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 14 GODADDY.COM, INC.

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

17)	CASE NO: 09-CV-5939 PJH
18	PETROLIAM NASIONAL BERHAD,)	
19)	DEFENDANT'S OPPOSITION TO
20	Plaintiff,)	PLAINTIFF'S MOTION FOR
21)	LEAVE TO FILE A SUR-REPLY
22	vs.)	
23)	DATE: September 8, 2010
24	GODADDY.COM, INC.,)	TIME: 9:00 a.m.
25)	JUDGE: Hon. Phyllis J. Hamilton
26	Defendant.)	
27)	
28)	

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DEFENDANT'S OPPOSITION TO PLAINTIFF'S
 MOTION FOR LEAVE TO FILE A SUR-REPLY
 Case No: 09-CV-5939 PJH

1 At the eleventh hour, Plaintiff Petroliam Nasional Berhad (“Plaintiff”) has filed a Motion
2 to Strike and for Leave to File Sur-Reply in opposition to Defendant GoDaddy.com’s (“Go
3 Daddy’s”) motion for judgment on the pleadings and for attorneys’ fees (“Plaintiff’s Motion,”
4 filed at 10:30 a.m. today, September 7, 2010). Plaintiff’s Motion is without merit and should be
5 denied.

6 Plaintiff’s Motion claims that Defendant GoDaddy.com, Inc. (“Go Daddy”) made new
7 arguments in its Reply, filed nearly two weeks ago on August 25, 2010. In fact, Go Daddy did not
8 make any new arguments in its Reply, but rather responded to fundamental arguments that
9 Plaintiff made in its opposition. Indeed, the very first sentence in Plaintiff’s opposition states that
10 Go Daddy’s motion relies on the allegedly “incorrect assertion” that Plaintiff’s claims are “based
11 on GoDaddy’s actions as the registrar of the cybersquatting domain name [sic].” See Plaintiff’s
12 Opposition at 1. Plaintiff’s opposition re-states this argument repeatedly. Go Daddy’s reply
13 merely addresses this argument, and each of the underlying points, in turn. Such a response is the
14 very purpose of a reply brief.

15 In addition, Plaintiff’s Motion is based on a false premise – that Go Daddy did not raise the
16 argument in the first instance. On the contrary, Go Daddy argued in its Motion – on nearly every
17 page – that Plaintiff has failed to state any claim against Go Daddy because Go Daddy was merely
18 the registrar of the Domain Name. Go Daddy also argued in its opening brief that Plaintiff has not
19 stated a claim for contributory cybersquatting. Plaintiff was hardly without notice of Go Daddy’s
20 basic position – that Go Daddy was merely performing the routing function of a registrar and
21 therefore not liable for the claims in the Complaint – when it drafted its Opposition.

22 For these reasons, Plaintiff’s Motion should be denied.

23 Dated: September 7, 2010

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

24 By: /s/ John L. Slafsky
25 John L. Slafsky
26 David E. Kramer
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27 Attorneys for Defendant
28 GODADDY.COM, INC.