daddy”), through its attorneys, Wilson Sonsini
20 Goodrich & Rosati, hereby supplements its initial disclosures to Plaintiff Petroliam Nasional
21 Berhad, (“Petroliam Nasional” or “Plaintiff”), pursuant to Rule 26(a)(1) of the Federal Rules of
22 Civil Procedure.

23 These supplemental initial disclosures are made without waiver of, or prejudice to, any
24 objections Go Daddy may have. Go Daddy expressly reserves all such objections, including but
25 not limited to the admissibility in evidence of these supplemental initial disclosures or the subject
26 matter thereof. Go Daddy expects to seek a protective order in the near future—if not
27 imminently—as Go Daddy’s counsel has already circulated a proposed stipulated protective order
28 to Plaintiff’s counsel.

1 These supplemental initial disclosures are made to the best of Go Daddy's present
2 knowledge, information and belief, formed after an inquiry that is reasonable under the
3 circumstances. Go Daddy has not completed its investigation of this case, and has not completed
4 preparation for trial. Accordingly, these supplemental initial disclosures are provided without
5 prejudice to Go Daddy's right to introduce at a hearing or at trial any evidence that is
6 subsequently discovered. Go Daddy expressly reserves the right to clarify, amend, modify, or
7 supplement these disclosures.

8 **A. Disclosure pursuant to 26(a)(1)(A)(i)**
9 **Individuals Likely to Have Discoverable Information**

10 Go Daddy identifies the following persons as individuals who may have discoverable
11 information that Go Daddy may use to support its defenses. Go Daddy expressly reserves the
12 right to call these witnesses to testify about additional matters or to supplement these disclosures
13 and rely on additional witnesses.

Name and Address	Subject of Knowledge
Heiko Schoenekess BPM 195226 372 Old Street London, United Kingdom EC1V9AU +442076636606	Registration and use of the disputed domain names; hosting of destination website; destination website content
David Daash Avenida Lazaro Colonia Las Brisas Mexico, Mexico 64780	Registration and use of the disputed domain names; hosting of destination website; destination website content
Bruno Zehnder Lavaterstr. 40 Zurich, Switzerland 8002 +41 (44) 285 75 45	Hosting of destination website; destination website content

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<p>Banner & Witcoff Ltd. 1100 13th Street Northwest Washington, DC 20005-4057 (202) 962-0459</p>	<p>Plaintiff's trademark application and registration, including goods/services intended to be used and goods/services actually used by Plaintiff before and after filing of the application that matured into U.S. Trademark Registration No. 2969707, scope of trademark registrations in Plaintiff's country of origin, and knowledge of signatories when attesting to use of or intent to use listed goods/services</p>
<p>Brian E. Banner HersHKovitz & Associates 2845 Duke Street Alexandria, VA 22314-4512</p>	<p>Plaintiff's trademark application and registration, including goods/services intended to be used and goods/services actually used by Plaintiff before and after filing of the application that matured into U.S. Trademark Registration No. 2969707, scope of trademark registrations in Plaintiff's country of origin, and knowledge of signatories when attesting to use of or intent to use listed goods/services</p>
<p>Rod Simonini c/o John L. Slafsky Wilson Sonsini Goodrich & Rosati 650 Page Mill Road Palo Alto, CA 94304 (650) 493-9300</p>	<p>Go Daddy's communications with Plaintiff's counsel</p>
<p>Matthew Bilunes c/o John L. Slafsky Wilson Sonsini Goodrich & Rosati 650 Page Mill Road Palo Alto, CA 94304 (650) 493-9300</p>	<p>Go Daddy's communications with Plaintiff's counsel</p>
<p>Camille Ede c/o John L. Slafsky Wilson Sonsini Goodrich & Rosati 650 Page Mill Road Palo Alto, CA 94304 (650) 493-9300</p>	<p>Go Daddy's domain name registration process relating to the disputed domain names, including the process of transferring to Go Daddy an existing domain name from another registrar</p>

