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15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA

17 PETROLIAM NASIONAL BERHAD,  
 18 Plaintiff,  
 19 vs.  
 20 GODADDY.COM, INC.,  
 21 Defendant.

CASE NO.: 09-CV-5939 PJH

**NOTICE OF MOTION, MOTION,  
 AND MEMORANDUM OF POINTS  
 AND AUTHORITIES IN SUPPORT  
 OF GO DADDY'S ADMINISTRATIVE  
 MOTION TO SEAL**

22 GODADDY.COM, INC.,  
 23 Counterclaimant,  
 24 vs.  
 25 PETROLIAM NASIONAL BERHAD,  
 26 Counterclaim Defendant.

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

Honorable Phyllis J. Hamilton

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1 **NOTICE OF MOTION AND MOTION**

2 PLEASE TAKE NOTICE that on December 7, 2011, 2011, at 9:00 a.m. in the courtroom  
3 of the Hon. Phyllis J. Hamilton, Courtroom 3, United States District Court, Northern District of  
4 California, 1301 Clay Street, Oakland, California, Defendant/Counterclaimant Go Daddy.com,  
5 Inc. (“Go Daddy”) will and hereby does move pursuant to United States District Court of the  
6 Northern District of California Civil Local Rule 7-11 to seal (1) Go Daddy’s standard operating  
7 procedure for dealing with incoming trademark claims (“SOP”), which constitutes Exhibit 24 to  
8 the November 24, 2011 Declaration of Perry Clark In Support of Plaintiff Petronas’s Motion for  
9 Partial Summary Judgment on Go Daddy’s Liability for Contributory Cybersquatting (“Clark  
10 MPSJ Declaration”); and (2) certain sections of the transcript of the October 19, 2011 deposition  
11 of Jeff Munson found on page 11 at lines 4-10 and 14-16, page 13 at lines 9-13, page 14 at lines 7-  
12 24, page 16 at lines 1-25, page 17 at lines 1-4, page 19 at lines 6-9 and 22-24, page 22 at lines 6-8,  
13 page 23 at lines 3-7 and 17-25, and all of pages 24-26 (the “Munson Excerpts”), which are located  
14 within pages 187-190 of Exhibit 26 to the Clark MPSJ Declaration, and within pages 82-85 of  
15 Exhibit 6 to the November 25, 2011 Declaration of Perry Clark In Support of Plaintiff Petronas’s  
16 Opposition to Go Daddy’s Motion for Summary Judgment (“Clark Opposition Declaration”).<sup>1</sup>  
17 The motion is based on this Notice of Motion and Motion, the Memorandum of Points and  
18 Authorities, the November 9, 2011 Declaration of Nima Kelly In Support of Plaintiff’s  
19 Administrative Motion to Seal (Dkt. No. 124), the November 9, 2011 Declaration of Greg  
20 Schwimer In Support of Plaintiff’s Administrative Motion to Seal (Dkt. No. 124), the pleadings  
21 and papers on file in this action, the Court’s order dated November 18, 2011 (Dkt. No. 133), and  
22 any other submissions or arguments of counsel as may be presented to the Court.

23 **MEMORANDUM OF POINTS AND AUTHORITES**

24 Go Daddy moves to seal the SOP (Exhibit 24 to the Clark MPSJ Declaration) and the  
25 Munson Excerpts (portions of Exhibit 26 to the Clark MPSL Declaration, and portions of Exhibit  
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27 <sup>1</sup> Exhibit 26 to the Clark MPSJ Declaration and Exhibit 6 to the Clark Opposition Declaration  
28 are identical, and Go Daddy moves to seal identical sections in each.

1 6 to the Clark Opposition Declaration). Go Daddy respectfully submits that compelling reasons  
2 exist for sealing because, as set forth below, these are confidential and highly sensitive documents.  
3 The court has previously ruled that these documents should be sealed.

