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12 *Attorneys for Plaintiff WPEngine, Inc.*

13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

15 WPENGINE, INC., a Delaware corporation,

16 Plaintiff,

17 vs.

18 AUTOMATTIC INC., a Delaware
19 corporation; and MATTHEW CHARLES
20 MULLENWEG, an individual,

21 Defendants.

Case No. 3:24-cv-06917-AMO

**DECLARATION OF SARA JENKINS IN
SUPPORT OF PLAINTIFF WPENGINE,
INC.’S MOTION FOR PRELIMINARY
INJUNCTION**

Judge: Honorable Araceli Martínez-Olguín

Courtroom: 10

Hearing Date: March 6, 2025

Hearing Time: 2:00 p.m.

22 I, Sara Jenkins, declare as follows:

23 1. I am Of Counsel at Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff
24 WPEngine, Inc. in this action. I am licensed to practice law in California and admitted to practice
25 in the Northern District of California. I make this Declaration in support of Plaintiff WPEngine,
26 Inc.’s (“WPE”) Motion for Preliminary Injunction. I have personal knowledge of the facts stated
27 herein, and if called as a witness, I could and would testify thereto.

1 2. On October 15, 2024, I caused a printout to be created of the webpage located at
2 the following link: <https://wordpress.org/about/license/>. A true and correct copy of the printout is
3 attached hereto as Exhibit 1.

4 3. On October 15, 2024, I caused a printout to be created of the webpage located at
5 the following link: https://archive.wordpress.org/interviews/2014_04_17_Mullenweg.html. A true
6 and correct copy of the printout is attached hereto as Exhibit 2.

7 4. On October 15, 2024, I caused a printout to be created of the webpage located at
8 the following link:

9 [https://web.archive.org/web/20241002232337/https://automattic.com/2024/10/02/wordpress-](https://web.archive.org/web/20241002232337/https://automattic.com/2024/10/02/wordpress-trademarks-a-legal-perspective/)
10 [trademarks-a-legal-perspective/](https://web.archive.org/web/20241002232337/https://automattic.com/2024/10/02/wordpress-trademarks-a-legal-perspective/). A true and correct copy of the printout is attached hereto as
11 Exhibit 3.

12 5. On October 15, 2024, I caused a printout to be created of the webpage located at
13 the following link: <https://automattic.com/2024/10/02/wordpress-trademarks-a-legal-perspective/>.

14 A true and correct copy of the printout is attached hereto as Exhibit 4.

15 6. On October 15, 2024, I caused a transcript to be created of the video interview
16 posted on X.com dated September 27, 2024, located at the following link:

17 <https://x.com/TheWPMinute/status/1839774203018662028>. A true and correct copy of the
18 transcript of this video is attached hereto as Exhibit 5.

19 7. On October 15, 2024, I caused a printout to be created of the website located at the
20 following link: <https://wordpress.org/news/2024/09/wp-engine/>. A true and correct copy of the

21 printout is attached hereto as Exhibit 6.

22 8. On October 15, 2024, I caused a printout to be created of the website located at the
23 following link: <https://wordpress.org/news/2024/09/wp-engine-banned/>. A true and correct copy

24 of the printout is attached hereto as Exhibit 7.

25 9. On October 15, 2024, I caused a screenshot to be taken of a message posted on
26 X.com dated September 26, 2024, located at the following link:

27 <https://x.com/wpengine/status/1839246341660119287>. A true and correct copy of the screenshot
28 is attached hereto as Exhibit 8.

1 10. On October 15, 2024, I caused a printout to be created of the webpage located at
2 the following link: [https://www.therepository.email/mullenweg-threatens-corporate-takeover-of-
3 wp-engine](https://www.therepository.email/mullenweg-threatens-corporate-takeover-of-wp-engine). A true and correct copy of the printout is attached hereto as Exhibit 9.

4 11. On October 15, 2024, I caused a screenshot to be taken of a message posted on
5 X.com dated October 1, 2024, located at the following link:
6 <https://x.com/photomatt/status/1841281383307604453>. A true and correct copy of the screenshot
7 is attached hereto as Exhibit 10.