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<p>Jessica Hanyen c/o John L. Slafsky Wilson Sonsini Goodrich & Rosati 650 Page Mill Road Palo Alto, CA 94304 (650) 493-9300</p>	<p>Go Daddy's trademark polices relating to the disputed domain names; application of Go Daddy's trademark complaint/dispute practices relating to the disputed domain names</p>
<p>Laurie Anderson c/o John L. Slafsky Wilson Sonsini Goodrich & Rosati 650 Page Mill Road Palo Alto, CA 94304 (650) 493-9300</p>	<p>Application of Go Daddy's trademark complaint/dispute practices relating to the disputed domain names; Go Daddy's domain name registration process relating to the disputed domain names, including the process of transferring to Go Daddy an existing domain name from another registrar</p>
<p>Linda Jett c/o John L. Slafsky Wilson Sonsini Goodrich & Rosati 650 Page Mill Road Palo Alto, CA 94304 (650) 493-9300</p>	<p>Agreements governing the services Go Daddy provided with respect to the disputed domain names</p>
<p>John Roling c/o John L. Slafsky Wilson Sonsini Goodrich & Rosati 650 Page Mill Road Palo Alto, CA 94304 (650) 493-9300</p>	<p>Go Daddy's domain name registration process relating to the disputed domain names; services provided by Go Daddy related to the disputed domain names, including technical aspects of routing/forwarding the disputed domain names</p>
<p>Jeff Munson c/o John L. Slafsky Wilson Sonsini Goodrich & Rosati 650 Page Mill Road Palo Alto, CA 94304 (650) 493-9300</p>	<p>Services provided by Go Daddy related to the disputed domain names, including technical aspects of routing/forwarding the disputed domain names</p>
<p>Priya Manokaran Petroliam Nasional Berhad Level 68, Tower 1 Petronas Twin Towers Kuala Lumpur City Centre 50088 Kuala Lumpur, Malaysia +603 2051 2099</p>	<p>Communications between Plaintiff and Go Daddy; communications between Plaintiff and any person regarding this lawsuit; the disputed domain names; Plaintiff's, and/or any other person's, ownership of and use of the Petronas mark, and any mark incorporating the letter string "petronas," in the United States; Plaintiff's ownership of and the validity of U.S. Trademark Registration No.</p>

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	2969707; Plaintiff's ownership of and the scope of Malaysian Registration Nos. 93007563, 93007565, and 93007564, and any other foreign registration that supports U.S. Trademark Registration No. 2969707; Plaintiff's efforts to contact the registrant and the hosting service of the disputed domain names; Plaintiff's damages in this action; the basis for and evidence supporting the allegations and claims in the First Amended Complaint in this action; Plaintiff's documents produced and discovery responses served in this case; Plaintiff's policies regarding retention, storage, filing and destruction of documents and things, including electronic mail; Go Daddy's alleged knowledge of and use of Plaintiff's trademarks; the alleged use of Plaintiff's trademarks by the registrant of the disputed domain names; Go Daddy's alleged services to the registrant of the disputed domain names
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**B. Disclosure pursuant to 26(a)(1)(A)(ii)
Documents Relevant to Disputed Facts**

Go Daddy expressly reserves the right to supplement these disclosures and rely on additional documents.

Category and Description	Location
Documents relating to Plaintiff's trademark registration and use of the mark in the U.S., including goods/services intended to be used and goods/services actually used by Plaintiff before and after filing of the application that matured into U.S. Trademark Registration No. 2969707, scope of trademark registrations in Plaintiff's country of origin, and knowledge of signatories when attesting to use of or intent to use listed goods/services	c/o Plaintiff; c/o Banner & Witcoff Ltd.; c/o Brian E. Banner
Documents relating to registration of disputed domain names, and content and hosting of destination website	c/o Heiko Schoenekess; c/o David Daash; c/o Bruno Zehnder

Documents relating to customer accounts for disputed domain names and registration of disputed domain names	Go Daddy servers which are accessible from computers located at Go Daddy headquarters in Scottsdale, AZ
Go Daddy contracts and agreements relating to the disputed domain names	Go Daddy servers which are accessible from computers located at Go Daddy headquarters in Scottsdale, AZ
Documents regarding Go Daddy's domain name registration process relating to the disputed domain names	Go Daddy servers which are accessible from computers located at Go Daddy headquarters in Scottsdale, AZ
Communications between Plaintiff's counsel and Go Daddy	Go Daddy servers which are accessible from computers located at Go Daddy headquarters in Scottsdale, AZ
Documents regarding services provided by Go Daddy to the registrant of the disputed domain names, including forwarding of the disputed domain names to a pre-existing website	Go Daddy servers which are accessible from computers located at Go Daddy headquarters in Scottsdale, AZ

C. Disclosure pursuant to 26(a)(1)(A)(iii)

Computation of Damages

Go Daddy is not seeking damages at this time. Go Daddy expressly reserves the right to supplement these disclosures as more information becomes available.

