

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CIVIL MINUTES

Date: February 9, 2012 (Time: 15 minutes)

JUDGE: Phyllis J. Hamilton

Case No: C-09-5939 PJH

Case Name: Petroliam Nasional Berhad v. Godaddy.com, Inc.,

Attorney(s) for Plaintiff: Perry Clark

Attorney(s) for Defendant: John Slafsky, David Lansky

Deputy Clerk: Nichole Heuerman

Court Reporter: telephonic - not recorded

PROCEEDINGS

Hearing regarding defendant's administrative motion for entry of final judgment on plaintiff's claims and for voluntary dismissal of defendant's counterclaim without prejudice (doc 168). Parties advised that court is willing to approve request so that counterclaim re validity of the trademark can be tried before the trademark Trial and Appeals Board ("TTAB") if both parties agree. While both parties agree that a trial before the TTAB is preferable to a trial in the district court, they have not agreed on whether and under what circumstances, defendant should be permitted to return to this court. As discussed at the case management conference, the court is of the view that defendant should be permitted to return to this court for a trial on its counterclaim if the TTAB declines to entertain the merits of the dispute as to the validity of the trademark.

The parties shall meet and confer and submit a stipulation on the issue within one week, or notify the court that they are unable to reach a stipulation. In the absence of a stipulation, a trial setting conference will be scheduled for the purpose of setting defendant's counterclaim for trial.

Order to be prepared by: PI Def Court

Notes:

cc: chambers