

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

7 Attorneys for Defendant
8 GODADDY.COM, INC.

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

12 PETROLIAM NASIONAL BERHAD,

13 Plaintiff,

14 vs.

15 GODADDY.COM, INC.,

16 Defendant.

18 GODADDY.COM, INC.,

19 Counterclaimant,

20 vs.

21 PETROLIAM NASIONAL BERHAD,

22 Counterclaim Defendant.

CASE NO.: 09-CV-5939 PJH

DECLARATION OF NIMA KELLY IN
SUPPORT OF PLAINTIFF'S
ADMINISTRATIVE MOTION TO
SEAL

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

Honorable Phyllis J. Hamilton

1 I, Nima Kelly, declare and state as follows:

2 1. I am the Deputy General Counsel at GoDaddy.com, Inc. ("Go Daddy"). I have
3 personal knowledge of the facts set forth in this declaration. If called as a witness, I could and
4 would testify competently to the matters set forth below.

5 2. I have reviewed pages 165-173 of Petronas's appendix in support of its motion for
6 partial summary judgment, a document detailing Go Daddy's standard operating procedure for
7 dealing with trademark claims ("SOP"). In light of the confidential nature of the document, there
8 are several compelling reasons why it should not be made public.

9 3. The SOP contains highly sensitive and confidential business information belonging
10 to Go Daddy that, if disclosed, would give competitors valuable insights into the step-by-step
11 process that Go Daddy employs when addressing trademark issues, including detailed descriptions
12 of how certain internal proprietary tools function which are routinely utilized by the Go Daddy
13 department tasked with responding to issues relating to domain names. This highly sensitive
14 information found in the SOP represents competitive business information and trade secret
15 knowledge that Go Daddy acquired at considerable effort and expense over many years. This
16 information cannot be acquired or duplicated by others outside of Go Daddy.

17 4. Disclosure of the SOP would also result in a security risk to Go Daddy and,
18 potentially, Go Daddy customers. If hackers were able to learn the names and details of Go
19 Daddy's internal proprietary tools—several of which are described in detail in the SOP—such
20 information may be used for targeted hacking and may provide hackers with additional "potential
21 entry points" into Go Daddy's systems. Such knowledge would also assist hackers seeking to
22 breach Go Daddy's security by allowing those hackers to appear familiar with the internal systems
23 and tools known only to select Go Daddy employees. The SOP also explains how parked pages
24 are redirected using various tools—information which could be exploited by hackers and
25 potentially lead to thousands of customer web pages being maliciously redirected. Furthermore,
26 the SOP identifies the internal file location of various reference documents cited in the SOP,
27 which in turn reveals critical information regarding how Go Daddy's network is organized and
28 may serve as a blueprint for hackers seeking to gain access to it.

1 5. In addition, since the SOP provides a detailed step-by-step outline of the process
2 Go Daddy uses when responding to trademark complaints, its disclosure would inform trademark
3 infringers of the underlying processes Go Daddy employs and would potentially assist them in
4 developing methods of circumventing the system. Public knowledge of such valuable information
5 may serve to encourage trademark infringement in the short-term.

6 6. To my knowledge, the highly sensitive information disclosed in the SOP is not
7 known outside of Go Daddy, not disclosed to Go Daddy employees except on a "need to know"
8 basis, and not shared with third parties except under a confidentiality agreement or pursuant to a
9 professional duty of confidentiality that prevents public disclosure of this information.
10 Accordingly, compelling reasons exist for filing the SOP under seal.

11 7. I understand that Go Daddy's general practices and procedures with respect to the
12 handling of incoming trademark complaints are already set forth in the Court's record via the
13 declaration of Jessica Hanyen in support of Go Daddy's Motion for Summary Judgment.

14 I declare under penalty of perjury that the foregoing is true and correct. Executed at New
15 York, New York, on November 9, 2011.

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