D. Disclosure pursuant to 26(a)(1)(A)(iv)

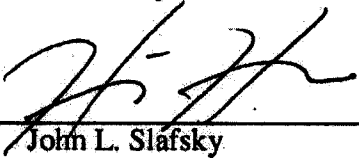
Insurance Agreements

Upon entry of an appropriate protective order, Go Daddy will produce a copy of an insurance agreement under which an insurance company may be liable to satisfy all or part of a

1 possible judgment in this action or to indemnify or reimburse for payments made to satisfy a
2 judgment.

3
4 Dated: June 29, 2011

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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7 By: 
8 John L. Slafsky
9 David H. Kramer
10 Hollis Beth Hire

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Attorneys for Defendant
GODADDY.COM, INC.

EXHIBIT G

(C)

1 JOHN L. SLAFSKY, State Bar No. 195513
DAVID H. KRAMER, State Bar No. 168452
2 HOLLIS BETH HIRE, State Bar No. 203651
WILSON SONSINI GOODRICH & ROSATI
3 Professional Corporation
650 Page Mill Road
4 Palo Alto, CA 94304-1050
Telephone: (650) 493-9300
5 Facsimile: (650) 493-6811
jslafsky@wsgr.com
6 dkramer@wsgr.com
hhire@wsgr.com

7
8 Attorneys for Defendant
GODADDY.COM, INC.

9
10 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

12 PETROLIAM NASIONAL BERHAD,) CASE NO: 09-CV-5939 PJH
)
13 Plaintiff,)
)
14 vs.) **DEFENDANT'S FIRST SET OF**
) **REQUESTS FOR PRODUCTION**
15 GODADDY.COM, INC.,) **TO PLAINTIFF**
)
16 Defendant.)
)

17
18 Pursuant to Federal Rule of Civil Procedure 34, Defendant GoDaddy.com, Inc. requests
19 that Plaintiff Petroliam Nasional Berhad produce for inspection and copying the documents and
20 things listed below within thirty (30) days of the date of service hereof, at the offices of counsel
21 for Defendant GoDaddy.com, Inc. or at another mutually agreeable location.

22 For the purpose of this request, the following definitions and instructions shall apply:
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DEFINITIONS

1. The terms "Petroliam," "Plaintiff," "you," and "your" refer to Plaintiff Petroliam Nasional Berhad, and include any persons controlled by or acting on behalf of that entity, including but not limited to all partners, officers, directors, owners, employees, agents, representatives, and attorneys, and any predecessors, subsidiaries, parent companies, affiliated companies or joint venturers.

2. The terms "GoDaddy.com, Inc.," "Go Daddy," and "Defendant" refer to GoDaddy.com, Inc., and include any persons controlled by or acting on behalf of that entity, including but not limited to all officers, directors, employees, agents, representatives, and attorneys, and any predecessors, subsidiaries, parent companies, affiliated companies, or joint venturers.

3. The term "PETRONAS AND DESIGN" means the combination of word and design elements depicted on the drawing page of Application Serial No. 78/100185:



4. The term "use in commerce" means the bona fide use of a mark in the ordinary course of trade, and not made merely to reserve a right in a mark.

5. The term "offer in commerce" means offering of a product or service in the ordinary course of trade, and not made merely to reserve a right in a mark.

6. The term "person" means any natural person or any business, legal or governmental entity, or association.

7. The term "document" as used herein is synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34, any "writings and recordings" and "photographs" as defined by Federal Rule of Evidence 1001, and its interpretation by the courts, and includes, without limitation, all originals, drafts, and non-identical copies of any written, printed, typed, recorded, electronic, magnetic, optical, punched, copied, graphic or other tangible

1 thing in, upon or from which information may be conveyed, embodied, translated, or stored
2 (including, but not limited to, papers, records, books, correspondence, contracts, minutes of
3 meetings, memoranda, notes on desk calendars and appointment books, intra-office
4 communications, canceled checks, invoices, telegrams, telexes, dictation or other audio tapes,
5 video tapes, studies, electronic mail, information stored in computer readable form, on a compact
6 disc, or any other type of data storage device or medium, computer printouts, microfilm,
7 microfiche, laser disks, diaries, calendars, photographs, charts, viewgraphs, drawings, sketches
8 and all other writings or drafts thereof), as well as all other tangible things subject to production
9 under Federal Rule of Civil Procedure 34.

