

1 JOHN L. SLAFSKY, State Bar No. 195513
 DAVID L. LANSKY, State Bar No. 199952
 2 HOLLIS BETH HIRE, State Bar No. 203651
 WILSON SONSINI GOODRICH & ROSATI
 3 PROFESSIONAL CORPORATION
 650 Page Mill Road
 4 Palo Alto, CA 94304
 Telephone: (650) 493-9300
 5 Fax: (650) 493-6811
 jslafsky@wsgr.com
 6 dlansky@wsgr.com
 hhire@wsgr.com
 7

Attorneys for Defendant
 8 GODADDY.COM, INC.

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

12 PETROLIAM NASIONAL BERHAD,)

13 Plaintiff,)

14 vs.)

15 GODADDY.COM, INC.,)

16 Defendant.)

CASE NO.: 09-CV-5939 PJH

**STIPULATION AND [PROPOSED]
 ORDER ENTERING FINAL
 JUDGMENT ON PETRONAS'S
 CLAIMS AND DISMISSING GO
 DADDY'S COUNTERCLAIM
 WITHOUT PREJUDICE**

18 _____)
 GODADDY.COM, INC.,)

19 Counterclaimant,)

20 vs.)

21 PETROLIAM NASIONAL BERHAD,)

22 Counterclaim Defendant.)
 23 _____)

Honorable Phyllis J. Hamilton

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

7 WHEREAS, there is no just reason to delay entering final judgment in favor of Go Daddy
8 as to Petronas’s claims;

9 WHEREAS, the only claim remaining in this lawsuit is the Trademark claim;

10 WHEREAS, Go Daddy previously asserted a claim substantially identical to the
11 Trademark claim in an action before in the United States Patent and Trademark Office, Trademark
12 Trial and Appeal Board (“TTAB”), entitled *GoDaddy.com, Inc., v. Petroliam Nasional Berhad*,
13 No. 92052741 (the “TTAB proceeding”);

14 WHEREAS, on June 7, 2011 the TTAB proceeding was suspended in deference to this
15 lawsuit; and

16 WHEREAS, Go Daddy now seeks to voluntarily dismiss the Trademark claim without
17 prejudice and to prosecute the remainder of the claim in the TTAB proceeding.

18 THEREFORE, the parties to this action, by and through their counsel, hereby STIPULATE
19 AND AGREE that:

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

23 2. The Court enter voluntary dismissal of the Trademark claim without prejudice; and

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1 3. Should the TTAB decline a request to lift the suspension of the TTAB proceeding,
2 then Go Daddy may advise this Court within 30 days of such TTAB decision and seek
3 rescheduling of trial of the Trademark claim before this Court.
4

5 Dated: February 16, 2012 LAW OFFICES OF PERRY R. CLARK
6

7 By: /s/ Perry Clark
 Perry Clark
8 Attorneys for Plaintiff and Counterclaim
9 Defendant PETROLIAM NASIONAL BERHAD

10 Dated: February 16, 2012

 WILSON SONSINI GOODRICH & ROSATI
 Professional Corporation

11
12 By: /s/ David L. Lansky
 JOHN L. SLAFSKY
13 DAVID L. LANSKY
14 HOLLIS BETH HIRE
 jslafsky@wsgr.com
15 dlansky@wsgr.com
 hhire@wsgr.com

16
17 Attorneys for Defendant and Counterclaimant
 GO DADDY.COM, INC.
18

19 **SIGNATURE ATTESTATION**

20 I, David L. Lansky, hereby attest that all signatories to this document have consented to the
21 e-filing of this document.

22 Dated: February 16, 2012

 By: /s/ David L. Lansky
 David L. Lansky

24 Pursuant to stipulation, it is SO ORDERED.

25 Dated: _____

26
27 By: _____
 Hon. Phyllis J. Hamilton
28 United States District Court Judge