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*Attorneys for Plaintiff WPEngine, Inc.*

## IN THE UNITED STATES DISTRICT COURT
## FOR THE NORTHERN DISTRICT OF CALIFORNIA

| | |
|---|---|
| WPENGINE, INC., a Delaware corporation,<br><br>Plaintiff,<br><br>vs.<br><br>AUTOMATTIC INC., a Delaware corporation; and MATTHEW CHARLES MULLENWEG, an individual,<br><br>Defendants. | Case No. 3:24-cv-06917-AMO<br><br>**DECLARATION OF SARA JENKINS IN SUPPORT OF PLAINTIFF WPENGINE, INC.'S MOTION FOR PRELIMINARY INJUNCTION**<br><br>Judge: Honorable Araceli Martínez-Olguín<br>Courtroom: 10<br>Hearing Date:  March 6, 2025<br>Hearing Time: 2:00 p.m. |

I, Sara Jenkins, declare as follows:

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

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

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

4.      On October 15, 2024, I caused a printout to be created of the webpage located at the following link: 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 Exhibit 3.

5.      On October 15, 2024, I caused a printout to be created of the webpage located at the following link: https://automattic.com/2024/10/02/wordpress-trademarks-a-legal-perspective/. A true and correct copy of the printout is attached hereto as Exhibit 4.

6.      On October 15, 2024, I caused a transcript to be created of the video interview posted on X.com dated September 27, 2024, located at the following link: https://x.com/TheWPMinute/status/1839774203018662028.  A true and correct copy of the transcript of this video is attached hereto as Exhibit 5.

7.      On October 15, 2024, I caused a printout to be created of the website located at the following link: https://wordpress.org/news/2024/09/wp-engine/.  A true and correct copy of the printout is attached hereto as Exhibit 6.

8.      On October 15, 2024, I caused a printout to be created of the website located at the following link: https://wordpress.org/news/2024/09/wp-engine-banned/.  A true and correct copy of the printout is attached hereto as Exhibit 7.

9.      On October 15, 2024, I caused a screenshot to be taken of a message posted on X.com dated September 26, 2024, located at the following link: https://x.com/wpengine/status/1839246341660119287.  A true and correct copy of the screenshot is attached hereto as Exhibit 8.

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

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

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

13.     On October 15, 2024, I caused a printout to be created of the webpage located at the following link: 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 Exhibit 12.

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

15.     On October 15, 2024, I caused a printout to be created of a webpage reflecting posts to the website Reddit.com, located at the following link: 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.

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

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

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

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

https://x.com/Brugman/status/1845195750550143424.  True and correct copy of the screenshots are attached hereto as Exhibit 23.

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

https://x.com/hashim_warren/status/1838768717213118641.  A true and correct copy of the screenshot is attached hereto as Exhibit 24.

26.     Exhibit 25 was intentionally omitted.

27.     On October 15, 2024, I caused a screenshot to be taken of a message posted on X.com dated October 13, 2024, located at the following link:

https://x.com/WordPress/status/1845663751342883195.  A true and correct copy of the screenshot is attached hereto as Exhibit 26.

28.     On October 15, 2024, I caused a screenshot to be taken of a webpage reflecting a post to the website Hacker News dated October 13, 2024, located at the following link:

https://news.ycombinator.com/item?id=41828958.  A true and correct copy of the screenshot is attached hereto as Exhibit 27.

29.     On October 15, 2024, I caused screenshots to be taken of two messages posted on X.com dated September 25, 2024, located at the following links:

https://x.com/AkaiEnso/status/1839082080006775170?t=Vl2VdZK-ia4G5H2BNftZKg&s=19 and

https://x.com/AkaiEnso/status/1839103179826344061.  A true and correct copy of the screenshots is attached hereto as Exhibit 28.

30.     On September 21, 2024, I caused a transcript to be created of Mr. Mullenweg's WordCamp presentation posted on Youtube.com dated September 20, 2024, and located at the

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following link: https://www.youtube.com/watch?v=fnI-QcVSwMU.  A true and correct copy of

the transcript of this video is attached hereto as Exhibit 29.

31.     On September 23, 2024, my colleague, Rachel Kassabian, caused a cease-and-

desist letter to be sent to Automattic Inc.  A true and correct copy of this letter is attached hereto as

Exhibit 30.

32.     On October 17, 2024, I caused a screenshot to be taken of a message posted on

X.com dated September 26, 2024, located at the following link:

https://x.com/Krylann/status/1839429540554174683.  A true and correct copy of the screenshot is

attached hereto as Exhibit 31.

33.     On October 17, 2024, I caused a screenshot to be taken of a webpage reflecting a

post to the website Hacker News dated October 13, 2024, located at the following link:

https://news.ycombinator.com/item?id=41821336.  A true and correct copy of the screenshot, with

highlighting added, is attached hereto as Exhibit 32.

34.     On October 17, 2024, I caused a screenshot to be taken of a webpage reflecting a

post to the website Reddit dated October 15, 2024, located at the following link:

https://news.ycombinator.com/item?id=41821336.  A true and correct copy of the screenshot is

attached hereto as Exhibit 33.

35.     On October 17, 2024, I caused a printout to be made of a webpage reflecting a blog

post on Mr. Mullenweg's website https://ma.tt dated September 9, 2010, located at the following

link:   https://ma.tt/2010/09/wordpress-trademark/.  True and correct copies of excerpts of this

printout are attached hereto as Exhibit 34.

36.     On October 17, 2024, I caused to be downloaded a document titled "Nunc Pro

Tunc Trademark Assignment" from the United States Patent and Trademark Office's website

located at the following link: https://assignments.uspto.gov/assignments/assignment-tm-4233-

0698.pdf. A true and correct copy of this document is attached hereto as Exhibit 35.

37.     On October 17, 2024, I caused to be downloaded a document titled "Trademark

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.

6

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8                                   By */s/ Sara Jenkins*
                                    _____
9                                       Sara Jenkins

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

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**ATTESTATION**

2

I, Rachel Herrick Kassabian, am the ECF user whose ID and password are being used to

3

file the above Declaration.  In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Sara

4

Jenkins has concurred in the aforementioned filing.

5

By */s/ Rachel Herrick Kassabian*
Rachel Herrick Kassabian

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DECLARATION OF SARA JENKINS IN SUPPORT OF PLAINTIFF WPENGINE, INC.'S MOTION FOR
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# EXHIBIT 1

News   Showcase   Hosting   Learn   Community   Forum

About

The technology ⌄    The details ⌄    The people ⌄

# GNU Public License

The license under which the WordPress software is released is the GPLv2 (or later) from the Free Software Foundation. A copy of the license is included with every copy of WordPress, but you can also read the text of the license here.

Part of this license outlines requirements for derivative works, such as plugins or themes. Derivatives of WordPress code inherit the GPL license. Drupal, which has the same GPL license as WordPress, has an excellent page on licensing as it applies to themes and modules (their word for plugins).

There is some legal grey area regarding what is considered a derivative work, but we feel strongly that plugins and themes are derivative work and thus inherit the GPL license. If you disagree, you might want to consider a non-GPL platform such as Serendipity (BSD license) instead.

About             Showcase        Learn              Get Involved       WordPress.com ↗

News              Themes          Documentation      Events             Matt ↗

Hosting           Plugins         Developers         Donate ↗           bbPress ↗

Privacy           Patterns        WordPress.tv ↗     Five for the Future BuddyPress ↗

WORDPRESS.ORG                    CODE IS POETRY

# EXHIBIT 2

## Interview with Matt Mullenweg

## Listen

▶ 00:00:00 | 01:52:58 🔊

## Info

| | |
|---|---|
| **Date** | 2014-04-17 |
| **Duration** | 112:59 |
| **Description** | Matt Mullenweg talks about Automattic and the commercial side of WordPress. |
| **Tags** | automattic, jetpack, akismet, trademarks, wordpress foundation |

## Transcript

**Interviewer**: When did you realise that WordPress could be more than a hobby, and be something you could build a business on.

**Mullenweg**: I think it's probably, you know I have to give credit to CNET here. It's when CNET hired me, or first reached out maybe, maybe even before we actually, I started working there. And I thought wow like, these guys, WordPress is important enough to them that were actually, they're hiring me because of my work on WordPress, I mean there's no other reason to hire me. I didn't have a computer science degree or any other qualifications. And that they're willing to actually pay me part of my time to work on it, and so that was a, that combination was, was pretty amazing. And so I realised that it was valuable to them. And, because they were running parts of their sites that generated millions of dollars, more than that, on WordPress. And so that was pretty cool and blew my mind as well, like the fact that I could move out to San Francisco which was like the land of milk and honey and when I visited there, there was like a tribe of people who were just as passionate about technology and the web as I was like all those things, just were so exciting.

**Interviewer**: So did CNET get in touch with you about going to work for them?

**Mullenweg**: Yeah. Roughly how I remember it, did you ever come across the stuff where I took my site down, once I hit number one on Google?

**Interviewer**: Yeah I vaguely recall this.

**Mullenweg**: Yeah so I took my site down, and I had planned, my friend Tantek Celik who was a developer on IE for Mac, which was actually the, the good Internet Explorer, did you ever talk to Tantek?

**Interviewer**: Not yet, I did get in touch with him, but I didn't hear back from him. I could chase him up again.

**Mullenweg**: Yeah he's, he's an amazing guy. So he had invited me out for like a week and I was just going to stay at his house, I didn't know but at the time he was actually announcing he was leaving Microsoft and joining Technorati, which was a very influential blogging company at the time, blog search company. And while I was out, like, I visited, I went to Google, and I saw the Blogger guys, and we talked about sort of like what an enterprise behind a firewall Blogger could look like. And I think that was [inaudible] and I think Ev was still there, Biz Stone, and a lot of the folks who later went on to do Twitter, actually, in that meeting. Visited Yahoo. I went to Google, I went to Yahoo, I feel like I went to at least one other place. But CNET had also reached out and this was just, you know they had seen me take down my website because it kind of got some buzz in the blogosphere at the time. And they invited me in to talk about, I think RSS actually, which was a controversial subject. And so, it was in a conference room, there were three or four guys there, one of them was [3:00] John Roberts who I feel like was the product lead for News.com, I feel like they had the editor there. The guy who eventually brought me in was called Mike Tatum, and, and yeah it was just a meeting, we didn't talk about me joining or anything, but when I went back to Houston after that week was over, there were all the folks I talked about, and CNET most aggressively got in touch about possibly joining their company, and what that would mean. Just as an engineer, you know nothing fancy, but.

**Interviewer**: So did you, when did you start thinking about WordPress Inc, Automattic, what was your first ideas about the business that you wanted to set up?

**Mullenweg**: I'm a very loyal person and so it was probably more after CNET said no to the idea. So WordPress.com I had originally pitched to CNET as like a, a new product they could do. Like, because they had so many good domains, like for example online.com. That I was like, well what if you could be like siobhan.online.com and that like had your blog on it and linked in your social networks, and like all this sort of jazz, and I think there was sort of a general sense, for context at this time, blogs were mainstream consciousness of blogs was largely in the context of like political takedowns, like political bloggers like Instapundit and folks were sort of the most prominent bloggers and the mainstream consciousness was, I forget the exact situation but not unlike the Romney thing last election cycle. Like someone said at a, at a private event that was really not kosher, some Republican, and he ended up getting ousted from office after blogs really publicised this occurrence. And so people, if you did a focus group on blogs, people would be like oh those are political, or those are hateful, or those are like things that try to take down politicians. And so even though every major internet company at the time had a blogging service, except for Google's Blogger, none of them called it blogs. So AOL called it, I think journals, Yahoo called it 360, who else, Microsoft called it Spaces, MSN Spaces, so basically all the internet giants had a blogging service but none of them were brave enough to call it blogs. So at CNET you know there was sort of this

and like all this sort of jazz, and I think there was sort of a general sense, for context at this time, blogs were mainstream consciousness of blogs was largely in the context of like political takedowns, like political blogs, like Instapundit and folks were sort of the most prominent bloggers and the mainstream consciousness was, I forget the exact situation but not unlike the Romney thing last election cycle. Like someone said at a, at a private event that was really not kosher, some Republican, and he ended up getting ousted from office after blogs really publicised this occurrence. And so people, if you did a focus group on blogs, people would be like oh those are political, or those are hateful, or those are like things that try to take down politicians. And so even though every major internet company at the time had a blogging service, except for Google's Blogger, none of them called it blogs. So AOL called it, I think journals, Yahoo called it 360, who else, Microsoft called it Spaces, MSN Spaces, so basically all the internet giants had a blogging service but none of them were brave enough to call it blogs. So at CNET you know there was sort of this thread of CNET versus Engadget or Gizmodo and, and the tech blogs were really starting to eat at CNET's lunch, especially in the gadget space, and, and they were sort of circling the wagons in a lot of ways and there was a lot of distaste [6:00] towards blogs in the company. So I pitched the idea and ultimately they decided it wasn't a direction they wanted to go, and so you know, I, I couldn't not do this, I really had to do this, so I said well let's talk about me leaving and, and pursuing this as sort of a startup, or as a full time thing. It was, it didn't end up working really well, there were some projects I was working on so I ended up staying, I don't remember how long, but at least like an extra three or four months after this conversation to help some of these projects finish up. Because I was kind of the only engineer on my team. And, and also the projects ended up saving them millions of dollars, so I feel like I also earned my salary, which was always important to me. And then both CNET and Shelby Bonnie who was the CEO of CNET at the time both put in money into the fundraising of Automattic.

**Interviewer**: Okay. So was that the first round of funding? Or was that even before...

**Mullenweg**: So they, they joined the first round of funding. So when we raising our, I think it was 1.1 million, they, they pitched in, they were part of that.

**Interviewer**: Can you tell, can you tell me what happened the night you announced WordPress Incorporated?

**Mullenweg**: Yeah I don't remember at all. Because partly the reason I announced it, I was a little drunk.

**Interviewer**: Yep.

**Mullenweg**: Have you spoken to Jonas yet?

**Interviewer**: I have, yes.

**Mullenweg**: He could probably describe it better than I could.

**Interviewer**: Yep.

**Mullenweg**: It was something where, I mean, Jonas, Jonas and actually Jason Hoffman as well were two folks who were sort of counselling me on what this would be if it was a business. And I don't recall at the time, if this was before or after I met Toni Schneider, but it was definitely before I, before I thought about raising money from venture capitalists. So, and we were at the hundred thousand party, which is kind of funny to think about because the WordPress download counter is now at 158,000 for the release that came out four hours ago, but at the time we could plan the hundred thousand party within like a week, or two, so we would know what day we would roughly hit it. And yeah I just thought it seemed like a good... I feel like there was a guy Niall, have you spoken to Niall?

**Interviewer**: No. Niall?

**Mullenweg**: Niall Kennedy has the famous video of this.

**Interviewer**: I have the video.

**Mullenweg**: So I believe Niall made that video. And he also encouraged me to go up and talk about this, which seemed like a fantastic idea at the time.

**Interviewer**: I bet.

**Mullenweg**: And obviously, there were lots of details not locked down, like how was I going to pay Jonas [9:00], and should it be called WordPress Inc, and it was actually a little bit awkward when I went back to CNET the next day because they were like, so. My boss, an awesome guy named Eric [inaudible] was like so tell me about WordPress Inc.

**Interviewer**: What was your plan for WordPress Inc, when I spoke to Jonas he's described it more along the lines of the Foundation, and in his blog posts from that time he refers to WordPress Inc and sometimes he refers to the WordPress Foundation, so I was wondering what your original plan for it was?

**Mullenweg**: Well the plan was to start both. So there would be both for profit and a non profit, similar to what we ended up doing. I don't recall the exact business plan of what the WordPress Inc concept was.

boss, an awesome guy named Eric [inaudible] was like so tell me about WordPress Inc.

**Interviewer**: What was your plan for WordPress Inc, when I spoke to Jonas he's described it more along the lines of the Foundation, and in his blog posts from that time he refers to WordPress Inc and sometimes he refers to the WordPress Foundation, so I was wondering what your original plan for it was?

**Mullenweg**: Well the plan was to start both. So there would be both for profit and a non profit, similar to what we ended up doing. I don't recall the exact business plan of what the WordPress Inc concept was.

[interrupted by slipping incident]

**Mullenweg**: It was largely I think, what we ended up doing which was, you know, say if WordPress is going to be big, let's do a one click, easy to start hosted version of it, and then build some services around it as well.

**Interviewer**: The other thing that Jonas said that at that time you also planned to set up Automattic, that you'd also discussed that with him. So I was wondering what the difference was, between WordPress Inc and Automattic?

**Mullenweg**: So the actual plan was for the, the name Automattic to be an umbrella for all of the open source projects. So that's why the mailing list and a bunch of other things were hosted on, on the Automattic domain. And if you look at the early days of Automattic.com there's just pointers to the, to the open source stuff. So it was like, that was going to be, I don't know what to call it, but kind of what that would be. And then Mobius Ltd, Mobius Limited, I'm sure that was a fun play on words, would be the for profit site. And so, we called that WordPress Inc. So I'm not sure if Jonas was referring to what actually became Automattic, or whether he was referring to what I was planning Automattic to be at the time, which was something that looks a little bit more like the Foundation now.

**Interviewer**: Yeah that's interesting because I, I'd looked up on archive.org of the early sort of pages for Automattic, and you know one of the things it talks about is the WordPress project. So I had wondered if at the beginning you had planned for WordPress to be part of Automattic as opposed to separate?

**Mullenweg**: Yes but that's because Automattic was something that was different.

**Interviewer**: Yep.

**Mullenweg**: So it gets a little tricky because the names at different times *[12:00]* mean different things.

**Interviewer**: Okay. Okay, that makes sense. Who came up with the name for Automattic?

**Mullenweg**: I think I did. Did someone else claim it, or?

**Interviewer**: No no, I just, I've just wondered, I mean I know who came up with the name for WordPress but I never knew Automattic, so.

**Mullenweg**: Yeah so I've written a dictionary script to get all of the mattics, so. Yeah I registered dramattic, automattic, semiautomattic, diplomattic...

**Interviewer**: Wow.

**Mullenweg**: [inaudible] I own all of these. It'd actually be funny to look at the list now because I don't remember them all.

**Interviewer**: It would be, you could do so much with this.

**Mullenweg**: Yeah diplomattic not always my strong suit, but...

**Interviewer**: Dramattic would be interesting.

**Mullenweg**: So I still, yeah I just registered a tonne of these domains and of them all I really liked Automattic because it implied I guess something that was simple, something that was obvious, something that was just kind of happened, you know like you didn't have to think about it, it was just automatic. It's funny I've actually talked with Ev Williams about this because his, you know his holder company is named Obvious. And he, we have a mutual admiration for each other's names because I think both Obvious and Automattic are great names. My only regret was not also buying Automatic with one t, which is now a completely separate company.

**Interviewer**: It is, yeah. It is a little confusing.

**Mullenweg**: It's very confusing.

holder company is named Obvious. And he, we have a mutual admiration for each other's names because I think both Obvious and Automattic are great names. He only regret was not also buying Automattic with one t, which is even a completely separate company.

**Interviewer**: It is, yeah. It is a little confusing.

**Mullenweg**: It's very confusing.

**Interviewer**: Yeah. So why did you ask Jonas Luster to be your first employee?

**Mullenweg**: Jonas was a force of nature. He, he had experience on the business side, he understand open source, he was tech, he could code a little bit even though that wasn't going to be his primary contribution, but just sort of an everything guy.

**Interviewer**: Did you ever get anything formalised or on paper?

**Mullenweg**: No. And this was also around the time we would've been working with Jason Santa Maria as well. I'm sure you have the exact timeline, but I think it was about the same time, because part of the reason I couldn't pay Jonas is because I also couldn't pay Jason Santa Maria. And so, you know, I don't know if you know this but I think with Jason it was a three month engagement, fifteen hundred bucks a month, and the idea was like the first month would be a logo, second month a website, third month the admin, actually. And, and we only ever got to that first month before I had to email him and say hey, before you go any further I'm just flat out broke, like. I can't, so let's, let's put this on pause for right now and I, I sincerely apologise.

**Interviewer**: Well you got the logo, which is good.

**Mullenweg**: Yeah we did get the logo. And did you, I know, I know in the past Jason *[15:00]* posted a bunch of sketches for logos we ended up not using, did you find those?

**Interviewer**: Yeah I have those, and I spoke to Jason as well.

**Mullenweg**: Cool, yeah those would be great to have in the book.

**Interviewer**: I have them included, I mean there's tonnes of them so I've selected some of them. But yeah they're great, it's really interesting to see them.

**Mullenweg**: It was a lot of fun going past, back and forth with him, and to be honest it was one of the first times I've really worked with a designer and I would say it sort of gave me a taste for what you know, in subsequent years I really loved about working with Matt Thomas, or Johan, or any of the great designers at Automattic. Just that sort of back and forth, you really, it can be really invigorating. And I feel like you come up, you can come up with something that's better than anything I could have ever imagined. And possibly better than what they could've imagined too.

**Interviewer**: Yep. What do you think's different about that back and forth, and the back and forth with say a developer?

**Mullenweg**: Oh they don't have to be different. It's just more visual.

**Interviewer**: Okay.

**Mullenweg**: There were definitely times in the early days where we'd pingpong some code or, you know, different approaches.

**Interviewer**: Okay. So how did the Hot Nacho incident come about. Did they approach you, or did you approach them?

**Mullenweg**: Yeah this guy had emailed me, and said hey... I forget the exact story, it was something like you know I, a small business that creates something or another like we, we write content, and but these spammers from Russia and China are stealing all of our stuff and because they're spamming, yeah they're ranking higher in Google than we are. So we're looking to partner with high quality legitimate websites to, to host and link to our content. And you don't have to give us access, you could just set up sort of a proxy, and so you know they kind of had it all put together. And I don't remember the exact amount, I think I've probably written about it before, something like 800 or a grand a month or something like that and especially around, you know, the complete brokeness at the time it seemed very legit.

**Interviewer**: I was reading that you attended the Web Spam Summit in February 2005 which was after the articles had gone up on WordPress.org and just from my reading around they were, addressed web spam, and one of the things was link farms? And I was just wondering if at the time, when you've been, gone to the summit, you'd seen any correlation between the articles on WordPress.org, and what people were discussing?

**Mullenweg**: That's a good question. I don't recall, was that February 2005? Now I think what was odd *[18:00]* for me, was I really thought of spam at the time as either something you got in your inbox or in your comments. You know, spam was something that came to you. I never thought of spam as something that targeted the world or Google in the same way. And that was actually what

**Interviewer**: I was reading that you attended the Web Spam Summit in February 2005 which was after the articles had gone up on WordPress.org, and from what other people addressed web spam, and so I was just wondering if at the time, when you've been, gone to the summit, you'd seen any correlation between the articles on WordPress.org, and what people were discussing?

**Mullenweg**: That's a good question. I don't recall, was that February 2005? Now I think what was odd *[18:00]* for me, was I really thought of spam at the time as either something you got in your inbox or in your comments. You know, spam was something that came to you. I never thought of spam as something that targeted the world or Google in the same way. And that was actually what was the silver lining of Hot Nacho, was that thinking about things that way, led to the genesis of the original ideas and algorithms behind Akismet. Which was actually the first product Automattic launched before WordPress.com.

**Interviewer**: That's interesting, how did that feed into Akismet?

**Mullenweg**: A couple of ways. One, my rampant Catholic guilt...

**Interviewer**: Of course, I understand that...

**Mullenweg**: ...at having screwed up so badly. It's really just, it was poor decisions, there was no excuse for what I had done. And, and it caused a lot of, just a lot needless drama for the community and for people who cared about it like Jonas, and my girlfriend at the time, and everyone, so.

**Interviewer**: Did you have any idea that, when you did it that something was a bit fishy?

**Mullenweg**: No, I, I think it's one of those things where I probably should've, but it just, it seemed, it seemed, I rationalised it probably. Whether it was consciously or subconsciously.

**Interviewer**: So do you think of that as spam now?

**Mullenweg**: Yes, without a doubt.

**Interviewer**: Okay. Yeah if you could tell me-

**Mullenweg**: Oh because the articles had links. And then the other thing was they weren't just related to technology topics. There were articles on mesothelioma, or whatever that thing is called. And all sorts of, you know. I don't think actually viagra was on there but stuff that was just as bad.

**Interviewer**: Yep. So how did that influence Akismet's algorithm?

**Mullenweg**: Well I can't give too much of the secret sauce away, but, but basically just shifting from thinking about spam like email spam, to thinking about it like web spam.

**Interviewer**: So once you realised that that was not a good way to make money, what did you think-

**Mullenweg**: You know what? Another thing is that, I do remember part of the web summit, the web spam summit, was that at Technorati?

**Interviewer**: I think it was at Google? I think it was hosted, oh no it was Technorati, yes, you're right.

**Mullenweg**: Yeah I mean a big problem, like, a lot of what we talked about at the time was the negative form of re-blogging, where people would set up scraper blogs and they would steal your content, so it was really people stealing content and republishing it and then doing trackbacks at the time mostly, *[21:00]* and so I think part of the distinction to me as well was that this was original content or, I don't know there was probably something there that mattered to me at the time.

**Interviewer**: Yep. Well I just, I picked up on it because there was a, a comment thread on someone's blog where Anil Dash had mentioned you know that he was surprised to see this spam, because you know you'd been at the web spam summit. So I thought it'd be interesting to ask about it.

**Mullenweg**: Yeah that was definitely a low point in Anil and I's relationship.

**Interviewer**: Oh yeah?

**Mullenweg**: Yeah Six Apart piled on a little bit to that.

**Interviewer**: In what way?

**Interviewer**: Oh yeah?

**Mullenweg**: Yeah Six Apart piled on a little bit to that.

**Interviewer**: In what way?

**Mullenweg**: You know they had just started around the same time, but were way more legit as a company. And they, when they lost Fox, it was onstage at TED, you know Reid Hoffman and Joi Ito who were like two of the biggest guys at the time. Obviously Reid's now a multi-billionaire from like LinkedIn and Facebook, like, they were the backers. Reid was on the board until relatively recently. So it was sort of their pitch partly, WordPress was starting to nip at their heels but their pitch was well this is you know a two bit amateur operation, and certainly this fed into a narrative of, of my two bit amateur mistake.

**Interviewer**: So what did you think next about how to make money to support WordPress? Once you were like okay, I can't host articles on WordPress.org, what next?

**Mullenweg**: Yeah I was really horrified, and, and you know I contacted the guy and I was like, can I return the money you've already paid, will, like, this has to go down. He actually felt really bad as well, I don't think he expected the, the backlash it got either, which perhaps means that maybe he didn't think of it as spam or maybe he was just a really good actor. But I actually don't bare ill will towards the Hot Nacho guy, I should've known better. Basically the, at the time I had kept writing anti-spam plugins, and I wrote like a, or maybe I adapted I don't remember, like a hashcash plugin. That was like a proof of work that the JavaScript did something that didn't, we didn't call it at the time but basically a nonce approach, had a blacklist... There was something, I think that it was called Matt's Anti-Spam Software, which was the working name of Akismet until I realised what the acronym was.

**Interviewer**: Mass?

**Mullenweg**: People just said Matt's... and then the rest.

**Interviewer**: Oh. That's pretty good.

**Mullenweg**: So *[24:00]* the idea at the time was that it would be peer to peer. So that like my blog would talk to WeblogToolsCollection and actually Mark Ghosh was one of the early testers of this. And when I got a spammer marked as spam it would then share that info with Mark's blog. And if Mark, if I was in Mark's blogroll, and based on the XFN data he had about me in his blogroll, he either trusts me or not so his blog could then auto-accept this sort of expansion to the blacklist functionality that was built into WordPress, or not, but so there would sort of be a peer to peer distributed and auto-updating trust network that shared, sort of, some basic anti-spam metadata. And this was the approach that anti-spam took at the time, there was a, a movable type anti-spam plugin that also took a similar blacklist approach. You know sort of a list of key words, or irregular expressions that were pretty good at catching spam.

**Interviewer**: Okay.

**Mullenweg**: But it all stopped working. And the, the moment where it really woke me up was when I released an update to one of these plugins, I don't which, remember which one, but it had a really slick comment form thing, like it modified the comment form so there were hidden fields, and had a JavaScript proof of work, and did some really cool stuff, and literally like hours or days later like spammers had downloaded my plugin and figured out how it worked, and started working around it.

**Interviewer**: So that's why you keep Akismet a secret?

**Mullenweg**: Oh it's not why Akismet is a secret. The power of Akismet is in that it's like all the kids on the playground ganging up against a bully, right. Collectively we all have the data and the information to stop spammers, certainly before they're able to have a big impact. So, and that only be working together would we be able to even up the fight against the bad guys.

**Interviewer**: So were you the original developer of Akismet or did someone work with it on you?

**Mullenweg**: I was actually the sole developer for actually a couple of years. Not even anyone else in Automattic had access to the code base.