10 8. The term "communication" is defined as any transmission or exchange of information
11 between two (2) or more persons, orally or in writing, and includes, without limitation, any
12 conversation or discussion, whether face-to-face or by means of telephone, letter, facsimile,
13 electronic, digital or other media.

14 9. The terms "relating to" and "related to" mean concerning, containing, evidencing,
15 describing, constituting, referring to, explaining, discussing or reflecting.

16 10. The terms "and" and "or" and the term "and/or" shall be construed either
17 disjunctively or conjunctively as necessary to bring within the scope of the request all documents
18 that might otherwise be construed to be outside its scope.

19 11. The use of a present tense shall include past tenses.

20 12. The use of the singular form of any word also includes the plural and vice versa.

21 13. The terms "all" and "each" shall each be construed to include the other.

INSTRUCTIONS

22 1. You are requested to produce for inspection and copying all responsive documents
23 and things in your possession, custody or control, including all documents and things in the
24 custody of your attorneys, consultants, agents, other representatives, and other persons or entities
subject to your control.

1 2. You are to produce the documents and things as they are kept in the ordinary course
2 of business, with appropriate markings or designations so that it may be determined to which
3 request they are responsive.

4 3. You are to produce the original and all non-identical copies of each requested
5 document or thing, including all copies which bear any additional file stamps, marginal notes or
6 other additional markings or writings that do not appear on the original. The production shall
7 include the file, envelope, folder, binder, or other container in which the responsive documents
8 and things are kept. If, for any reason, the container cannot be produced, you are to produce
9 copies of all labels or other identifying markings.

10 4. Documents that exist in digital format and constitute or comprise databases or other
11 tabulations or collections of data or information should be produced in a machine-readable
12 format to be mutually agreed upon by the parties. Documents that exist in digital format and
13 constitute or comprise written communications between natural persons (e.g., e-mail messages,
14 internal memos, letters, etc.) should be produced both in a machine-readable format to be
15 mutually agreed upon by the parties and in hard-copy form.

16 5. If you cannot fully respond to any request after a diligent attempt, respond to the
17 request to the extent possible and specify the portion of the request to which you are unable to
18 respond.

19 6. If you claim that any request, definition or instruction is ambiguous, state the
20 language you claim is ambiguous and the interpretation you have used to respond to the request.

21 7. If you are aware that any responsive document or thing has been lost or destroyed, set
22 forth the contents of the document or thing, the location of any copies, the date of loss or
23 destruction, the name of the person who ordered or authorized the destruction, if any, and the
24 authority and reasons for such destruction.

 8. If you decline to produce any information, document, or thing on the basis of the
attorney-client, work product, or other privilege, respond to so much of the discovery request as
is not subject to the claimed objection, and for each document or thing, provide the following
information:

- a. the type and title of the document or thing;
- b. the general subject matter of the document or description of the thing;
- c. the date of its creation;
- d. the identity of the document's author(s), addressee(s) and recipient(s);
- e. the nature of the privilege being claimed; and
- f. in detail, all facts upon which you base your claim of privilege.

9. With respect to any document stored on a machine-readable medium, please make available both a hard copy printout of the document and a copy of the computer or electronic tape, disc or other electronic medium on which the document is stored.

10. Complete production is to be made on the date and at the time indicated above.

11. You have a duty to supplement your responses from now until the time of hearing or trial, as provided by Federal Rule of Procedure 26(e).

DOCUMENTS AND THINGS REQUESTED

Consistent with the foregoing definitions and instructions, please provide the following documents and things:

DOCUMENT REQUEST NO. 1:

All documents relating to Go Daddy, including any communications with any persons relating to Go Daddy.

DOCUMENT REQUEST NO. 2:

All documents relating to communications between you and Go Daddy.

