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12 *Attorneys for Plaintiff WP Engine, 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 corporation;
 19 and MATTHEW CHARLES MULLENWEG,
 20 an individual,

21 Defendants.

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

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

Judge: Honorable Araceli Martínez-Olguín
 Courtroom: 3, Oakland Courthouse
 Hearing Date: November 26, 2024
 Hearing Time: 10:30 a.m.

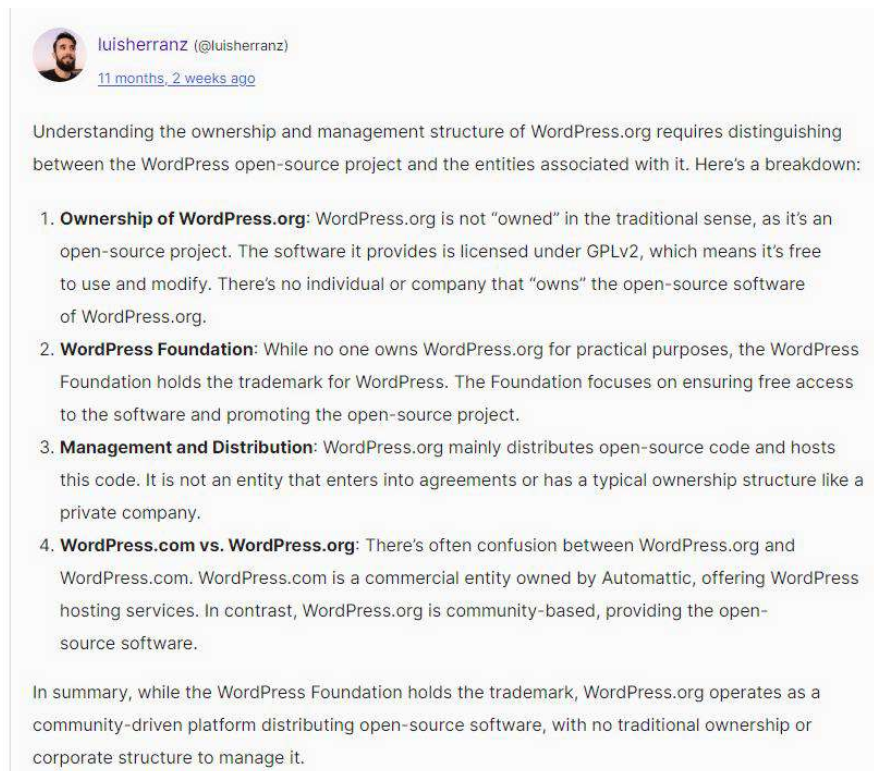
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1 I, Sara Jenkins, declare as follows:

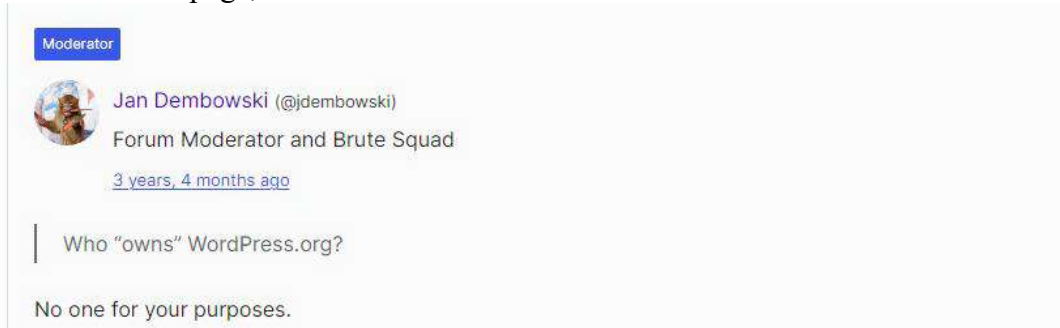
2 1. I am Of Counsel at Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff
3 WPEngine, Inc. in this action. I am licensed to practice law in California and admitted to practice
4 in the Northern District of California. I make this Declaration in support of Plaintiff WPEngine,
5 Inc.'s ("WPE") Reply In Support Of Its Motion for Preliminary Injunction. I have personal
6 knowledge of the facts stated herein, and if called as a witness, I could and would testify thereto.