**Interviewer**: So can you tell me anything about how it works?

**Mullenweg**: It works really well. It's, I'm very very proud of Akismet. It was interesting because it's actually, it's probably one of the things I've done that I'm most proud of. Because I was able to take the things that I learned from, because B2, WordPress was really built on B2. So there was kind of a framework there already. I think Ping-o-matic was already there at the time. So, there was actually a point when CNET was going to buy Pingomattic, that was pretty interesting. I don't remember the exact number, but it would've been like 50 or 60 grand or something, it was, and Technorati was thinking about buying it, it was, it was actually a hot property *[27:00]*. And so I had learned a tonne about scaling things from Ping-o-matic, and a tonne about speed. Because it was really really important for things to be incredibly fast dond asynchronous, and work at, at the time which was a scale as large as

**Mullenweg**: It was really well run, I'm actually very proud of Akismet. It's an interesting beast. Actually, it's probably one of the things I've done that I'm most proud of. Because I was able to take the things that I learned from, because B2, WordPress was really built on B2. So there was kind of a framework there already. I think Ping-o-matic was already there at the time. So, there was actually a point when CNET was going to buy Pingomattic, that was pretty interesting. I don't remember the exact number, but it would've been like 50 or 60 grand or something, it was, and Technorati was thinking about buying it, it was, it was actually a hot property *[27:00]*. And so I had learned a tonne about scaling things from Ping-o-matic, and a tonne about speed. Because it was really really important for things to be incredibly fast and asynchronous, and work at, at the time which was a scale as large as anything else in the blogging world because it was dealing with the pings from every blog. All the WordPresses, all the movable types, all the everythings were pinging Ping-o-matic. And so I was able to take that and Akismet, write it from scratch, so taking everything I'd learned. And I feel like it was, and actually is to this day, extremely elegant code. Probably the best I've written. I wish the world could see it. Of course if I looked at that code now I'd be like ah, this is a mess, I'd love to redo it, but like...

**Interviewer**: Probably. So I've just got a few more questions about WordPress Inc before we move on to Akis-, asking you more about Akismet. But... One of the things that Jonas said was that he'd contacted hosted companies to get them listed on WordPress.org? I was just wondering about those partnerships that you created.

**Mullenweg**: Yeah, that was helpful in the early days. It kind of started with TextDrive, where TextDrive did a program where when you signed up for TextDrive, you could essentially choose an open source project to benefit and they would donate, I think 10% of your, your hosting fees to either us, Ruby on Rails, Instiki, Textpattern. Did, did Jason talk to you about this?

**Interviewer**: Yeah he talked a little about it, yep.

**Mullenweg**: So that was super helpful in the early days, especially around bootstrapping Automattic, because well yeah, it was kind of before anyone was signing up for Akismet or before even WordPress.com existed, it was a, a great way to sort of get things going.

**Interviewer**: So what happened with WordPress Inc? Where did it go?

**Mullenweg**: You know I don't entirely remember. I think it was one of those things where it was like there was this burst of activity because there was a premature announcement before anything was really set up. I don't recall having any, any papers signed with anyone or anything. Maybe there were, but. Yeah, and so but then there was like well wait, I have to go back to my job, and I don't actually have any money, and I can't pay Jones if I, even if I want to. And he needs to get a job because he has bills to pay and because he's a real adult, and, so there's a combination of things, it just kind of... And plus I need to stay at CNET for a few more months to help them finish up things, like that combination kind of combined I guess, is, is the inelegant way to say it, but. I guess it fizzled.

**Interviewer**: Fizzled. How did you found *[30:00]* WordPress.com to begin with? I guess you were just paying Donncha?

**Mullenweg**: I was just paying him literally out of my salary at CNET. So it was, it was basically taking my sal-, because I didn't really have any costs, besides rents. My rent was astronomical. I, I went from paying four hundred and fifteen dollars a month to twenty seven hundred dollars a month.

**Interviewer**: Oh my god, San Francisco's crazy.

**Mullenweg**: Yeah. But other than that I basically had zero costs.

**Interviewer**: Yeah.

**Mullenweg**: And so I was able to take all the rest of my salary and, plus some credit cards and things like that, and, and you know do that first bit. And then once, sort of, once the thing that is now Automattic sort of came together, obviously it was talking to Phil Black, Mike Hirshland and Toni Schneider about funding it. And to talking to Toni about joining as CEO.

**Interviewer**: And how did you pay them before the funding came in?

**Mullenweg**: That was just out of salary. It was just, because it was, I think I was the third that joined, so it was Donncha and Andy?

**Interviewer**: Yep.

**Mullenweg**: I should also say we were, we were all working for very little. It wasn't like you know there was a huge amount of money going around. And I'd had a bit saved up, was paying for as much as I could with credit cards, and sort of rolling that, probably I, I don't know. The most credit card debt I'd ever had, for sure. And, and then yeah, just paying it out of salary. I mean I was making a really great salary at CNET, and that was one of the reasons that was, I dropped out of college, was, I was like wow I can make as much as, or more than my dad makes, working for a oil company, if I move to San Francisco. And they'll pay for me to move out there, so. It was a, a very unique opportunity. And it was also good to know that was there as a fallback. So, I always thought well, worse comes to worst, like Donncha, Andy and me, Ryan, we're all good engineers, end of the day we're good engineers. And I know that I can get a job programming at any of these companies, at Google or Technorati, at Yahoo, at wherever.

**Mullenweg**: I should also say we were, we were all working for very little. It wasn't like you know there was a huge amount of money coming from this. And I'd run up, I was, I put our first month or so I could with the company on credit cards and and, financing. So probably I, I don't know. The most credit card debt I'd ever had, for sure. And, and then yeah, just paying it out of salary. I mean I was making a really great salary at CNET, and that was one of the reasons that was, I dropped out of college, was, I was like wow I can make as much as, or more than my dad makes, working for a oil company, if I move to San Francisco. And they'll pay for me to move out there, so. It was a, a very unique opportunity. And it was also good to know that was there as a fallback. So, I always thought well, worse comes to worst, like Donncha, Andy and me, Ryan, we're all good engineers, end of the day we're good engineers. And I know that I can get a job programming at any of these companies, at Google or Technorati, at Yahoo, at wherever. Yahoo at the time was also a cool company. So. That was, that was good to know that was a fallback, that we had this very fungible and in demand skill.

**Interviewer**: How did you acquire the WordPress.com domain name?

**Mullenweg**: Oh that was messy.

**Interviewer**: Yeah from what I read it looked messy.

**Mullenweg**: I feel like, someone else owned it.

**Interviewer**: Yep.

**Mullenweg**: And there was this guy who had gone around, I don't re-, like, Rick Johnson the Third might be his name.

**Interviewer**: Rick Johnson, yep *[33:00]*. [inaudible] names.

**Mullenweg**: Oh wow, I cannot believe I remember that.

**Interviewer**: That's pretty good.

**Mullenweg**: So yeah, this was one of these things where this guy had registered the domains of a bunch of open source projects. Java, Drupal, WordPress, many others. Sometimes he registered them from scratch and sometimes he bought them. And, and WordPress.com was one of the ones he had, so I had .org and .net and he had .com. And he had this OpenDomain thing where he wanted like 10% of your company, or something ridiculous. And he, he would've done very well if we'd actually had done that, but. It was something unreasonable... Or that it was like 10% of revenue instead, or 5%. And eventually, we kind of got him down where we would, he would give us the domain and transfer it, and we would link to OpenDomain in the footer. Of WordPress.com, which, we did. I don't remember exactly when or how it went south. But there was something around... I think one, I started to feel bad about this because he was using the WordPress thing as sort of a, a proof of, a social proof when, when he was going to other open source projects or buying other trademarks. And that felt bad. And then two, I don't, again I don't remember the exact things but I recall distinctly him coming on our forums. And WordPress.com had just started, and again for historical context, there were a lot of blogging services that had started and then gone out of business and lost everyone's content at the time. So one of the biggest concerns about WordPress.com that people had was that we were going to lose all of their writing. There was a journalling site, not LiveJournal but a different one, like Live Diary or something like that, I think it had diary in the name. That actually my friend Elisa was on. Who was, Elisa was one of the first five WordPress users. That had literally just lost everyone's content and gone out of business. I feel like weblogs.com had gone through a similar thing, there'd just been sort of a spate of these. So that was one of our biggest concerns. People were like, I don't know who these Automattic guys are. I don't know what WordPress is, like I don't want to put my life on something and then have it go away. And so he came on our forums, and said... Oh wait, I've remembered something, so part of the way we got the domain from him was he started taking donations. First he set up a WordPress blog on WordPress.com and then he started taking donations there.

**Interviewer**: Right, okay.

**Mullenweg**: And people were donating to it thinking it was us.

**Interviewer**: Yep.

**Mullenweg**: So that was *[36:00]*, I think part of how we got the domain and then once we got the domain some time later he came on the forums and said you know, I'm gonna sue WordPress.com and take it down, so, you know, you guys watch out. At this point I was like, really? But we were a real company at this time. So we worked with our legal counsel and decided the best thing to do before he sues us from rural Pennsylvania or wherever this guy was, was to file an actual claim against him. An actual lawsuit. And, an intellectually, intellectual property friendly jurisdiction, so, in the Bay area. And, and so that's what we did. And hired these great litigators, I think the litigator's name was David Frazee, and you litigators are vicious. So it ended up being that he hadn't actually had a lawyer or had a complaint ready, or he had been sort of speaking ahead of himself a little bit. And then once we, you know once we actually engaged with his counsel and him, it turns out that, you know, we have three or probably four hundred dollar an hour like top of the line intellectual property attorneys, litigators, and I think his guy was actually like a divorce attorney.

**Interviewer**: God.

an intellectually, intellectual property friendly jurisdiction, so, in the Bay area. And, and so that's what we did. And hired these great litigators, I think the litigator's name was David Frazee, and you litigators are vicious. So it ended up being that he hadn't actually had a lawyer or had a complaint ready, or he had been sort of speaking ahead of himself a little bit. And therefore we, you know once we actually engaged with his counsel and him, it turns out that, you know, we have three or probably four hundred dollar an hour like top of the line intellectual property attorneys, litigators, and I think his guy was actually like a divorce attorney.

**Interviewer**: God.

**Mullenweg**: And literally like on the call, his own attorney started saying to him, like I really think you should back off this, blah blah blah. And you know. So it went, it went very much against him very quickly. And actually, you know I had to rein our litigators back, they were saying okay now we can go after his tax records, and dock his pay, and blah blah blah. And I was like woah woah woah woah woah woah, I don't want it to ruin this guy's life, all I want is our name to belong to us, you know? We are WordPress, like, I would like to own that and not have some guy saying he's going to sue us for our own name. And so I think the agreement we came to was that you know the name 100% belonged to us, and that he would transfer any other domains he had that were of our products or trademarks. And also that for like the next, I don't remember whether it was five or ten years, he couldn't own or register a domain that was a product that we had in public.

**Interviewer**: Right.

**Mullenweg**: So even, like let's say that he owns widget.com, and we've launched something called Widget, he would need to transfer that domain to us. So that was aggressive, but the reason they did that was actually to help out Drupal. Because I was talking to Dries at the time who was dealing with the guy as well, and they didn't really have the resources that we had, in terms of the company being there and things like that. So I said well, you know, if this guy after we're done with this if he still is holding the Drupal.com *[39:00]* name hostage, we could probably do something where, you know, for a month you transfer the trademark to Automattic, and then we use this existing settlement to get the Drupal.com name and then we'll transfer both back to you. But it ended up, we ended up not having to do that.

**Interviewer**: Yes, because the guy's, Rick Johnson's very emphatic that he's doing it as a way to support open source projects.

**Mullenweg**: So to be completely honest, I think that he, I think that he was.

**Interviewer**: Okay.

**Mullenweg**: Like I think that in, in the way he thought about it, he really believed that this was to, to help the companies, and to, and to be true, you know better him have it than a spammer, or you know a, a more traditional squatter. So I think that he, he really did believe in open source and he, he genuinely wanted to help, it just ended up being just a little different in our ideas of the best way for him to help.

**Interviewer**: One of the, the things that you wrote in the support, one of the support threads was that, that Rick believed that the domain WordPress.com should be used for profit and you thought it should be used for non profit. I was wondering at what point you decided WordPress.com the should become a for profit domain?

**Mullenweg**: I do not recall. But obviously, we decided .com would be commercial, .org would be non commercial, and .net would be kind of the, the random projects in between.

**Interviewer**: Yep. Okay. Yeah it all seems kind of messy. Why did you decide to partner with Flock when you launched WordPress.com?

**Mullenweg**: I was friends with a bunch of the guys over there. And in fact one of them, Chris Messina, had helped me out with some design work. He was one of those early designers I'd worked with a few times, who I thought was just really brilliant. And Chris was also involved in Microformats, we, were both two of the five co-founders of BarCamp together, I just really loved working with the guy. And he went to Flock, and to be honest I thought Flock was the future. And it actually was quite quite popular in its day. It got totally killed by, you know future versions of Firefox and then of course Chrome, but it was sort of, it was kind of the Chrome of its time, meaning that all the best and brightest and sort of leading edge people were using Flock. So we were very worried about scaling. Scalability was probably one of our primary concerns in [inaudible] at WordPress.com. Again because this was something that wasn't like, easy to do. There was no Amazon, there was no a lot of the, the tools that we use now to scale things a lot easier. No Nginx. *[42:00]* So we wanted to, first we did the invites, and then we thought well, we'll allow you to bypass an invite if you're using Flock because then we'll know that you're kind of a social in the know cool person. And I believe Flock also had WordPress support, so I believe it had like some XML-RPC stuff built in.

**Interviewer**: Yep. At what point did you drop the support, drop this partnership?

**Mullenweg**: I don't know. And to be fair it, it wasn't like a super formal thing, like it wasn't like any money changed hands. It was just like they were going to promote us and we were going to promote them. And I think it sort of, it was less that we dropped it and more just that we were opening up to the world more. And there was no, it didn't really make sense to gate the sign-ups, because we got confidence in terms of how we could scale things.

**Interviewer**: How did you get that confidence? Because I noticed you had lots of server issues, throughout the first year, at what

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**Interviewer**: How did you get that confidence? Because I noticed you had lots of server issues, throughout the first year, at what point were you happy with how the servers were working?

**Mullenweg**: Probably 2010.

**Interviewer**: Okay. You brought Barry on board?

**Mullenweg**: Yeah.

**Interviewer**: Was he dealing with like, the scaling issues?

**Mullenweg**: It was actually 100% a team effort at the time. Donncha and myself had done a lot of the early systems administration. Actually it was funny when Barry joined, he said I'm not going to do this unless you switch to Red Hat, and I was like, but this Ubuntu and Debian stuff is actually really slick. And I'm very proud to say that Barry is now a hardcore Debian guy, for all of our servers.

**Interviewer**: Okay.

**Mullenweg**: But to be honest, none of us had done it before. I mean Barry is very very gifted with servers. Ryan is an incredibly gifted coder. Donncha is actually very very handy with servers as well. We, but we were all kind of just figuring it out, and so, and there were some weird bugs, like we had this one database that would, we had to reboot it every night for it to keep running throughout the day. And so around, around kind of midnight, so it was morning Donncha's time, and then sort of you know I guess, you know, normal for me, Andy, Ryan and Barry. We would all get together and, and reboot the server. So we'd have to take down the site for, you know, five minutes or something and then boot it. But, but it was very much, you know, Ryan, Donncha, myself, Andy, and then later Barry. I don't remember exactly when Barry joined, but just hacking together and coding together and working together every day.

**Interviewer**: WordPress 2.0 came out in December 2005, and then the next major release wasn't until January 2007?

**Mullenweg**: Oh yeah that was the dark year.

**Interviewer**: Yeah the dark year, that's a good name for it. Was that because *[45:00]* that you guys were all hacking away trying to get WordPress.com up and running?

**Mullenweg**: No.

**Interviewer**: Why was it?

**Mullenweg**: So it was a really good learning lesson, and one that we could probably, we've still continued to learn, is that we were trying to do a feature led release, rather than a time led release. Meaning that there was always just one more thing we were trying to work in. So we were like okay when so and so is done we'll get it in. And then it's like well now, this widget is almost done. What version of WordPress was it, it was like 1 to...

**Interviewer**: It was 2.0 to 2.1.

**Mullenweg**: Yeah. It was really one of those things, let me think back actually. I'm trying to remember what the big features were in 2.1 even.

**Interviewer**: Let's see, we have auto save, tabbed editor, privacy options.

**Mullenweg**: Import/exports, we did spell checking, oh, pages, frontpage, we redid the database code. Yeah, there's a lot of stuff in that release actually.

**Interviewer**: Yeah.

**Mullenweg**: Oh, we had the media manager, so that was new. First version of media, pseudo-cron, WP_Error class, yeah that, that was, you know, and 550 bug fixes, there was a lot in that release. And, but you see in the announcement post we say never again, we say we're going to start doing releases like Ubuntu. Where we'll do it for the, and I actually announced the date, April 23rd, that the next release would be on.

that release actually.

**Interviewer**: Yeah.

**Mullenweg**: Oh, we had the media manager, so that was new. First version of media, pseudo-cron, WP_Error class, yeah that, that was, you know, and 550 bug fixes, there was a lot in that release. And, but you see in the announcement post we say never again, we say we're going to start doing releases like Ubuntu. Where we'll do it for the, and I actually announced the date, April 23rd, that the next release would be on.

**Interviewer**: Yep.

**Mullenweg**: Did we hit that date? No we didn't, it came out about 2 weeks late basically.

**Interviewer**: That's not too bad.

**Mullenweg**: That's not too bad. Yeah I do think, I think 3.8 might've been on date release ever in WordPress history.

**Interviewer**: Yeah, but 3, 3.9 followed suit, so.

**Mullenweg**: We changed the date...

**Interviewer**: Oh did you.

**Mullenweg**: ...So it was, I think we were originally going to do the 15th for 3.9, and we pushed it back a day. But, I, I will give full credit, we did hit it. And so, we changed the date early enough that we should still get credit. I hope that now with two in a row, every future release of WordPress will be on time.

**Interviewer**: Hope so.

**Mullenweg**: It's actually something I encouraged, I did and encouraged Nacin to do this time and I'll encourage for future release leads to do is pick an actual time, so like a time of the day it's coming out *[48:00]*. Because that was, that's one of the things that would bite us before, is like, like well it's still Tuesday in Hawaii.

**Interviewer**: Yep.

**Mullenweg**: And it's like 6 in the morning, and we've been up all night.

**Interviewer**: Yeah that's not good for anyone.

**Mullenweg**: So that dark year was just, yeah. Because at the time there was really no distinguishing difference between .com and .org code. And in fact at the time we were also syncing Trunk. So, you know, literally a lot of these features were running for already millions of people, and we knew they worked and everything like that. But for the shrink wrap release, for the .org release, we were like oh let's get this one more thing in. And, and we went down a lot of rabbit holes, had a lot of, you know the mailing list that year was extremely active. We shipped hundreds of mailing list threads.

**Interviewer**: Yeah I've read a little on most of those.

**Mullenweg**: Just no software, so.

**Interviewer**: Yep, yep.

**Mullenweg**: I, I think we actually have equivalence of this today, with some of the non Core stuff. So with our work around international communities, or maybe what was developer.wordpress.org. I looked at it today, as announced at San, WordCamp San Francisco 2013, coming soon.

**Interviewer**: Yep. It's nearly there actually, it's getting there.

**Mullenweg**: So that's, I mean it's not a year yet, but it is something, a good example where sometimes we still make the mistake of you know, allowing one more thing to get in, or letting perfect be the enemy of good, and iterating in private. It's part of why I wrote that 1.0 is the loneliest number essay, and I think I talk about the 2.0, or 2.1 release, in that one.

**Interviewer**: Yep, yep. What was the community's reaction to WordPress.com?

**Mullenweg**: Early on, sceptical. But it sort of became like the cool thing to have. So, like, Lorelle got lorelle.wordpress.com, of course everyone wanted the good name. So I had Matt, Ryan had Ryan, Mark had Mark. You know, everyone got the, the good

**Mullenweg**: So that's, I mean it's not a year yet, but it is something, a good example where sometimes we still make the mistake of you can actually go one or two things too far, or just something perfect to release, my blog, so I could do it in private. It's part of why I wrote that 1.0 is the loneliest number essay, and I think I talk about the 2.0, or 2.1 release, in that one.

**Interviewer**: Yep, yep. What was the community's reaction to WordPress.com?

**Mullenweg**: Early on, sceptical. But it sort of became like the cool thing to have. So, like, Lorelle got lorelle.wordpress.com, of course everyone wanted the good name. So I had Matt, Ryan had Ryan, Mark had Mark. You know, everyone got the, the good subdomain. And we all started using it, you know, we all started blogging on it, my, my blog now is mostly photos obviously but at the time it was really, I was actually blogging on it. And, and so it was a lot of fun.

**Interviewer**: How did you decide what themes to pick for WordPress.com?

**Mullenweg**: Just ones I liked. Kind of how we, we pick default themes now, like it was just, there were a few that were popular, I feel like in one of the theme directories at the time, or that I really liked, and I think at that time to, probably around when Noel joined which would have been like 2008, 2009, I still did a lot of the theme porting *[51:00]* over.

**Interviewer**: Yep. Why did you decide not to allow plugins?

**Mullenweg**: It was purely code, you know, the way that Multisite was written was we couldn't have people executing their own PHP. It also seemed like a good distinction between .org and .com, that .org would always have like a bit more functionality, be a bit more, just a bit more robust in that way than .com would, which was really like a starter, a starter thing.

**Interviewer**: Were there any paid upgrades that you thought were particularly successful?

**Mullenweg**: Yeah, domains I think were the, domains and custom CSS I feel like were the two first, does that sound right?

**Interviewer**: Yeah CSS was the first, domains was not long after.

**Mullenweg**: And, you know to this day, customisation and domains are two of our biggest products.

**Interviewer**: Were there any that were really unsuccessful?

**Mullenweg**: What else was there, I fell like the most unsuccessful one ever was the unlimited private users upgrade.

**Interviewer**: Okay, what's-

**Mullenweg**: Where we allowed, exactly, what is it.

**Interviewer**: What?

**Mullenweg**: We allowed you to have like up to a certain number of users on a private blog, a members only blog, I don't remember the number let's call it 25. And for more than 25 you had to pay, I don't remember, let's call it 30 dollars a year. So, in fact until very recently you could still buy that on WordPress.com.

**Interviewer**: Okay. Can you tell me about the WordPress support service that you launched, who was that aimed at?

**Mullenweg**: Oh I think that was like a predecessor to VIP.

**Interviewer**: Yep.

**Mullenweg**: Ah, that was aimed at businesses.

**Interviewer**: Okay.

**Mullenweg**: One thing we found... Oh, here's the link to unlimited private users, and it's a 35 user limit. There you go.

**Interviewer**: Great, thanks.

**Mullenweg**: What were we talking about?

**Interviewer**: WordPress support services.

**Mullenweg**: Oh yeah, it was competitive with Six Apart, it was one of the things that they checked a box on that we didn't. And so

**Interviewer**: Great, thanks.

**Mullenweg**: What were we talking about?

**Interviewer**: WordPress support services.

**Mullenweg**: Oh yeah, it was competitive with Six Apart, it was one of the things that they checked a box on that we didn't. And so like a big business was adopting WordPress and there was like, well who do I call if something goes wrong? What if it breaks? And we decided that for the growth of WordPress we needed someone to do that. So it was never planned as, as a business model, it still isn't the primary business model, but it seemed like a pre, necessary precondition for a larger *[54:00]* adoption of WordPress, which was very important to us. So we were like alright, you can now check this box and Automattic will, will help you if you get stuck. And it's funny there was no staff for it, it was just kind of our existing folks, doing that in addition to all the rest of the whole thing.

**Interviewer**: When did you merge it?

**Mullenweg**: But there was lots of that at the time.

**Interviewer**: When did you merge it with WordPress.com VIP?

**Mullenweg**: I don't know. I think, so the first VIP I can recall, the first couple were maybe Scoble and Second Life Blog, are the two I really remember distinctly. For two reasons. Scoble, because he was an extraordinarily prominent blogger, at the time, and still to an extent at that, today, but at the time, like, he was the, I don't even really know how to describe it, like the Errington or the, the Pando Daily of, of the tech world. And he did this thing where he sort of, if someone implements this obscure feature on their blogging system, I will switch to it. And me and this one other guy implemented the, the obscure feature. I think we did it first, so I, I think the time logs will show that I was able to code the feature a little bit faster. But we launched it. And he ended up making a blog on both services. One of them had a weird name, it was written in ASP, and it was something like, Max's Awesome Blog Service, like MABS, or something like that. And obviously we were WordPress.com, and I just sort of coded his stuff custom. And that was kind of the first VIP, the idea that someone on WordPress.com could have their own theme, and you could put all the plugins, all the design, all the everything they wanted in that theme, and they would be sort of segregated from the rest of, of everything else. And then Second Life I recall very vividly, because it was a test of our scale. So Second Life, I don't know if it was very popular but it had millions of users. And when they would go down, they would redirect all those users to the blog. So it would go from a couple of thousand page views, to hundreds and hundreds of thousands of page views just like, within a few minutes. And so that was a very good test of scaling WordPress.com. I believe, I could be wrong, but I believe that's when Andy Skelton developed what's now Batcache, so the idea of a memcache based distributed cache system, on a per data center basis, we could have an extraordinarily fast version of static pages. And Batcache actually still runs on WordPress.com today, if you can believe it. And you can download the plugin for your own blog, it's really good.

**Interviewer**: I'm, I have actually used it before, so. When did you actually launch *[57:00]* WordPress.com VIP?

**Mullenweg**: I don't remember, do you know?

**Interviewer**: No I was, I was looking for the date the other day and I couldn't find it. I can email someone on the team, so.

**Mullenweg**: Yeah the person to ask might be Lloyd, or Vernon.

**Interviewer**: Okay. Yep. I'll get in touch with one of them. What were your early goals for Automattic?

**Mullenweg**: Really I wanted to do a couple of things. I wanted to create a place that I wanted to work, I wanted to work at a place, part of that was, a company that produced open source software as its primary product, and also to show the world that when a, when a, when an open source project birthed a company that it didn't have to suck, it didn't have to be like JBoss, or Tomcat, or Red Hat, or MySQL, and so to put the community second. That we could create kind of a community first version of that and using kind of what the web afforded, what we'd now call a cloud service paired with distributed software running the same thing. We could create something, and some unintentional confusion of the name, we could create something that benefited both. So I think both .com and .org are bigger than either would have been on its own. And not just like a little bit bigger, but maybe like 30 or 50 times bigger than they would have been if they were on their own. Because, I mean, one of the criticisms of WordPress you've probably found, is that there were too many blogging systems at the time, that there, the market was saturated, there was no need for another CMS. And there were, there were dozens. And some of them were quite good. You know, b2evolution and Textpattern, and Movable Type and Typepad, and all of these, and like, I think the fact that we had a unified platform that basically, all the, the energy and investment of the company was going in to, going into the open source software, really benefited us at the time.

**Interviewer**: What did you learn from the open source project that you brought to Automattic?

**Mullenweg**: What do you mean?

**Interviewer**: I mean in terms of running an open source project, how did that influence Automattic?

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**Interviewer**: I mean in terms of running an open source project, how did that influence Automattic?

**Mullenweg**: Oh, many of the things that define our culture today, including being distributed. You know the fact that, you can work with people no matter where they are in the world and develop an extremely close work and personal bond with these people, even though you'd never met them before in person. As, actually it was funny, Scoble has a story, where he was in Ireland, and he met Donncha, and *[01:00:00]*, and we'd been working together I don't know how long by this point, but a good amount, and, and Donncha asked Scoble so what's Matt, what's Matt like? And Scoble still tells this story, like, he found it completely ludicrous that we have been working together and, and never met. What else, I think philosophically, something that I think open source understands inherently and that has been at the core of Automattic's philosophy from day one is impact over revenue, so don't chase the dollar, chase the dream. As the notorious B.I.G would say. It's, it's really what you leave to the world, and the impact you have on the world, that's so much more important than the increment dollar you make. You know, what they're going to put on your tombstone is not how many dollars you make.

**Interviewer**: What did you learn from Automattic that you, influenced how you run the open source project?

**Mullenweg**: So much. How to scale things. So so much of WordPress's scaling came from what we were learning on WordPress.com. How to do user testing and design. And eventually how to run a lar-, large organisation. You know, Automattic's now 240 people. I didn't know how to do that before, just like I didn't know how to do 100 person, I didn't know how to do 5 people, it's sort of very much a learning on, on the go with all the bumps and potholes associated with that. But I am extraordinarily proud of, I actually think of Automattic as a product. Meaning that like, the way the company works, the way that we hire, the people involved, the way that the entire thing is structured, is a product that I've given just as much thought and care and attention to as I have to WordPress. And, you know, I'm proud of both.