DOCUMENT REQUEST NO. 2:

All communications between you and any person relating to this lawsuit.

DOCUMENT REQUEST NO. 3:

All documents relating to Heiko Schoenekess.

1 **DOCUMENT REQUEST NO. 4:**

2 All documents relating to the domain names www.petronastower.net or
3 www.petronastowers.net.

4 **DOCUMENT REQUEST NO. 5:**

5 All documents relating to your efforts to contact the registrant of the domain names
6 www.petronastower.net or www.petronastowers.net.

7 **DOCUMENT REQUEST NO. 6:**

8 All documents relating to your efforts to contact the host of any website that the domain
9 names www.petronastower.net or www.petronastowers.net pointed to.

10 **DOCUMENT REQUEST NO. 7:**

11 All documents relating to your discovery of the registration of the domain names
12 www.petronastower.net or www.petronastowers.net.

13 **DOCUMENT REQUEST NO. 8:**

14 Documents sufficient to show your efforts to monitor the internet for use of the
15 PETRONAS mark, or any mark incorporating the letter string "petronas."

16 **DOCUMENT REQUEST NO. 9:**

17 Documents sufficient to show your efforts to protect or enforce your rights in the
18 PETRONAS mark, or any mark incorporating the letter string "petronas."

19 **DOCUMENT REQUEST NO. 10:**

20 All documents relating to domain names registered by you and incorporating the letter
21 string "petronas."

22 **DOCUMENT REQUEST NO. 11:**

23 All documents relating to domain names registered by persons other than you and
24 incorporating the letter string "petronas."

1 **DOCUMENT REQUEST NO. 12:**

2 All documents relating to use of the letter string "petronas" by persons other than you,
3 whether or not such use is by a licensee, and whether or not such use is as a trademark.

4 **DOCUMENT REQUEST NO. 13:**

5 Documents sufficient to identify any licensees of the mark PETRONAS or any mark
6 incorporating the letter string "petronas," and documents sufficient to identify the terms of such
7 licenses.

8 **DOCUMENT REQUEST NO. 14:**

9 Documents sufficient to identify each product or service offered in commerce in the United
10 States in connection with PETRONAS AND DESIGN.

11 **DOCUMENT REQUEST NO. 15:**

12 Documents sufficient to show use of the PETRONAS AND DESIGN mark in commerce
13 in the United States in connection with each product or service you offered in connection with the
14 PETRONAS AND DESIGN mark each year that such product or service was offered for sale or
15 distribution.

16 **DOCUMENT REQUEST NO. 16:**

17 Documents sufficient to identify each product or service offered in commerce in the United
18 States in connection with the mark PETRONAS, or any mark incorporating the letter string
19 "petronas."

20 **DOCUMENT REQUEST NO. 17:**

21 Documents sufficient to show your use of the mark PETRONAS mark, or any mark
22 incorporating the letter string "petronas," in commerce in the United States in connection with
23 each product or service you offered in connection with the PETRONAS mark, or any mark
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1 incorporating the letter string "petronas," each year that such product or service was offered for
2 sale or distribution.

3 **DOCUMENT REQUEST NO. 18:**

4 Documents sufficient to show use in commerce in the United States of the PETRONAS
5 AND DESIGN mark in connection with each good listed in U.S. Trademark Registration No.
6 2969707.

7 **DOCUMENT REQUEST NO. 19:**

8 Documents sufficient to show your use in commerce in the United States in the last three
9 years of the PETRONAS AND DESIGN mark in connection with each good listed in U.S.
10 Trademark Registration No. 2969707.

11 **DOCUMENT REQUEST NO. 20:**

12 All documents relating to registration of the PETRONAS AND DESIGN trademark in the
13 United States.

14 **DOCUMENT REQUEST NO. 21:**

15 All documents relating to registration of the PETRONAS AND DESIGN trademark in
16 Malaysia, including all documents relating to Malaysian Registrations No. 93007563, 93007565,
17 and 93007564, and any other foreign registration which you contend supports U.S. Trademark
18 Registration No. 2969707.

19 **DOCUMENT REQUEST NO. 22:**

20 All documents relating to any damage suffered by you relating to this lawsuit, including
21 any damages suffered by you relating to the domain names www.petronastower.net or
22 www.petronastowers.net.

