Petroliam Nasional Berhad v. GoDaddy.com, Inc. Doc. 149 Att. 4

EXHIBIT C

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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

PETROLIAM NASIONAL BERHAD (PETRONAS),

Plaintiff,

vs.

GODADDY.COM., INC.,

Defendant.

No. 09-CV-5939 PJH

ORIGINAL

DEPOSITION OF Jeff Munson, taken on Wednesday, October 19, 2011, commencing at 9:00 a.m., at 225 Second Street SE, Cedar Rapids, Iowa, before Angela L. Maddux, Certified Shorthand Reporter of the State of Iowa, pursuant to the within stipulation.

APPEARANCES:

Perry R. Clark, of the Perry Clark Law Firm, Attorney at Law, 825 San Antonio Road, Palo Alto, California, 94303, Attorney for the Plaintiff.

David L. Lansky, of the Wilson, Sonsini, Goodrich & Rosati Law Firm, Attorney at Law, 650 Page Mill Road, Palo Alto, California, 94304, Attorney for the Defendant.

Angela L. Maddux, CSR, RPR
IRISH REPORTING, INC.
305 - 10th Avenue
Hiawatha, IA 52233
(319) 393-5050

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ORIGINAL

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JEFF MUNSON
called as a witness, having been first duly sworn, was examined and testified as follows:
EXAMINATION
BY MR. CLARK:

Q. Good morning. My name is Perry Clark. I'm a lawyer and I represent the plaintiff in this case, Petroliam Nasional Berhard, and I will refer to them as Petronas.

MR. LANSKY: And I am David Lansky of Wilson, Sonsini, Goodrich & Rosati here on behalf of GoDaddy and the deponent.

Q. All right. Could you go ahead and state and spell your name for the record, please?

A. Yeah. Jeff Munson. It is spelled J-e-f-f, M-u-n-s-o-n.

Q. And you're currently employed by GoDaddy?

A. Yes.

Q. What is your current job title at GoDaddy?

A. Development manager.

Q. And what are your responsibilities as development manager?

A. We take care of what we call the park web system, the mask and forwarding system, and we also take care of a product called cache parking.

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Q. I'm sorry, what was the second one you said?

A. Forward and masking system.

Q. Forward and masking system?

A. Yes.

Q. And the last one was cache parking?

A. Yes. And I want to qualify the forward and masking sytem, it is the back end forward and masking system.

Q. All right. How long have you worked at GoDaddy?

A. I have worked there since November 30th of 2004, so that would put it at almost seven years now.

Q. Has your job title always been development manager?

A. No. I came in as what we call a dot net developer which is a programmer. I became a development manager, I can't remember the exact date, in 2009 or '10, somewhere in there.

Q. So do you have an undergraduate degree, a university degree?

A. Yes. I have a bachelor of business administration and management information systems from the University of Iowa.

Q. Do you have any post graduate --

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A. No.

Q. All right. So can you just describe briefly what Go Daddy's park web system is?

A. Yes. When a customer registers a domain, that domain is parked and so I take care of those. So if somebody registers a domain, and then they go in the web browser and type in that domain, if it is parked in our parked web system I show the parked page.

Q. And just briefly if you can describe what the forward and masking -- let me ask you this. Would you call forward and masking a product or would you refer to it as a system?

A. Yes, in my mind it is a system.

Q. So can you just briefly describe the forward and masking system?

A. Sure. We have upstream customers can choose to enable forward and masking on their domain. And my system what it does is it takes a request from the web, so if you have your domain set up to be forward and masked, my system will take that request, it will look into, take the domain name, look in the database and say are you forwarded? If you're not forwarded, I ask are you masked? And based on what you are, if you're forwarded or masked, I will serve

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back an HTTP response to the browser. I will serve back an HTTP response, a correct response, whether it is a 301, which is that location has changed and please update your links to change to that location; or a 302 which means a temporary forward, or a 200 which serves back HTML in a frame set so the domain is masked.

Q. Okay. I don't have a technical background at all, and we'll talk about this some more so bear that in mind. Then lastly cache park, what is cache parking?

