

EXHIBIT 11

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

PETROLIAM NASIONAL BERHAD
(PETRONAS),

Plaintiff,

CASE NO. 09-CV-5939PJH

vs.

GODADDY.COM, INC.,

Defendant.

::: CONFIDENTIAL :::

30(b) (6) DEPOSITION OF JESSICA HANYEN

DATE: Thursday, October 20, 2011

TIME: 10:25 a.m.

LOCATION: BALLARD SPAHR, LLP
1 East Washington Street, Suite 2300
Phoenix, Arizona 85004

REPORTED BY: JANICE HARRINGTON, RPR, CRR, CLR
AZ Certified Court Reporter No. 50844
Registered Professional Reporter
Certified Realtime Reporter
Certified LiveNote Reporter

MBreporting
111 Deerwood Road, Suite 200
San Ramon, California 94583

1 designated last time? I wasn't the --

2 MR. CLARK: Probably.

3 THE WITNESS: I had previous topics.

4 MS. KLAUSNER: But for today, purposes of
5 today, those are the topics.

6 BY MR. CLARK:

7 Q. Okay. Great. All right. I just wanted
8 to be sure I wasn't missing any. All right. So
9 topic number 22 says what Go Daddy did regarding the
10 domain name petronastower.net after it was contacted
11 on November 26, 2009, December 14, 2009 and December
12 16, 2009 concerning the domain name petronastower.net
13 including the identities of all persons involved in
14 the foregoing and all documents related to the
15 foregoing. Do you see that in topic 22 there?

16 A. Yes.

17 Q. Okay. So can you tell me what Go Daddy
18 did regarding the domain name petronastower.net?

19 A. What Go Daddy did was looked at the
20 correspondence that we received and looked at how it
21 applied to our role as a registrar and our role as a
22 hosting provider. As a hosting provider, since the
23 website content wasn't hosted with us, we directed
24 the complainant to contact that hosting provider to
25 address that issue. As a registrar, we are bound by

1 the Uniform Domain. Name Dispute Resolution Policy
2 under ICANN so we directed the complainant to pursue
3 the domain name issue through the UDRP.

4 Q. Okay. Now, the procedure you described
5 is consistent with Go Daddy's standard operating
6 procedure for domain name disputes; is that correct?

7 A. Yes.

8 Q. Okay. Now, does Go Daddy treat issues
9 related to domain name differently if they relate to
10 say its cash parking service as opposed to strictly
11 domain name registration?

12 A. Can you clarify?

13 Q. Sure. So Go Daddy offers -- it's a
14 hosting service, correct?

15 A. Yes.

16 Q. Okay. Go Daddy offers domain name
17 registration, correct?

18 A. Yes.

19 Q. Okay. Go Daddy offers a cash parking
20 service; is that correct?

21 A. Yes.

22 Q. Okay. What other services does Go Daddy
23 offer to its customers?

24 A. That's a very long exhaustive list.

25 Q. Okay. Are there any that come to mind

1 temporary restraining order?

2 A. Yes.

3 Q. Okay. And was this handled differently
4 than the trademark claim that Go Daddy received on
5 December 16th?

6 A. Everything that was handled was
7 consistent with the UDRP. So as far as trademark
8 claims goes, we were limited by that from being able
9 to take action on our own. Once this notice came in,
10 then domain disputes was also able to take the UDRP
11 into account and lock down the domain name.

12 Q. Okay. So after Go Daddy received the
13 December 18, 2009 e-mail regarding the Motion for
14 Temporary Restraining Order, domain disputes went
15 ahead and locked down the domain name
16 petronastower.net; is that correct?

17 A. Yes.

18 Q. And domain disputes, is that a team
19 within Go Daddy or a group of employees at Go Daddy?

20 A. Yes.

21 Q. Okay. And after locking down the domain
22 name petronastower.net, did the domain disputes group
23 do anything else?

24 MS. KLAUSNER: Object to the form. Its
25 vague.

1 Q. And now just to recap, looking at the
2 notification that Go Daddy received on December 18,
3 2009, how did Go Daddy handle that notification?

4 MS. KLAUSNER: Objection; asked and
5 answered. You can go ahead and answer it again.

6 THE WITNESS: Which one was the December
7 18th?

8 BY MR. CLARK:

9 Q. The one to legal@godaddy.com. Its in
10 Exhibit 26.

11 A. That would have been handled under the
12 domain dispute standard operating procedure.

13 Q. Okay. And under the domain dispute
14 standard operating procedure, what would Go Daddy
15 have done first after receiving the December 18, 2009
16 notification?

17 A. Go Daddy would have maintained the status
18 quo on the domain name.

19 Q. Which means?

20 A. Locking the domain name from having
21 changes made to it.

22 Q. Okay. Would Go Daddy have done anything
23 else?

24 A. Not to my knowledge.

25 Q. Okay. And with respect to -- with

1 A. This is a trademark claim that would have
2 been received by trademark claims at godaddy.com.

3 Q. Okay. And after looking at Exhibit 21,
4 can you tell me what Go Daddy did after it was
5 contacted on July 7, 2010 concerning the domain name
6 petronastowers.net?