23 **DOCUMENT REQUEST NO. 23:**

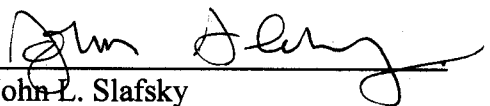
24 All documents relating to your policies regarding retention, storage, filing and destruction

1 of documents and things, including but not limited to electronic mail.

2 Dated: June 17, 2011

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

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By: 
John L. Slafsky
David E. Kramer
Hollis Beth Hire

Attorneys for Defendant
GODADDY.COM, INC.

1 CERTIFICATE OF SERVICE

2
3 I, Jo Ann Hylton, declare:

4 I am employed in Santa Clara County. I am over the age of 18 years and not a party to the
5 within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road,
6 Palo Alto, California 94304-1050. On this date, I caused to be served **DEFENDANT'S FIRST**
7 **SET OF REQUESTS FOR PRODUCTION TO PLAINTIFF** on each person listed below, by
8 placing the document(s) described above in an envelope addressed as indicated below, which I
9 sealed. I placed the envelope(s) for collection and mailing with the United States Postal Service
10 on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

11 Perry R. Clark
12 Law Offices of Perry R. Clark
13 825 San Antonio Road
14 Palo Alto, CA 94303

15 I declare under penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct. Executed at Palo Alto, California on June 17, 2011.

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Jo Ann Hylton

EXHIBIT H

2. The terms “GoDaddy.com, Inc.,” “Go Daddy,” and “Petitioner” refer to GoDaddy.com, Inc., and include any persons controlled by or acting on behalf of that entity, including but not limited to all officers, directors, employees, agents, representatives, and attorneys, and any predecessors, subsidiaries, parent companies, affiliated companies, or joint venturers.

3. The term “PETRONAS AND DESIGN” means the combination of word and design elements depicted on the drawing page of Application Serial No. 78/100185:



4. The term “person” means any natural person or any business, legal or governmental entity, or association.

5. The term “document” as used herein is synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34, any “writings and recordings” and “photographs” as defined by Federal Rule of Evidence 1001, and its interpretation by the courts, and includes, without limitation, all originals, drafts, and non-identical copies of any written, printed, typed, recorded, electronic, magnetic, optical, punched, copied, graphic or other tangible thing in, upon or from which information may be conveyed, embodied, translated, or stored (including, but not limited to, papers, records, books, correspondence, contracts, minutes of meetings, memoranda, notes on desk calendars and appointment books, intra-office communications, canceled checks, invoices, telegrams, telexes, dictation or other audio tapes, video tapes, studies, electronic mail, information stored in computer readable form, on a compact disc, or any other type of data storage device or medium, computer printouts, microfilm, microfiche, laser disks, diaries, calendars, photographs, charts, viewgraphs, drawings, sketches and

all other writings or drafts thereof), as well as all other tangible things subject to production under Federal Rule of Civil Procedure 34.

6. The term “communication” is defined as any transmission or exchange of information between two (2) or more persons, orally or in writing, and includes, without limitation, any conversation or discussion, whether face-to-face or by means of telephone, letter, facsimile, electronic, digital or other media.

7. The terms “relating to” and “related to” mean concerning, containing, evidencing, describing, constituting, referring to, explaining, discussing or reflecting.

8. The terms “and” and “or” and the term “and/or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the request all documents that might otherwise be construed to be outside its scope.

9. The use of a present tense shall include past tenses.

10. The use of the singular form of any word also includes the plural and vice versa.

11. The terms “all” and “each” shall each be construed to include the other.

INSTRUCTIONS

1. You are requested to produce for inspection and copying all responsive documents and things in your possession, custody or control, including all documents and things in the custody of your attorneys, consultants, agents, other representatives, and other persons or entities subject to your control.

2. You are to produce the documents and things as they are kept in the ordinary course of business, with appropriate markings or designations so that it may be determined to which request they are responsive.

3. You are to produce the original and all non-identical copies of each requested document or thing, including all copies which bear any additional file stamps, marginal notes or other additional markings or writings that do not appear on the original. The production shall include the

file, envelope, folder, binder, or other container in which the responsive documents and things are kept. If, for any reason, the container cannot be produced, you are to produce copies of all labels or other identifying markings.

