

1 JOHN L. SLAFSKY, State Bar No. 195513
 2 DAVID L. LANSKY, State Bar No. 199952
 3 HOLLIS BETH HIRE, State Bar No. 203651
 4 WILSON SONSINI GOODRICH & ROSATI
 5 PROFESSIONAL CORPORATION
 6 650 Page Mill Road
 7 Palo Alto, CA 94304
 8 Telephone: (650) 493-9300
 9 Fax: (650) 493-6811
 10 jslafsky@wsgr.com
 11 dlansky@wsgr.com
 12 hhire@wsgr.com

13 Attorneys for Defendant
 14 GODADDY.COM, INC.

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

17 PETROLIAM NASIONAL BERHAD,) CASE NO.: 09-CV-5939 PJH
 18)

19 Plaintiff,)

20 vs.)

21 GODADDY.COM, INC.,)

22 Defendant.)

23 **DECLARATION OF JOHN
 24 SLAFSKY IN SUPPORT OF
 25 GO DADDY'S MOTION FOR
 26 SUMMARY JUDGMENT**

27 GODADDY.COM, INC.,)

28 Counterclaimant,)

29 vs.)

30 PETROLIAM NASIONAL BERHAD,)

31 Counterclaim Defendant.)

32 Date: December 7, 2011
 33 Time: 9:00 a.m.
 34 Courtroom: 3

35 Honorable Phyllis J. Hamilton

36 I, John L. Slafsky, declare:

37 1. I am an attorney admitted to practice law before this Court, and am a member of
 38 the law firm of Wilson Sonsini Goodrich & Rosati, P.C., counsel for Defendant GoDaddy.com,

1 Inc. (“Go Daddy”). I have personal knowledge of the facts set forth in this Declaration. I submit
2 this declaration in support of Go Daddy’s motion for summary judgment.

3 2. Attached hereto as Exhibit 1 is a true and correct copy of a record titled “Hosting
4 History for Amateurchat.net.” At my direction, this record was retrieved from the website
5 www.domaintools.com on October 27, 2011. This record is publicly available on the
6 www.domaintools.com website, which can be accessed by paying a small annual membership fee.
7 This record sets forth the IP Addresses for the website(s) that the domain <amateurchat.net>
8 resolved to each day for the period from May 3, 2004 through April 10, 2011.

9 3. Attached hereto as Exhibit 2 is a true and correct copy of a record titled “Hosting
10 History for Camfunchat.com.” At my direction, this record was retrieved from the website
11 www.domaintools.com on October 27, 2011. This record is publicly available on the
12 www.domaintools.com website. This record sets forth the IP Addresses for the website that the
13 domain <camfunchat.com> resolved to each day for the period from July 10, 2005 through April
14 10, 2011.

15 4. Attached hereto as Exhibit 3 is a true and correct copy of a record titled “Hosting
16 History for Petronastower.net.” At my direction, this record was retrieved from the website
17 www.domaintools.com on October 27, 2011. This record is publicly available on the
18 www.domaintools.com website. This record sets forth the IP Addresses for the website that the
19 domain <petronastower.net> resolved to each day for the period from April 24, 2004 through
20 April 10, 2011.

21 5. Attached hereto as Exhibit 4 is a true and correct copy of a record titled “Hosting
22 History for Petronastowers.net.” At my direction, this record was retrieved from the website
23 www.domaintools.com on October 27, 2011. This record is publicly available on the
24 www.domaintools.com website. This record sets forth the IP Addresses for the website that the
25 domain <petronastowers.net> resolved to each day for the period from May 3, 2004 through April
26 10, 2011.

27 6. Attached hereto as Exhibit 5 is a spreadsheet that was compiled at my direction
28 based on the website IP addresses set forth in the records described in paragraphs 2-5 above. This

1 spreadsheet sets forth the IP Addresses for the websites that the following domains resolved to
2 each day for the period from May 3, 2004 through November 11, 2006: <amateurchat.net>,
3 <camfunchat.com>, <petronastower.net>, and <petronastowers.net>. This spreadsheet shows that
4 there are 574 days between May 3, 2004 and November 11, 2006 when at least one of
5 <petronastower.net> and/or <petronastowers.net> resolved to the same website IP Address as
6 either <amateurchat.net> and/or <camfunchat.com>. In addition, it shows that by May 8, 2004,
7 both <petronastower.net> and <petronastowers.net> had resolved to the same website IP Address
8 as <amateurchat.net>.

9 7. Attached hereto as Exhibit 6 is a timeline that was drafted at my direction that
10 summarizes key dates related to the disputed domain names <petronastower.net> and
11 <petronastowers.net>.

12 8. Attached hereto as Exhibit 7 is a true and correct copy of the Certificate of
13 Registration for U.S. Trademark Registration No. 2969707, which is owned by Petroliam Nasional
14 Berhad (“Petronas”).

15 9. Attached hereto as Exhibit 8 is a chart that was drafted at my direction that
16 summarizes the scope of Petronas’s U.S. Trademark Registration No. 2969707 and that highlights
17 the extent to which the U.S. Registration exceeds the scope of Petronas’s Malaysian Trademark
18 Registrations 93007563, 93007564, and 93007565.

19 10. Attached hereto as Exhibit 9 is a true and correct copy of cited portions from the
20 transcript of the September 15, 2011 deposition of Petronas’s Rule 30(b)(6) witness, Yeoh Suat
21 Gaik. Ms. Gaik is senior litigation counsel for intellectual property at Petronas.

22 11. Attached hereto as Exhibit 10 is a true and correct copy of cited portions from the
23 transcript of the October 12, 2011 deposition of Jessica Hanyen, a supervisor in the Domain
24 Services department at Go Daddy.

25 12. Attached hereto as Exhibit 11 is a true and correct copy of cited portions from the
26 transcript of the October 20, 2011 deposition of Go Daddy’s Rule 30(b)(6) witness, Jessica
27 Hanyen.