7 A. At that time going by the standard
8 operating procedure, we would have advised the
9 complainant that the content of the website is not
10 hosted with our company and directed the complainant
11 towards the UDRP.

12 Q. Okay. And is that what Go Daddy in fact
13 did?

14 A. To my knowledge.

15 Q. Okay. And do you know who was involved
16 in that process?

17 A. That would have also been Rod Simonini.

18 Q. Anyone else?

19 A. Not that I'm aware of.

20 Q. Do you know which policy was applied to
21 the notification that was received on July 7, 2010
22 which is reflected in Exhibit 21?

23 A. This would -- the exhibit would have been
24 covered by the trademark claims on hosted sites.

25 Q. But not the domain disputes policy?

1 that would have been generated or created for that.
2 We simply would have evaluated it, determined that it
3 wasn't actionable under that standard operating
4 procedure, advised of the hosting -- advised of
5 directing the complaint to the hosting provider and
6 to follow the UDRP.

7 As far as with the domain disputes,
8 again, I can't think of any documents that would be
9 generated in regard to that. It would be more that
10 we would be on the receiving end of that, interpret
11 what needs to be done through the standard operating
12 procedure under UDRP and proceed as we are required
13 to.

14 Q. Okay. So now returning to Exhibit 1 and
15 numbered paragraph 24, that is topic 24 says, "Go
16 Daddy's intent regarding the registration or
17 maintenance of the domain names petronastower.net and
18 [petronastowers.net](#) and any trademark of Petronas
19 including the identity of all persons with knowledge
20 of the foregoing and all documents related to the
21 foregoing." And you understand you're Go Daddy's
22 designated deponent on that topic?

23 A. Yes.

24 Q. Okay. So do you know if Go Daddy had any
25 particular intent with respect to the registration or

1 maintenance of the domain names petronastower.net and
2 [petronastowers.net](#)?

3 A. Our intent was to follow the rules set
4 forth under the UDRP which is true for any of our'
5 registrations.

6 Q. Okay. And do you know who within Go
7 Daddy decided to follow the rules of the UDRP in
8 connection with the Petronas Tower and
9 [petronastowers.net](#) domain names?

10 MS. KLAUSNER: I'm going to object to the
11 form of the question. Assumes facts that are not in
12 evidence.

13 THE WITNESS: Can you clarify?

14 BY MR. CLARK:

15 Q. Sure. Well, actually, let me ask you
16 this. With respect to Exhibit 15, the standard
17 operating procedure for trademark claim on hosted
18 sites, do you know who drafted that policy?

19 A. Okay. Are you asking who drafted this
20 document?

21 Q. Sure.

22 A. Okay. I did.

23 Q. Okay. And do you know who decided that
24 the content of Exhibit 15 would be Go Daddy's
25 standard operating procedure for trademark claims on

1 A. Not to my knowledge.

2 Q. Okay. So it's your understanding that Go
3 Daddy's policies reflected in Exhibits 15, 40, and 41
4 are based on the requirements of the UDRP?

5 A. As a point of clarification, these are
6 not policies, these are procedures. Everything that
7 we do as a registrar, we adhere to the ICANN
8 policies. So any procedure that we have in place is
9 going to reflect that. With intellectual property
10 matters specifically, the UDRP is going to be the
11 paramount policy that's going to govern our actions.

12 Q. Okay. And this is a yes or no question.
13 Did you make an independent determination as to what
14 the governing requirements were of the UDRP as it
15 relates to Go Daddy's policies or standard operating
16 procedures?

17 A. Can you clarify?

18 Q. Right. So you said that the UDRP is
19 going to be the paramount policy, and that's going to
20 govern Go Daddy's actions with respect to formulating
21 its standard operating procedures; is that correct?

22 A. Yes.

23 Q. And did you make an inspected
24 determination without input from anyone else at Go
25 Daddy as to what the requirements of the UDR policy

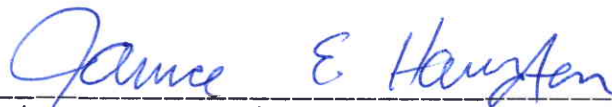
1 CERTIFICATE

2
3 I, Janice E. Harrington, Certified Court
4 Reporter for the State of Arizona, certify:

5 That the foregoing deposition was taken
6 by me; that I am authorized to administer an oath;
7 that the witness, before testifying, was duly sworn
8 by me to testify to the whole truth; that the
9 questions propounded by counsel and the answers of
10 the witness were taken down by me in shorthand and
11 thereafter reduced to print by computer-aided
12 transcription under my direction; that deposition
13 review and signature was requested; that the
14 foregoing pages are a full, true, and accurate
15 transcript of all proceedings and testimony had upon
16 the taking of said deposition, all to the best of my
17 skill and ability.

18 I FURTHER CERTIFY that I am in no way
19 related to nor employed by any of the parties hereto
20 nor am I in any way interested in the outcome hereof.

21 DATED this 31st day of October, 2011

22
23 

24 Janice E. Harrington
25 Certified Court Reporter No. 50844
For the State of Arizona