

EXHIBIT 12

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 MATTHEW BILUNES

DATE: Thursday, October 13, 2011

TIME: 2:05 p.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 Q. Okay. And so what is the trademark
2 policy with regards to the domain names themselves?

3 A. The policy there, the UDRP as it is
4 called is that if someone disputes someone's
5 registration of a domain name, you know, we cannot
6 take action on the domain name until we have been
7 ordered by ICANN approved arbitration forum or a
8 court in a competent jurisdiction, if we are
9 contacted.

10 And we will maintain the status quo as is
11 part of the policy which would mean locking the
12 domain name, preventing any further modifications to
13 it, not disabling the site, but preventing further
14 changes to registration, changes to the name servers
15 or where other hosting is pointing to.

16 And then in the future when we are
17 provided a filed court order or a decision from one
18 of these arbitration forums, we'll follow it
19 accordingly as the policy describes how to implement.

20 Q. Okay. Do you know what policy was
21 applied to the trademark claim submitted by Petronas
22 in December 2009 to Go Daddy regarding the domain
23 name petronastower.net?

24 A. I do not.

25 Q. Okay. Do you know what policy was

1 A. In that ^{i t s} a different domain name than
2 this one?

3 Q. Oh, no, this domain name,
4 petronastower.net.

5 A. Towers.net. Okay.

6 Q. No, petronastower.net

7 A. Tower.net. Not that I recall with regard
8 to a trademark claim.

9 Q. Were you involved at all with respect to
10 petronastower.net?

11 A. Yes, we did receive -- to have
12 correspondence at one point regarding the domain
13 name.

14 Q. And did you personally have
15 correspondence with someone?

16 A. Yes, I did.

17 Q. And who was that with? Do you recall who
18 you had correspondence with regarding the domain name
19 petronastower.net?

20 A. I believe it was probably you.

21 Q. And do you recall approximately when this
22 was?

23 A. Not -- approximately, yes. I can -- I
24 was aware that it was likely late 2009.

25 Q. Other than the correspondence in late

2009, were you involved in any other way with the
2 [petronastower.net](#) domain name?

3 A. Yes. I was first aware of this -- our
4 legal department asked me to take an action on the
5 domain to lock the domain name because they were
6 aware of pending proceedings so they asked me to make
7 sure that was taken care of.

8 Q. Okay. Any other involvement with the
9 [petronastower.net](#) domain name?

10 A. No.

11 Q. Referring back to Exhibit 23, have you
12 ever seen Exhibit 23 before today?

13 A. No.

14 MS. KLAUSNER: Can I just make an
15 objection just to clarify. Do you mean just this
16 standalone document as opposed to maybe as part of
17 some other e-mail chain?

18 BY MR. CLARK:

19 Q. At all.

20 MS. KLAUSNER: Any part of it?

21 BY MR. CLARK:

22 Q. Have you ever seen what's reproduced here
23 as Exhibit 23 before today?

24 A. Just to qualify that, I've never seen
25 this particular e-mail. I have seen one of these

1 Q. Were you involved at all in Go Daddy's
2 handling of Petronas' trademark claim related to
3 petronastowers.net?

4 A. No.

5 Q. And do you know how Petronas' trademark
6 claim for petronastower.net was handled by Go Daddy?

7 A. No.

8 Q. Why don't you go ahead and take a look at
9 Exhibit 6. And before we get into that --

10 A. Go ahead. I'm sorry, I'm listening. I'm
11 just trying to keep everything organized.

12 MS. KLAUSNER: Can we go off the record
13 for a second?

14 MR. CLARK: Yeah, of course.

15 (Discussion off the record.)

16 BY MR. CLARK:

17 Q. So just before we move on, I just wanted
18 to circle back and ask, do you know -- are you
19 familiar with Go Daddy's policy for handling domain
20 disputes or domain name disputes?

21 A. Yes.

22 Q. Okay. And what is Go Daddy's policy for
23 handling domain name disputes?

24 A. Go Daddy will follow Uniform Domain Name
25 Dispute Resolution Policy. I will call it the UDRP

1 going forward. We follow that where we won't make a
2 decision on registration as far as deciding who
3 should own it. We'll let that be handled by court or
4 ICANN approved forum. And follow, you know, move the
5 domain name where ordered. And in the meantime, lock
6 it, maintain the status quo of the domain name during
7 the proceedings.

8 Q. Okay. And do you know approximately how
9 many domain name disputes Go Daddy handles every
10 year?

11 A. I do keep pretty good numbers myself, but
12 I still have to be pretty approximate saying a couple
13 thousand with trademarked domain name disputes which
14 is what goes through ICANN.

15 Q. Okay.

16 A. Not ICANN, ICANN approved forums.

17 Q. All right. And how would you classify
18 the petronastower.net and petronastowers.net matters
19 raised by Petronas? Were those trademark disputes or
20 domain name disputes?

21 A. I would say neither.

22 Q. Okay. So returning now to the -- so let
23 me ask you again, or maybe I haven't asked you this
24 yet, but when you say "domain name dispute," what
25 exactly do you mean?


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 25th day of October, 2011

22
23 
24 Janice E. Harrington
25 Certified Court Reporter No. 50844
For the State of Arizona