4 By way of background, both Petronas and Go Daddy have moved for summary judgment.  
5 On November 2, 2011 Petronas submitted an appendix in support of its motion for partial  
6 summary judgment consisting of 204 pages of documents. *See* Dkt. Nos. 119 & 120. On  
7 November 16, 2011, Petronas submitted a separate appendix with its opposition to Go Daddy’s  
8 motion for summary judgment consisting of 3,484 pages. *See* Dkt. Nos. 126 & 128. On  
9 November 22, the Court ordered both the appendices stricken for improper format and failure to  
10 authenticate, and ordered Petronas to re-submit any materials it wished the Court to consider “in a  
11 form that complies with the Federal Rules of Evidence” and “that is usable by the court” no later  
12 than November 25, 2011. Dkt. No. 137.

13 On November 25, Petronas filed the Clark MPSJ Declaration, which contained the 204  
14 page appendix that was initially filed in support of Petronas’s motion for partial summary  
15 judgment. Dkt. No. 143. On November 28, Go Daddy received via U.S. mail a copy of the Clark  
16 Opposition Declaration (*see* Fiorino Declaration In Support of Go Daddy’s Administrative Motion  
17 to Seal (“Fiorino Decl.”), ¶ 2), which contained many, but not all, of the documents initially filed  
18 in the separate appendix with Petronas’s opposition to Go Daddy’s motion for summary judgment.  
19 It does not appear that the Clark Opposition Declaration was ever e-filed with the Court.

20 Although Petronas filed an administrative motion to seal (Dkt. No. 144), the motion does  
21 not address *any* of the Exhibits to the Clark MPSJ Declaration, and, for reasons not clear, seeks  
22 only to seal certain exhibits to a document—the Clark Opposition Declaration—that has not been  
23 filed with the Court. The deadline for filing such documents has passed. *See* Dkt. No. 137. Due  
24 to the fact that Petronas’s administrative motion to seal does not address the SOP (which is  
25 incorrectly described in the Clark MPSJ Declaration as Exhibit 23, but is tabbed thereto as Exhibit  
26 24) or the Munson Excerpts (portions of Exhibit 26) attached to the Clark MPSJ Declaration, and  
27 to the extent that the un-filed Clark Opposition Declaration seeks to enter the Munson Excerpts  
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1 (portions of Exhibit 6) into the record, Go Daddy brings this Motion to Seal the SOP and Munson  
2 Excerpts.

3 The Court has already held that the SOP and Munson Excerpts may be filed under seal.  
4 Petronas previously submitted the SOP and Munson Excerpts when it lodged its Appendix in  
5 support of Petronas's Motion for Partial Summary Judgment (the "Appendix") on November 2,  
6 2011. At that time, Go Daddy filed the Declaration of Nima Kelly In Support of Plaintiff's  
7 Administrative Motion to Seal ("Kelly Declaration") (Dkt. No 124) and the Declaration of Greg  
8 Schwimer In Support of Plaintiff's Administrative Motion to Seal ("Schwimer Declaration") (Dkt.  
9 No.124). *See* Fiorino Decl., Exs. A & B. The Kelly and Schwimer Declarations outline the  
10 confidential and highly sensitive nature of the information contained in the SOP and Munson  
11 Excerpts and establish compelling reasons for the information not to be made public. *Id.*

12 On November 18, 2011, this Court sealed the SOP and Munson Excerpts located in  
13 Petronas's Appendix, and, in its Order Granting Plaintiff's Motion to Seal In Part and Denying In  
14 Part (Dkt. No. 133), specifically concluded that "compelling reasons exist for sealing" the SOP  
15 and Munson Excerpts. Fiorino Decl., Ex. C.

16 Based on the Court's prior ruling, and the compelling reasons set forth in the Kelly and  
17 Schwimer Declarations, Go Daddy respectfully requests that the Court order the SOP (constituting  
18 Exhibit 24 to the Clark MPSJ Declaration) and the Munson Excerpts (located within pages 187-  
19 190 of Exhibit 26 to the Clark MPSJ Declaration and pages 82-85 of Exhibit 6 to the Clark  
20 Opposition Declaration) sealed.

21 Dated: December 2, 2011

WILSON SONSINI GOODRICH & ROSATI  
PROFESSIONAL CORPORATION

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24 By: /s/ David L. Lansky  
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