8 12. On October 15, 2024, I caused a screenshot to be taken of a message posted on
9 X.com dated October 5, 2024, located at the following link:
10 <https://x.com/photomatt/status/1842500184825090060>. A true and correct copy of the screenshot
11 is attached hereto as Exhibit 11.

12 13. On October 15, 2024, I caused a printout to be created of the webpage located at
13 the following link: [https://techcrunch.com/2024/10/04/159-employees-are-leaving-automattic-as-
14 ceos-fight-with-wp-engine-escalates/](https://techcrunch.com/2024/10/04/159-employees-are-leaving-automattic-as-ceos-fight-with-wp-engine-escalates/). A true and correct copy of the printout is attached hereto as
15 Exhibit 12.

16 14. On October 15, 2024, I caused a printout to be created of the webpage located at
17 the following link: <https://pressable.com/wpe-contract-buyout/>. A true and correct copy of the
18 printout is attached hereto as Exhibit 13.

19 15. On October 15, 2024, I caused a printout to be created of a webpage reflecting
20 posts to the website Reddit.com, located at the following link:
21 [https://www.reddit.com/r/Wordpress/comments/1g3rwwm/you_asked_how_were_suffering_as_a
22 result_of/](https://www.reddit.com/r/Wordpress/comments/1g3rwwm/you_asked_how_were_suffering_as_a_result_of/). True and correct excerpts of this printout are attached hereto as Exhibit 14.

23 16. On October 15, 2024, I caused a screenshot to be taken of a message posted on
24 X.com dated September 22, 2024, located at the following link:
25 https://x.com/thehungrybird_/status/1837917667011056075. A true and correct copy of the
26 screenshot is attached hereto as Exhibit 15.

27 17. On October 15, 2024, I caused a screenshot to be taken of a message posted on
28 X.com dated September 26, 2024, located at the following link:

1 <https://x.com/photomatt/status/1839224251288793104>. A true and correct copy of the screenshot
2 is attached hereto as Exhibit 16.

3 18. On October 15, 2024, I caused a screenshot to be taken of a message posted on
4 X.com dated September 24, 2024, located at the following link:

5 <https://x.com/primedryan/status/1838818728961806575>. A true and correct copy of the
6 screenshot is attached hereto as Exhibit 17.

7 19. On October 15, 2024, I caused a screenshot to be taken of a message posted on
8 X.com dated October 12, 2024, located at the following link:

9 https://x.com/daniel_iser/status/1845186097917128890. A true and correct copy of the screenshot
10 is attached hereto as Exhibit 18.

11 20. On October 15, 2024, I caused screenshots to be taken of the following messages
12 posted on X.com:

13 a. A message dated October 1, 2024, located at the following link:

14 <https://x.com/photomatt/status/1840948013360910448>;

15 b. A message dated September 30, 2024, located at the following link:

16 <https://x.com/photomatt/status/1841156424631545960>; and

17 c. A message dated September 27, 2024, located at the following link:

18 <https://x.com/photomatt/status/1839871781630554168>.

19 True and correct copies of these screenshots are attached hereto as Exhibit 19.

20 21. On October 15, 2024, I caused a printout to be created of the webpage located at
21 the following link: <https://wordpress.org/news/2024/09/wp-engine-reprieve/>. A true and correct
22 copy of the printout is attached hereto as Exhibit 20.

23 22. On October 15, 2024, I caused a screenshot to be taken of a message posted on
24 X.com dated October 9, 2024, located at the following link:

25 <https://x.com/JavierCasares/status/1843963071183880345>. A true and correct copy of the
26 screenshot is attached hereto as Exhibit 21.

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1 23. On October 15, 2024, I caused a printout to be created of the webpage located at
2 the following link: <https://wpscan.com/vulnerability-disclosure-policy/>. A true and correct copy
3 of the printout is attached hereto as Exhibit 22.

4 24. On October 15, 2024, I caused screenshots to be taken of a message posted on
5 X.com dated October 12, 2024, located at the following link:
6 <https://x.com/Brugman/status/1845195750550143424>. True and correct copy of the screenshots
7 are attached hereto as Exhibit 23.

8 25. On October 15, 2024, I caused a screenshot to be taken of a message posted on
9 X.com dated September 24, 2024, located at the following link:
10 https://x.com/hashim_warren/status/1838768717213118641. A true and correct copy of the
11 screenshot is attached hereto as Exhibit 24.

