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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17)	CASE NO: 09-CV-5939 PJH
18	PETROLIAM NASIONAL BERHAD,)	
19)	
20	Plaintiff,)	
21)	ANSWER TO COMPLAINT
22	vs.)	
23)	
24	GODADDY.COM, INC.,)	DEMAND FOR JURY TRIAL
25)	
26	Defendant.)	
27)	
28)	

29 Defendant GoDaddy.com, Inc. ("GoDaddy"), by and through its attorneys, hereby answers
30 the Complaint of Plaintiff Petroliam Nasional Berhad ("Petronas") as follows:

31 **THE PARTIES**

- 32 1. GoDaddy lacks sufficient knowledge to admit or deny the allegations as set forth in
33 paragraph 1 of the Complaint and on that basis denies them.
- 34 2. GoDaddy admits the allegations as set forth in paragraph 2 of the Complaint.

35 **JURISDICTION AND VENUE**

- 36 3. GoDaddy admits that this action purportedly arises under the Lanham Act and that
37 the Court has subject matter jurisdiction over the claims asserted in the Complaint. GoDaddy
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1 lacks sufficient knowledge to admit or deny the remaining allegations set forth in paragraph 3 of
2 the Complaint and on that basis denies them.

3 4. GoDaddy denies the allegations as set forth in paragraph 4 of the Complaint.

4 5. GoDaddy denies the allegations as set forth in paragraph 5 of the Complaint.

5 **INTRADISTRICT ASSIGNMENT**

6 6. GoDaddy admits the allegations as set forth in paragraph 6 of the Complaint.

7 **FACTUAL ALLEGATIONS**

8 7. GoDaddy lacks sufficient knowledge to admit or deny the allegations as set forth in
9 paragraph 7 of the Complaint and on that basis denies them.

10 8. GoDaddy lacks sufficient knowledge to admit or deny the allegations as set forth in
11 paragraph 8 of the Complaint and on that basis denies them.

12 9. GoDaddy lacks sufficient knowledge to admit or deny the allegations as set forth in
13 paragraph 9 of the Complaint and on that basis denies them.

14 10. GoDaddy lacks sufficient knowledge to admit or deny the allegations as set forth in
15 paragraph 10 of the Complaint and on that basis denies them.

16 11. GoDaddy lacks sufficient knowledge to admit or deny the allegations as set forth in
17 paragraph 11 of the Complaint and on that basis denies them.

18 12. GoDaddy lacks sufficient knowledge to admit or deny the allegations as set forth in
19 paragraph 12 of the Complaint and on that basis denies them.

20 13. GoDaddy lacks sufficient knowledge to admit or deny the allegations as set forth in
21 paragraph 13 of the Complaint and on that basis denies them.

22 14. GoDaddy lacks sufficient knowledge to admit or deny the allegations as set forth in
23 paragraph 14 of the Complaint and on that basis denies them.

24 15. GoDaddy lacks sufficient knowledge to admit or deny the allegations as set forth in
25 paragraph 15 of the Complaint and on that basis denies them.

26 16. GoDaddy lacks sufficient knowledge to admit or deny the allegations as set forth in
27 paragraph 16 of the Complaint and on that basis denies them.

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- 1 84. GoDaddy denies the allegations as set forth in paragraphs 84 of the Complaint.
2 85. GoDaddy denies the allegations as set forth in paragraphs 85 of the Complaint.
3 86. GoDaddy denies the allegations as set forth in paragraphs 86 of the Complaint.

4 **AFFIRMATIVE AND OTHER DEFENSES**

5 GoDaddy alleges the following affirmative and other defenses, reserving the right to
6 modify, amend, and/or expand upon these defenses as discovery proceeds.

7 **FIRST AFFIRMATIVE DEFENSE**

8 87. The Complaint, and each claim asserted within it, fails to state a claim upon which
9 relief can be granted.

10 **SECOND AFFIRMATION DEFENSE**

11 88. The Complaint is barred, in whole or in part, by the Lanham Act safe harbor for
12 domain name registrars. 15 U.S.C. §1114.

13 **THIRD AFFIRMATIVE DEFENSE**

14 89. The Complaint is barred, in whole or in part, by the equitable doctrines of waiver,
15 estoppel and laches.

16 **FOURTH AFFIRMATIVE DEFENSE**

17 90. The Complaint is barred, in whole or in part, by the doctrine of acquiescence.

18 **FIFTH AFFIRMATIVE DEFENSE**

19 91. The Complaint is barred, in whole or in part, by the statute of limitations.

20 **SIXTH AFFIRMATIVE DEFENSE**

21 92. The Complaint is barred, in whole or in part, by the defense of misrepresentation of
22 material facts.

23 **SEVENTH AFFIRMATIVE DEFENSE**

24 93. The Complaint is barred, in whole or in part, by the failure of Petronas to mitigate
25 damages, if any.

26 **EIGHTH AFFIRMATIVE DEFENSE**

27 94. The Complaint is barred, in whole or in part, by the failure of Petronas to join an
28 indispensable party as defendant in this action.

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PRAYER FOR RELIEF

WHEREFORE, GoDaddy prays for judgment in its favor as follows:

- a. That the Court deny the Complaint in its entirety, with prejudice, and specifically deny each and every prayer for relief contained therein;
- b. That the Court award GoDaddy its reasonable costs, disbursements, and attorneys' fees incurred in this action, to the extent permitted by law, including but not limited to 15 U.S.C. § 1117, 28 U.S.C. § 1927, and Fed. R. Civ. P. 11; and
- c. That the Court grant such other and further relief as the Court deems just and equitable.

Dated: March 11, 2010

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ John L. Slafsky

John L. Slafsky
David E. Kramer
Hollis Beth Hire

Attorneys for Defendant
GoDaddy.com, Inc.

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DEMAND FOR JURY TRIAL

Defendant GoDaddy hereby demands a trial by jury of this action pursuant to Federal Rule of Civil Procedure 38 and Civil L.R. 3-6.

Dated: March 11, 2010

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ John L. Slafsky
John L. Slafsky
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