**Interviewer**: What have you learned about running a big organisation?

**Mullenweg**: You need... committees are bad. You can't make decisions by consensus. You can't, you know, you need autonomy and clear responsibility. And probably the most important thing is accountability. So, when you think about it, as something starts to scale beyond, let's call it two people, or even one person, it only gets more efficient if each individual actor in the ecosystem can rely on the other actor doing what they say they will do *[01:03:00]*. Because otherwise there's a cost. If, if you almost imagine it like a routing network. If there were 10 routers in a network and 8 of them didn't always pass along the packets, and so you had to recheck over and over, did you pass along the packet, did you pass along the packet, it would be an extraordinarily inefficient network topology. So you need accountability to be incredibly important, and the best way I've found to have accountability is to give people clear authority over something and say, you know, I'm not going to be looking over your back, I'm not going to be sort of micro-managing this. But this belongs to you, and what you say you need to do, needs to happen.

**Interviewer**: Yep. Isn't the danger in a open source community where you have lots of volunteers, that their life just gets in the way. It's not their job.

**Mullenweg**: You know what? It's totally okay as long as you say that. It's not so much, to me accountability doesn't necessarily mean... Like let's say, you're going to ship something on Monday. Ideally you ship it on Monday. But the second part of that, is that you're accountable in so far that if you, the moment you know it's not going to happen on Monday or you have an inkling, that that's communicated. Because then all the other actors in the system can plan around that, and don't have to, you know they're not waking up on Tuesday and being like oh, what happened. Because once that trust starts to break down, everything else breaks down. And you get situations where you know the people who do work hard just take more and more responsibility. And end up becoming a bottleneck. I've done this several times in my career where, you know, like, if I want it done right I've got to do it myself, and then you end up doing too much, and then you start becoming someone who's not accountable because you've taken on, because you want it to be done well you've taken on too many things. And then, you know, that just starts, things start falling by the wayside because we only have so many hours in a day.

**Interviewer**: In the first year did you have any other way of generating income, other than Akismet and WordPress.com?

**Mullenweg**: We had some of the hosting stuff, Akismet, WordPress.com, yeah there were the partnerships, Akismet, WordPress.com and I think that was it. Did we launch anything else? I guess, we, we had support, I don't know if that was in the first year.

**Interviewer**: I guess you, support services was a bit later I think.

**Mullenweg**: Basically we were hustling. It was, it was to really try to get to a point where we were sustainable. And I knew that, you know, we had the investment money which was great, but I was a big believer in, you have true autonomy over your business, and true control over your destiny, when you're in the green. And when you're in the red, time works against you, when you're in the green or the black, time *[01:06:00]* is on your side. We've certainly outlived some of our competitors if nothing else, we didn't beat them, we outlived them. And, and so that was a very, getting you know, getting us to break even on profitability was, was sort

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**Interviewer**: We have that on record.

**Mullenweg**: As much as any other family member. Like if Andy, like if I could like jump in front of a bullet, I would jump in front of a bullet for Andy, like it was, just was a such intense camaraderie, and as this person who at an extraordinarily young age, you know I was 20 or 21, or I guess I might have been 22 at the time, but still really young, younger than all these guys, was sort of responsible for being the breadwinner and making sure we had a future and that we had paychecks and payroll and paid our taxes and all this sort of stuff. Like I just wanted to, I would've done anything to make sure I didn't let these guys down.

**Interviewer**: In my interview with Toni he said that some people in the WordPress community thought you were up to no good with Automattic and just went after you.

**Mullenweg**: Oh totally.

**Interviewer**: Can you tell me about that?

**Mullenweg**: I think people were, I don't blame them, because I mean most of the examples before Automattic were of companies not doing the right thing by the community. And I'm sure you've found some of the attacks, like oh Automattic's going to, they're going to do WordPress Pro and all the good features are going to be in WordPress Pro. And all the lame stuff will be in the free version. Or they're going to try to make it paid, or you know they were worried we were going pull like a Movable Type somehow. I don't know, what are some other criticisms you've found?

**Interviewer**: That Automattic don't want us making money.

**Mullenweg**: Oh yeah that was, that was more later but sure, I could see that being early on as well.

**Interviewer**: Yeah. How...

**Mullenweg**: We talked a lot about that in the theme discussion, remember that?

**Interviewer**: Yeah, we did, we did. How did it make you feel, to have all of this sort of criticism coming in?

**Mullenweg**: We used to joke about asbestos underwear.

**Interviewer**: What's that...

**Mullenweg**: To help you survive the flame wars. When you grew up, and, that's really where we lived in those days, on mailing lists and on IRC. And both of those are, are communication mediums almost infamous for their, for their sometimes highly vigorous discussions. And so you just, you learn *[01:09:00]* how to take a hit, you know? And you, you roll with it, and you get better. And you know I think that's still something that I'm learning to this day. There are lots of examples on the mailing list of me basically engaging in a very, you know really fighting with someone. There's actually some really good mailing list threads where we just go back and forth and back and forth. But you, you learn how to engage. And the thing, what I always, the approach I always applied to like the Hot Nacho thing. Or the, any other controversies we had. And if you look at these blogs, you're going to see me in the comments section. And so it wasn't like a PR strategy where we're trying to like, you know, hide the story or spin it or talk to press or anything, I was like well I really did believe, and to some extent do believe still that as long as someone's reasonable, like if you can really talk about it, you can get back on the same page. And I was like well even if this person is always going to disagree with me, I want the person who is coming later, and who is going to read this article, to see my comment right underneath it, and know my point of the story. Or my point of view. And I'm actually, sometimes I come across those old comments and like I'm, I'm surprised because it's like wow, I don't remember saying that and it's actually quite good. And so, you know I like this, you know, 22 year old Matt and 23 year old Matt.

**Interviewer**: How did you balance the relationship between the project and the business?

**Mullenweg**: Yeah. There was really no distinction in the beginning. Because all the major features, all of the, the big stuff was coming from Automatticians, including myself, and so we were both building this thing, and leading the project for all the big stuff.

my point of the story. Or my point of view. And I'm actually, sometimes I come across those old comments and like I'm, I'm surprised because it's like wow, I don't remember saying that and it's actually quite good. And so, you know I like this, you know, 22 year old Matt and 23 year old Matt.

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**Mullenweg**: Yeah. There was really no distinction in the beginning. Because all the major features, all of the, the big stuff was coming from Automatticians, including myself, and so we were both building this thing, and leading the project for all the big stuff. And so yeah, it wasn't really wearing two hats, I was just wearing the same hat and the software was running in different places. But what I...

**Interviewer**: Yep. And how did that-

**Mullenweg**: But what I-

**Interviewer**: Sorry, carry on.

**Mullenweg**: Oh but the thing I always said and still say to this day is like you know you dance with the one that brought you. So if I have to choose, I put WordPress.org first.

**Interviewer**: But what about all those people who you are committed to at Automattic?

**Mullenweg**: Well that's what Toni and now I am responsible for in terms of building the business models of the company. Is not building us in a way that is going to be counter. So, I mean, in theory, and like I've always said I would rather choose WordPress.org over Automattic. Because that was what was first. In reality, it never actually comes to that. Because *[01:12:00]* months or you know, way way way way way up the decision tree before you even get to that point, is decisions you could make that are going to put you, in a direction which is community friendly or community hostile. And at every opportunity we always choose a direction that's community friendly. And so we just never end up at odds with the users of the WordPress.org software or the primary, you know the people who develop the WordPress.org software. Are there little things where there's disagreements, sure. But it's really really minor stuff, it's not over substantial issues that, that could tear us asunder. Although it could've been in those early days.

**Interviewer**: Yep. Did you ever consider building an enterprise version of WordPress, like Red Hat has done?

**Mullenweg**: I think we did a little bit, but just from a technical point of view, there was no need for it. I mean I felt like we could make the codebase the same one, if we, it could run, you know, call it a small personal blog, and the same code could run WordPress.com, which was millions of blogs. What does an enterprise version do, like. If it was about scalability, we've got that, we know how to do it. And in fact we could probably scale it way higher than your blog will ever get whether it's enterprise or not. If it was about workflow features or things like that, I just was not interested. And if it was about support, I mean Automattic provided support. Oh that's what it was called, it was called the ASN, Automattic Support Network.

**Interviewer**: Yep. It started out as WordPress Support Services. But it changed names?

**Mullenweg**: I think, I feel like the subdomain was asn.automattic.com. In fact I wonder if that still works, I'm going to type it in. I was actually, I was very pleased with that code. So, after Akismet the thing that I liked the best was bbPress, because it was also a good chance to start from scratch, take a lot of the things we learnt. And there was like something, I want to call it like, maybe a ten line or twenty line plugin I was able to write for bbPress, and made it private. So if you were a member, you could get access to these private forums where we would, we would sort of answer your questions. And if not, you know you just sort of saw a login page. And then, and the login, I think we put a PayPal button or something there, so you could actually literally go there, pay whatever it cost, I honestly don't remember, and then it would give you access to this forum.

**Interviewer**: And that was for enterprise people?

**Mullenweg**: Yeah.

**Interviewer**: Big sites, yeah. One of the things I've been-

**Mullenweg**: There's a good article, Mashable, actually Pete Cashmore, wrote a really good article about it when we launched. Except for the lowercase p.

**Interviewer**: Everyone was doing that back then, I've read you use the *[01:15:00]* lowercase p, so.

**Mullenweg**: [inaudible]

**Interviewer**: On the, on the hackers mailing list.

**Mullenweg**: Oh really? Yeah it was five thousand dollars per year.

**Interviewer**: Everyone was doing that back then, I've read you use the *[01:15:00]* lowercase p, so.

**Mullenweg**: [inaudible]

**Interviewer**: On the, on the hackers mailing list.

**Mullenweg**: Oh really? Yeah it was five thousand dollars per year.

**Interviewer**: Yeah.

**Mullenweg**: Yeah I also really like that when you click that link, it still works. It redirects you to the VIP self hosted support.

**Interviewer**: Yep. One of the things I've been reading about is the, in 2007 when there was a, TechCrunch reported that you turned down a 200 million dollar acquisition offer. Can you tell me about that?

**Mullenweg**: Not a tonne, but yeah a little bit. What would you like to know?

**Interviewer**: So, what was the offer? Was it just, and who was it from?

**Mullenweg**: I can't talk about all that, but there was an offer in that range, possibly even higher, to buy Automattic, and at the time we were small like, I want to say we were like 18 people. All we had raised was a million dollars. And so to exit for 200 plus would've, would've been kind of amazing and unheard of for its time, you know, like Flickr sold for 30, 35 million dollars, Oddpost, Toni's last company, was around the same, Delicious. So it was, it was literally, almost like a, a 10 x what else had happened in the world, so.

**Interviewer**: I read an article that was based on an interview with Mike Hirshland and in the article he says that you were, you wanted to take the offer. So I'm wondering why you wanted to take the offer.

**Mullenweg**: I strongly considered taking the offer. Why, well, it would have been 9 figures for me personally. Just a, you know that's something I think that, if you're anyone, you have to consider. Especially if you are a kid who just two years before you know had to, cancel a logo design and stuff like that and, and do sketchy Hot Nacho stuff because you're, you're essentially 100% broke.

**Interviewer**: Yep. And what changed your mind? Why did you decide not to take it?

**Mullenweg**: It wasn't anything the investor said. The other reason I was thinking about taking it was this was a time when Automattic was getting hard. Like I, I remember, I don't remember if it was Ryan or someone like, we were having like some personnel issues internally and some arguments and like it just, it felt, it felt like man this is really hard, this isn't fun. This like a huge pain, and then there's a, but you know the product was going really well and this offer came in *[01:18:00]* and it's like wow, it actually could be kind of nice to be part of a larger thing, and have someone else take some of this off my, off my chest and, and then just focus on building the product. So why not, well I realised if I had 150 million dollars I would want to do exactly what I was doing then, I wouldn't want to change a thing. You know I did then and still to this day like really really love what I do. In fact the number has gone up, I would pay a billion dollars to do exactly what I do today. I was travelling to WordCamps, I was speaking and connecting with WordPress folks, I was coding, shipping the software, working on WordPress.com, working with guys who I loved working with, and I was like, well I can't imagine this getting any better. And I can't imagine the future potential of what we want to build, you know democratising the web, getting majority of websites on WordPress, I can't imagine that that will necessarily be better with someone as a steward of it. It really felt like Toni and I were the people who were going to bring that home.

**Interviewer**: Just hypothetically, if you'd sold WordPress at, sorry, Automattic at that time, when Automattic had the WordPress trademarks, what impact do you think that would've had on the project?

**Mullenweg**: Did Automattic still have the WordPress trademarks then?

**Interviewer**: Yeah, it was-

**Mullenweg**: I think, I think we had talked about spinning it out as part of the sale.

**Interviewer**: Right.

**Mullenweg**: So there were actually a few things. The, the people who were interested were really just interested in WordPress.com, so if we had done it we would've spun out Akismet as well so, and kept that as its own business. And it, it was, it was always very clear, like all the, you know .org belonged to me personally, Ping-o-matic, all these things were, were never on the table if Automattic was sold. So that, that was, it's, it's like not that it wasn't a concern at all, but it was I think on both sides of the table we were on the same... If we had done the deal, I am confident that, that things would've been okay on the .org side as well. Just the way things were structured and the way we talked about it. Again that was my first hat.

**Interviewer**: So this is something that comes up again and again, why is Akismet bundled with Core?

**Mullenweg**: So there were actually a few things. The, the people who were interested were really just interested in WordPress.com, so if we... [obscured by header] ...Akismet... kept... as filed by... it, it was... very clear, like all the, you know .org belonged to me personally, Ping-o-matic, all these things were, were never on the table if Automattic was sold. So that, that was, it's, it's like not that it wasn't a concern at all, but it was I think on both sides of the table we were on the same... If we had done the deal, I am confident that, that things would've been okay on the .org side as well. Just the way things were structured and the way we talked about it. Again that was my first hat.

**Interviewer**: So this is something that comes up again and again, why is Akismet bundled with Core?

**Mullenweg**: Yeah so, I'm about to send you a link that's going to blow your mind.

**Interviewer**: Okay.

**Mullenweg**: This is apparently the page where you can purchase, the Automattic Support Network is still up.

**Interviewer**: Page not found.

**Mullenweg**: Oh that, that doesn't work for you?

**Interviewer**: No, it says page not found.

**Mullenweg**: Oh it must be because I'm logged in.

**Interviewer**: Yep.

**Mullenweg**: I'll send you a, a screenshot though.

**Interviewer**: Sure.

**Mullenweg**: Obviously it has the, the newer Chrome but this is the *[01:21:00]*, I can't believe this is still even, this code is still running. So that's the 2500 per contact, or 5000 per contact.

**Interviewer**: Oh, nice.

**Mullenweg**: Why was Akismet bundled with Core, because anti-spam was one of the big differentiators that got people to adopt WordPress over Movable Type. And because Akismet was well and still is the honour system essentially, so pretty much everyone uses it for free even if they should be paying. It was kind of like a loss leader, that by doing this we could get people actually switching from Movable Type just for the better anti-spam and I believed then and I actually still believe today that there is no better web anti-spam system in the world, and if you just think of it from a user point of view, which you know you're really good at because you do a lot of user design, like how terrible is it to start a new thing, like a blog, and the next thing you know there's like porn, and spam, and like all this gross stuff, and at the time spam was really gross, like it was really niche, like beasts, you know animals, and like all sorts of stuff involved. That's a terrible user experience. And, and everything we had tried before for anti-spam, both in Core and in plugins hadn't worked. And Akismet just kept on working.

**Interviewer**: What proportion of your business, of Automattic's business, is made up from Akismet sales? Any idea?

**Mullenweg**: That's a good question. Less than 10%. So that's a-

**Interviewer**: That's still pretty good.

**Mullenweg**: Yeah. It's a, it's a really good service. And it's not just used by WordPress users either, I mean I think that's a testament to its, it's quality. It's used by big companies including some I can't name because of agreements, but it's used on forums for, I think I can talk about this one, I think, I want to say Electronic Arts, it might be Blizzard or Electronic Arts, one of these gaming companies uses it for their forums. Lots of other web services use it, lots of co-, you know competitors to Automattic use it. And actually Typepad uses it now. So there's that.

**Interviewer**: That's funny. That's good.

**Mullenweg**: It's kind of, it's kind of everyone. That's actually an interesting aside in the sort of Six Apart versus Automattic history, was they launched a clone of Akismet that duplicated the API perfectly. And it was free. It's called TypePad AntiSpam. And I think that, what they thought at the time, they didn't know that Akismet was such a small part of our revenue, they thought it was like the majority or all of our revenue. And so they, they thought if they could give it away for free they would essentially kneecap us. At least that's my interpretation of what they thought, maybe they didn't, but like I was, the way they marketed it, and they like made a WordPress plugin for it and everything like that so, that was actually *[01:24:00]* a very savvy move.

**Mullenweg**: It's kind of, it's kind of everyone. That's actually an interesting aside in the sort of Six Apart versus Automattic history, was they launched a clone of Akismet that duplicated the API perfectly. And it was free. It's called TypePad AntiSpam. And I think that, what they thought at the time, they didn't know that Akismet was such a small part of our revenue, they thought it was like the majority or all of our revenue. And so they, they thought if they could give it away for free they would essentially kneecap us. At least that's my interpretation of what they thought, maybe they didn't, but like I was, the way they marketed it, and they like made a WordPress plugin for it and everything like that so, that was actually *[01:24:00]* a very savvy move.

**Interviewer**: It's still there. It hasn't been updated in over two years.

**Mullenweg**: They open sourced it too, so they kind of used our playbook against us, really. We're going to commoditise and open source this and, and then you know, see what happens.

**Interviewer**: But did they have any access to the sort of, what you call the secret sauce of Akismet?

**Mullenweg**: No, no-one does.

**Interviewer**: Exactly.

**Mullenweg**: But I think they based theirs on, what's it, SpamAssassin. So they were, you know, Six Apart was always Perl guys and SpamAssassin was Perl, and so they took some of the things that SpamAssassin does for email, and they applied it to web anti-spam. Which actually you know can get some pretty decent results. Although, I like to joke that if you just said if literally every IPI c-, API call you got, you said yes this is spam, you would be right about 95% of the time. So 95% accuracy you can get literally with one line of code. Just say yes to everything. It's that kind of last, that last couple of percent that, separates, I don't know what analogy, I was going to say the mice from the men but I don't think that's an actual analogy, so. Separates the, the wheat from the chaff, maybe.

**Interviewer**: Did you ever consider removing it from Core?

**Mullenweg**: Yeah, I actually proposed it.

**Interviewer**: When was this?

**Mullenweg**: You're going to have to dig for this one, because it was at least a few years ago. So I suggested, and maybe it was at one of these, it might have been at the first Core meet up, like the one we did in, one of the ones on Tybee Island, or one of the ones in Austin. I said why don't we just make a, an anti-spam framework, actually both an anti-spam and a backup framework, and then allow different plugins to plug into it. And then if, if Mollom or TypePad AntiSpam wanted to make, be a service provider, and have a plugin in our directory, we could point to those just alongside Akismet as sort of things you can use as well.

**Interviewer**: Is that still on the table?

**Mullenweg**: Yeah it's, it's a little less interesting now because a lot of those services are gone. There was a, a competitor at the time, what were they called. There was an independent company that raised like 5 or 10 million dollars that was also doing an Akismet competitor, there were two of them. And so there were some legitimate like things that were just as good that were competitors to Akismet, and so there was some, there would have been some good alternatives for people. Unfortunately now there are fewer than there used to be.

**Interviewer**: Yep. What about something like Antispam Bee which, doesn't it use HTML and CSS to do it, I'm not quite sure how it works?

**Mullenweg**: In my technical opinion, if something like Antispam Bee were ever put into Core *[01:27:00]*, or made sort of, or more popular than it is today, it would be completely ineffective.

**Interviewer**: Right.

**Mullenweg**: So there's, you know Mark Pilgrim had this great great great essay, where he talked about Lojack versus Club solutions, so the the idea, you know what a Club is, it's that little like lock you put on your steering wheel? And a Lojack is like a tracking device that you put in your car and that, when it's stolen, it, they can track it down. So what's interesting about this is, a Lojack, sorry, a Club, doesn't actually make your car that much harder to steal. I mean the bad guys, if they can break into your car they can undo this little lock on your steering wheel. But what it does is make your car harder to steal than the one right next to it. And so if you're a bad guy and you just want to steal any car, not a specific car, you're going to go for the one that's easiest. So you'll go for the one without the Club. Now Lojack what's interesting is that, in communities where there's a lot of Lojack devices, car stealing overall goes down, right, because it lets the person steal the car, but then the police go to wherever their hideout is and they bust the guys. So it actually solves the problem of car stealing more generally, even if it doesn't necessarily prevent your car from being stolen. So a lot of things like the plugins I wrote before, and how Antispam Bee works, they're Club solutions. It makes your blog harder to spam than the next one. And so they, they actually totally work, as long as not that many people use it. As soon as it's above a threshold where it's worth the spammers figuring out what you're doing, they can and will. Where, anything where, that uses sort of massively, massive data structures and you know sort of the intelligence of, the wisdom of the crowd, to

they can undo this little lock on your steering wheel. But what it does is make your car harder to steal than the one right next to it. And so if you're a bad guy and you just want to steal any car, not a specific car, you're going to go for the one that's easiest, so you'll go for the one without the Club. Now Lojack what's interesting is that, in communities where there's a lot of Lojack devices, car stealing overall goes down, right, because it lets the person steal the car, but then the police go to wherever their hideout is and they bust the guys. So it actually solves the problem of car stealing more generally, even if it doesn't necessarily prevent your car from being stolen. So a lot of things like the plugins I wrote before, and how Antispam Bee works, they're Club solutions. It makes your blog harder to spam than the next one. And so they, they actually totally work, as long as not that many people use it. As soon as it's above a threshold where it's worth the spammers figuring out what you're doing, they can and will. Where, anything where, that uses sort of massively, massive data structures and you know sort of the intelligence of, the wisdom of the crowd, to fight spam, is more of a Lojack solution.

**Interviewer**: Yep, okay. That makes sense. I wanted to talk about the trademarks a little.

**Mullenweg**: Sure.

**Interviewer**: So, originally you didn't register them and then you applied in 2006, one of the threads I've been reading around it was when... I'll just give you the link. There was two sites, wordpressvideos.com and wordpresstutorials.com and you said they were spammy, and the internet marketing community kind of went crazy. I was wondering if you remember this, and why you felt they were spammy? I'm just trying to find the link.

**Mullenweg**: I don't remember. But it certainly after Hot Nacho, what's the, is it the word apostate?

**Interviewer**: Apostate is right, yeah.

**Mullenweg**: Where you convert and then you become like ultra zealous.

**Interviewer**: Yep.

**Mullenweg**: So I, I made the anti-spam mistake, and, *[01:30:00]* and since then I have been one of the loudest and largest and most fervent battlers of web spam. This is why Matt Cutts recommends WordPress.com. We're kindred spirits in like trying to clean up the web, and we, almost to the detriment of our, our numbers to be honest, you know we're very very aggressive against spam on WordPress.com.

**Interviewer**: Yep. So I got in touch with one of the guys, Sherman Hu, who ran one of the sites WordPressTutorials, and you guys came to some sort of agreement with him whereby he could continue to use the name WordPress in the domain. I was wondering-

**Mullenweg**: Really?

**Interviewer**: Yep. He said-

**Mullenweg**: Don't, don't remember that at all. Is it still around?

**Interviewer**: Ah no it's not, he took, he finished it in 2008. It was running until then. So 2 years after the trademark discussions.

**Mullenweg**: I feel like our domain policy came after the trademark stuff.

**Interviewer**: Right, okay.

**Mullenweg**: Do you know when?

**Interviewer**: The domain policy was, even before the trademarks you were talking-

**Mullenweg**: I was.

**Interviewer**: When people asked you, you said please don't use WordPress in your domain, and then shortly after that you applied for the trademarks. No actually the month before, February 2006, was when the domain policy went on WordPress.org.

**Mullenweg**: Huh, cool. I, you know, you know how sometimes marketing stuff can appear somewhat overly promotional or like, like an infomercial? Sometimes I used the word spammy to describe that.

**Interviewer**: Yep, yep. Yeah that didn't go down too well. But yeah. I was just wondering if, if anyone, if you'd allowed anyone else to continue to use the, the WordPress domain name? WordPress in their domain name?

**Mullenweg**: I think the things that we list on the domain page are the exceptions, so it's .org, .com, .net, and the WordPress Foundation.

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**Mullenweg**: I think the things that we list on the domain page are the exceptions, so it's .org, .com, .net, and the WordPress Foundation.

**Interviewer**: Okay.

**Mullenweg**: There were some official things, like there was I think WordPress Plugins became WP Plugins, and that was actually kind of the official plugin directory for a while. There was a theme site that became, I feel like there was a WP Themes as well, so. Just WP became the convention.

**Interviewer**: Was it always your intention to transfer the trademarks to the Foundation? Or a foundation?

**Mullenweg**: Yes.

**Interviewer**: And what's-

**Mullenweg**: Well actually, not from the very beginning. At the very very beginning the counsel I got, which was it turns out wrong, but they said the best way to protect it, is to have it in the company.

**Interviewer**: And who gave *[01:33:00]* you that counsel?

**Mullenweg**: The early lawyers I had hired to help me set up Automattic and everything.

**Interviewer**: Okay. So what was the intention of the Foundation?

**Mullenweg**: To basically be like a counterbalance to Automattic in a lot of ways. So that even if, I knew that always if Toni or I were running Automattic, the company would do the right thing. Or at least what I consider the right thing, which might not be what everyone considers the right thing, but I was most concerned about what I considered the right thing. So I knew that that would always happen. But I wanted to create a structure whereby a independent actor, acting only in his or her economic self-interest, would run Automattic in the same way that Toni or I would.

**Interviewer**: Okay. So you think the Foundation sort of checks and balances?

**Mullenweg**: Yeah, so I think that, like let's say, I was not at Automattic anymore. Or let's say Evil Co ran Automattic, and Evil Co only cares about making money. The balance between WordPress.org and the WordPress Foundation and WordPress.com is such that I think even Evil Co would do the right thing with regards to the community and the code and everything. If you want, I mean there's a tonne of loopholes. Like obviously, none of the code we write on WordPress.com needs to be shared, because it's, it's a service, it's not actually distributed, in the definition of the G, of the GPL. But, it's the right thing for us to share that and give that all back to WordPress, so. How do you make it so, someone else will make that decision as well? And I think we found a cool hack for it, like it's not perfect, and it could be better but it's, it's the best thing I've seen so far.

**Interviewer**: Yeah when I spoke to Mike Adams he said that he would like if more of the code in Automattic was open source and he said that's quite a, a common feeling in the company. I was wondering if you felt that too and if there was anything you'd like to open source that's just currently, isn't possible?

**Mullenweg**: Yeah we take a sort of philosophy of open source everything. I think the quote that's on our field guide is you can publish anything except our password files. And we've accidentally published our password files a time or two as well, so. Yeah I think there always is more but where it gets tricky is that, well, A; sometimes for some things that could be in Core, there's a process that you have to go through for something to be in Core. I mean, obviously we don't just wave, Automattic doesn't get like say on what's in the Core software or not. We're a contributor just like anyone else. For other things, other parts of the software, *[01:36:00]* sometimes it's just a clean up thing, you know, there's an extra 20 or 30% of effort that needs to be done before something is abstracted enough to be standalone. Or has its own website, or just sort of fits out there in the world as its own thing. And when you're moving really really quickly, and really fast, and just going at, sometimes it's hard to find the time to do that.

**Interviewer**: Why did it take so long to set the Foundation up?

**Mullenweg**: Why did it take so long to set the Foundation up. Lots of reasons, I think we changed lawyers a few times in there, what else. There was some pending trademark stuff. I needed leverage within Automattic to be able to transfer, because I basically had to get Automattic, which was more than just me, to agree to transfer one of the most valuable assets out of the company.

**Interviewer**: Yep. People pushed back against it?

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**Interviewer**: Yep. People pushed back against it?

**Mullenweg**: I think it was a good conversation, I mean think of it this way, it would be like if I said hey, give me 30 million dollars for this thing. And I said hey, actually the most valuable part of this thing, I'm going to move to something else that I control.

**Interviewer**: Yep.

**Mullenweg**: That you don't, that you don't have no ownership over or anything.

**Interviewer**: Yep. And when I spoke to Phil Black, he said that from the beginning he understood that the trademarks would be going somewhere else. Do you think that was clear to all the investors?

