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 11 PETROLIAM NASIONAL BERHAD

12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN JOSE DIVISION**

15 PETROLIAM NASIONAL BERHAD,
 16
 17 Plaintiff,
 18 v.
 19 GODADDY.COM, INC.
 20 Defendant.

NO. 09-CV-5939 PJH

**RULE 65(D) CERTIFICATION PURSUANT
 TO COURT'S DECEMBER 18, 2009 ORDER**

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 28 Certification

1 I, Perry Clark, as counsel for plaintiff Petroliam Nasional Berhad (“Petronas”) provide the
2 following certification under Fed. R. Civ. P. 65(b)(1)(B) setting forth why proof of service under
3 Fed. R. Civ. P. 4 should not be required prior to a hearing on plaintiff’s motion for a temporary
4 restraining order:

5 1. Upon receipt of this Court’s order on December 18, 2009 setting the hearing date on
6 Petronas’s motion for a temporary restraining order for December 23, 2009, my office arranged for a
7 process server to serve GoDaddy at the address of its business headquarters as soon as possible.

8 2. We have been informed that service was completed at 3:25 pm this afternoon (December
9 21, 2009) and that the proof of service is being sent by Federal Express to our office, which we will
10 file it upon receipt.

11 3. In addition, on December 18, 2009, I emailed defendant GoDaddy at
12 “legal.godaddy.com” informing it of plaintiff’s intention to move for a temporary restraining order.
13 I received a response from Matthew Bilunes, Dispute Supervisor for Domain Services at
14 GoDaddy.com, Inc. stating “Thank you for your message. After we receive the documents, we will
15 contact you as confirmation of their arrival and advise you of what actions will be taken.”

16 4. At 11:43 a.m. on December 18, 2009, my office emailed a complete copy of plaintiff’s
17 complaint, motion for temporary restraining order, and the supporting documents to defendant
18 GoDadday at “legal.godaddy.com.”

19 5. At 3:25 p.m. on December 18, 2009, my office emailed a copy of the Court’s order to Mr.
20 Bilunes and informed him that the hearing had been set for Wednesday, December 23, 2008, in the
21 District Court in Oakland before Judge Hamilton.

22 6. At approximately 5 p.m., my office sent “as-filed” copies of the complaint, motion for
23 temporary restraining order, and the Court’s order by Federal Express to GoDaddy’s corporate
24 headquarters.

25 7. At approximately 5:30 p.m. on December 18, 2009, an attorney in my office received a
26 telephone call from in-house counsel for GoDaddy, Kelly Lewis, and discussed the hearing date, the
27 Court’s order, and possible resolutions of the issues raised in the motion for a temporary restraining
28 order. This attorney also sent yet another copy of all of the papers related to this motion and the

1 Court's order by email to Mr. Lewis.

2 8. On December 21, 2009, I spoke with Mr. Lewis about the hearing and the issues between
3 the parties. Another attorney in my office also spoke with Mr. Lewis. Mr. Lewis indicated that he
4 had received the motion papers, complaint, and the Court's order.

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6 Dated: December 21, 2009

/s/Perry Clark

Perry Clark

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