A. Cache parking is I will equate it to park web where you can pay a monthly fee and then we're share out the advertising revenue on that parked page.

Q. So what is the difference between parked web and cache parking?

A. Parked web, GoDaddy keeps the advertising revenue on those parked pages. And cache parking, if you pay a monthly fee to us we'll share out some of that revenue to you.

Q. All right. And is parked web something that's set up automatically for each registration or not?

A. As far as I know, yes. I'm not completely

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sure, but I'm guessing yes.
Q. Okay. I will go ahead and mark this.
(Whereupon, Munson Deposition Exhibit Number 31 was marked for identification.)
Q. I am going to hand the witness what has been marked as Munson Exhibit 31. If you could go ahead and -- have you ever seen Exhibit 31 before?
A. Yes.
Q. When did you see it?
A. Yesterday.
Q. That is when you were preparing for your deposition?
A. Yes.
Q. How long did you prepare for your deposition?
A. I wasn't watching the clock. I would guess one or two hours.
Q. And you met with Mr. Lansky?
A. Yes.
Q. Did you do anything else to prepare for your deposition?
A. No.
Q. If you could turn to Page 7 of Exhibit 31 there's a numbered Paragraph 2 about two-thirds of the way down the page. Do you see that?

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A. Yes.
Q. That paragraph says, "The services provided by GoDaddy related to the disputed domain names, including technical aspects of routing/forwarding the disputed domain names." Do you see that?
A. Yes.
Q. And you understand you have been designated to testify as GoDaddy's representative on that topic?
A. Yes.
Q. Then if you could turn to Page 11 of Exhibit 31, there is numbered Paragraph 34 on that page. It says, "Policies, procedure, guidelines, rules, standards, and protocols relating to the functioning and use of personal computers and local area networks which may have been used to create or process electronically stored information referencing or relating to the subject matters." Do you see that?
A. Yes.
Q. And do you understand you have been designated to testify on that topic as well?
A. Yes.
Q. Great. So why don't we start with topic two. Can you go ahead and describe for me the services provided by GoDaddy related to the disputed

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domain names.
MR. LANSKY: Objection to form.
Q. And for purposes of this deposition, can we agree to refer to the domain names Petronastower.net, Petronastowers.net as the disputed domain names?
A. Yes.
Q. Can you describe for me the services provided by GoDaddy related to the disputed domain names?
A. The services I assume you're referring to are forwarding. Again, I work on the back end of the forwarding system so I can testify to that. I was a programmer on that. And as I explained before what it does is it takes -- I get a web request from a browser. I take the host header -- and when a browser sends a request to a web server there's a header involved and it specifies a get and it has a host in that header. I take that host and I look up that host in to my sequel database.
So the first thing I do is I query a database to see if that domain name is to be forwarded. If it is to be forwarded, I get a result sent back from the database that tells me where to forward it to and what type of forward to do. The type of forward being a 301 which means a permanent

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to the browser, means a permanent redirect; or a 302 which means a temporary redirect. So whoever the registrant is of that domain name, somewhere they set up the forwarding and that address goes in to a database to forward it to and I take that address and I forward the domain name to that address.
Q. So when you use the phrase "back end", can you describe what you mean or elaborate more?
A. Yes. When a registrant forwards their name they go to what is called our domain manager commonly referred to as DCC where they manage our domains. Within that application that can actually say I want to forward or mask this domain. So the registrant will go in and they will type the address that they want to forward to, or specify the address they want to set up masking for. So that's what I would call the front end.
The middle piece, there's another middle piece that I don't work on, but this middle piece takes that information that was put in to that interface, and what it does is it writes to the database that I read from the back end. So that's what I mean by back end. There is a front end where user puts in the information, and middle end that sets up the data for me, the back end.

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Q. On the back end let's talk a little bit about the hardware that's involved. I assume there some sort of server?