**Mullenweg**: The, the trademark would be going to what?

**Interviewer**: The Foundation. Eventually.

**Mullenweg**: Yes, because we had talked about it from the beginning. But then at some point it was like four years later, and it was a, it was a fresh discussion.

**Interviewer**: Yep. Fair enough.

**Mullenweg**: But it wouldn't have happened without the support of Phil and Mike and Toni and Tony Conrad, I mean the Automattic board of directors deserves huge kudos there, for making what I think is, was a difficult decision, and I don't think most other boards or companies would do in a million years. But was ultimately the best thing in the very long term for Automattic, and obviously the best thing in the short and long term for WordPress. I think it speaks to that I was very very lucky in finding the investors we did.

**Interviewer**: Yep. How do you decide what goes in the Foundation, and what goes in Automattic?

**Mullenweg**: Well the Foundation is set up to not really have anything in it right now, it's, it's set up to be as low load as possible. Meaning as few costs, as few overheads, everything as possible. This is from a few things. Oh yeah there was another thing why the Foundation took so long. Went back and forth with the IRS a tonne. If you look at the applications *[01:39:00]* for the Foundation they go back a few years. When we announced this, when we actually got the 5013C status, which took years longer than I thought it would. In the process, figured out that non profits are a huge pain in the butt, and I don't know if I would ever do this again. I think it's sometimes cleaner to have a non non profit structure, like a for profit structure, that just perhaps has a, a charter, or a articles of incorporation, or a board structure which has the same intention of a non profit. The only benefit of a non profit and the reason the IRS pays attention to it is that the money that goes into it is deductible. But that really wasn't our primary goal, you know. Honestly at the end of the day it doesn't matter whether you can deduct a donation to the Foundation or not. It's unimportant. What's important is that the longer than I'm alive, longer than Automattic is alive, longer than any of us are alive, there is something that holds the WordPress code and trademark for the free access for the world.

**Interviewer**: Yep. Are the applications public record?

**Mullenweg**: I believe they are, yeah. All that sort of IRS stuff is public so you should be able to find it all. I don't know if the applications that were denied are public record, but certainly the one we ended up going with. That's why the Foundation, if you look at its charter, it's an educational charter. The actual thing which the Foundation was most important to me, which was holding the copyrights and the trademark, is not a legitimate non profit activity. So that's why we shifted it to be about educating people, publishing, coding, and using WordPress.

**Interviewer**: Why were your first applications rejected?

**Mullenweg**: I don't remember exactly. I, I think the IRS had no idea what code was. They're also rightly sceptical because you know sometimes people try to create like, tax avoidance things, like they create a company, and they create a non profit, and try to funnel a bunch of stuff to the non profit so they don't pay taxes on it. So that's what this system is kind of designed to protect against.

**Interviewer**: Yep.

**Mullenweg**: And since there's obviously a company that has WordPress.com, and that I am also involved with, that was something that I think they were worried about. And you can't just say as, I can say to you, like I really don't care about taxes at all.

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**Interviewer**: Yep. So why did you set up Audrey?

**Mullenweg**: Set up Audrey for a few reasons. One, to, I'd say first, to house these investments I was making in companies, you know, try to pay it forward in terms of *[01:42:00]* just like I got a tonne of help when I moved out to San Francisco and started a company, I wanted to pay that forward to other entrepreneurs. Two, I was finding I had less time to code personally, but I still had a lot of things I wanted to do, and so the idea of hiring some coders that could do things that I didn't have time any, for any more was really really attractive. And then also third, to provide a balance of people contributing to WordPress that weren't employed by Automattic. So the idea was to kind of have, at the time, I don't remember what year this was but like, let's say let's have five people at Automattic working on WordPress Core, five people at Audrey working on WordPress dot Core, and then I'll try to get the different web hosts to each hire a person or two each, and so there'll be, you know between the three kind of fifteen-ish people, full time on WordPress.org.

**Interviewer**: Okay, my next question was to ask you what the difference between the .org team at Automattic was, is, and the team at Audrey, but I guess you've just answered that.

**Mullenweg**: Yeah, the advantage of the .org team, is that it honestly, and you work at Audrey so you realise this, they get the benefit of a lot of the structure that exists at Automattic. So you know infrastructure, performance reviews, all those sorts of things. And so it's a lot more cohesive as a team, than I think we've been able to build at Audrey so far.

**Interviewer**: So before we finish, I just wanted to talk a little bit about Jetpack. So where did the idea for Jetpack come from?

**Mullenweg**: Sure, the idea behind - actually can we pause for one sec?

**Interviewer**: Sure no problem.

**Mullenweg**: I might have to run in a second.

**Interviewer**: Okay.

**Mullenweg**: So, the, basically in my version of the future, Automattic, WordPress.com doesn't host, host WordPress sites. I feel like the direction, Moore's Law, cloud computing, you take all these things to their logical conclusion, it, there will be something that's just as easy to set up as WordPress.com, but also gives you all the flexibility of .org. Also one of the number one requests we get at WordPress.com is can I have these features for my self-hosted blog. Literally every time we'd launch something the first three comments would be like how do I get this on my blog? Whether it's community features like tags and search *[01:45:00]*, or connection to social networks, or stats, or anything. We did stats pretty early on. We built stats for both, both .org, .org and .com, and that was really really successful. So the idea with Jetpack, also at the, on the .org site I saw one of the biggest complaints being, well one, there's no good plugins for some things, like if you want your blog to talk to Facebook, that was a very complex process, like there were plugins for it but you had to like register as a Facebook developer, copy and paste API keys and all this sort of jazz. But two, people's biggest complaints were about the quality and integration of plugins. And really to do the things that we knew that people wanted, you need 15, 20 plugins. And at that point do they work well with each other, etcetera etcetera. So Jetpack is to create a parity experience. It's to, sort of give you give you the best of both worlds, let you... I'm ringing, hold on. That you can have the control and flexibility of running your own site, but all the benefits that we give you with WordPress.com. And now I think the Jetpack vision is really starting to be realised, like we launched Related Posts recently which I'm very proud of. You can do related posts on your own database, it means that you're doing a very expensive query on every page load. And it's, and it's honestly not high quality. We run dozens or hundreds of Lucene servers to index content within minutes and can provide a very high quality related post. So that's just an example of something that, as Automattic, which is really good at building internet scale infrastructure, can just do something better than you're going to ever be able to do on a 5 dollar web host. And, 5 dollar a month web host. And, and so let's give you the best of both worlds. And at some point I hope that Jetpack comprises a majority of, or super majority, like 90% of both the usage of WordPress and the, the revenue for Automattic.

**Interviewer**: Do you ever consider putting any of the modules from Jetpack into WordPress Core?

**Mullenweg**: I would love for any of the modules in Jetpack to be in WordPress Core. And they are all GPL and open source, and packaged and ready to go. If Core ever wants any of them. And they advocate every now and then for like contact forms, or a few of the things that we know are just super popular. You know the things that are standalone, the things that don't need a cloud service to run. You know I would happily put those in Core in a second.

**Interviewer**: Why are some modules active when you activate the plugin, and others aren't?

**Mullenweg**: I don't know. We're definitely going a direction where kind of everything's on by default. Some are probably always

**Mullenweg**: I would love for any of the modules in Jetpack to be in WordPress Core. And they are all GPL and open source, and packaged and ready to go. If Core ever wants any of them. And they advocate every now and then for like contact forms, or a few of the things that we know are just super popular. You know the things that are standalone, the things that don't need a cloud service to run. You know I would happily put those in Core in a second.

**Interviewer**: Why are some modules active when you activate the plugin, and others aren't?

**Mullenweg**: I don't know. We're definitely going a direction where kind of everything's on by default. Some are probably always going to be a little bit niche, like you know LaTeX supports, not everyone does math formulas on their blog. But, *[01:48:00]* but by and large we want it to be a parity experience, so there should be no difference to running a Jetpack blog and WordPress.com. Like, the media should be the same, the interface should be the same, the features should be the same, and it should be the best blogging and CMS experience in the entire world. And I think this is especially important now that we have much better competitors than we did in the past. You know when you sign up for Wix, or Squarespace or one of these things, like a lot of this, they don't ask you to worry about anti-spam for example. They don't tell you how many images you can upload or how much space you have, like they abstract away a lot of the complexity, and they don't make you jump through a bunch of hoops to make it so when you're doing a post it goes to Facebook and Twitter. And so if we're going to compete with these, if we're going to keep WordPress from becoming PHP-Nuke, you know something that is around but no-one cares about 10 years from now, we need to, we need to win on quality, we need to win on user experience, so it needs to be just as compelling, every bit as compelling, as these completely proprietary hosted services. So, in some ways it's a stopgap. In my perfect world, I'm a distributed guy, I would love to do every single thing on every single 5 dollar web host in the world. But I'm also practical, it's just impossible right now. And so in the meantime, we're going to ride sort of the, the tail end of Moore's, of Moore's Law, and do this as a cloud service. And, you know get WordPress from 20% to 40% to 80% of the web, and then you know just open it up as we go along, as the technology or processing power or capacity enables us to.

**Interviewer**: Why is it that some of the modules that don't require a connection to WordPress.com, like after the deadline, which previously was standalone, why do they now need a connection?

**Mullenweg**: Terms of service after the deadline is a, is a remote API call to a service we run, same thing for Photon.

**Interviewer**: What about things like Galleries, Carousel, things like that?

**Mullenweg**: So those are completely standalone, and you can run Jetpack in debug mode, and run those without their connection. We just found that it was confusing from a user experience point of view, to have some things that were available and some things that weren't. And it felt almost like a bait and switch. Like honestly if you're not connected, you shouldn't be running Jetpack. Run, run one of the other standalone plugins that does a couple of these things. Jetpack really kicks in when it's connected to the cloud and, and also the vast majority of the services do require a cloud, cloud connection. Sort of, the rule of thumb for me is like, if it's ever more than a third, which are available independently, like we'll evaluate our stance, but it's something like it's, it's like 10% or something.

**Interviewer**: Does Jetpack collect data from self-hosted *[01:51:00]* WordPress sites?

**Mullenweg**: Yeah so when you hook up your blog it, it puts your content and everything in the cloud as well. So like the way that we index the blog posts and do related posts, that's because we have a copy of all the blog posts and we're able to put that in the search index. So, think of it like all the data belongs to you but it's also being married in a way that we can, you know today, do things like related posts, and search, and video transcoding and all the other cool stuff that we do. And tomorrow maybe can even do like lightweight, lightweight blog migration, or lightweight backup or something like that.

**Interviewer**: One of the things I was reading about in relation to WordPress stats, was there was a Quantcast script introduced at some point, what was the script introduced for?

**Mullenweg**: So we used Quantcast to count uniques, because WordPress stats could count pages but not uniques, and, and so that was, it's been in there almost since, I think since Quantcast started, like 2006, 2007. There was lots of conspiracy theories around this, none of them are true. We did remove it, I don't remember when, a few months ago probably, partially because we now have the ability to do uniques in house, like we can do those, that processing ourself now. And two, because Quantcast business model has shifted more towards advertising, so it wasn't something I was as comfortable with having on everyone's blog. I super duper have to run and we're at 2 hours, this is the longest one.

**Interviewer**: It's a long one, yep. Okay, that's, you've answered all my questions anyway.

**Mullenweg**: I'm happy to answer more later, I just, I've got to run.

**Interviewer**: That's okay we can schedule another day, thanks Matt.

**Mullenweg**: Not a problem.

**Interviewer**: Have a good evening. Bye.

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**Mullenweg**: I'm happy to answer more later, I just, I've got to run.

**Interviewer**: That's okay we can schedule another day, thanks Matt.

**Mullenweg**: Not a problem.

**Interviewer**: Have a good evening. Bye.

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# EXHIBIT 3

# AUTOMATTIC

1. **Home**    2. **About Us**    3. **News**    4. **Work With Us**

# WordPress Trademarks: A Legal Perspective

⊘ *Automattic · October 2, 2024*

*Neil Peretz is associate general counsel at Automattic.*

It's a simple question: Does Automattic own the right to the WordPress trademarks, or does the WordPress Foundation?

It's also a simple answer: Yes.

I'll explain.

When lawyers talk about property rights, they sometimes refer to them as a "bundle of sticks," with each stick representing a different aspect of ownership. For example, I could have the right to use a ski house every third Saturday in the winter, while someone else has the right to use it in the month of July. The result is that we both "own" the ski house, albeit different aspects of it.

Let's apply this to the WordPress trademarks (also called simply "marks"). The WordPress Foundation owns the right to use the WordPress marks for non-commercial purposes. It can also sublicense out this right for particular events (e.g., WordCamps) and to people supporting the WordPress project and community. The Foundation also licensed the name WordPress to the non-profit WordPress.org, which runs a website that facilitates access to WordPress-related software.

The right to use the WordPress marks for commercial purposes (e.g., selling software, hosting, and agency services) is owned by Automattic. Automattic, in its sole discretion, can sublicense the WordPress marks to others who wish to use them for commercial purposes. The concept of "sole discretion" also means that Automattic can refuse to license the marks to anyone it deems inappropriate.

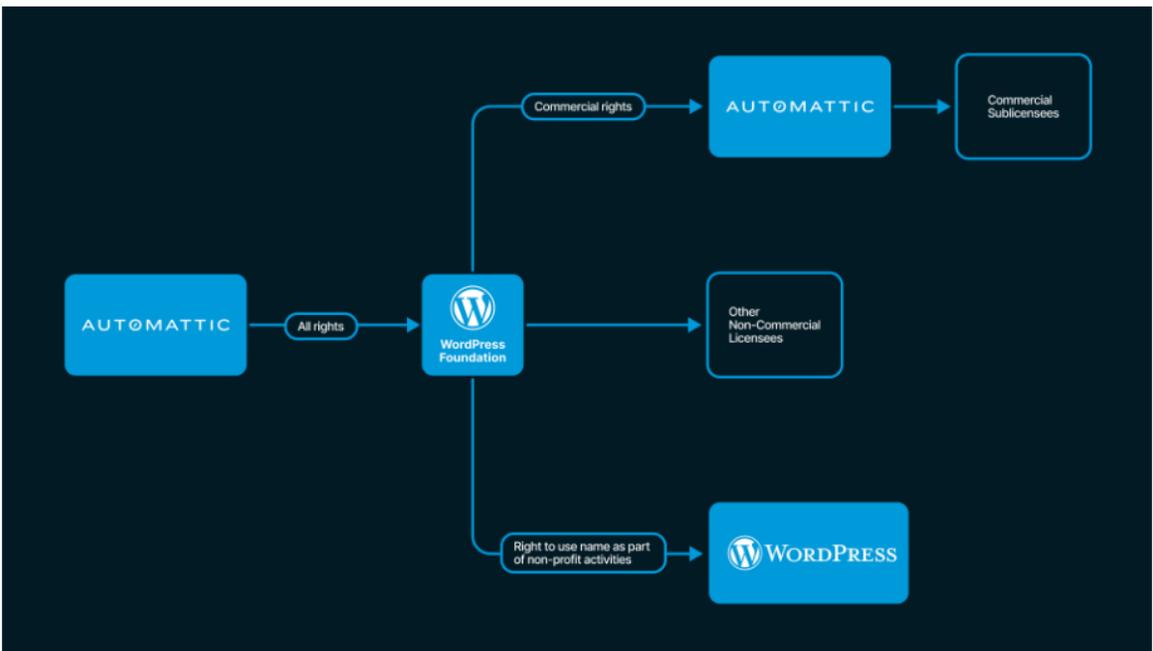**How did we end up with two owners of the WordPress trademarks?**

In olden times (i.e., before 2010), there was only one owner of the WordPress trademarks: Automattic Inc. In 2010 the WordPress Foundation was created and Automattic essentially signed over all non-commercial rights to the WordPress marks to the Foundation. This was accomplished by having Automattic turn over all rights to the WordPress marks to the WordPress Foundation and then simultaneously having the WordPress Foundation license the *commercial* rights to the marks back to Automattic.

If that sounds confusing, here's another analogy: this is like telling your friends that they can drive your car on the weekend, and then accomplishing that by giving them your entire car outright and simultaneously having them sign an agreement allowing *you* to use the car (which is now theirs) on weekdays.

In order to effect a valid license agreement, there needs to be an actual exchange of value from both sides, which lawyers call "consideration." For the licensing of the commercial use of the WordPress marks to Automattic, the consideration was Automattic turning over the entire trademarks to the WordPress Foundation.

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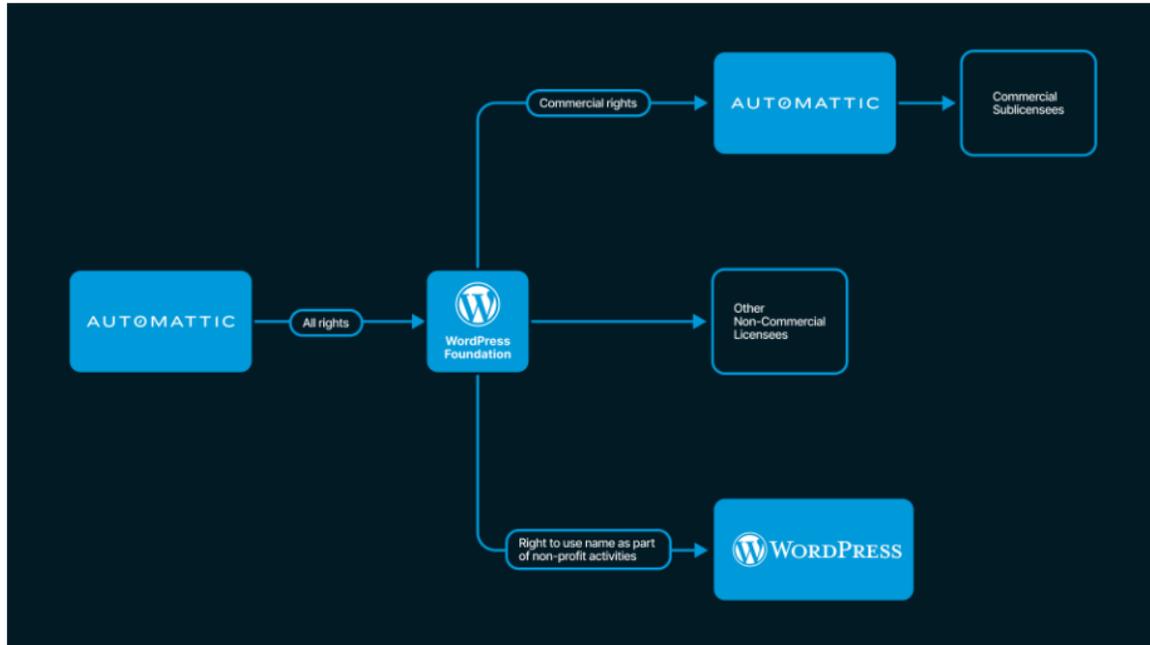


**What about users of WordPress software?**

In the bundle of sticks that is the WordPress trademarks, users of WordPress software have a twig of rights as well, called nominative fair use. This means users have the right to refer to genuine WordPress software by name. (Genuine WordPress software comes only from a WordPress Foundation- or Automattic-approved repository.) For example, they are allowed to say: "I built a website with WordPress."

The right to nominative fair use has clear limits under the law: it doesn't include logos and it does not include the right to use the WordPress marks in a manner that suggests one is offering a product or service that comes from WordPress or is officially affiliated with WordPress. For example, calling a service "WordPress Hosting" would not be nominative fair use because it makes many people think it is a hosting service offered by WordPress. By contrast, offering "Hosting for websites built on WordPress software" would not lead anyone to think the hosting service itself is offered by WordPress. Thus, calling a service "Hosting for websites built on WordPress software" would be fair use of the WordPress marks.

**What about the rights of software developers (and copiers)?**

WordPress and WooCommerce software is typically released to the community via a GPL open source software license. It's important to note that an open source software license is a copyright license, not a trademark license. That means the right to use, modify, look at, and share open source software related to WordPress and WooCommerce does not give you the right to use the WordPress or WooCommerce names.

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# EXHIBIT 4

AUTOMATTIC

1. **Home**   2. **About Us**   3. **News**   4. **Work With Us**

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◎ *Neil Peretz* · *October 2, 2024*

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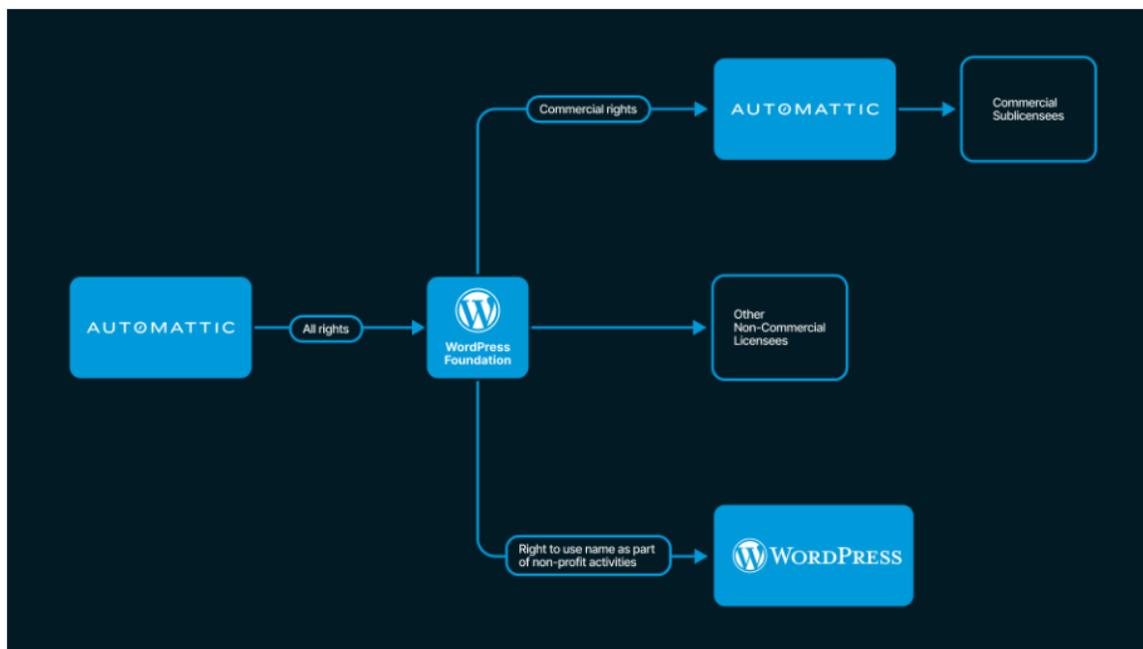
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# EXHIBIT 5

**WordPress Blog & Podcast**
**@TheWPMinute**

**27 September 2024**
**(6m23s)**

| Speaker | Dialogue |
|---|---|
| MATT MEDEIROS | As we mentioned, we were just talking about the articles and stuff that folks were posting. But I know you have a short amount of time. |
| MATT MULLENWEG | I've got five minutes for y 'all. So what would you like to talk about? |
| SPEAKER: | Thankfully, it's called the WP minute. |
| MATT MULLENWEG | We've got minutes. By the way, I hope you appreciate that I am doing all these things. And WP Engine is not showing up to these things. They're not going on press. They're not talking to journalists, they're not because -- and why is that? |
| MATT MEDEIROS | Matt, so I think the biggest question I think maybe on a lot of people's minds is why go this nuclear route in front of our biggest stage in the US when so much of this impacts our friends, family, colleagues of many years, in a short amount of time, why the nuclear option now? |
| MATT MULLENWEG | You know, I have been trying to avoid this for years. Been meeting with them. And as their text messages that they published showed, I was trying to call them and everything and say, Hey, I don't want to do this. But they just kept delaying, delaying, delaying, delaying. Yeah, I was really trying everything I could to not have this happen. But they refused to do any sort of deal and, you know, stop violating the WordPress trademark. |
| MATT MEDEIROS | Does this – |
| COURTNEY ROBERTSON | Matt – |
| MATT MEDEIROS | Go ahead, Courtney. |
| COURTNEY ROBERTSON | I would wonder moving forward, if we could see more documented policies basically about -- So that to – To move forward, we need to rebuild trust in the ecosystem. And what I would like to see is documenting what the appropriate amounts basically are in certain instances. And the consequences of that, and maybe a little bit more runway if customers and their website visitors become collateral, a little bit more runway. |
| MATT MULLENWEG | Again, I've been running WordPress.org for 21 years. |

| Speaker | Dialogue |
|---------|----------|
| COURTNEY ROBERTSON | I'm aware. I've been there most of that time. |
| MATT MULLENWEG | This has never happened before --  I don't expect it to ever happen again. WP Engine is uniquely bad in how they've behaved and how they've taken advantage of the free WordPress.org resources, how they've done this legal thing that now like covers all this WordPress.org Slack and members and everything like that, like they are unique among all the hosts. This is really just a Silver Lake WP Engine thing. It has nothing to do with anyone else. |
| MATT MEDEIROS | Matt – just help us understand. My theory is when you say open source WordPress is for everyone. My take is everyone is the end user. Like this work that we all put into it, you especially, is for the end user to experience and enjoy WordPress. Is that who you think of when you defend open source so vehemently? Is the end user to publish words and to get access to this WordPress thing? That's the question. Is it that end user? |
| MATT MULLENWEG | Yeah, I mean, we design software and we have a vision for it. And hosts deliver that. And WP Engine modifies WordPress, and they deliver their version of it, right? So they hack it to remove the meetups widget and the news widget right now. They hack it to remove the attribution for WooCommerce to make money. And they just steal that for themselves. They get they completely control your WordPress. They, when you, you're not like using our WordPress, you're using their modified version of it when you run WordPress on WP Engine. That's why I say WP Engine is not WordPress. So they can also hack it to change the update servers or, you know, whatever else they want to do if they want to provide service to their customers. Because when they promise on their website, we provide updates and plugin updates, even charge for plugin updates. By the way, you can get plugin updates for free from Jetpack or any other host, they charge $3 a month for it. So they should be providing that service. |
| MATT MEDEIROS | Brian, any question from you before I? |
| BRIAN COORDS | Yeah, I think the one question a lot of people had was like, some of us were WP Engine customers, just because they've been around for a long time. We have a lot of clients. This morning, I'm already getting emails from clients because their sites are going down, obviously due to issues where plugins are trying to update and are failing. I don't think it's catastrophic, but I think what would have been the reasoning against saying what the situation was going to be, and then saying and vote with your dollars to a different host, and then saying, you know, you have a reasonable amount of time a few months or a few weeks to make that transition and get that community support. |
| MATT MULLENWEG | Yeah, I think that's a really good point, actually, and something I've been hearing a lot. So I'm going to see if there's something we can do. Because, |

| Speaker | Dialogue |
|---|---|
|  | you know, WP Engine, by the way, 1.5 million sites, they're using millions of dollars of WordPress.org's resources in computes, CPU time, engineering time, everything like that, to serve their customers. We've been giving them that for free. They're paying. nothing for it. They have no trademark license. They have no anything. So I realized the customers are impacted. I'm going to see if we can do something to help them out today. And then, you know, you know, say like maybe midnight on September 30th, you know, WP Engine has until then to like set up their mirrors of WordPress, our work and everything. All the code is open source, they can mirror, they can run their own update servers, they can run their own everything, like it's all open source code, so they can run it. |
| MATT MEDEIROS | What if this creates more mirrors of WordPress – |
| MATT MULLENWEG | We're kinda at five minutes, though? So one question? |
| MATT MEDEIROS | Yeah, last question. What if, if this opens up more mirrors of WordPress.org, which was something that was like marketplaces in the past? Is that something that could happen from this if WP Engine did decide – |
| MATT MULLENWEG | That would be amazing. If they wanted to run a mirror of the plugin directory and the theme directory and the update servers and everything like that, they're welcome to do it. It's all open source code. It's all GPL. So if they have the technical ability and want to spend the money to do, they're welcome to. I have spent tens of millions of dollars to do that and provide that free to the WordPress community, which they are using for free. Hopefully they can do the same for their customers because they're making half a billion a year charging people for WordPress updates, WordPress security, et cetera. All right, I've gotta run. Thank you so much. |
| MATT MEDEIROS | Thanks, Matt. |
|  | END OF AUDIO |

3

# EXHIBIT 6

September 21, 2024

By Matt Mullenweg in Community, WordCamp

# WP Engine is not WordPress

It has to be said and repeated: *WP Engine is not WordPress*. My own mother was confused and thought WP Engine was an official thing. Their branding, marketing, advertising, and entire promise to customers is that they're giving you WordPress, but they're not. And they're profiting off of the confusion. WP Engine needs a trademark license to continue their business.

I spoke yesterday at WordCamp about how Lee Wittlinger at Silver Lake, a private equity firm with $102B assets under management, can hollow out an open source community. (To summarize, they do about half a billion in revenue on top of WordPress and contribute back 40 hours a week, Automattic is a similar size and contributes back 3,915 hours a week.) Today, I would like to offer a specific, technical example of how they break the trust and sanctity of our software's promise to users to save themselves money so they can extract more profits from you.