7 **Defendants' Statements About the Ownership of wordpress.org**

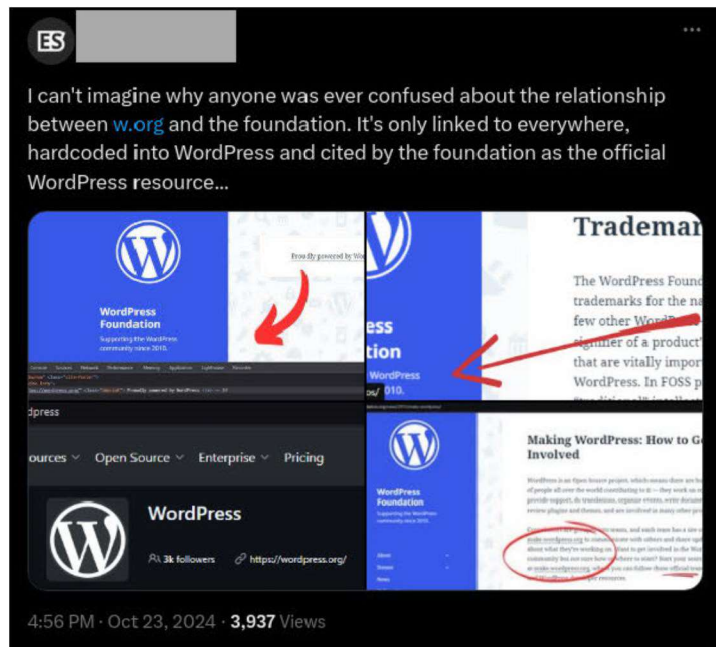
8 2. Attached hereto as Exhibit 37 is a true and correct copy of a webpage located at the
9 following link: <https://wordpress.org/support/topic/wordpress-org-administration/>. This page of the
10 wordpress.org website is titled "WordPress.org Administration." In response to a question about
11 the ownership of wordpress.org, "luisherranz," who is identified as a "Software engineer at
12 Automatic," in the "Profiles" section of the wordpress.org website states, "WordPress.org is not
13 'owned' in the traditional sense, as it's an open-source project." The post goes on to state that "no
14 one owns WordPress.org for practical purposes." On November 3, 2024, I caused a screenshot to
15 be taken of this webpage, which is shown below.



1 3. Attached hereto as Exhibit 38 is a true and correct copy of a webpage located at the
 2 following link: <https://wordpress.org/support/topic/who-owns-wordpress-org/>. On the webpage,
 3 “Jan Dembowski,” a wordpress.org forum moderator, states, “No one [owns] WordPress.org” for
 4 the purposes of a user who is asking who owns wordpress.org because the user was looking for a
 5 representative of wordpress.org to sign an agreement. On November 3, 2024, I caused a screenshot
 6 to be taken of this webpage, which is shown below.



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 12 4. Attached hereto as Exhibit 39 is a true and correct copy of a post on X.com dated
 13 October 23, 2024. In this post, the user states that the connection between “w.org” (wordpress.org)
 14 is “linked everywhere” to the WordPress Foundation and is “hardcoded into WordPress [software]
 15 and cited by the foundation as the official WordPress resource.” On November 3, 2024, I caused a
 16 screenshot to be taken of this post located at
 17 <https://x.com/eliottstephen/status/1849132852429906342>, which is shown below.