12 26. Exhibit 25 was intentionally omitted.

13 27. On October 15, 2024, I caused a screenshot to be taken of a message posted on
14 X.com dated October 13, 2024, located at the following link:
15 <https://x.com/WordPress/status/1845663751342883195>. A true and correct copy of the screenshot
16 is attached hereto as Exhibit 26.

17 28. On October 15, 2024, I caused a screenshot to be taken of a webpage reflecting a
18 post to the website Hacker News dated October 13, 2024, located at the following link:
19 <https://news.ycombinator.com/item?id=41828958>. A true and correct copy of the screenshot is
20 attached hereto as Exhibit 27.

21 29. On October 15, 2024, I caused screenshots to be taken of two messages posted on
22 X.com dated September 25, 2024, located at the following links:
23 <https://x.com/AkaiEnso/status/1839082080006775170?t=Vl2VdZK-ia4G5H2BNftZKg&s=19> and
24 <https://x.com/AkaiEnso/status/1839103179826344061>. A true and correct copy of the screenshots
25 is attached hereto as Exhibit 28.

26 30. On September 21, 2024, I caused a transcript to be created of Mr. Mullenweg's
27 WordCamp presentation posted on Youtube.com dated September 20, 2024, and located at the
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1 following link: <https://www.youtube.com/watch?v=fnI-QcVSwMU>. A true and correct copy of
2 the transcript of this video is attached hereto as Exhibit 29.

3 31. On September 23, 2024, my colleague, Rachel Kassabian, caused a cease-and-
4 desist letter to be sent to Automattic Inc. A true and correct copy of this letter is attached hereto as
5 Exhibit 30.

6 32. On October 17, 2024, I caused a screenshot to be taken of a message posted on
7 X.com dated September 26, 2024, located at the following link:
8 <https://x.com/Krylann/status/1839429540554174683>. A true and correct copy of the screenshot is
9 attached hereto as Exhibit 31.

10 33. On October 17, 2024, I caused a screenshot to be taken of a webpage reflecting a
11 post to the website Hacker News dated October 13, 2024, located at the following link:
12 <https://news.ycombinator.com/item?id=41821336>. A true and correct copy of the screenshot, with
13 highlighting added, is attached hereto as Exhibit 32.

14 34. On October 17, 2024, I caused a screenshot to be taken of a webpage reflecting a
15 post to the website Reddit dated October 15, 2024, located at the following link:
16 <https://news.ycombinator.com/item?id=41821336>. A true and correct copy of the screenshot is
17 attached hereto as Exhibit 33.

18 35. On October 17, 2024, I caused a printout to be made of a webpage reflecting a blog
19 post on Mr. Mullenweg's website <https://ma.tt> dated September 9, 2010, located at the following
20 link: <https://ma.tt/2010/09/wordpress-trademark/>. True and correct copies of excerpts of this
21 printout are attached hereto as Exhibit 34.

22 36. On October 17, 2024, I caused to be downloaded a document titled "Nunc Pro
23 Tunc Trademark Assignment" from the United States Patent and Trademark Office's website
24 located at the following link: [https://assignments.uspto.gov/assignments/assignment-tm-4233-
25 0698.pdf](https://assignments.uspto.gov/assignments/assignment-tm-4233-0698.pdf). A true and correct copy of this document is attached hereto as Exhibit 35.

26 37. On October 17, 2024, I caused to be downloaded a document titled "Trademark
27 License" from the United States Patent and Trademark Office's website located at the following
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1 link: <https://assignments.uspto.gov/assignments/assignment-tm-4233-0808.pdf>. A true and correct
2 copy of this document is attached hereto as Exhibit 36.

3 I declare under penalty of perjury under the laws of the United States of America and the
4 State of California that the foregoing is true and correct.

5 Executed on this 18th day of October, 2024, in Redwood City, California.

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By /s/ Sara Jenkins

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Sara Jenkins

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ATTESTATION

I, Rachel Herrick Kassabian, am the ECF user whose ID and password are being used to file the above Declaration. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Sara Jenkins has concurred in the aforementioned filing.

By /s/ Rachel Herrick Kassabian
Rachel Herrick Kassabian