WordPress is a content management system, and the content is *sacred*. Every change you make to every page, every post, is tracked in a revision system, just like the Wikipedia. This means if you make a mistake, you can *always* undo it. It also means if you're trying to figure out why something is on a page, you can see precisely the history and edits that led to it. These revisions are stored in our database.

This is very important, it's at the core of the user promise of protecting your data, and it's why WordPress is architected and designed to never lose anything.

**WP Engine turns this off.** They disable revisions because it costs them more money to store the history of the changes in the database, and they don't want to spend that to protect your content. It strikes to the very heart of what WordPress does, and they shatter it, the integrity of your content. If you make a mistake, you have no way to get your content back, breaking the core promise of what WordPress does, which is manage and protect your content.

Here is a screenshot of their support page saying they disable this across their 1.5 million WordPress installs.

**WP** engine

Products ⌄   Resources ⌄   Why WP Engine? ⌄

**Every WP Engine site has WordPress revisions *disabled* by default.** If you need a more extensive revision management system, we recommend using a third-party editing system rather than relying on WordPress revisions.

**Revisions can *only* be enabled by contacting Support.** Revisions *cannot* be enabled in the `wp-config.php` or `php.ini` files, as this will be overwritten at the server level.

If you migrated a site with existing revisions that you would like to preserve, reach out to Support to have revisions enabled.

- Support can help you enable **3 revisions** for your posts to start. Revisions should not exceed 5.
- Old revisions will be automatically **removed after 60 days**.

**NOTE**

Enabling revisions is not a retroactive change. Only revisions generated *after* the feature has been enabled will be stored moving forward.

They say it's slowing down your site, but what they mean is they want to avoid paying to store that data. We tested revisions on *all* of the recommended hosts on WordPress.org, and *none* disabled revisions by default. **Why is WP Engine the only one that does?** They are strip-mining the WordPress ecosystem, giving our users a crappier experience so they can make more money.

**What WP Engine gives you is not WordPress**, it's something that they've chopped up, hacked, butchered to look like WordPress, but actually they're giving you a cheap knock-off and charging you more for it.

This is one of the many reasons they are a cancer to WordPress, and it's important to remember that unchecked, cancer will spread. WP Engine is setting a poor standard that others may look at and think is ok to replicate. We must set a higher standard to ensure WordPress is here for the next 100 years.

If you are a customer of "WordPress Engine," you should contact their support immediately to at least get the 3 revisions they allow turned on so you don't accidentally lose something important. Ideally, they should go to unlimited. **Remember that you, the customer, hold the power; they are nothing without the money you give them.** And as you vote with your dollars, consider literally any other WordPress host as WP Engine is the only one we've found that completely disables revisions by default.

**Share this:**

🐦 Twitter   f Facebook   ✉ Email

**What WP Engine gives you is not WordPress**, it's something that they've chopped up, hacked, butchered to look like WordPress, but actually they're giving you a cheap knock-off and charging you more for it.

This is one of the many reasons they are a cancer to WordPress, and it's important to remember that unchecked, cancer will spread. WP Engine is setting a poor standard that others may look at and think is ok to replicate. We must set a higher standard to ensure WordPress is here for the next 100 years.

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**WORDPRESS.ORG**                    CODE IS POETRY

# EXHIBIT 7

News                                                                        Categories ⌄

September 25, 2024

By Matt Mullenweg in

Community, Development, General, Security, Updates

# WP Engine is banned from WordPress.org

Any WP Engine customers having trouble with their sites should contact WP Engine support and ask them to fix it.

WP Engine needs a trademark license, they don't have one. I won't bore you with the story of how WP Engine broke thousands of customer sites yesterday in their haphazard attempt to block our attempts to inform the wider WordPress community regarding their disabling and locking down a WordPress core feature in order to extract profit.

**What I will tell you is that, pending their legal claims and litigation against WordPress.org, WP Engine no longer has free access to WordPress.org's resources.**

WP Engine wants to control your WordPress experience, they need to run their own user login system, update servers, plugin directory, theme directory, pattern directory, block directory, translations, photo directory, job board, meetups, conferences, bug tracker, forums, Slack, Ping-o-matic, and showcase. Their servers can no longer access our servers for free.

The reason WordPress sites don't get hacked as much anymore is we work with hosts to block vulnerabilities at the network layer, WP Engine will need to replicate that security research on their own.

Why should WordPress.org provide these services to WP Engine for free, given their attacks on us?

WP Engine is free to offer their hacked up, bastardized simulacra of WordPress's GPL code to their customers, and they can experience WordPress as WP Engine envisions it, with them getting all of the profits and providing all of the services.

If you want to experience WordPress, use any other host in the world besides WP Engine. WP Engine is not WordPress.

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servers for free.

The reason WordPress sites don't get hacked as much anymore is we work with hosts to block vulnerabilities at the network layer, WP Engine will need to replicate that security research on their own.

Why should WordPress.org provide these services to WP Engine for free, given their attacks on us?

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If you want to experience WordPress, use any other host in the world besides WP Engine. WP Engine is not WordPress.

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WORDPRESS.ORG              CODE IS POETRY

# EXHIBIT 8

← **Post**

**WP Engine** ✓
@wpengine

Matt Mullenweg, CEO of Automattic, has misused his control of WordPress to interfere with WP Engine customers' access to WordPress.org, asserting that he did so because WP Engine filed litigation against Wordpress.org. This simply is not true. Our Cease & Desist letter was a letter – not a lawsuit – and was directed at Automattic for Matt's pattern of serious and repeated misconduct – behavior that must stop for the health and stability of the entire community.

Matt Mullenweg's unprecedented and unwarranted action interferes with the normal operation of the entire WordPress ecosystem, impacting not just WP Engine and our customers, but all WordPress plugin developers and open-source users who depend on WP Engine tools like ACF. We are taking immediate steps to remediate the impact of this action. We remain steadfastly committed to supporting WP Engine customers, users, and the entire WordPress community.

Last edited 3:11 AM · Sep 26, 2024 · **259.6K** Views

💬 171          🔁 208          ♡ 1K          🔖 165          ↥

👤  Post your reply                                    Reply

# EXHIBIT 9

business & enterprise, news

# Mullenweg threatens corporate takeover of WP Engine

Rae Morey · October 1, 2024



**Automattic** CEO **Matt Mullenweg** has rescinded an 8% licensing deal offered to **WP Engine** in September, suggesting that escalating tensions between the two companies could lead to a corporate acquisition by **Automattic**.

In an interview with **The Repository**, Mullenweg said **Automattic** now wanted more than 8% of **WP Engine's** annual revenue, or an equivalent of resources invested into the **WordPress** project—or a combination of both—in exchange for the use of its "**WordPress**" and "**WooCommerce**" trademarks.

"That deal's not on the table anymore. We're seeking more, not 8%," Mullenweg said. "I don't want to speculate on what the deal might be... In July it was less than 8%, it was smaller. In September it was 8%. The deal they have to do next could be taking over the company, they have no leverage."

Mullenweg's latest comments come as **Automattic** and **WP Engine** remain locked in a tense stand-off more than a week after he called the rival hosting company a "cancer to WordPress," accusing it of profiting off the **WordPress** project and violating trademarks.

While **WP Engine** has remained tight-lipped over the past week, Mullenweg has ramped up

Mullenweg's latest comments come as **Automattic** and **WP Engine** remain locked in a tense stand-off more than a week after he called the rival hosting company a "cancer to WordPress," accusing it of profiting off the **WordPress** project and violating trademarks.

While **WP Engine** has remained tight-lipped over the past week, Mullenweg has ramped up his public criticism of **WP Engine** through social media, interviews, and livestreams, following years of private negotiations that he says failed to reach an agreement.

"I didn't wake up one day and suddenly decide to do this," he said. "I was taken advantage of for so many years. The only way to deal with a bully is to fight," he said.

"[WP Engine is] a half-a-billion dollar company. [WP Engine's main investor] **Silver Lake** has disrupted the ecosystem. I'm fighting for my life's work."

Mullenweg said his public attacks would continue, adding "I have a lot to work with."

"**Silver Lake** used to hold this asset (**WP Engine**) on their books for $2 billion... They stand to lose billions [in the event of a corporate takeover]."

Mullenweg's comments come after he posted in Making WordPress Slack on Saturday about potentially bringing ACF Pro, the premium version of **WP Engine's** Advanced Custom Fields (ACF) plugin, into **WordPress** core.



**matt** 3:27 PM
Should we bring ACF Pro into core?

❤️ 25   👍 8   👎 31   😄 4   🤗 14   ❓ 3   🎉 4   😱 3   🔫 6   😋 2   🚩 1   🇮🇳 1   👀 1   😀⁺

159 replies   Last reply today at 7:54 PM
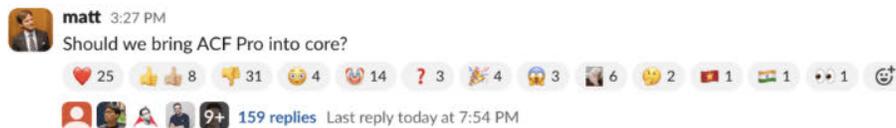
# How the conflict started

Mullenweg blew up WordCamp US 2024 when he called out **WP Engine's** apparent minimal contributions to **WordPress** and Five for the Future in his keynote address on September 20.

According to Five for the Future, **WP Engine** currently sponsors 11 contributors for a total of 40 hours per week across five teams. By contrast, **Automattic**, sponsors 116 contributors for a total of 3,948 hours per week across 22 teams. Both companies, as Mullenweg highlighted in WordCamp US & Ecosystem Thinking ahead of his keynote, are roughly the same size with revenue in the ballpark of half a billion.

During his keynote, he also took aim at **WP Engine's** main investor, **Silver Lake**, and specifically its Managing Director, **Lee Wittlinger**. He acused the private equity firm of maximizing profits over fostering open source values since investing in **WP Engine** in 2018.

Mullenweg urged the **WordPress** community to "vote with your wallet," urging folks to support companies that invest back into **WordPress** rather than those that prioritize extracting value from the ecosystem without giving back.

In a follow up post on WordPress.org, WP Engine is not WordPress, Mullenweg doubled down on his talk, describing **Silver Lake** as "hollowing out" the open source **WordPress** project.

He highlighted **WP Engine's** long-time practice of turning off revisions to support his claims,

In a follow up post on WordPress.org, <u>WP Engine is not WordPress</u>, Mullenweg doubled down on his talk, describing **Silver Lake** as "hollowing out" the open source **WordPress** project.

He highlighted **WP Engine's** long-time practice of turning off revisions to support his claims, describing the company as "strip-mining the **WordPress** ecosystem, giving our users a crappier experience so they can make more money."

"What WP Engine gives you is not WordPress, it's something that they've chopped up, hacked, butchered to look like WordPress, but actually they're giving you a cheap knock-off and charging you more for it," Mullenweg wrote.

"This is one of the many reasons they are a cancer to **WordPress**, and it's important to remember that unchecked, cancer will spread. **WP Engine** is setting a poor standard that others may look at and think is ok to replicate. We must set a higher standard to ensure WordPress is here for the next 100 years."

## WP Engine fires back

**WP Engine** quickly hit back, their legal counsel sending **Automattic** a <u>cease and desist letter</u> on September 23. In the letter, **WP Engine** claims that in the days leading up to Mullenweg's keynote address, **Automattic** suddenly began demanding large sums of money —"a significant percentage of its gross revenues – tens of millions of dollars in fact – on an ongoing basis," according to the letter — and if it didn't, "**Automattic** would wage a war against **WP Engine**."

"This demand was accompanied by allegations about **WP Engine's** business that were not only baseless but also bore no rational relation to the payment demand," the letter claims.

The letter also contains several examples of threatening text messages that **WP Engine** says demonstrate how Mullenweg attempted to pressure the company into giving into **Automattic's** financial demands.

**WP Engine** also defends its contributions to **WordPress**, highlighting the "tens of millions of dollars" it gives back through events, sponsorships, and the development of educational resources, including WordCamps, its DE{CODE} conference, as well as maintaining popular projects including ACF, WPGraphQL, and faust.js.

## Automattic reveals trademark disputes

The same day, September 23, **Automattic's** legal counsel issued its own <u>cease and desist letter</u>, revealing a critical piece of the puzzle missing from Mullenweg's WCUS keynote: **Automattic's** claims that **WP Engine** is violating the "**WordPress**" and "**WooCommerce**" trademarks.

In the letter, **Automattic** claims **WP Engine** has developed a business generating annual revenue of over $400 million, which has been "based entirely on extensive and unauthorized uses of the trademarks."

The letter states that **Automattic** remains exclusive commercial rights to the trademarks from the **WordPress Foundation**, and **WP Engine** needs a license to use them.

As well as ceasing all unauthorized uses of the trademarks, **Automattic** demands compensation for its lost licensing revenue, suggesting an 8% royalty on **WP Engine's** $400

The letter states that **Automattic** remains exclusive commercial rights to the trademarks from the **WordPress Foundation**, and **WP Engine** needs a license to use them.

As well as ceasing all unauthorized uses of the trademarks, **Automattic** demands compensation for its lost licensing revenue, suggesting an 8% royalty on **WP Engine's** $400 million in annual revenue, or $32 million.

Mullenweg has since clarified that the 8% deal offered was for a percentage of **WP Engine's** annual revenue, an equivalent in contributions to the WordPress project, or a combination of both.

In a post accompanying the cease and desist letter, **Automattic** claims it tried "for years" to get **WP Engine** to obtain a commercial license for trademark use and contribute to the **WordPress** project, but the hosting company had repeatedly declined to partner or give back.

Shortly after the letter was published, the **WordPress Foundation**—of which Mullenweg is one of three board members—changed its Trademark Policy page, calling out **WP Engine** for allegedly confusing users:

Previously, the text stated:

> *The abbreviation "WP" is not covered by the WordPress trademarks and you are free to use it in any way you see fit.*

The updated text states:

> *The abbreviation "WP" is not covered by the WordPress trademarks, but please don't use it in a way that confuses people. For example, many people think WP Engine is "WordPress Engine" and officially associated with WordPress, which it's not. They have never once even donated to the WordPress Foundation, despite making billions of revenue on top of WordPress.*

It was also revealed last week that the foundation filed trademark applications for "managed **WordPress**" and "hosted **WordPress**" in July. The revelation has sparked fears among developers and business owners that if these trademarks are granted, they could be used against them.

**Matt Mullenweg** ✓ · Sep 26, 2024
@photomatt · **Follow**
I tried to summarize the @wpengine and WordPress issue:

**Matt Mullenweg** ✔ · Sep 26, 2024

I tried to summarize the @wpengine and WordPress issue:
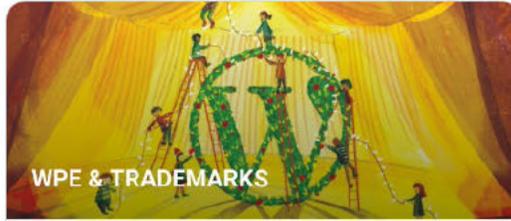


WPE & TRADEMARKS

Ma.tt Mullenweg, blogging since 2002.

ma.tt
WPE & Trademarks
I've been writing and talking about WP Engine a l...

[redacted] ✔ · Follow

This still leaves a lot of fog.

For example, can someone say they offer "Managed WordPress Hosting" without licensing the WordPress trademark?

9:30 AM · Sep 26, 2024   ⓘ

♥ 30    💬 Reply    🔗 Copy link

Read 8 replies

# Mullenweg escalates attacks

In an apparent attempt at hiding Mullenweg's recent posts on WordPress.org, **WP Engine** removed the news widget from its users' dashboards on September 24, reportedly breaking thousands of sites in the process.

The following day, Mullenweg further escalated things when he banned **WP Engine** from accessing WordPress.org and its resources. The move blocked **WP Engine**-powered sites from plugin and theme updates, also breaking sites.

In **Post Status** Slack, developer **Brian Coords** accused **Matt Mullenweg** of "weaponizing" developers:

[redacted]   Thursday at 9:07 AM

Yep - WP Engine is a platform for agencies, matt is intentionally weaponizing us in agencies to hurt WP Engine financially.

🎯 6    😀⁺

In response to the ban, **WP Engine** accused Mullenweg of misusing his control of **WordPress** to interfere with **WP Engine** customers' access to WordPress.org.

"**Matt Mullenweg's** unprecedented and unwarranted action interferes with the normal operation of the entire **WordPress** ecosystem, impacting not just **WP Engine** and our customers, but all **WordPress** plugin developers and open-source users who depend on **WP Engine** tools like ACF. We are taking immediate steps to remediate the impact of this action. We remain steadfastly committed to supporting **WP Engine** customers, users, and the entire WordPress community." **WP Engine** posted on **X**.

**Matt Mullenweg's** unprecedented and unwarranted action interferes with the normal operation of the entire **WordPress** ecosystem, impacting not just **WP Engine** and our customers, but all **WordPress** plugin developers and open-source users who depend on **WP Engine** tools like ACF. We are taking immediate steps to remediate the impact of this action. We remain steadfastly committed to supporting **WP Engine** customers, users, and the entire WordPress community," **WP Engine** posted on **X**.

> **WP Engine** ✓ ✕
> @wpengine · **Follow**
>
> Matt Mullenweg, CEO of Automattic, has misused his control of WordPress to interfere with WP Engine customers' access to WordPress.org, asserting that he did so because WP Engine filed litigation against Wordpress.org. This simply is not true. Our Cease &... Show more
>
> ✎ Last edited 10:11 AM · Sep 26, 2024           ⓘ
>
> ❤ 1K      💬 Reply      🔗 Copy link
>
> **Read 171 replies**

Mullenweg hit back, accusing **WP Engine** of failing to resolve "Stripe issues." He later clarified in an interview with ThePrimeTime that **WP Engine** had been siphoning "tens of millions" of dollars away from **Woo's** revenue share partnership with Stripe into its own coffers. It's understood **WP Engine** has been swapping out **WooCommerce's** Stripe Connect Account information for its own when a user installs **WooCommerce**.

> **Matt Mullenweg** ✓ · Sep 26, 2024           ✕
> @photomatt · **Follow**
> Replying to @bgardner and @wpengine
> Happy to unblock you, drop your legal claims and get a trademark license.
>
> **Matt Mullenweg** ✓
> @photomatt · **Follow**
>
> We have tried to engage on these issues for months. Silver Lake and WP Engine could fix their trademark and Stripe issues today and be back in good standing. They chose not to.
>
> 5:30 PM · Sep 26, 2024           ⓘ
>
> ❤ 72      💬 Reply      🔗 Copy link
>
> **Read 18 replies**

On September 27, the WordPress.org ban was temporarily lifted to allow **WP Engine** to access resources until October 1, giving the company a brief window of time to find a workaround.

In an interview with YouTuber Theo Browne on September 29, Mullenweg said he had disabled the WP Engine developer account on WordPress.org, blocking the company from accessing and deploying code to their plugins, including ACF.

On September 30, **WP Engine** updated its site footer to clarify its use of the **WordPress**, **WooCommerce** and **Woo** trademarks, and that it's not directly affiliated with the **WordPress Foundation** or **WooCommerce, Inc.**:
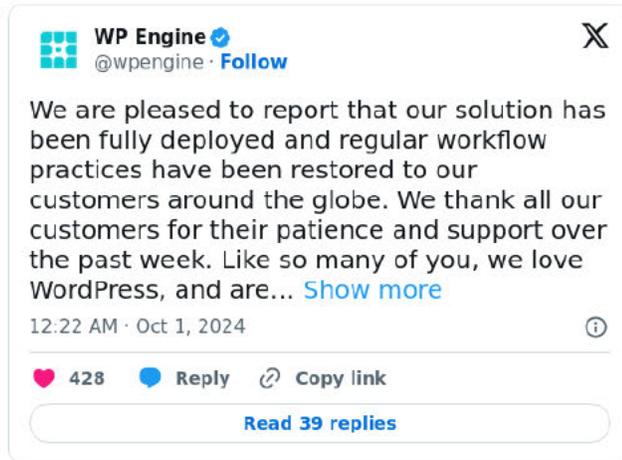
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> WP Engine is a proud member and supporter of the community of WordPress® users. The WordPress® trademark is the intellectual property of the WordPress Foundation, and the Woo® and WooCommerce® trademarks are the intellectual property of WooCommerce, Inc. Uses of the WordPress®, Woo®, and WooCommerce® names in this website are for identification purposes only and do not imply an endorsement by WordPress Foundation or WooCommerce, Inc. WP Engine is not endorsed or owned by, or affiliated with, the WordPress Foundation or WooCommerce, Inc.

The company has also changed its plan names from "Essential WordPress," "Core WordPress," and "Enterprise WordPress" to "Essential," "Core," and "Enterprise."



On October 1, **WP Engine** posted on **X** that it had deployed a solution allowing its customers to again access plugins and theme updates:

On October 1, **WP Engine** posted on **X** that it had deployed a solution allowing its customers to again access plugins and theme updates.

> **WP Engine** ✔
> @wpengine · **Follow**                                            **X**
>
> We are pleased to report that our solution has been fully deployed and regular workflow practices have been restored to our customers around the globe. We thank all our customers for their patience and support over the past week. Like so many of you, we love WordPress, and are... Show more
>
> 12:22 AM · Oct 1, 2024                          ⓘ
>
> ❤ **428**      💬 **Reply**     🔗 **Copy link**
>
> **Read 39 replies**

It's not clear what **WP Engine's** solution is—whether they've mirrored WordPress.org repositories—and if the solution is temporary or permanent, or how the company plans to prevent future disruptions.

## What next?

When asked what his legal counsel has advised regarding his speaking out publicly, Mullenweg told **The Repository**, "When you're right, you can talk. When you're wrong, [the lawyers] tell you to shut up. My lawyers are fine, they're like, 'go for it!'"

He said he hadn't spoken to Wittlinger since his text messages ahead of his WCUS keynote. On Saturday, Mullenweg challenged Wittlinger to <u>debate with him publicly</u>.

As tensions escalate, Mullenweg shows no signs of backing down, leaving open the possibility of a corporate takeover or legal battle to resolve the dispute.

## Comments

**10 responses to "Mullenweg threatens corporate takeover of WP Engine"**

> October 1, 2024
>
> Dang, what a drama! Thanks for the coverage! I'll definitely subscribe to the newsletter 🙂
>
> Reply

Dang, what a drama! Thanks for the coverage! I'll definitely subscribe to the newsletter 😄
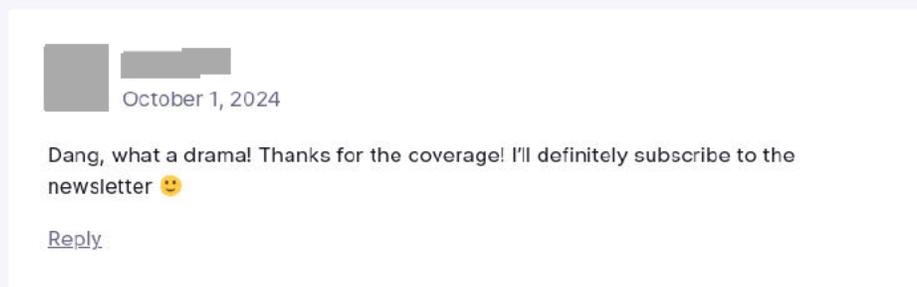
Reply

**o**
October 1, 2024

Is the full interview between The Repository and Matt published anywhere?

Reply

**y**
October 2, 2024

It wasn't livestreamed. I had an old-fashioned voice call with Matt.

Reply

**o**
October 2, 2024

Got it... I'm guessing it's not intended for recording and publishing either then... I just wish more of the reasoning is explained in full, but I can also see him uttering that quickly within the context of another conversation / question. Thanks for clarifying Rae.

Reply

**i**
October 4, 2024

Here is a different (live stream) interview which might help: Matt Talks About WordPress Situation – YouTube — https://www.youtube.com/watch?v=H6F0PgMcKWM (I did not watched it)

Other resources which might be helpful:
– The WordPress mess [LWN.net] — https://lwn.net/SubscriberLink/991906/e5bc182f5602ffca/
– Solving the Maker-Taker problem | Dries Buytaert — https://dri.es/solving-the-maker-taker-problem

Reply

**k**
October 2, 2024

It doesn't sound like "open" community at all. More like corporate wars.

**k**
October 2, 2024

It doesn't sound like "open" community at all. More like corporate wars.

Reply

---

**k**
October 2, 2024

It seems WPEngine doesn't pledged to the Five for the Future contributions, they only care about marketing materials 😶

https://wordpress.org/five-for-the-future/pledge/wpengine

Reply

---

**r      s**
October 2, 2024

The Stripe redirect is actually pretty big. I wasn't aware of that.

Reply

---

**n      n**
October 4, 2024

Reminds me of the (perhaps apocryphal) story about the US aircraft carrier and the Canadian lighthouse. I keep changing my mind about which is which when reading new information...

Reply

---

**n**
October 6, 2024

Thank you for providing an detailed record, allowing everyone to understand this incident from an unbiased perspective.

Reply

## Leave a Reply

Your email address will not be published. Required fields are marked *

Comment *

## Leave a Reply

Your email address will not be published. Required fields are marked *

Comment *

Name *

Email *

Website

☐ Save my name, email, and website in this browser for the next time I comment.

Post Comment

business & enterprise, community, news

**WordPress.org takes control of ACF, sparking community outrage**

October 15, 2024

news, project

**Plugin Review Team hits zero backlog, reducing wait time to seven days**

October 11, 2024

community, news

**WordPress.org escalates WP Engine conflict with login checkbox requirement**

October 11, 2024

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☐ Save my name, email, and website in this browser for the next time I comment.

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October 11, 2024

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# EXHIBIT 10

**Post**

**Matt Mullenweg** ✔
@photomatt

I don't think they're worth a fraction of that now. Customers are leaving in droves. People are waking up to their bad behavior since 2018. It's a distressed asset.

> ⬛ · Sep 29
>
> My take?
>
> Wordpress Acquires WPEngine for $2.5 Billion in Cash + Stock
>
> Current legal battle is just positioning on an M&A deal that was boun...
>
> Show more



How Automattic CEO Matt Mullenweg Raised $300m, Tumblr Acquisition, Updated WordPress with Gutenberg

We just hit $400m in revenues. 9 org chart moves I had to make to scale (Jason Cohen WPEngine)

12:57 AM · Oct 2, 2024 · **58.8K** Views

💬 35          🔁 15          ♡ 102          🔖 33          ⬆

👤 Post your reply                                          **Reply**

⬛ · Oct 2

FWIW, I researched my options and had decided that I wanted to use @wpengine before you started attacking them.

The reason I can't use them now is because you won't stop cutting their customers' access and targeting .org updates to hurt only them. I have to protect my clients

💬 3          🔁          ♡ 25          ⬛ 2.1K

**Matt Mullenweg** ✔ @photomatt · Oct 2

They charge a lot! And they claim they can provide replacements for all of .org, so you should try them out as a customer.

💬 4          🔁          ♡ 9          ⬛ 1.9K          🔖 ⬆

Show replies

# EXHIBIT 11

← **Post**

**Matt Mullenweg** ✔
@photomatt

What are the best alternatives to Advanced Custom Fields @wp_acf for people who want to switch away? Is there an easy way to migrate?

I suspect there are going to be millions of sites moving away from it in the coming weeks.

2:40 AM · Oct 5, 2024 · **183.6K** Views

💬 249          🔁 100          ♡ 140          🔖 72          ⬆️

Post your reply                                        **Reply**

⬜ · Oct 5                                               ...
Distasteful and shameless to criticize two major ecosystem building blocks like ACF and WPE. You know perfectly well that without them, we wouldn't have 43% of the web share. All in all, this is not the kind of leadership we need, and I honestly hope that you'll correct course soon.

💬 2          🔁 1          ♡ 268          �archi 13K          🔖 ⬆️

**Matt Mullenweg** ✔ @photomatt · Oct 5                          ...
I guess we'll see how WordPress does without them.

💬 34          🔁 10          ♡ 34          �archi 24K          🔖 ⬆️

# EXHIBIT 12

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COMMERCE

# 159 employees are leaving Automattic as CEO's fight with WP Engine escalates

Ivan Mehta — 12:51 AM PDT · October 4, 2024

IMAGE CREDITS: BRIAN ACH / STRINGER VIA GETTY IMAGES / GETTY IMAGES

Automattic CEO Matt Mullenweg said on Thursday that 159 employees (roughly 8.4% of staff) accepted a severance package that the company had offered to those who disagreed with his direction of WordPress and his handling of the tussle with web hosting provider WP Engine.

In a blog post, Mullenweg said the package offered $30,000 or six months of salary, whichever is higher, but the employees who took it would not be eligible to be re-hired by Automattic.