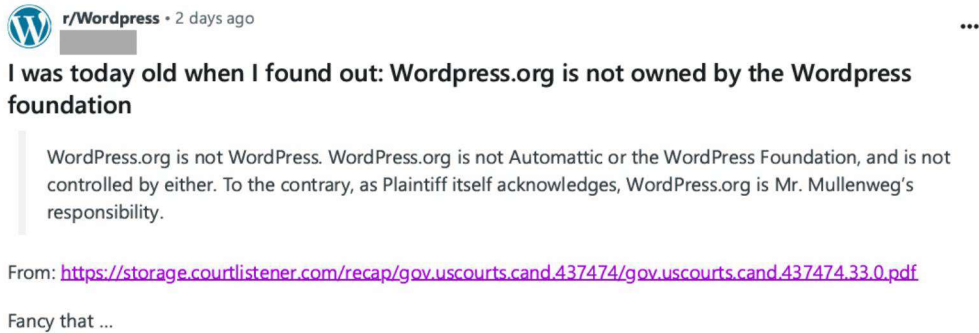
1 **Updating WordPress**

2 Main article: [Updating WordPress](#).

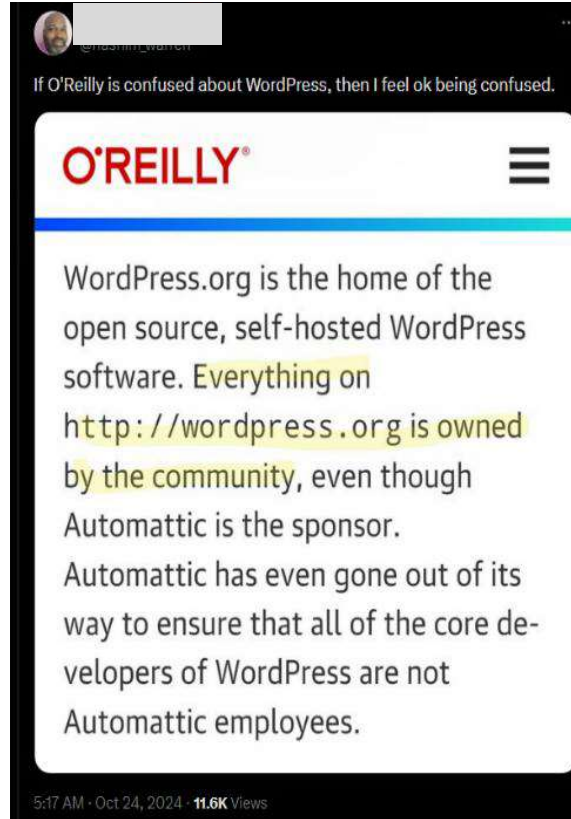
3 The latest version of WordPress is always available from the main WordPress website at <https://wordpress.org>.
4 Official releases are not available from other sites — **never** download or install WordPress from any website other
5 than <https://wordpress.org>.

6 **WordPress Community Comments Regarding Their Stated Understanding
7 of the Ownership of wordpress.org**

8 8. Attached hereto as Exhibit 43 is a true and correct copy of a post on Reddit.com
9 dated October 22, 2024. In this post, the user states, “I was today old when I found out:
10 Wordpress.org is not owned by the WordPress foundation.” Another user wrote, “the vast
11 majority of us thought that wordpress/.org was part of the Foundation.” On November 3, 2024, I
12 caused three screenshots to be taken of this post, located at [https://www.reddit.com/r/WordPress/
13 comments/1gab4wq/i_was_today_old_when_i_found_out_wordpressorg_is/](https://www.reddit.com/r/WordPress/comments/1gab4wq/i_was_today_old_when_i_found_out_wordpressorg_is/), which is shown
14 below.