[redacted]

Q. And these are servers owned by GoDaddy?
A. Yes.
Q. And where are they located?

[redacted]

Q. And GoDaddy has exclusive control over these servers?
A. Yes.
Q. And so these servers are running you said -- I'm sorry, what was the name of the program?
A. The operating system is Microsoft Windows 2003.
Q. And then what was the server application called?

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A. The web server is Internet Information Server 6.0.
Q. Is that a Microsoft program also?
A. Yes, it's a Microsoft product.
Q. So you use the Internet Information Server 6.0 to implement the forwarding service?
A. Yes.
Q. Is that the program you've always used to do forwarding at GoDaddy?
A. Yes.
Q. When did GoDaddy first start offering domain name forwarding?
A. I don't know because I picked up the system in 2006. It was like April, May of 2006. Before that was on an Apache Linux system, so I don't know when they started to do forwarding.
Q. So you were there when the cutover from Apache Linux to Internet Information Server took place?
A. Yes.
Q. Do you happen to know, was that just for the forwarding servers or did GoDaddy switch away from Apache Linux for all of its servers?
A. It is just for the forwarding.
Q. Okay. So can you tell me the little bit

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more about the implementation of the forwarding service on the Internet Information Server? For example, did you have to write the code for that?
A. Yes.
Q. You did?
A. Yes.
Q. Were you the only one who wrote the code?
A. Yes, I was.

[redacted]

Q. Now, the domain name forwarding that's being implemented on the Internet information server, does that implement domain name -- let me start over.
Is another word for domain name forwarding a URL redirect?
A. Yes, I would refer to that as that, yes.
Q. Is the URL redirect function described in any sort of standard that you're aware of?
A. I think, yes, it is described in the HTTP standard, HTTP one dot one. If you go out and look you can see definitions for 301 and 302.
Q. So when you were referring to 301 and 302

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earlier you're talking about an HTTP 301 and 302 URL redirects?
A. Yes.
Q. And did you use that HTTP standard in writing the code for the domain name forwarding system?

[redacted]

Q. Is the 301 a temporary redirect?

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A. No, it is a permanent redirect.
Q. And can you explain a little bit the difference between the 301 and the 302 redirects?
A. Yes. A 301 redirect, what it tells browsers and I think the main reason why customers were requesting it is because it also tells search engines to, you know, your Google spider and your, whatever, Yahoo spider, to go in to that new location and to update the links.
Whereas a 302 search engines would just ignore it, browser would just ignore it and it would be a temporary redirect. A 301 is better for search engine optimization. So we had customers asking if we could implement 301 redirects for us. So we responded to that request and added that functionality.
Q. When was that added?
A. I can't recall for sure. I want to say sometime 2007, 2008. Somewhere in there.
Q. A year or so after you originally drafted it?
A. Yes, I think so.
Q. That's fine. Did anybody else work on setting up the domain name forwarding system at GoDaddy that you know?

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[redacted]

Q. I want to follow-up on thing you said. You mentioned customers demand domain name forwarding?
A. Okay.
Q. Can you tell me a little more about that; what you know about the customer demand?
MR. LANSKY: Object to the form of the question.
A. What I know about customer demand is with the forwarding system basically like take -- I'll provide an example. Like CNN dot com is out there as its own Website. So if I were CNN I may want to also have the dot net, dot U.S., dot biz, whatever the other TLDs that they make have registered. They may want to catch that type in traffic, so that somebody may type in and forward that to CNN dot com.
Q. So there were customers who were requesting the ability to do that type of domain name forwarding?
A. That I don't know. That's my personal opinion.
Q. I see. So in addition to adding the 301

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[redacted]

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redirects, were there any other changes made to the domain name forwarding system that you're aware of?
A. Not that I can recall.
Q. Now turning back to the topic, are you aware of any other services that GoDaddy provided related to the disputed domain names other than domain name forwarding?
A. No.
Q. I would like to go ahead and mark this.
(Whereupon, Anderson Deposition Exhibits 4 and 5 were marked for identification.)
Q. I will hand you what has been previously marked Anderson Exhibit 4, which bears Bates number G 00560 to 561, and Anderson Exhibit 5 which bears Bates stamp GD000562 to 563. Why don't we start with Exhibit 4. Can you tell me what Exhibit 4 is?
A. No.
Q. How about Exhibit 5, can you tell me what Exhibit 5 is?
A. No.
Q. Do you know when GoDaddy started providing domain name forwarding for the disputed domain names?
A. No.
Q. Do you have any idea how many GoDaddy customers use its domain name forwarding service?