Nearly 80% of people who took the offer worked in the company's Ecosystem / WordPress division, and the rest were in Automattic's Cosmos businesses, consisting of apps like Pocket Casts, Day One, Tumblr and Cloudup.

Mullenweg, who co-created WordPress and is arguably the face of the open-source project, tried to put a positive spin on the announcement, writing that the company "decided to design the most generous buy-out package possible, we called it an Alignment Offer."

"HR added some extra details to sweeten the deal; we wanted to make it as enticing as possible." he wrote, and later on added: "159 people took the offer.

Banking should handle your financial work.

Mullenweg, who co-created WordPress and is arguably the face of the open-source project, tried to put a positive spin on the announcement, writing that the company "decided to double the most generous buy-out package possible, we called it an Alignment Offer."
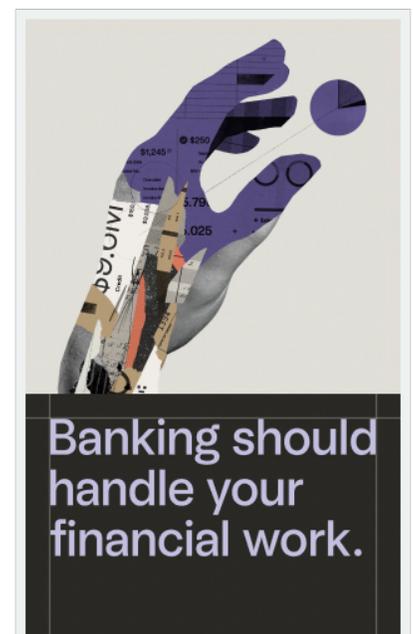
"HR added some extra details to sweeten the deal; we wanted to make it as enticing as possible," he wrote, and later on added: "159 people took the offer, 8.4% of the company, the other 91.6% gave up $126M of potential severance to stay!"

"It was an emotional roller coaster of a week. The day you hire someone, you aren't expecting them to resign or be fired; you're hoping for a long and mutually beneficial relationship. Every resignation stings a bit," Mullenweg wrote.

Some employees who left the company include the head of WordPress.com (Automattic's commercial WordPress hosting arm), Daniel Bachhuber, head of programs and contributor experience Naoko Takano, the Principal architect for AI, Daniel Walmsley.

Mullenweg and Automattic have been in a skirmish with WP Engine for almost two weeks now, in which the CEO has called WP Engine a "cancer to WordPress," accusing it of wrongfully using the WordPress and WooCommerce trademarks, and banning the company from accessing the open-source WordPress.org resources.

Both WP Engine and Automattic have sent each other cease-and-desist letters. And WP Engine earlier on Thursday filed a lawsuit against Automattic and Mullenweg, accusing the company and its CEO of "abuse of power," extortion, and saying the WordPress co-creator has conflicts of interest in handling WordPress as an open-source project.

Automattic has so far called all of WP Engine's claims meritless. "I stayed up last night reading WP Engine's Complaint, trying to find any merit anywhere to it. The whole thing is meritless, and we look forward to the federal court's consideration of their lawsuit," the company's legal representative, Neal Katyal, said in a blog post.

Over the last few days, several people on X have hinted about a severance offer being circulated among Automattic employees. Mullenweg also allegedly DM'd a former employee who posted about the offer and accused her of attacking the company and him.

Today, some Automattic employees who opted to keep their jobs posted messages in support of the company and Mullenweg.

offer being circulated among Automattic employees. Mullenweg also allegedly... ...accused her of attacking the company and him.

Today, some Automattic employees who opted to keep their jobs posted messages in support of the company and Mullenweg.

*You can contact this reporter at im@ivanmehta.com or on Signal: @ivan.42*

Topics:    Commerce    matt mullenweg    severance packages    WordPress
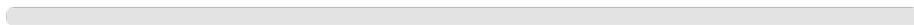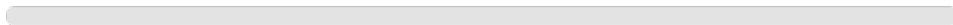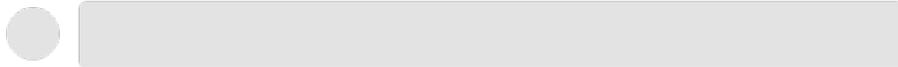
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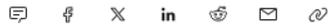
**Ivan Mehta**
X @IndianIdle

Ivan covers global consumer tech developments at TechCrunch. He is based out of India and has previously worked at publications including Huffington Post and The Next Web. You can reach out to him at im[at]ivanmehta[dot]com

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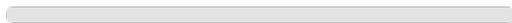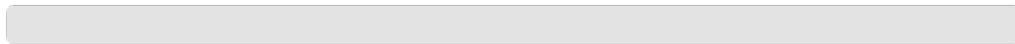
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# EXHIBIT 13

# Switch to Hosting That Puts Your Business First

Move from WP Engine to Pressable and we'll cover the costs. Join a hosting platform that lives and breathes WordPress values. You'll get white-glove migrations, 100% uptime, and 24/7 support—**on us!**

Plus, we'll make a 5% donation to the WordPress Foundation.



**Contract buyout**
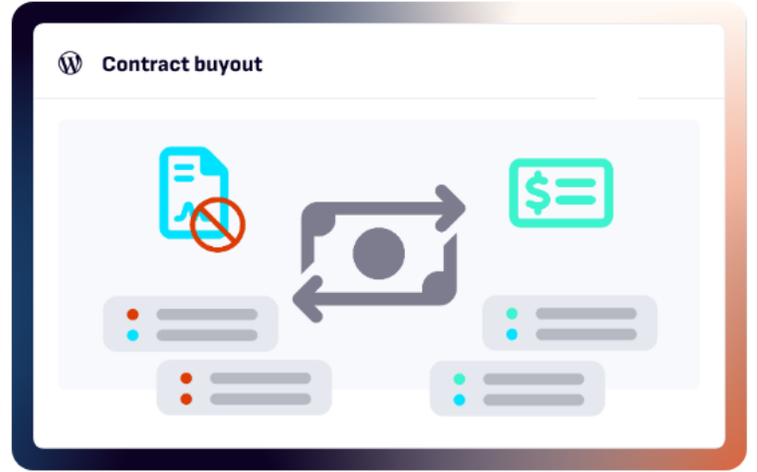
# Apply Now

**Name** (Required)

First

Last

**Email** (Required)

| Pressable | Features | Solutions | Resources | Changelog | Pricing | Log In | Light | Schedule a demo |

**Current Host** (Required)

**Submit**

## Why Pressable?

We're so glad you asked. We know it's tough to switch hosts and we'll be with you every step of the way.

## Why Pressable?

We're so glad you asked. We know it's tough to switch hosts and we'll be with you every step of the way.
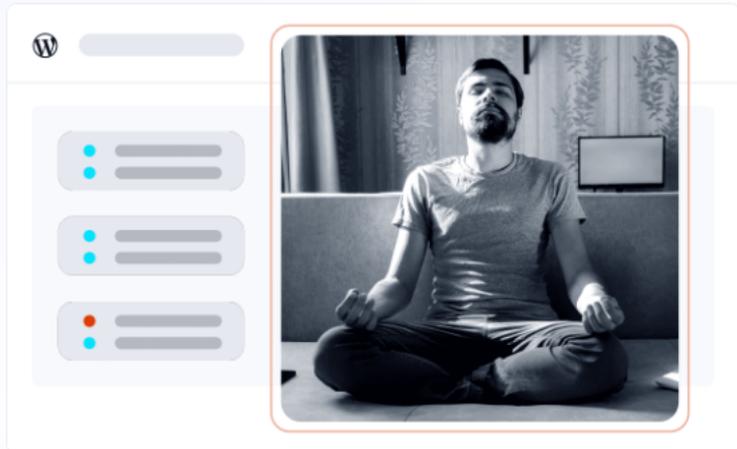
### Customers First

Our first priority is our customers. Our business can only thrive if your website—and business—is thriving. We're proud to have a 98.2% customer satisfaction rating.

### We Have 

We believe that as a managed WordPress host, it's important to be a contributing member of the WordPress community. We contribute to WordPress and donate to the WordPress Foundation.

## What's In It For Me?

### Annual Plan Holders

Annual customers will get credited for the remaining time on their WP Engine contract, so you won't have to pay twice.

No matter If you have $800 or $8000 left of your contract, we'll credit your Pressable account and give you an **extra month free**.

### Monthly Plan Holders

We want you to have a smooth transition and know you may have already paid for this month's hosting. You'll get one free month of hosting at Pressable. Upgrade to an annual plan with us and we'll give you **4 months free**, no matter the plan.

## How Does the Contract Buyout Work?

### Step One

Fill out the form above to

### Step Two

Check your email and send us

### Step Three

One of our experts will help

### Step Four

Migrate your site(s) to

### Step One

Fill out the form above to submit your application.

### Step Two

Check your email and send us a copy of your existing contract.

### Step Three

One of our experts will help you choose the best plan for your hosting needs and credit your account with your buyout amount.

### Step Four

Migrate your site(s) to Pressable with our white glove service—you don't need to lift a finger.

**Apply Today**

✓ **Am I eligible for this offer?**

This offer is currently open to individuals and businesses with live WordPress sites currently hosted at WP Engine. Each site must have existed on WP Engine for at least three months prior to moving to Pressable to be eligible for the incentive and the domain must resolve to Pressable following the migration to our servers.

# Frequently Asked Questions

Categories ⌄

**Contract Buyout**

How long will it take to complete this process? ⌄

What details do I need to provide? ⌄

How do you calculate my buyout credit? ⌄

What if I'm not currently on an annual contract? Can I still participate in this? ⌄

Are there any technical limitations I should be aware of prior to moving over? ⌄

How do you calculate my buyout credit?   ⌄

What if I'm not currently on an annual contract? Can I still participate in this?   ⌄

Are there any technical limitations I should be aware of prior to moving over?   ⌄

What if I'm not in the U.S.?   ⌄

Who do I contact for more information?   ⌄

## Schedule a Tour

Interested in Pressable but want to have a look around first? Book a tour of our hosting platform and discover how fine-tuned it is.
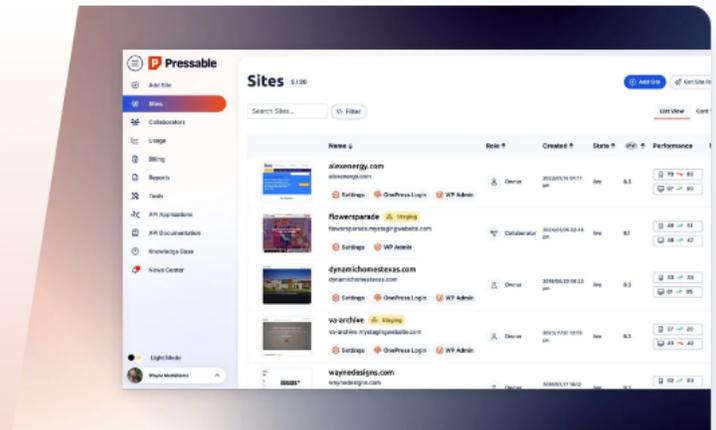
**Schedule Today**

# EXHIBIT 14

# You asked how we're suffering as a result of Mullenweg's war with WPE? I just lost a 40 thousand dollar contract over it.

Discussion

A lot of people here seem to think that clients aren't aware of what's going on and therefore the impact will be minimal on developers. On a recent thread, the vast majority of commenters shrugged off the controversy as irrelevant to their day-to-day. And while that may be true for teeny tiny single-owner websites, some of us deal directly with large companies or white label through agencies, and let me tell you: their CMOs are well aware of what's happening.

Background: I'm a one-man outfit, who partners with a local visual designer to do the design work, or works white label to do the entire build for agencies.

- I had a contract *signed and ready to go* for 2025, where the budget for dev was $40k, and now they've backed out to reconsider the CMS as a whole, as a result of Mullenweg's petty war with WPE.
- I had another contract that just got signed with WPE (right before our Dictator for Life attacked WPE at WordCamp), the website for which I'm actively building right now. I'm also WPE affiliate. The client would have backed out of hosting if not for the extensive legal review they had to go through to set up the hosting in the first place, and they've only decided to stay on WPE for the short term. Potential impact on me is thousands of dollars in referral fees.
- I have had three other key clients (large % of total revenue) I manage whose sites I built reach out to me for reassurance since WordCamp to ask if the platform is stable going forward. All of them are CTOs or CMOs. All I could say is that with honesty is *no one knows what the future holds*. I can't even reassure them on *the platform's stability*. All because of one terroristic founder who's bent on destroying what shred of good faith is left in his creation. I won't blame them for switching platforms on the next design refresh because of this. But that's a loss of *huge* potential revenue for me as a single-owner freelancer.

So yes, we *are* suffering. I'm considering picking up at least 3 other popular CMS's as offerings over my winter break to contend with this. This is huge and I'm glad the mods opened discussion so we can track of this on a post-by-post basis. This should be front page until WordPress is a stable platform again!

⬆ 457 ⬇  💬 392  😮 6   ↪ Share

😀 1  🎉 1  🥳 1  🤡 2  💎 1

➕ **Add a Comment**

Sort by:  **Best** ⌄      🔍 Search Comments

◐ b▬▬▬o • 21h ago •

> I can't even reassure them on *the platform's stability*.

Yep.

That's the biggest problem that everyone is facing right now.

⊖  ⬆ 241 ⬇  💬 Reply  😮 Award  ↪ Share  •••

↺ ⬆ 241 ⬇  💬 Reply  🏆 Award  ➤ Share  ⋯

**v** • 14h ago •

Someone needs to point Matt to this post so he can see the financial damage he is doing to companies that are NOT WP Engine, and that have staked their reputations on WordPress.

Matt has probably already done millions of dollars worth of damage to companies across the ecosystem and he's making it worse. People who are totally unrelated to his dispute with WP Engine are walking away from WordPress because of the way he is approaching it.

Now are there situations where Matt may be legally liable for the damage he has caused? Obviously WP Engine feels the answer is yes for them. For the rest of us, that might soon be an interesting discussion with a lawyer.

⬆ 38 ⬇  💬 Reply  🏆 Award  ➤ Share  ⋯

⊕ 10 more replies

⊕ 5 more replies

• 21h ago •

I'm facing a similar challenge with a pending 36k contract renewal. The client has already signed up with Webflow, and now I'm in a position where I either have to offer Webflow services or walk away. It's not ideal, but it's better than losing the opportunity altogether. By the way, what CMS platforms are you currently considering?

⬆ 80 ⬇  💬 Reply  🏆 Award  ➤ Share  ⋯

⊕ 102 more replies

• 21h ago • Edited 5h ago •

I'm not a developer, I'm a business owner with two websites currently built in Joomla (yep, Joomla) that I planned to migrate to WordPress in the coming months. Now, I'm reevaluating that decision. I'm not really sure what to do, but I don't want to spend money on an expensive migration only to find out that I need to move again in a short period of time. For now, the migrations are on hold and I'm taking a wait-and-see attitude.

Edit to thank those who are offering advice! It's much appreciated.

⊖ ⬆ 65 ⬇  💬 Reply  🏆 Award  ➤ Share  ⋯

**y OP** • 21h ago •

Thank you for sharing. I don't blame you. It's often a lot of money for clients and they have to make these decisions with clarity.

⬆ 26 ⬇  💬 Reply  🏆 Award  ➤ Share  ⋯

⊕ 40 more replies

• 19h ago •

I don't build sites, but consult for mid-sized brands and typically web projects related to things are $50k+ and most often WP.

It's very difficult for me to justify that right now and makes me uncomfortable going the WP route in the future from this. There's a lot of other great technology, and I can justify budget for something different that won't have these potentially very expensive future headaches for brands.

This is wild for me to watch from the sidelines.

⬆ 31 ⬇  💬 Reply  🏆 Award  ➤ Share  ⋯

⊕ 5 more replies

• 19h ago •

And those who got banned from the .org site just lost their livelihoods as well, if

⊕ 5 more replies

• 19h ago •

And those who got banned from the .org site just lost their livelihoods as well, if they were dependent in any way on selling plugins and themes.

⬆ 20 ⬇   💬 Reply   🏅 Award   ➤ Share   …

⊕ 3 more replies

• 13h ago •

I completely feel your frustration. I'm in a similar boat. As a freelancer working with larger clients and agencies, I've already had contracts delayed and clients asking for reassurance about platform stability. The uncertainty is shaking things up, and it's hard to give them confident answers when everything seems so volatile. I'm also considering other CMS options as a backup. This affects many of us, and it's not just noise for those working with bigger budgets. Hang in there!

⬆ 18 ⬇   💬 Reply   🏅 Award   ➤ Share   …

• 21h ago •

Woof. I am really sorry this is happening to you and the community at large. Folks who suggest ignoring this charade because it doesn't impact them do so at their own peril.

⬆ 61 ⬇   💬 Reply   🏅 Award   ➤ Share   …

⊕ 5 more replies

• 20h ago •

I'm really sorry this happened to you. That's awful.

⬆ 16 ⬇   💬 Reply   🏅 Award   ➤ Share   …

• 20h ago •

My expectations right now are as follows: either Matt is forced to step down and the WordPress Foundation democratizes itself, or there will be a serious forking effort backed by a consortium of major players in the ecosystem. Perhaps, a combination of the two options.

Anyway, I am returning to Drupal after many years.

⊖   ⬆ 52 ⬇   💬 Reply   🏅 Award   ➤ Share   …

• 18h ago •

Since WP is too big and too valuable for lot of people to fall, and since current situation is not stable, these are the only two possible end games. Based on what we've seen so far, I don't see Matt voluntarily stepping down. Who has the power to force him? Investors without voting rights probably not. Court? Perhaps, if legal situation really gets bad for him, IRS makes a problem of non-profit tied tightly with for profit, etc. Of course IANAL, I have no idea if these are even possible options. And even if they are, it could take years. There's a third option - market forces make him step down.

My guess is there are already talks behind the scenes between major players in WP community - hosting companies, plugin, theme providers... It's not only about fork, obviously plugin repository and new name are a must as well. What is also compulsory is to create a new foundation that will take care of all this. This foundation can not be under direct control of a single company, i.e. WP Engine. It has to be a consortium with multiple parties having voting rights, the only way for entire ecosystem to trust the new platform. Therefore it also must be funded appropriately. Perhaps it will take a cut from premium themes and plugins? In return, sellers will have voting rights, and there won't be a risk of hijacking their listing on a whim of single person. These funds will be used to run foundation and maintain core.

If this happens, Matt would flip and certainly ban all participating players. So there will be a fracture in the ecosystem. That's why I guess these talks are super secret and behind the closed doors and nothing will be publically announced unless consortium manages to get support of all major players. Only

If this happens, Matt would flip and certainly ban all participating players. So there will be a fracture in the ecosystem. That's why I guess these talks are super secret and behind the closed doors and nothing will be publically announced unless consortium manages to get support of all major players. Only if they manage to gather critical mass then there will a chance of a successful fork. Matt is currently really helping these chances as I believe many organizations would be thrilled to take control from a single man and make sure they have certain rights and influence in the future.

However if this succeeds, and majority of customers switch to the new "safe" WordPress, Automattic could get into severe financial troubles. These are the market forces that could make Matt resign. At that point Automattic and old foundation could join a new one as one of many partners, there will be again only one WP under new name and under entirely different governing principles.

Of course, I'm just speculating here, this is a short SF story, who knows what will really happen.

⬆ 22 ⬇   💬 Reply   🎖 Award   ↗ Share   ⋯

⊕ 2 more replies

⊕ 1 more reply

• 18h ago •

We lost a $14k client and Matt's response was to say he could refer clients to us if we stop working with WP Engine.

⊖ ⬆ 44 ⬇   💬 Reply   🎖 Award   ↗ Share   ⋯

OP • 18h ago •

He's such a piece of shit. Typical "post-economic" out of touch multi-millionaire.

⬆ 38 ⬇   💬 Reply   🎖 Award   ↗ Share   ⋯

⊕ 2 more replies

⊕ 3 more replies

• 20h ago • Edited 19h ago •

I'm very curious as to why this is being downvoted. Feels like Matt's monkeys are out in force.

EDIT: I see it's now very positive, but was well in the negative when I posted this comment. Feel free to downvote, this comment is no longer relevant.

⬆ 33 ⬇   💬 Reply   🎖 Award   ↗ Share   ⋯

⊕ 17 more replies

arley • 20h ago •

Invoice Matt for lost revenue.

⊖ ⬆ 18 ⬇   💬 Reply   🎖 Award   ↗ Share   ⋯

OP • 19h ago •

I hope he gets invoiced by everyone who's been fucked by his idiotic decisions in the form of losing hundreds of millions after the WPE lawsuit.

⬆ 18 ⬇   💬 Reply   🎖 Award   ↗ Share   ⋯

⊕ 3 more replies

⊕ 1 more reply

• 19h ago •

My fear is that you pitch a client on your WordPress site package, they seem keen on it, but then do their own research and see negative news at the top of the search results and get cold feet.

⬆ 20 ⬇   💬 Reply   🎖 Award   ↗ Share   ⋯

# EXHIBIT 15

**Post**

Following the blog by @photomatt, we've decided to remove @wpengine from our hosting lists on @select_wp for now, and we'll add it again after a thorough check. We'll also check if any other hosting is also doing the same.

wordpress.org/news/2024/09/w...

#wordpress #wphosting

> Every WP Engine site has WordPress revisions disabled by default. If you need a more extensive revision management system, we recommend using a third-party editing system rather than relying on WordPress revisions.
>
> **Revisions can** *only* **be enabled by** contacting Support. Revisions *cannot* be enabled in the `wp-config.php` or `php.ini` files, as this will be overwritten at the server level.
>
> If you migrated a site with existing revisions that you would like to preserve, reach out to Support to have revisions enabled.
>
> · Support can help you enable **3 revisions** for your posts to start. Revisions should not exceed 5.
>
> · Old revisions will be automatically **removed after 60 days.**
>
> **WP Engine is not WordPress**
>
> **NOTE**

From wordpress.org

6:11 PM · Sep 22, 2024 · **6,785** Views

○ 3          ⇄ 5               ♡ 10               ⎘ 4               ↥

(•) Post your reply                                    **Reply**

● **Matt Mullenweg** ✓ @photomatt · Sep 22          ...
Thank you!

○ 1          ⇄               ♡ 1               ⅲ 600          ⎘ ↥

# EXHIBIT 16

**Post**                                    Reply

‎ ‎ · Sep 26    ...

Are you a customer of @WPengine without a way to update your themes, plugins, or WordPress Core?

Where there's a will, there's a way: ‎ ‎ ‎ wordpre...

(And if you need help, hit me up... I'm happy to help however I can within reason).

#WordPress #WPengine



How to Update WordPress Themes and Plugins on WPEngine (Without t...

From ‎ ‎ ‎

💬 4        🔁 17        ♡ 39        ᜑ 3.9K        🔖    ⬆️

**Matt Mullenweg** ✔
@photomatt                                    ...

Or... use any other web host in the world. :) There, I made your article shorter.

8:43 AM · Sep 26, 2024 · **538** Views

💬 2            🔁            ♡ 2            🔖            ⬆️

👤  Post your reply                        Reply

# EXHIBIT 17

**Post**

**Matt Mullenweg** ✔ @photomatt · Sep 25
Here is Automattic's C&D against WP Engine:

automattic.com
**Open Source, Trademarks, and WP Engine**
For those just catching up: WP Engine needs a
trademark license. Since being taken over by ...
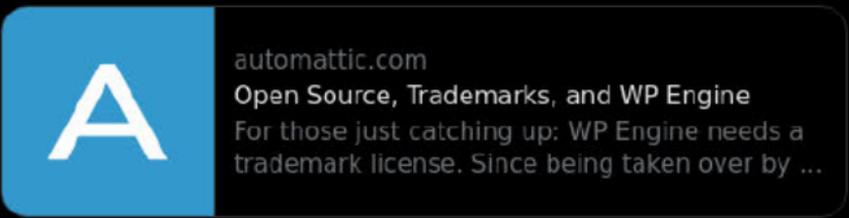
💬 79          🔁 103          ♡ 250          📊 122K          🔖 ⬆️

Looks like we'll moving our sites off ASAP!

5:52 AM · Sep 25, 2024 · **13.2K** Views

💬 3          🔁 1          ♡ 21          🔖          ⬆️

👤 Post your reply          **Reply**

**Matt Mullenweg** ✔ @photomatt · Sep 25
Thank you!

💬 2          🔁          ♡ 8          📊 4.8K          🔖 ⬆️

# EXHIBIT 18

← **Post**                                          ⬭ Reply   ⇄

**WordPress** ✓ @WordPress · Oct 12                        ···
Invoking point 18 of the plugin directory guidelines, we are introducing
Secure Custom Fields (SCF), a free fork and drop-in replacement of the
Advanced Custom Fields (ACF) plugin. You can safely uninstall ACF and
activate SCF from the #WordPress plugin directory. SCF provides
Show more

> 👥 **Readers added context they thought people might want to know**
>
> The message fails to mention that Automattic previously blocked
> access to ACF's developers bc they work at WPEngine.
> The developers were therefore consciously and intentionally prevented
> from fixing the security vulnerability.
> x.com/wp_acf/status/...
>
> Do you find this helpful?                              Rate it

Context is written by people who use X, and appears when rated helpful by others.
Find out more.

💬 281          ⇄ 200          ♡ 320          📊 270K          🔖 ⬆

                                                            ···
▨▨▨▨

How to be a douchebag:
1. block competitor from updating their plugins
2. announce security issue in that product
3. Take it over like that wasn't your plan all along.

Amoral, unethical, and you will lose in the battle for people's minds in
this one. ☝️

> ▨▨▨▨▨▨ · Oct 12
>
> @photomatt These policies were meant to protect the community from
> nefarious actors. Not be used by one to destroy it.
>
> Further you created the scenario for them to have no choice but to go that
> route....
> Show more

# EXHIBIT 19

**Post**

← Reply

Oct 1

How many of us donating $5.00 a month would it take to fund wp.org @photomatt? Maybe it's $10.00/month, I have no idea. Maybe post a monthly leaderboard of monetary contributions. A monthly GoFundMe per say.

· Sep 30

Replying to

Note that OSC (which is behind the PHP Foundation) is a 501(c)(6) and donations to it are not tax-deductible.

The WordPress Foundation is a 501(c)(3) and donations to it AR...

Show more

💬 3          ↻          ♡ 3          📊 1.2K                    🔖  ⬆

**Matt Mullenweg** ✔
@photomatt

So if W.org was under the Foundation, which is a 501c3, we'd have to remove all commercial plugins, like Elementor, Yoast, Jetpack, etc. That's why I run it through me personally and pay taxes.

2:53 AM · Oct 1, 2024 · **644** Views

💬 2          ↻ 1          ♡ 1          🔖 2          ⬆

Post your reply

Reply

← Post    Reply

**Matt Mullenweg** ✓ @photomatt · Sep 30
Please propose an alternative! They need to be independently wealthy to subsidize W.org, which serves 30k requests a second at peak, and ideally command a for-profit entity that can contribute thousands of hours a week to WordPress.

> ⬜ · Sep 30
> Matt built an amazing platform and ecosystem; there is no denying that, but it's time for him to step aside from the foundation so that it can grow stronger. The chaos he has caused over the past week reverberates negatively throughout the community. …
> Show more

💬 35         🔁 14         ♡ 194         ᐧᥣᥣ 82K        🔖  ⬆

⬜ ⬜ Oct 1
Do you really individually own WordPress.org?

Not Automattic? Not a different LLC or something? No employees? No board of directors?

Just you?

💬 1         🔁 1         ♡ 13         ᐧᥣᥣ 3K        🔖  ⬆

**Matt Mullenweg** ✓ @photomatt · Oct 1
Just me.

💬 4         🔁 1         ♡ 20         ᐧᥣᥣ 2.7K        🔖  ⬆

⬜ ⬜ Oct 1
Wow. Do you do all of the work on it? Do you carry the pager?

💬 2         🔁         ♡ 1         ᐧᥣᥣ 1.4K        🔖  ⬆

**Matt Mullenweg** ✓
@photomatt

I carry

---

beeper.com
Beeper — All your chats in one app. Yes, really.
A single app to chat on WhatsApp, Telegram, Instagram and 11 other chat networks. You can …

---

4:41 PM · Oct 1, 2024 · **1,389** Views

**Post**

I think people would less confused by the @photomatt banning
[REDACTED] thing, if they understood that WP.org and WP.com are
both owned by Automattic, and have almost nothing to do with the
Wordpress Foundation. 1/n · Sep 28

3          4          303

**Matt Mullenweg** ✓
@photomatt

You're factually incorrect. W.org is owned by me personally, not
Automattic.