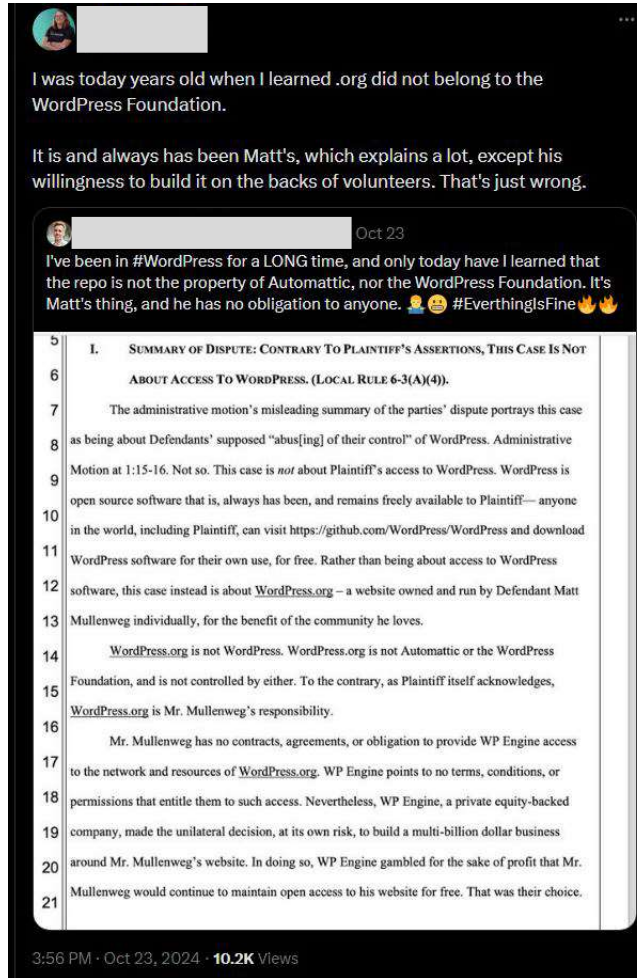


1 9. Attached hereto as Exhibit 44 is a true and correct copy of a post on X.com dated
2 October 24, 2024. In this post, the user states, “If O’Reilly is confused about WordPress, then I
3 feel ok being confused.” O’Reilly refers to a website which published a “WordPress Bible.” On
4 November 3, 2024, I caused a screenshot to be taken of this post located at
5 https://x.com/hashim_warren/status/1849425065902760183, which is shown below.



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20 10. Attached hereto as Exhibit 45 is a true and correct copy of a post on X.com dated
21 October 23, 2024. The user states, “I was today years old when I learned .org did not belong to the
22 WordPress Foundation.” On November 3, 2024, I caused a screenshot to be taken of this post
23 located at <https://x.com/cdils/status/1849223389564617159>, which is shown below.

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Mullenweg’s Statements About Taking Over Plugins

11. Attached hereto as Exhibit 46 is a true and correct copy of a webpage located at the following link: <https://www.therepository.email/mullenweg-threatens-to-take-over-paid-memberships-pro>. The webpage states, “Matt Mullenweg has threatened to take over Paid Memberships Pro (PMPPro) in the WordPress.org plugin repository.” On November 3, 2024, I caused a screenshot to be taken of this webpage, which is shown below.

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Mullenweg messaged Coleman in Making WordPress Slack on October 18, writing that he wanted to “check in” with Coleman about his [announcement two days earlier](#) that from version 3.3 onward, PMPro would be hosted on the company’s own license server instead of WordPress.org.

Mullenweg warned Coleman: “because [sic] if you go down that path, next step is for us to take over your listing and make it a community plugin like we did to ACF.

“is [sic] that what you want? you [sic] can’t have it both ways, you’re violating the directory guidelines right now.”

TrustPilot Reviews

12. Attached hereto as Exhibit 47 is a true and correct copy of a webpage located at the following link: <https://www.trustpilot.com/review/wpengine.com>. The webpage states that WP Engine has a Trustpilot rating of 4.7 stars out of 5. On November 3, 2024, I caused a screenshot to be taken of this webpage, which is shown below.



13. Attached hereto as Exhibit 48 is a true and correct copy of a webpage located at the following link: <https://www.trustpilot.com/review/automattic.com>. The webpage states that Automattic has a Trustpilot rating of 1.8 stars out of 5. On November 3, 2024, I caused a screenshot to be taken of this webpage, which is shown below.

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Automattic

Reviews 14 • Poor

★ ★ ★ ★ ★ 1.8 ⓘ

✓ VERIFIED COMPANY

14. Attached hereto as Exhibit 49 is a true and correct copy of a webpage located at the following link: <https://www.trustpilot.com/review/www.wordpress.com>. The webpage states that WordPress.com has a Trustpilot rating of 1.6 stars out of 5. On November 3, 2024, I caused a screenshot to be taken of this webpage, which is shown below.



WordPress.com

Reviews 3,435 • Bad

★ ★ ★ ★ ★ 1.6 ⓘ

✓ VERIFIED COMPANY

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

Executed on this 4th day of November, 2024, in Redwood City, California.

By /s/ Sara Jenkins
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