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 14 GODADDY.COM, INC.

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

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

22 CASE NO.: 09-CV-5939 PJH
 23)
 24)
 25) **[PROPOSED] ORDER ENTERING**
 26) **FINAL JUDGMENT ON PETRONAS'S**
 27) **CLAIMS AND DISMISSING GO**
 28) **DADDY'S COUNTERCLAIM**
 29) **WITHOUT PREJUDICE**

30 GODADDY.COM, INC.,
 31 Counterclaimant,
 32 vs.
 33 PETROLIAM NASIONAL BERHAD,
 34 Counterclaim Defendant.

35 Date: December 7, 2011
 36 Time: 9:00 a.m.
 37 Courtroom: 3
 38 Honorable Phyllis J. Hamilton

1 On January 3, 2012 the Court granted the motion for summary judgment of Defendant and
2 Counterclaimant GoDaddy.com, Inc. (“Go Daddy”) as to all claims asserted by Plaintiff and
3 Counterclaim Defendant Petroliam Nasional Berhad (“Petronas”) in the above-captioned litigation
4 (“Petronas’s claims”) and denied GoDaddy’s motion for summary judgment as to its counterclaim
5 seeking to cancel Petronas’s PETRONAS AND DESIGN trademark registration, U.S. trademark
6 registration Reg. No. 2969707 (the “Trademark claim”).

7 The Court finds no just reason to delay entering final judgment in favor of Go Daddy as to
8 Petronas’s claims.

9 With the dismissal of Petronas’s claims, the only claim remaining in this lawsuit is the
10 Trademark claim. Go Daddy previously asserted a claim substantially identical to the Trademark
11 claim in an action before in the United States Patent and Trademark Office, Trademark Trial and
12 Appeal Board (“TTAB”), entitled *GoDaddy.com, Inc., v. Petroliam Nasional Berhad*, No.
13 92052741 (the “TTAB proceeding”) which was subsequently suspended in deference to this
14 lawsuit. Go Daddy now seeks to voluntarily dismiss the Trademark claim without prejudice and
15 to litigate the remainder of the claim in the TTAB proceeding.

16 Accordingly, IT IS HEREBY ORDERED that:

17 1. Pursuant to Federal Rule of Civil Procedure 54(b), the Court enters final judgment
18 for Go Daddy and against Petronas as to each and every claim asserted by Petronas in the above-
19 captioned litigation;

20 2. Pursuant to Federal Rule of Civil Procedure 41(a)(2), the Court enters Go Daddy’s
21 voluntary dismissal of the Trademark claim without prejudice; and

22 3. Should the TTAB for any reason decline a request to lift the suspension of the
23 TTAB proceeding, then Go Daddy may advise this Court within 30 days of such TTAB decision
24 and seek rescheduling of trial of the Trademark claim before this Court.

25
26 Dated: _____

Phyllis J. Hamilton
United States District Judge