Blog Tool, Publishing Platform, and CMS - WordPress.org

From wordpress.org

3:36 AM · Sep 28, 2024 · **261** Views

2          2          1

Post your reply                                    Reply

That doesn't make it better. Kinda makes it worse  But thanks for
the clarification. 😂 · Sep 28

1          3          72

Show replies

# EXHIBIT 20

News                                                                                  Categories ⌄

September 27, 2024

By Matt Mullenweg in Community, Meta, Security, Updates

# WP Engine Reprieve

I've heard from WP Engine customers that they are frustrated that WP Engine hasn't been able to make updates, plugin directory, theme directory, and Openverse work on their sites. It saddens me that they've been negatively impacted by Silver Lake's commercial decisions.

On WP Engine's homepage, they promise "Unmatched performance, automated updates, and bulletproof security ensure your sites thrive."

WP Engine was well aware that we could remove access when they chose to ignore our efforts to resolve our differences and enter into a commercial licensing agreement. Heather Brunner, Lee Wittlinger, and their Board chose to take this risk. WPE was also aware that they were placing this risk directly on WPE customers. You could assume that WPE has a workaround ready, or they were simply reckless in supporting their customers. Silver Lake and WP Engine put their customers at risk, not me.

We have lifted the blocks of their servers from accessing ours, until October 1, UTC 00:00. Hopefully this helps them spin up their mirrors of all of WordPress.org's resources that they were using for free while not paying, and making legal threats against us.

**Share this:**

🐦 Twitter      f Facebook      ✉ Email

---

Previous · WP Engine is banned from WordPress.org                    WordPress 6.7 Beta 1 · Next

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**Share this:**

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WordPress 6.7 Beta 1 · Next

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**WORDPRESS.ORG**    CODE IS POETRY

# EXHIBIT 21

Hoy a las 11:16

OK, so, what goal we achieve as a Community having that checkbox? That helps in any way to the lawsuit or complicates everything more , not only for that battle, but for the volunteers?

I understand it, Matt, really, and I know that this is complicated (a lot), but you, as the gallant of the project, should think partially on everybody here trying to contributing, out of the battle, trying to improve the project in any way.

**matt** hace 1 hora

Did you see this post?
https://wordpress.org/news/2024/09/wp-engine-banned/

The checkbox is part of that ban. "WP Engine no longer has free access to WordPress.org's resources"

> Ⓦ **WordPress News**
>
> **WP Engine is banned from WordPress.org**
> Pending their legal claims and litigation against WordPress.org, WP Engine no longer has free access to WordPress.org's resources.
>
> 26 sep.

hace 1 hora

OK, perfect. So, change the message on the checkbox to: If you don't WORK at WPE, please check this box, with a link to the post. or something like that, The actual message is not clear.

If that's the reason, OK, leave the box, but make it clear to who the checkbox is addressed

10:33 AM · Oct 9, 2024 · **48.7K** Views

💬 1       ⟲ 1       ♡ 102       🔖 6       ↥

Post your reply                    Reply

# EXHIBIT 22

# WPScan Vulnerability Disclosure Policy

**Last updated: July 26th, 2022.**

This policy explains how the WPScan conducts vulnerability disclosures to extension vendors, WPScan users, Jetpack users, security vendors, and the general public in a coordinated and responsible manner.As for better understanding, we will define terms that may be used throughout the policy to avoid ambiguity. They are:

- Coordinator

  - An individual or organization that facilitates the coordinated response process. In this case it's WPScan.

- Reporter

  - The individual or organization that identifies the vulnerability and notifies interested parts (the vendor and/or the coordinator) with the finding.

- Vendor

  - The individual or organization that created or maintains the product that is vulnerable and that must deploy a patch or take other remediation action.

- Marketplace

  - The individual or organization that hosts and distributes the product that is vulnerable, it may be the same individual or organization as the vendor.

## Scope

WPScan will evaluate and coordinate the disclosure of any security flaw that can be defined as a weakness in a WordPress application (core or its extensions) and could be exploited or triggered by a threat source.

## Initial Contact

WPScan will alert the appropriate Vendor of a security flaw in their affected item(s) in a responsible and timely manner. The initial contact effort will be made using any suitable contacts or formal channels stated on the vendor's website, or by sending an email to security@, support@, info@, and secure@vendor.tld with the relevant details regarding the reported issue.If a Vendor does not respond to WPScan's initial communication within three business days, WPScan may make a second official contact using a different method than the one used earlier, if publicly available.

## Deadlines

Vendors are given 30 (thirty) days to resolve the vulnerability with a security patch or other appropriate remedial measure, this is extendable in cases of high complexity, limited to 120 (one hundred and twenty) days after first contact.

## Escalation to Marketplace

When the affected item(s) are published in a Marketplace, WPScan will escalate the issue to them if:

- The Vendor fails to reply after an additional two business days following the second notification of the initial contact phase; or
- New versions of the affected item(s) are being released without fixes / attempts to fix the issue; or
- The deadline has been reached and the issue is still not fixed.

## Disclosure

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- The deadline has been reached and the issue is still not fixed.

## Disclosure

WPScan may issue a public alert stating its findings as soon as the Marketplace decides to remove the plugin, or make it unavailable for download on their website.A limited advisory may be issued by WPScan along with a mitigation plan in order to allow the defensive community to safeguard the user if a Vendor is not responsive or unable to make a reasonable argument as to why the vulnerability has not been addressed by the deadline, or if we notice it being actively exploited. We believe that by taking these steps, the vendor will recognize their obligation to their customers and respond appropriately.WPScan will disclose remediated issues with a delay, at its own discretion, to provide affected users feasible time to update their systems. Proof-of-Concept articles will be unpublished for at least one week counting from disclosure date.
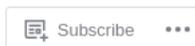
Subscribe   ···

# EXHIBIT 23

**Post**

···

This is how the masses will unknowingly update from the real authentic @wp_acf to SCF.

#WPEngine #WordPress #wpdrama



8:12 PM · Oct 12, 2024 · **338.5K** Views

💬 64        ⟲ 172        ♡ 598        🔖 146        ⬆

○ Post your reply                                    **Reply**

← **Post**

This is how the masses will unknowingly update from the real authentic @wp_acf to SCF.

#WPEngine #WordPress #wpdrama

1:12 PM · Oct 12, 2024 · **347.7K** Views

# EXHIBIT 24

A simple Twitter search surfaced Matt labeling @wpengine a managed WP host.

It's a doubled whammy, with him using managed and WP generically as a description of services

---

**Matt Mullenweg** ✓ @ph... · 08 Aug 17

Replying to ▓▓▓▓▓▓▓▓ and @wordpressdotcom

Also pretty sure the largest dedicated **managed** WP host is @wpengine, though the **managed** plans at shared hosts might have more now.

💬 1      🔁 1      ♡ 1      ‖ılı            🔖      ⤴

---

2:33 AM · Sep 25, 2024 · **412** Views

💬 1          🔁 1          ♡ 14          🔖 5          ⬆

👤  Post your reply                                    [ Reply ]

# EXHIBIT 26

← **Post**                                    Reply

**Advanced Custom Fields** ✔ @wp_acf · Oct 12
We were saddened and appalled by Matt Mullenweg's actions this morning
appropriating the Advanced Custom Fields plugin that our ACF team has
been actively developing for the WordPress community since 2011.

Please read the following post for our full statement.
Show more

💬 91            🔁 327            ♡ 2.1K            📊 218K            🔖  ⬆️

**WordPress** ✔
@WordPress

If WP Engine dropped its lawsuits, apologized, and got in good standing
with its trademark use, you are welcome to have access to the plugin
directory listing.

In the meantime, Secure Custom Fields is a community plugin and open
for contribution. We know you can't log into .org right now, but if you
have any code changes you'd like to make get in touch and we'll set up
an alternative pathway for you. We want the best, most secure code for
our users.

8:11 PM · Oct 13, 2024 · **24.7K** Views

💬 67            🔁 28            ♡ 32            🔖 23            ⬆️

👤  Post your reply                                    Reply

# EXHIBIT 27

▲ ▮▮▮▮▮▮ 2 days ago | prev | next [−]

Oh god, this gave me a minor heart attack. We are using over 20 ACF fields for 150+ sites. I thought it was completely out of the WordPress ecosystem. I am glad they have the zip download and continuing auto updates.

EDIT: I confirm our ACF plugins on sites are all switched to secure custom fields. This is so shady, it broke our snippets because we are using prepend and append texts to wrap our field values. Now they are all broken and we have to update all our sites (also our client's sites). Let's see what comes next...

EDIT2: There goes my Sunday. I received our first ticket regarding broken homepage widgets. I have to sit down and update every site one by one. Thank you Matt Mullenweg for ruining my Sunday plans.

reply

# EXHIBIT 28

Same!

I've been a customer for 8 years, which is how I convinced my new employer a year ago to move all of our @WordPress clients over to @wpengine. Now how do I explain this to them and the hundreds of volunteer non-profit @Rotary–based website owners we support, and who trust WordPress as a platform and WPEngine as a service provider? x.com/⬛⬛⬛/statu...

I understand you are trying to make a point, @photomatt, But by blocking @wpengine from accessing @WordPress core functions, you're not just punishing your new enemy. You have chosen to punish hundreds of @Rotary International clubs, districts and support organizations throughout North America, in addition to the thousands of Rotarians, volunteers, philanthropists and the communities and charitable causes they serve.

Find a better way. This is not it.

wordpress.org/news/2024/09/w...

4:18 PM · Sep 25, 2024 from Merrill, WI · **212** Views

# EXHIBIT 29

# QUINN EMANUEL URQUHART & SULLIVAN, LLP

## Transcript Of "An In-Person Q&A With Matt Mullenweg," Keynote Address Of Wordcamp US

### SEPT. 20, 2024, 3:45 PM PST

| Speaker | Dialogue |
|---------|----------|
| Matt | Howdy, howdy, everybody. It is good to see you all. It is always so exciting to have a physical manifestation of the Wordpress community and looking around this room. Portland's pretty fun. [applause] Oh, thank you. Cool, so we're going to try a few different things today. This might be one of my spiciest Wordcamp presentations ever so, uh, we'll see. But I want to start out by actually reading a blog post that I wrote. So let's see. Could we put up the Nourish slide? So, I wrote this the other day, and there's a song that goes along with it. Are we going to be able to play the song? Yeah? Let me know when you're ready to press play, and I'll start reading this. |
| | Joshua wrote a note that he was going to come, and but it was like we couldn't get a piano on the stage and stuff, so we might have him at future events, but it was actually, he lives down in Berkeley, and it would have been fun to have him play. |
| | So the idea is that you read this post.  So I actually kind of wrote it synchronized to the song by Joshua Redman called Wish, an amazing tenor saxophonist and jazz musician. And I think it's kind of fun to play with the medium of writing, and spoken word, performance, and everything like that. Trying to bring some more art into WordCamps.  Did you all enjoy the arts stuff. WordPress is really about creation, right? It's about how we create, how we do what we do, and also we think is going to be great for sponsors, to have like 20% of the booth that is sponsored for.  We count that community stuff, art and everything like that, it gets people going down there, more people visit the booths, everything.  So like, keep an eye out for more of that in the future. Oh, there we go, howdy. |
| | This is me, I'm Matt Mullenweg.  This is where you can follow me on the various socials, different things. Some of them WordPress power, some of them are going to be WordPress power, like Tumblr in the future. |
| | This is nourish, so, alright, music. And I'll just start reading. "Contributor day, it just wrapped up for WordCamp Portland, and WordCamp U.S. If you've ever had a chance to visit WordCamp, I recommend it.  It's an amazing group of people brought together by this crazy idea that working together, regardless of our differences, or where we came from, or what school we went to, we can be united by a simple yet ground-breaking idea.  That software can give you more freedom. Freedom to hack, freedom to charge, freedom to break it, freedom to do things I disagree with, freedom to experiment, freedom to be yourself, |

| Speaker | Dialogue |
|---|---|
| | freedom expressed across the entire range of human emotion, of the human condition.  Open source, once ridiculed and attacked by the professional classes, adds a link to the Halloween memos from Microsoft, has taken over as an intellectual and moral movement. Its followers are a legion within every major tech company.  Yet, even now, false prophets like Meta are trying to co-opt it. Llama, its open source AI model, is free to use, at least until, this is a quote, monthly active users of the product and services made available by affordable licensing, or the licensees affiliated, is greater than 700 million monthly active users in the preceding calendar month.  Seriously? So basically, and by the way, people misinterpret this.  I actually think Llama is fantastic. It's amazing. I really like it.  I just don't want to call it open source.  So anyway, excuse me, is that registered users?  Visitors to Wordpress-powered sites, which number in the billions. That's like if the U.S. government said that you can have the First Amendment freedom of speech until you make over 50 grand a year in the preceding calendar year.  At which point your First Amendment rights are revoked.  That's what the license says basically.  No, that's not open source.  That is not freedom.  I believe Meta should have the right to set their terms.  That's smart business and amazing deals for users of Llama.  But don't pretend Llama is open source when it doesn't actually increase humanity's freedom.  It's proprietary license issues have Meta's discretion to win.  If you use it, you're effectively a vassal state of Meta.  Vassal states are this kind of like a, I looked at Wikipedia.  I guess a lot of people like what's vassal state.  It's this idea of like a, in some countries, like a state that's like another, sort of under another country.  Canada and the U.S., I don't know.  No one likes being a vassal state by the way.<br>When corporations disingenuously claim to be open source for marketing purposes, it's a clear sign that open source is winning.  Actual open source licenses, this is a link to the OpenSource.org OSI foundation, are the law that guarantees freedom.  The bulwark against authoritarianism.  But what makes open source work isn't the law, it's the ethos, it's the social morays, it's what I'm now calling ecosystem thinking.  The mindset that separates any old software with an open source license from the software that's alive, that's humming with activity and contributions from a thousand places.  This is where I now introduce this graphic, which you can actually read as like a learn, evolve, nourish, teach.  It spells out LENT.  Ecosystem thinking has four parts: learn, evolve, nourish, teach, teach, nourish.<br>Learn is about keeping ourselves in the beginner's mind.  The curiosity to always engage new ideas and approaches.<br>Evolve is where we apply those learnings to our next iteration, our next version.  We see how things work in the real world.  It's a natural selection of actual usage.<br>Teach is where we actually learn even more, because you don't really know something until you teach it.  Who's ever done that?  Where you've taught something and you learn way more.  Oh, my goodness.  It's all the time.  It's incredible what you think you don't know.  Actually, one of the best economics |

| Speaker | Dialogue |
|---------|----------|
|  | teachers, one of the best things he did is every, every day he would have one of the students teach one of the new concepts.  I thought, wow, this guy is like making us do his work.  What's he getting paid for?  Then I realized he was actually, he has to learn way more.  Thank you, Mr. Rowan.  We open source our knowledge by sharing what we've learned so others can follow along the same path. |
|  | Nourish is the trickiest and the most important part.  It's where we water the garden.  If you've done the previous three steps, you're very successful.  Now your responsibility is to spread the fruits of your labors around the ecosystem so that everyone can succeed together.  This is the philosophy behind five for the future, which you're going to see us emphasize a lot more now. |
|  | I'm going to digress from the post for a minute. Who's heard of the economics term called tragedy of the commons?  A few people here. Let me explain it with an analogy really quickly.  So the tragedy of the commons is this idea that, imagine you lived in like a town and there was a field where farmers could allow their animals to graze their sheep and their cows and things.  The field doesn't belong to any one person.  It kind of belongs to the community.  Now if people bring their animals to graze there, but they don't water the grass, fertilize it, et cetera, if everyone just brings and takes and takes and takes, eventually that field will just turn into dirt, right.  It will be over grazed. It'll be nothing left and this shared resource will go away.  That's what's known as the tragedy of the commons.  It occurs in so many examples.  It actually comes from literally, this would literally happen in villages and things.  I think we have the opportunity to do the opposite, which is the abundance of the commons.  That's the idea for the Five for the Future program, which is saying like, "hey, if all the farmers, all the people who are coming to bring their animals to graze in this field, take 5% of their time, 5% of their profits from selling the animals or selling the fur or whatever it is, and put that back into some fertilizer, and some water, and some labor to make things grow, we'll have a beautiful field that we can use for many generations to come." |
|  | Alright, back to the post. That's ecosystem. If that's the ying, what's the yang?  You know the ying and yang, beautiful symbolism.  It's openness and generosity will attract parasitic entities who just want to feed off the host without giving anything back.  There are companies that participate in the Learn, Evolve, Teach, Nourish loop, like a Fern Gilly Rainforest. Where's the movie Fern Gilly?  That's a good one.  Check that out with your kids if you haven't seen it yet.  And there are those that treat open source simply as a resource to extract from its natural surroundings, like oil from the ground; a finite resource to be extracted and used, is never there anymore.  Compare the five for the future pages from Automattic and WP Engine. Two companies that are roughly the same size, with revenue in the ballpark of about half a billion dollars per year.  These pledges are just a proxy and I'm perfectly accurate, but as I write this, Automattic has 37,086 hours per week, and that's not even counting me.  I currently count my five for the future as zero, because I'm kind of in a unique place, because I spend some of my time working on this |

| Speaker | Dialogue |
|---------|----------|
|  | foundation, on the capital, Automattic, everything, so, WP Engine has 47 hours listed.  That's actually gone down since I wrote this, so some WP Engine employees have modified their five for the future, it's down to 40 now.  By the way, a lot of this information that I'm sharing with y 'all has come from WP Engine employees who've reached out to me and talked to me about all this.  So thank you all for being brave and for sharing this information that you think your company is doing something wrong.  WP Engine has good people, some of whom are listed on that page.  The company is controlled by Silver Lake, a private equity firm with 102 billion in assets under management.  Silver Lake doesn't give a dang about your open source ideals, it just wants return on capital.  So it's at this point that I ask, I want to have the WordPress community to go vote with your wallet.  Who are you giving your money to?  Someone who's going to nourish the ecosystem or someone who's going to frack every bit of value out of it until it withers.  New Fold, especially since the acquisition of the _____, gives back.  Right now, New Fold's contributions are split across a couple different private future pages, but I'm going to try to consolidate those.  Also, New Fold sponsors Automattic, so we want to give them credit for some of the Automattic's hours as well, so we'll figure out a way to do that.  So there's an awesome load of Tenna, Postinger, even Google.  I know I said "even Google." Google's awesome, by the way.  We've got a lot of Googler's here.  Raise your hands.  Thank you!  Google has been doing amazing stuff for the WordPress community, and it's really cool to see one of the big tech, like let's be honest here, like one of the four companies in the world, you're like a nation state, you're like a country.  You have a revenue bigger than the GDPs of most countries.  So it's amazing to see your participation in the open web.  We have a lot of shared ideals.  Think about that next time it comes up to renew your hosting or domain, weigh your dollars towards companies that give back more because you'll get back more to.  Freedom isn't free.  Those of us who are makers, who create the source, need to be wary of those who would take our creations and squeeze out the juice. They're grifters who hop onto the next fad.  But what we're trying to build is something big here, something long-term, something that lasts for generations.  I may screw up along the way, or my health may falter.  By the way, I wrote that because last week I was in a hospital in Mallorca with a kidney stone.  Who's had a kidney stone?  Oh man.  What's up with that?  I'm going to open source some of this because we need to figure this out.  That is not OK, and it's going to happen.  You can be totally normal one day, and the next day is like a shamanic demon hanging around, happening.  It's not.  It's weird.  But, we're all human, we're bodies.  I think we should just talk about this stuff.  Or my health may falter.  But these principles and beliefs will stand strong because they represent the core tenet of our community: the idea that what we create together is bigger than any one person.  So that's the post.  [applause]  Now I'm going to walk you all through just some of the stuff.  There's been some… oh, we've got the music going?  Oh, turn it up, turn it up!  Let's play it.  Yeah.  [music playing]  OK.  So when you get home, play this song, and just take a quick read through it?  It kind of depends |

| Speaker | Dialogue |
|---------|----------|
|         | on your reading speed.  Yeah.  OK.  We'll have this in the background while I talk for a bit.  It's a beautiful song. |
|         | So I've had some cryptic tweets over the past few days. Here's one of them I'll talk about.  I know private equity and investors can be brutal.  Read the book, *Barbarians at the Gate*.  Does anyone remember that one?  A few people.  Yeah, oh, man. Please let me know if any employee faces firing or retaliation for speaking up about their company's participation, or lack thereof, in WordPress. We'll make sure it's a big public deal and that you get support. Again, I've had dozens at this point, of people inside these companies reach out to me that they've been asked, they've been, they've said, hey, can we do more five for the future, can we buy more into WordPress.  I'm told we can't. We need to get these growth KPIs. You can't work on this.  So, you know, keep the music going, keep it going.  Keep it up.  So, there's a private equity firm behind all of this.  So, I'm gonna tell you all about this firm called Silver Lake now. And they're the ones with $102 billion under management. And I'm gonna call this portion of it, the talk, "How Private Equity Can Hollow Out And Destroy Open Source Communities."  Yeah.  We're not the first one they're doing this, too.  There's actually a company called Talend.  And in 2010, Silver Lake bought 25% of Talend, leading to an aggressive monetization of the open source users, prioritizing commercial conversions over community health. They cycled through four CEOs in seven years.  They generated a 20x return for Silver Lake, but the open-source community is completely gone.  Unity is another one.  Silver Lake owned about 15% of Unity for $400 million and got a 10x return on that.  By the way, that means they got 4 billion out of it.  But they did toxic pricing changes that led to a massive community backlash and then the current CEO's ousting and multiple CEO changes.  There's an open-source, then they came up in response to this called Gidot or Godot, I'm not sure how to pronounce it.  It's a top 10 open source project, but I just want to show that this is a pattern happening.  These are Silver Lake companies.  So what's another Silver Lake company?  WP Engine.  And who's the person behind all this? This guy.  His name's Lee Wittlinger and he's on the board of WP Engine.  He owns WP Engine actually, they control it.  He's also on the board of another company that's here.  I'm just, I'm making the case for why this might be the last WordCamp you see WP Engine have a booth at.  And if you would like to express your opinions on any of this, this is the email address we can email Silver Lake.  It's on their website.  I'm not doxxing anyone or anything.  This is just what's on their website.  So, you know, you can kind of see when there's like one person, one thing behind all of this, and it's just like a schoolyard bully. You know, this is, I know this is spicy, this is a lot to call out.  But unfortunately, this has been going on since they bought WP Engine in 2018.  If you all saw Noel [last name; not sure] presentation at WordCamp Europe, he talked about the slowing of the growth of WordPress, which we actually had for a few years.  You can map that actually pretty well.  And we were trying to debug this.  And you know, part of my background is macro economics.  You can actually map it pretty well to the revenue growth of a company like WP |

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| | Engine.  Think about this.  If you ran a business and normally you would spend part of your budget on R&D.  How great is it that if you could get all the software for free, don't spend a single dollar on it, or spend 48 hours a week, so call that a hundred grand a year on it, and you can make $450 million per year?  That'd be pretty sweet, right?  It's a pretty good business.  But then what happens to that software?  If you're taking the business from companies like the other ones I mentioned, Automattic, New Fold, etc., that will like actually put a patch on that software.  Now those companies are fighting with like one hand tied behind their back.  I've got a hundred full-time people working on Core and things in the commons.  I can have those hundred people working on getting more customers for WordPress.com or something like that, but not working on things that benefit all of us, belong to all of us, that part of open source.  That's my talk.  Any questions?  [applause]  We've got some mics up here.  And by the way, I do also want to say, and I offer this, I told WP Engine, like, hey, all the employees there are like, again many of them believe in this and agree with us.  Please do not be mean to any of them or anything like that. This is coming from the very top. That's why I highlighted this Lee guy.  We even offered to print him new badges or something if we were going to ban him from this WordCamp.  We decided not to do it like during the WordCamp, but yeah, they're not going to be at future ones, I don't think.  [applause] |
| Matt | If you have questions, there's a microphone right here, and you can line up down the center aisle in order to ask your questions. |
| Courtney Robertson | Hey Matt.  Courtney Robertson, developer advocate at GoDaddy.  I'd like to ask that questions at a lot of our WordCamps in Europe.  We mentioned the contributor-courts and since then I have done some research and you were interested in the findings of that research.  It is transparency about the contribution that is happening.  There's a post on Make.WordPress.org/project and it's an MVP.  We're using data we're getting right now from a few sources such as the numbers manually cranking for me, but we've got some tooling and pull in our stats from GitHub.  Starting with Auto and Meta about getting our data from Track.  Better ways of tracking with GatherPress which is potential Meetup replacement.  So we are bringing transparency about the contribution that is happening. |
| Matt | Thank you. |
| Courtney Robertson | Hard part – I've been on the receiving end, and I want to say this with all due respect, I've been on the receiving end about improving contribution and this is why I am dedicating most of my time between now and the end of the calendar year to continue to improve these contributor dashboards, because the change that you called out about GoDaddy in this process, this week, I saw massive improvements in understanding and how we can further that contribution and those contribution mechanisms.  I was in some meetings with my team about these things and I feel really good about this.  When we name and shame, I want to know from a leadership perspective, have we gone to the top leaders that you shared, and have you tried to work channels without becoming an instant, because I've been on the other side of this. |

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| Matt | Oh yeah [laughter].  Trust me, I was just trying to talk to Heather and Lee.  I did not want to give this presentation.  I was literally over there, called on them and saying like, hey, are y 'all going to step up to this?  So are you going to fix this?  And that was scary for me.  And by the way, it's scary to go against a 102 billion dollar assets under management.  That's scary.  [applause]  If there's any freak accidents, or by the way, I did not commit suicide.  It's, you know, it's scary.  But like, I think you have to speak truth to power.  And this is all transparent stuff.  This is all public.  You can all see it.  This is all like out there.  There's nothing I've said that you can't fact check online.  So yeah, thank you.  And like I said, for the retaliation thing, like I know this, that's what's rude about this is because companies are made up of people, right?  And people don't always agree with the management.  And if any one of you gets in trouble for speaking up about this, or supporting me, or supporting WordPress, or anything like that, let me know.  If you lose your job, I'll do my best to like support you until you find another one, anything like that.  Like, we're all in this together, we're a community.  And ultimately we need to like, build things together, that nourish part.  So… |
| Sasha | Thank you. I am Sasha, thank you for being with us today. Thank you for honesty. |
| Matt | A little closer to the mic. |
| Sasha | Oh, sorry.  My name is Sasha, and I want to thank you in person for your honesty, for your willingness.  You've been my inspiration for almost 10 years.  And as you said, we're here mostly guys for the open web, right?  And the open web should be powered open, like economy should be powered by open minor, right?  And what is your thing?  What is your thinking, what is your thoughts on blockchain? And how would you change it and stuff like, I think that it's … |
| Matt | Say that one more time. |
| Sasha | About what is your thought about blockchain and crypto and how it can complement for a press economy and for press movement, because you shared a lot.  I've been in the press movement for almost 20 years, right?  I've been in blockchain for more than 7 years, and there is a view, I don't know, over a web to read the open web to make it real stuff. |
| Matt | Yeah, so blockchain, crypto.  So I love when open source gets applied to different areas, and this is part of the beauty.  Like I said, open source is a movement that's changing everything it touches.  So you apply open source to sort of an encyclopedia, where you get your Wikipedia.  Apply open source to CMSs, you get things like WordPress, Joomla, Drupal.  Apply open source to game engines, you get Godot.  Like, there's all these sort of awesome examples.  You apply open source to the financial system.  You get cryptocurrency.  And it's been kind of a wild ride.  You know, there's like a lot of scammy stuff in crypto.  There's a lot of interesting things.  But what's amazing, a lot of people realize is most of these projects are open source, they're open source, Bitcoin is open source.  And so they have competitors just like us, they have communities, they have conferences, they're this whole thing.  So that's pretty powerful.  Now how that interacts with WordPress, I'm not sure yet.  I could |