4. Documents that exist in digital format and constitute or comprise databases or other tabulations or collections of data or information should be produced in a machine-readable format to be mutually agreed upon by the parties. Documents that exist in digital format and constitute or comprise written communications between natural persons (e.g., e-mail messages, internal memos, letters, etc.) should be produced both in a machine-readable format to be mutually agreed upon by the parties and in hard-copy form.

5. If you cannot fully respond to any request after a diligent attempt, respond to the request to the extent possible and specify the portion of the request to which you are unable to respond.

6. If you claim that any request, definition or instruction is ambiguous, state the language you claim is ambiguous and the interpretation you have used to respond to the request.

7. If you contend that any document or thing has been lost or destroyed, set forth the contents of the document or thing, the location of any copies, the date of loss or destruction, the name of the person who ordered or authorized the destruction, if any, and the authority and reasons for such destruction.

8. If you decline to produce any information, document, or thing on the basis of the attorney-client, work product, or other privilege, respond to so much of the discovery request as is not subject to the claimed objection, and for each document or thing, provide the following information:

- a. the type and title of the document or thing;
- b. the general subject matter of the document or description of the thing;
- c. the date of its creation;
- d. the identity of the document's author(s), addressee(s) and recipient(s);
- e. the nature of the privilege being claimed; and

f. in detail, all facts upon which you base your claim of privilege.

9. With respect to any document stored on a machine-readable medium, please make available both a hard copy printout of the document and a copy of the computer or electronic tape, disc or other electronic medium on which the document is stored.

10. Complete production is to be made on the date and at the time indicated above.

11. You have a duty to supplement your responses from now until the time of hearing or trial, as provided by Federal Rule of Procedure 26(e).

DOCUMENTS AND THINGS REQUESTED

Consistent with the foregoing definitions and instructions, please provide the following documents and things:

DOCUMENT REQUEST NO. 1:

Documents sufficient to identify each product or service offered in commerce in the United States in connection with PETRONAS AND DESIGN.

DOCUMENT REQUEST NO. 2:

Documents sufficient to show use of the PETRONAS AND DESIGN mark in commerce in the United States in connection with each product or service you offered in connection with the PETRONAS AND DESIGN mark each year that such product or service was offered for sale or distribution.

DOCUMENT REQUEST NO. 3:

Documents sufficient to show use in commerce in the United States of the PETRONAS AND DESIGN mark in connection with each good listed in U.S. Trademark Registration No. 2969707.

DOCUMENT REQUEST NO. 4:

Documents sufficient to show use in commerce in the United States in the last three years of the PETRONAS AND DESIGN mark in connection with each good listed in U.S. Trademark Registration No. 2969707.

DOCUMENT REQUEST NO. 5:

All documents relating to registration of the PETRONAS AND DESIGN trademark in the United States.

DOCUMENT REQUEST NO. 6:

All documents relating to registration of the PETRONAS AND DESIGN trademark in Malaysia, including all documents relating to Malaysian Registrations No. 93007563, 93007565, and 93007564, and any other foreign registration which you contend supports U.S. Trademark Registration No. 2969707.

DOCUMENT REQUEST NO. 7:

All documents that evidence or support each response that is other than an unqualified admission to Petitioner's First Set of Requests for Admissions to Respondent.

DOCUMENT REQUEST NO. 8:

All documents relating to your policies regarding retention, storage, filing and destruction of documents and things, including but not limited to electronic mail.

Dated: November 23, 2010

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: 

John L. Slafsky
Hollis Beth Hire

Attorney for Petitioner
GoDaddy.com, Inc.

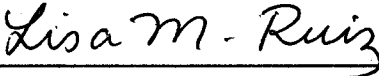
CERTIFICATE OF SERVICE

I, Lisa Ruiz, declare:

I am employed in Santa Clara County. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, California 94304-1050. On this date, I caused to be served **PETITIONER'S FIRST SET OF REQUESTS FOR PRODUCTION TO RESPONDENT** on each person listed below, by placing the document(s) described above in an envelope addressed as indicated below, which I sealed. I placed the envelope(s) for collection and mailing with the United States Postal Service on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

Perry R. Clark
Law Offices of Perry R. Clark
3457 Cowper Street
Palo Alto, CA 94306

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Palo Alto, California on November 23, 2010.



Lisa Ruiz