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December 19, 2011

BY ELECTRONIC FILING

Hon. Phyllis J. Hamilton
Judge, U. S. District Court
Northern District of California
Courtroom 3 - 3rd Floor
1301 Clay Street
Oakland, CA 94612

**Re: *Petroliam Nasional Berhad v. GoDaddy.com, Inc.*, 09-CV-5939 PJH
Letter Requesting Modification of Pretrial Order**

Your Honor:

We represent Defendant and Counterclaimant GoDaddy.com, Inc. (“Go Daddy”) in this matter.

We submit this letter brief pursuant to the procedure set forth in the Case Management and Pretrial Order entered in the above-captioned litigation on June 1, 2011 (Dkt. 92) (the “Pretrial Order”). Per the Pretrial Order, a pretrial conference is scheduled for February 9, 2012, followed by a jury trial commencing March 5, 2012. In light of the parties’ pending motions for summary judgment, we believe that good cause exists to modify the remaining dates set forth in the Pretrial Order.

Go Daddy’s Motion for Summary Judgment and Petronas’s Motion for Partial Summary Judgment were heard on December 7, 2011. At the hearing, the Court requested supplemental briefing regarding Petronas’s “Contributory Cybersquatting” cause of action. The parties have submitted these briefs. The Court has not yet ruled on these potentially dispositive motions.

Under the current schedule, the majority of the parties’ pretrial submissions are due on January 12, 2012 (28 days prior to the February 9 pretrial conference). The preparation of these materials will involve a tremendous amount of work over the holidays. However, because the motions for summary judgment are still pending, the parties do not yet know the scope of the claims that will ultimately be tried. Preparing all claims for trial and subsequently learning that certain claims were dismissed would be highly inefficient, expensive and unduly burdensome on the parties.

We have contacted plaintiff’s counsel concerning this request but have not yet received a response.

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Accordingly, Go Daddy requests that the current schedule be reset following the Court's ruling on the parties' respective motions for summary judgment, with the pretrial submissions due no sooner than 30 days after the date of the Court's order.

Respectfully Submitted,

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