

1 Go Daddy planned to file a motion for attorneys' fees under the Lanham Act. The parties were
2 unable to resolve the dispute underlying this motion.

3 3. The Uniform Domain Name Dispute Resolution Policy ("UDRP") generally
4 provides a faster, cheaper option for trademark owners seeking transfer of a domain name. I have
5 attached as Exhibit A true and correct copies of the WIPO Guide to the UDRP, printed from the
6 World Intellectual Property Organization ("WIPO") website on August 2, 2010. This document:

- 7 • at page 4-5 describes the advantages of a UDRP proceeding: "The main advantage
8 of the UDRP Administrative Procedure is that it typically provides a faster and
9 cheaper way to resolve a dispute regarding the registration and use of an Internet
10 domain name than going to court;"
- 11 • at page 6 provides an estimate of the time to complete a UDRP proceeding: "The
12 Administrative Procedure normally should be completed within 60 days of the date
13 the WIPO Center receives the Complaint."

14 4. I have attached as Exhibit B a true and correct copy of an additional page printed
15 from the WIPO website on August 2, 2010. This page is titled "Case Outcome Statistics," and
16 shows that the domain name at issue in a UDRP proceeding was transferred in 84.15% of cases,
17 and cancelled 1.35% of the time. The trademark owner's complaint was denied only 14.49% of
18 the time.

19 5. During the pendency of the present action, I have informed Mr. Clark of the likely
20 benefits of the UDRP no less than five times: at the hearing on Plaintiff's failed request for a
21 temporary restraining order, during both conferences with counsel regarding the joint case
22 management conference statements in this case, and during several other telephone conferences.

23 6. At the time of the first Case Management Conference in this case, Plaintiff's
24 counsel indicated to Go Daddy and to the Court that it would be willing to dismiss this action
25 when the <petronastower.net> domain name was transferred in connection with the *in rem*
26 proceeding. However, Plaintiff subsequently changed its position when it learned that the same

1 registrant had registered a second domain name: <petronastowers.net>. Again, instead of filing a
2 UDRP action against the registrant of the domain name, Plaintiff sent a demand letter to Go
3 Daddy – just as it did with the <petronastower.net> domain name – demanding that Go Daddy
4 “disable” the website. Go Daddy responded as it did before – it notified Plaintiff that Go Daddy
5 was not in a position to resolve this dispute, and suggested that Plaintiff direct its request to the
6 registrant or address its concerns through a proper administrative or court proceeding.

7 I declare under penalty of perjury that the foregoing is true and correct. Executed at Palo
8 Alto, California, on August 3, 2010.

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