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A. No.
Q. In addition to domain name forwarding, GoDaddy offers hosting services for customers, correct?
A. Correct.
[redacted]
A. Yes.
Q. So GoDaddy uses a different set of servers for its hosting service; correct?
A. Yes.
Q. Does GoDaddy use any servers in connection with its domain name registration service?
A. Can you rephrase the question?
Q. Sure. Does GoDaddy use any servers in connection with its domain name registration service?
A. I don't work in that area so I can't tell you. My guess would be yes, we would have to, I mean --
[redacted]
A. No.

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Q. Backing up. So in terms of GoDaddy's hosting service, does GoDaddy provide its hosting service to customers who have registered their domain names with registrars other than GoDaddy?
A. I don't understand the question. I'm sorry.
Q. So GoDaddy certainly serves as the registrar of certain domain names. And GoDaddy also provides a hosting service; correct?
A. Correct.
Q. Does GoDaddy provide its hosting service to customers who have domain names that are registered with other domain name registrars?
A. That I'm not sure. I don't know.
Q. Now, GoDaddy offers a Windows hosting service; is that correct?
A. Yes.
Q. And it also offers a Linux based hosting service; correct?
A. Yes.
Q. So I will go ahead and have marked as Munson Exhibit 32 a document with no Bates numbers.
(Whereupon, Munson Deposition Exhibit Number 32 was marked for identification.)
Q. Why don't you look at Exhibit 32. My

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question is going to be can you tell me what Exhibit 32 is?
A. In looking at it it looks like a help article to me.
Q. Sure. So there is a reference here to -- it says at the top Redirect URLs. Is that the type of URL redirects we were talking about previously that GoDaddy uses for its domain name forwarding service?
MR. LANSKY: Object to the form.
A. That I don't know because I'm not sure. From this article I can't tell how they're actually doing the redirect. My guess is it would be yes if we're doing 301s, 302s, but --
Q. Okay. So down at the bottom you see there's a note that says redirects can be permanent (a 301 redirect) or temporary (a 302 redirect).
A. Yes.
Q. Does that help you get a better sense of whether or not they're talking about the same kind of URL redirects that GoDaddy uses for its domain name forwarding service?
MR. LANSKY: Object to the form.
A. I can't say for sure. But a 301 and a 302 to the browser looks the same. A 301 comes back as a

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status code and there is a location with a URL. Same with a 302. I mean, there is a 302 status code with the location URL to go to. So I can't say for sure but from the looks of it, it would be somewhat similar.
[redacted]
A. My guess is no.
Q. Why do you say that?
A. Why do I say that? Because it says only our Linux hosting account offers this URL redirect feature. What I wrote isn't on Linux, so it is something different.
Q. Do you know who is responsible just overall for GoDaddy's Linux hosting service?
A. No, I'm not familiar with that.
Q. Why don't you refer back to Exhibit 31, the notice. If you turn to Page 11, please, and look at topic 34. Can you just describe what sort of policies, procedures or guidelines, et cetera, GoDaddy might have that relate to the functioning and use of its computers and networks?
A. Yes. Basically we're not allowed to bring any computers in, any personal -- like my personal

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laptop or anything like that is not allowed in the door. No flash drives.

[redacted]

Q. Are GoDaddy's policies in this regard set out in some sort of manual, like employee manual?

A. Yes.

Q. And what's the title of that document?

A. I am not sure what the title of the document is, but it is in our employee handbook.

Q. Do you know if GoDaddy is ISO 9000 compliant?

A. No, I do not know that.

[redacted]

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[redacted]

24

[redacted]

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[redacted]