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|  | see like more e-commerce going over crypto rails in the future.  Like there's more, you know, companies like Coinbase and others make it like kind of easier.  But right now it's kind of hard to use some of this stuff.  Like writing your wallet, connected to the blockchain download again, like all these sorts of things. It doesn't work well on mobile devices unless you have like someone else custom your wallet.  So it a, it's a cool technical solution.  And I love that it's the future from like a freedom and distributed point of view.  And so probably the place where it interacts with WordPress the most will be that commercial side.  So when people are making donations or buying something through like, one of the shopping cart plugins, like WooCommerce or others. |
| Sasha | Sounds good man.  Let's talk.  You're already a testament to the ___ action. |
| Matt | It's funny, crypto is also one of those other religions, right?  Open sources of religion and crypto people, like they'll tell you right away. |
| Sasha | Okay, thank you. _____ |
| Matt | Thank you, thank you. Appreciate it. Apparently you get more of them.  More water.  Yes.  Okay.  Thank you. |
| ?? | Well, I think it's a valid criticism for someone to be making a ton of money off of a freely available resource without contributing back.  You mentioned 2018 and a downfall in usage of WordPress.  And I was just wondering how you compare that to the fact that the block editor was released at a similar time and the dissatisfaction of that amongst many people in the WordPress community.  And I don't say that, it's just as a side because, what you've said in your presentation sounded like you were blaming all the downfall on one person. |
| Matt | Yeah, in macroeconomics, I'm not by the way, in macroeconomics there's so many countervailing forces.  So there's a lot of different things happening simultaneously.  We shift new versions and new features including the block editor, which predates 2018 by the way.  But like, there's also the growth of other block editors, all the plugins, Elementor, Beaver Builder, et cetera.  So there were advancing some vulcanization of that experience.  So that all, that all happens, so I was just trying to point out that there's some maybe, some macroeconomic terms in turn, I guess, what's a good way to put this?  You know, some revenue being made is zero sum, right, like, actually, we should ask, who's a WP Engine customer in the audience?  Don't feel bad.  There we go.  By the way, I've had a few people come up and the other thing that makes WP Engine tricky is their misuse of the trademark.  That they're very cavalier with it.  How many people have heard it called WordPress Engine before?  Yeah, yeah, yeah, yeah.  Okay, we got a few there.  People have come up to me, I get support requests sometimes with WP Engine because people think it's like an official thing.  Their color, their logo is blue, they call it WP Engine, they think it's like something official that's part of the community, giving back and building WordPress.  And so that's what makes it so insidious.  Other WP Engine customers have, you know, one thing private equity likes to do is like squeeze out the profits, squeeze out the free cash flow.  Have you probably noticed like some price increases coming up?  Yep.  I see some nodding heads over there. Yeah, customer service going down a little bit.  Yeah, yeah, squeeze |

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|  | out that profit.  That's what happens with these things.  And it is a way to run business and obviously it can be very lucrative, extremely successful to net returns on some of these things.  But it's not great for consumers often when you do that.  You squeeze every last bit out of the business and for open source communities, it can be fatal.  And I think that could be really rough.  And if you look at, the WordPress is fairly unique and it's an open source community that has actually its celebrated its growth.  So we've actually grown a ton since 2018.  We stalled out a little bit in the past 18 months.  And we were kind of looking to why.  There's also some methodology changes in the W3Techs, market share tracking, and things like that.  So there was a lot of stuff happening at once.  But I do think one of the factors, of many, is that you have to sort of wallet share.  So wherever you're being taken away from companies that are giving back and going to companies that aren't, because they're sort of competing more mercilessly in a far more nakedly capitalistic, and evil way.  So, blocking thought, should be a template for us, because it's getting better and better with every release.  And so, yes, Gutenberg sucked 10 years ago.  I said from the beginning it was going to be a 10-year project, right?  With the collaboration stuff that's coming up, it's about to get real cool.  Like imagine that you can open up a WordPress page and then you paint your friend or collaborator.  You can both have it open at the same time, be moving blocks around just like Google Docs, see people changing things in real time, share a draft with the client, let them make changes, upload it, like all this collaboration stuff is gonna be really, really, really cool.  And we've got some very fun stuff happening there.  Including, by the way, sponsoring some open source projects. _____ |
| ?? | Hi Matt, how are you guys? I wanted to first address the tragedy of the commons, which is, it was disproved by an owner or a strong manager of work on the economics. |
| Matt | I'm familiar with her book, yes. |
| ?? | And so, I'd like to... |
| Matt | Why do you say it was disproved? I would say that some of the examples, but it's kind of a logical thing you can think of. Right, like this field that everyone grazes and no one waters, we can all understand that. |
| ?? | We have zero marginal cost of distribution and we have a lot of people who are excited about WordPress and I wanted to share that, when you punch down, which is not... |
| Matt | I wish I was punching down. I don't have $102 billion dollars. |
| ?? | I'm not talking about only singling out a super admin sponsor, the word _____.  I'm also talking about, personally, in the past.  It's a punch down with other people who are less powerful than you.  And I find that... |
| Matt | Well, and I will now publicly offer, if WP Engine want like their $75,000 back, that they paid to be super admin sponsor. I'm happy to wire it back. |
| ?? | I'm suggesting that your... what-feel-to-me vendettas are demotivating. But I would like... [applause] In my personal perspective of what's going on with WordPress and our stalled market sharing, what we need to be doing is to be |

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|  | promoting new people coming into WordPress.  And I know that so many of us started hacking on WordPress and using WordPress for everything, even things that it really wasn't well suited for.  And we built a whole business on top of that and it became who we are today.  And I think that in order for WordPress to grow, we need to be encouraging a new generation of people coming into WordPress. |
| Matt | The good news is it is growing.  So in the past year, we've grown an entire Drupal of market share.  It is growing again.  So it stalled out for a little bit, but there's, there's market forces. And there's a lot of folks, including Automattic, that have put a ton back in Core, we've got a lot of activity and everything.  But you see around the record, so things, we're going to get through this. But I think that we also just need to call out bad actors.  And the only way to fight a bully is to fight back.  If you just allow them to run rampant on the playground, they just try and keep terrorizing everyone.  [applause] |
| ?? | I think recent.  So what I'm suggesting is, if you used your platform here today to promote meetups and talk about bringing new people into the fold and encouraging us and being positive, that that positivity would spread, instead of the negativity and the downtrodden.  Like, the downtrodden. |
| Matt | Please watch one of my, like, 82 other WordCamp presentations.  That's what I've done at all the others.  So this is, I really do not want to give this presentation today, to be honest.  It was terrifying to me. |
| Robert Jacoby | Howdy, man. Robert Jacoby. Good to see you. What happens to maybe like a nitro pack that was just acquired?  And maybe others, you know, there have been rolling WordPress companies that might be on that acquisition list, via WP Engine. |
| Matt | I don't know about the specific acquisition, but I would say that, you know, when companies are acquired, one, there could have been other companies that acquired them.  So, again, if one person's fighting with a hand behind their back, because they're spending some revenue and contributing back, someone else is saying, oh, I'm going to take that cash and I'll buy things.  They're at an advantage.  Now, and then look at what happens after that acquisition.  You know, some companies, when they acquire things, like, for example, Automattic acquired the podcasting app.  We open sourced it afterwards.  Right?  It was proprietary.  We're now open sourcing Dumpling, right.  It came to WordPress.  Like, that's kind of our vibe.  We like to make things more open.  So just look at track records.  I think a lot of this is in the public, and you should judge companies by their actions, what they've done in the past, and what they're going to do in the future.  I had a follow-up post on this, where I said, every saint has a past and every sinner has a future.  So, like, you know, they can change in the future, companies can change in the future, and nothing is ever, you know, we all make mistakes and we can all change. |
| Robert Jacoby | Just a micro follow-up on it.  It's almost like you're calling for a strike from end users, developers, so on and so forth. |
| Matt | Well, I hope that we can get every single WP Engine customer to watch this presentation.  And that when their renewal time comes up, they think about |

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|  | that.  And there's some really hungry other hosts.  Those things are Blue Ghost Cloud, Pressable, etc., that would love to get that business.  And by the way, something else that happens is like Cadillac of capital investment.  So CPUs aren't as fast, etc., servers slowing down.  You might get faster performance even switching to someone else.  And migrating has never been easier.  That's part of the idea of data liberation.  So again, it's kind of like, one day of work to switch your site to something else.  And I would highly encourage you to think about that when your contract renewal comes up if you're currently a customer of WP Engine. |
| Robert | Thanks, Matt. |
| Ally Gentsch | Hi, Matt. It's Ally Gentsch, a WB fan girl. And I don't have a logo yet, so you can't complain about it.  I was listening to a history podcast, and I'm trying to remember which one it was or when.  And I thought of this at the time, and then I forgot to get in touch.  But they mentioned that the tragedy of the commons was actually written to justify the enclosure of public lands by large landowners.  And I thought, oh my, that's really interesting because people talk about this in a very different way.  And I started wondering, is that an analogy we want to use?  Is the problem really that the individual, since quite a lot of individual WordPress users do whatever they can to give back, is the problem the individuals who are using this in common?  Or is the problem people who, you know, are not at that level, but who are exactly trying to make sure that people can't do things for themselves and have to rely on them?  Because they're like, we didn't want these serfs making any money selling the stuff they did in their spare time.  We wanted them to have to work for us.  And I do think that is private equity's approach.  They've done some frightening things to other industries, including veterinarians.  And it's a thing to worry about.  And yet, the people who built up the company that got acquired, like, I'm pretty sure that having it eaten up into bits was not their purpose in building it, and hopefully not even their purpose in selling it.  Although, yes, sometimes it's just like, I don't care.  Just give me tons of money.  Everyone has a price. |
| Matt | I'm a big proponent of something I like to call conscious capitalism.  And by the way, I did a follow-up post where I talked about how, like, some people interpreted as saying all private equity is bad or all investors are bad.  And they're not.  It's actually a lot of amazing investors.  And capital could be a huge fuel for creativity and like innovation and everything like that.  It's a lot of prosperity that we experience.  You're right that it's not a perfect analogy, tragedy of the commons, and the gentleman before you, you're right, like in digital software there's not a marginal distribution.  In fact, there's often network effects where like the more people that use something it can become more valuable versus less valuable because it could become a standard.  So there are some nuances to it.  I'm not worried about this analogy being used to take freedom away because the license of WordPress itself, the GPL, protects all of our freedom.  WordPress belongs just as much to every single person in this room as it does to me.  That's beautiful.  No one could take that away.  If say my next kidney stone turns me into eel mat, I have little horns, doesn't |

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|  | matter.  Y 'all can afford the software.  You can still use it tomorrow.  You can do a million things.  Like it's uh, it's, that's the ownership that really belongs to us.  And that's why the license is so important.  Because it's like our Constitution.  It really guarantees these freedoms that can't be taken away regardless.  And that's why often what these companies come in and do is they change license.  I've only relicensed something once in my career.  There's actually Gutenberg, which relicensed to be more open. So Gutenberg was a good GPL.  I think we put it under there, was it a MPL?  So that it could be embedded in mobile apps and things, even commercial applications.  Because we want pre-heard from a standard that's even bigger than WordPress.  So that's the only relicensing I've ever done in my career.  You can look at a lot of other investors or business owners or things, or what kind of relicensing they're doing.  It's often making the license more closed, taking away your freedom, and taking away your flexibility.  That's what we need to fight against.  And that's why I get so worked up about this stuff.  I know I'm a little bit of a religious zealot, but when you see me get worked up and go with things, it's when people have violated the GPL, the best.  I've gotten real spicy over that.  And now we have this more complex thing, now that we've matured a lot as an ecosystem, that it's more about, OK, what are the business incentives?  Where's the revenue going?  Where's the investment going?  Everything like that.  Because this is an ecosystem where the revenue that goes through the WordPress ecosystem over the years isn't the probably like $8 to $10 billion per year.  That's a lot.  That's a lot of economic activity.  A lot of us benefit from it.  I had so many people come up to me and say, "hey, I put my kids through college with my WordPress sites," or "I made a living from WordPress."  That's beautiful.  And that all was part of a broader system.  Next question. |
| Cam Barrett | Hi, Matt. I'm Cam Barrett. Thank you for pointing out the bullies in the room in our industry.  I think it's happening a lot more and more.  And I think that collectively, we are bigger than $102 billion.  I think that all of us working together can stick up for ourselves and make sure that they don't take away our industry.  Secondly, I got into WordPress because I got sick and tired of our school districts spending taxpayer money on proprietary CMSs, spending $10,000, $15,000, $100,000 a year to host websites, and this is crazy, this is our taxpayer money we spend.  So I put everything on WordPress about 10 years ago, and I've been doing it ever since.  I've saved millions of dollars by putting our public school districts on WordPress, and I am… [applause]  I'm going to keep doing it, and I'm going to keep doing it for other verticals as well.  So I just want to thank you for creating WordPress.  I think all of us have benefited greatly from it.  Thank you. |
| Matt | Thank you.  And now, by the way, those millions of dollars you saved can now go into, like, more school lunches for people, or better pay for teachers, or something like that.  Like, these are all part of our broader system. |
| Cam Barrett | Yes, absolutely. And I also know that we are seeing adoption of WordPress in the U.S. Army as well as the federal government, as you know. |

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| Matt | Yeah, I'm really excited about more open source of government, more WordPress of government, because I think we can save them a lot of money, and I pay a lot of taxes, and I'm sure a lot of you do as well.  I would love to see that be more efficiently used.  Next up here. |
| Mark Monda | Hey, Matt. I'm Mark Monda, the owner of Word Fence.  It's good to see you.  Thanks for stopping by our booth today.  To this AI thing that's underway, there's a bit of a war that's going on between proprietary AI models and open source, and you mentioned that a little bit in your blog post.  It seems like the world is deciding which direction we're headed in, whether we're going to have a lot of open source models available for innovation, or whether the future is going to be proprietary behind REST interfaces that are metered and that we're paying for, and that we don't actually get to see the models or use them or iterate on them.  I guess in the early days of the web, we had proprietary web servers, Escapes Commerce Server back in 1994, and Apache came along and rescued us all, and the future of the web became very much open source. And I think Wordpress is one of the largest open source movements in the world, and so I was wondering if you had any thoughts about Wordpress's place in determining that future of AI and what we could do to influnce that—along those lines, I've been talking about hosting providers, and we're not seeing many people use in Wordpress data centers that would enable one to run an open source model for an interface locally that's part of Wordpress or accessible to Wordpress on the server. It seems that there's not a lot of planning or innovation going around open source, AI in the space, and I was wondering if you had any thoughts on that and how our community might be an enabler for that and help determine that future and help perhaps make it open source. |
| Matt | Well, thank you so much for that question, it's a good one. I'm obsessed with AI. I've been reading all the papers, spending my time on it. There's some fun stuff coming. So, one night, we talked about this earlier on the floor, if you haven't tried out Curor, or Repl.it, or one of those AI-assisted coding things, please do it as a developer, it's wild. I can now do things that used to take me like two or three hours in like two or three minutes. It's like wild the productivity boost you can get, especially for generating new scripts and things, but even the context windows as we talked about are getting larger. Models like Gemini I think are up to like a million-and-a-half tokens. We've also got Google here. Y'all have what's it called, web.ai, it's the new standard we're talking about? Yes? So, I think my theory of what's gonna happen here. Now all the models, open source or not, not sure open source, you know Foundation is talking about open weights, is maybe a thing to talk about for what makes something open source. What I do think practically that will happen, though, is the access to these models will probably be mediated by either the operating system layer or the browser, which is basically like an operating system, right? And they'll have embedded access. So just calling, like, an API or something, you'll be able to call out, make a system call to, yeah, some sort of model. And with Apple intelligence stuff that they just announced, it could be a local model. And these chips are crazy powerful now.  What's happening with Silicon, with |

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| | them, and also, like, some of the Google TPU and other chip things that are happening are kind of incredible. So a lot of this, I hope, will move to the edge, which I think is also great for speed and privacy. And then they can then call out to maybe the big, you know, nuclear power giga data center models for more complex things. So that's what I think. And that's why I've actually sort of stopped focusing as much of our time on, like, doing these specific kind of product integrations, because it really feels like something that's going to happen more at the OS layer. And they'll just be like a system call out to it. I don't know. What do you think? I think that we need to come up with a plan. I think that probably the main goal is to get plugin authors and WordPress innovators using open source AI models in a WordPress context. And I think that if we can do that, and the more users we can get and the more sort of weight of usage that we can get, the better shot we have at an open source future when it comes to AI. Because the demand will be there and we would also have proven that it's worth it, that it's worth doing, as opposed to leaving it up to the mega corporations and sort of trusting them with having the best available artificial brains and the best available computation and they can just rent it to us and that's all we get. It might be. We'll see. But they need a lot of these GPUs. These data centers are massive. And let me tell you, they're expensive. They're massive. And I'll tell you another cool fact, though. Like, the human brain, which, by the way, is more powerful than all of these models still, runs on about 20 watts of power. So think of all the electricity and all the transformers and everything have to do with the power of these data centers. And you and I can eat, like, hot dogs and some potato chips and power our natural intelligence. It's kind of incredible. So, like, wow, biology is incredible. Thank you. All right. We've got a few more here. |
| Austin | Hello, Matt. Austin here from Amnesty. So we recently open sourced our theme, GPL, same as you guys. And I had a question to basically find out, you know, do you have any advice for people that are trying to get their theme into the repo community build in? And also another question around, like, we're trying to strip out all the blocks into a single plug-in, or should we do many, many plug-ins, one for each block? And by the way, share a little bit of your story. I know you were on showcase day, right? So Amnesty International, you have a theme that's now used, was it 80 sites? Forty-six sites use the theme. There could be more because, you know, people can come and download it. We open sourced it about six months ago with Big White sitting over there somewhere. And yeah, we've got, I think some automatic people have given us some contributions as well. |
| Matt | And tell us what Amnesty is? |
| Austin | It's a non-profit. Yeah, sorry. Amnesty is a human rights organization trying to reduce human rights violations globally. And you've got local... Matt, thank you. By the way, you're doing amazing work. And you've got local chapters and they all have their own websites, but they all have the same theme they can use |

| Speaker | Dialogue |
|---------|----------|
|  | that kind of like ties into the... That's right. And we're trying to get other... We open sourced it so other NGOs or non-profits or grassroots organizations can use the work that we've built over the last six years. |
| Matt | Let's give a round of applause for that. That's amazing. First, thank you. You asked about getting in the theme repo. So you submitted it, but it hasn't been accepted yet? |
| Austin | We just got a lot of work to do to get it ready for acceptance. |
| Matt | Gotcha. Yeah. So, I mean, throw it up on something like GitLab or GitHub in the meantime. We'll get in the repo as soon as possible. If you run any rules there that are holding you back, let me know. In terms of taking the blocks into individual plugins versus sort of a group plugin, I think it would depend on how many there are and if they're logically grouped. We are going to try to make it so that, like, individual plugins are a little lighter weight. And or could these things be patterns that go in the pattern directory? Which then it's not a plugin, it just kind of gets sideloaded as like JSON from the pattern directory. So there might be some different ways to approach it. And we're kind of creating a lot of new primitives that can be used to build these sites. And I'd be excited to see how this grows and how amazing would it be if, like, you figure out a better way to get donations to a nonprofit and all these other nonprofits are going to get that. Like, that's really making the world a better place. Oh, and Otto says to email him. So that's otto at WordPress.org. He'll help you get on. All right. We're fixing things live. Thanks, Otto. Otto, O-T-T-O. |
| ????? | I do a lot of support for, like, all the 299 million WordPress sites that are not actively supported. So I do a lot of site rescues and cleanups and things like that. I got a client who had a 10-year-old site, hadn't been updated for 10 years, although she blogs regularly. And I was going, like, oh, boy, this is going to be a mess, right? I just said, why not try it? And so I... You clicked the button? I hit the button, update for, and it worked! WordPress is really awesome when it comes to backups. That's amazing. And man, so much code went into that. Right? So this is the one... And it's like, she's a personal organizer. She's not wealthy at all. And so I was really happy that I could do it almost for free. So... Okay. I charged her $97 to completely update her website. It's now good for, I guess, another 10 years. Right? So, but here's something else I do... Put it on auto-update now. I did turn on auto-update. So the other day on Reddit, in r slash WordPress, somebody came in and said, our agency has told us we have to pay them to rebuild our site because the classic editor is end of lifing December 31st. And they said, we can't afford that. And so I went and I looked and I said, I don't think that's true. And it says, end of life, December 31st, or as long as it's needed. And I just want to, I don't necessarily want to punch down up or sideways, but somebody is messing around with people, stressing them out and sort of semi blackmailing them into paying them to rebuild because they're saying the classic editor is end of life. You have to. So I don't think classic is necessarily going to go away, but I just wanted to call out if anybody else sees somebody saying something like that, unless it really is end of life, |

| Speaker | Dialogue |
|---------|----------|
|  | and I'm sure it's not, can we make sure that there aren't people being taken advantage of that way? Because that's just not nice. |
| Matt | Yeah. Man, I don't want to defend the classic editor though. So part of me wonders like, man, maybe they just have some stuff they should upgrade to blocks, you know, they'd have a much better, better thing. And yes, that could require some development work and cost some money, but the 10 year old site, she didn't want to, so I just said, okay, I'll install it because she just wants to keep doing what she's been. She's like 60, 65. By the way, I've actually found, so if you open up an old post, even without the classic editor plugin, when you open up an old post that was built in the classic editor, Gutenberg actually loads a classic editor, like immediately. So they get a familiar interface and the new stuff, we find people can figure it out pretty quickly and we're making it more usable, including if you just tell them insert the classic editor block and then they could do everything from there is like a pretty easy way. I think even better than the plugin. And then they might get access to blocks in the future. So I do think we do want to bring people along to the block thing because it is very much the future. So, all right. Thank you. And do we have time for this one last question or two? All right. |
| ????? | Hi, WordCamp Europe. You said you were going to do a speed build challenge. Yes. Any plans when that's going to happen? |
| Matt | Not yet. We haven't scheduled it yet, right? Let's make it a whole event. You know, we'll fly to a city and we can make it a fun little in-person thing for the local community. If you have a city that you really want to do it in, let me know. |
| ???? | Well, you know, let the challenger pick. And I'm probably the challenger because I think you might win. But yeah, I'm looking forward to the speed build challenge. |
| Matt | All right. We're going to end up there. Thank you all so much. It was very vulnerable getting up and sharing this with you all today. And I really appreciate you listening. So, see you around. I'll pass it over to Brian. |
|  | END OF AUDIO |

# EXHIBIT 30

**quinn emanuel** trial lawyers | silicon valley

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WRITER'S DIRECT DIAL NO.
**(650) 801-5005**

WRITER'S EMAIL ADDRESS
**rachelkassabian@quinnemanuel.com**

September 23, 2024

**<u>Via Electronic Mail</u>**

Holly Hogan, Chief Legal Officer
Automattic Inc.
60 29th Street #343
San Francisco, CA 94110

Re:     <u>Automattic's Actionable Misconduct Directed to WP Engine</u>

Dear Ms. Hogan:

We are litigation counsel for WP Engine and write to address the serious and repeated misconduct Automattic has directed toward WP Engine over the past several days.

Stunningly, Automattic's CEO Matthew Mullenweg threatened that if WP Engine did not agree to pay Automattic – his for-profit entity – a very large sum of money before his September 20th keynote address at the WordCamp US Convention, he was going to embark on a self-described "scorched earth nuclear approach" toward WP Engine within the WordPress community and beyond.  When his outrageous financial demands were not met, Mr. Mullenweg carried out his threats by making repeated false claims disparaging WP Engine to its employees, its customers, and the world.  Mr. Mullenweg has carried out this wrongful campaign against WP Engine in multiple outlets, including via his keynote address, across several public platforms like X, YouTube, and even on the Wordpress.org site, and through the WordPress Admin panel for all WordPress users, including directly targeting WP Engine customers in their own private WordPress instances used to run their online businesses.

Mr. Mullenweg's covert demand that WP Engine hand over tens of millions to his for-profit company Automattic, while publicly masquerading as an altruistic protector of the WordPress community, is disgraceful.  WP Engine will not accede to these unconscionable demands which not only harm WP Engine and its employees, but also threaten the entire WordPress community. WP Engine has sought to do the right thing at each stage of Mr. Mullenweg's wrongful campaign and will continue to do so, with the integrity and candor that are hallmarks of its own culture and that of many other participants in the WordPress ecosystem.  Mr. Mullenweg's words and conduct constitute actionable wrongdoing and must cease immediately.

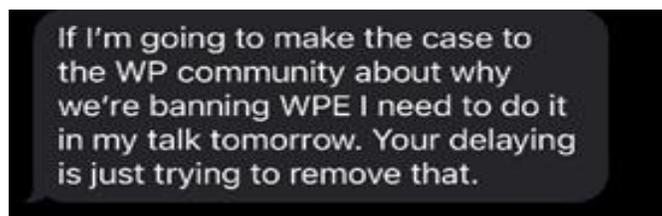**quinn emanuel urquhart & sullivan, llp**

**I.      Automattic Makes Coercive Threats Demanding Monetary Payment In Exchange for Mr. Mullenweg's Silence.**

In the days leading up to Mr. Mullenweg's September 20th keynote address at the WordCamp US Convention, Automattic suddenly began demanding that WP Engine pay Automattic large sums of money, and if it didn't, Automattic would wage a war against WP Engine.  This demand was accompanied by allegations about WP Engine's business that were not only baseless but also bore no rational relation to the payment demand.

During calls on September 17th and 19th, for instance, Automattic CFO Mark Davies told a WP Engine board member that Automattic would "go to war" if WP Engine did not agree to pay its competitor Automattic a significant percentage of its gross revenues – tens of millions of dollars in fact – on an ongoing basis.  Mr. Davies suggested the payment ostensibly would be for a "license" to use certain trademarks like WordPress, even though WP Engine needs no such license. WP Engine's uses of those marks to describe its services – as all companies in this space do – are fair uses under settled trademark law and consistent with WordPress' own guidelines.[1] Automattic's CFO insisted that WP Engine provide its response to this demand immediately and later, on the day of the keynote, followed up with an email reiterating a claimed need for WP Engine to concede to the demands "before Matt makes his WCUS keynote at 3:45 p.m. PDT today."

In parallel and throughout September 19 and 20, Mr. Mullenweg embarked on a series of harassing text messages and calls to WP Engine's board member and also its CEO, threatening that if WP Engine did not agree to pay up prior to the start of Mr. Mullenweg's livestreamed keynote address at 3:45pm on September 20, he would go "nuclear" on WP Engine, including by smearing its name, disparaging its directors and corporate officers, and banning WP Engine from WordPress community events.  Here is one of Mr. Mullenweg's threatening texts:



> If I'm going to make the case to the WP community about why we're banning WPE I need to do it in my talk tomorrow. Your delaying is just trying to remove that.

While waiting for a response to his text messages, Mr. Mullenweg emailed WP Engine's CEO and a board member, making threatening references to his planned keynote: "We get a few thousand viewers on the livestream, and the videos on Youtube can get millions of views when we promote them."  Mr. Mullenweg further stated that he had already created slides for his keynote speech, taking aim at WP Engine and its investor, and would present them to WordCamp attendees – and to millions of others via livestream on YouTube – if his financial demands were not met.

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[1]      Trademark Policy, WordPress Foundation, last accessed September 23, 2024, https://wordpressfoundation.org/trademark-policy/.

2

> I have 14 slides so far, working title for the talk: "How Private Equity can Hollow out and Destroy Open Source Communities, a Story in 4 Parts."
>
> I've got quotes from current and former employees, some may even stand up and speak as well.

Mr. Mullenweg continued to send a barrage of texts throughout the evening of September 19 and the morning of September 20, attempting to pressure WP Engine into capitulating to Automattic's financial demands:
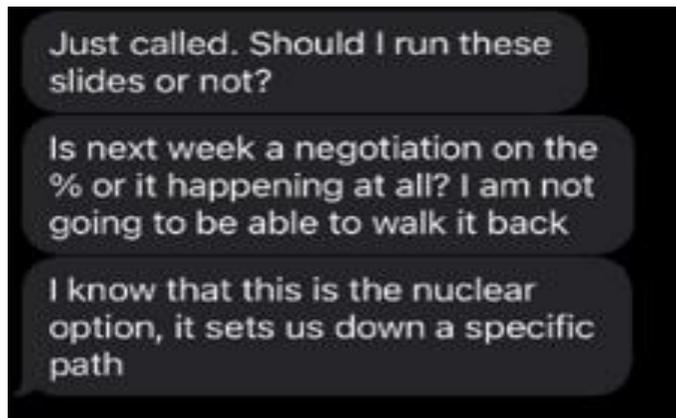
> Just called. Should I run these slides or not?
>
> Is next week a negotiation on the % or it happening at all? I am not going to be able to walk it back
>
> I know that this is the nuclear option, it sets us down a specific path

When WP Engine's CEO and board member offered to speak with Mr. Mullenweg the following week to have a business discussion, Mr. Mullenweg refused, instead electing to manipulate WP Engine into paying Automattic by using fear-based pressure tactics tied to his keynote address that afternoon:
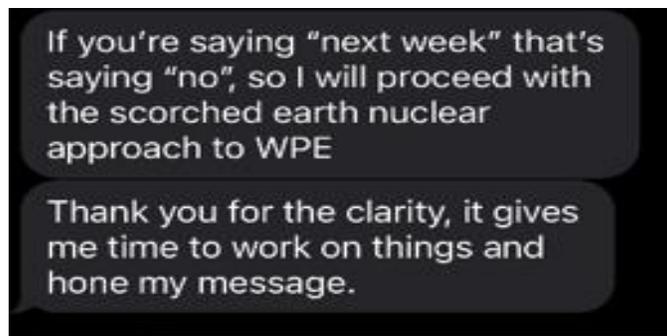
> If you're saying "next week" that's saying "no", so I will proceed with the scorched earth nuclear approach to WPE
>
> Thank you for the clarity, it gives me time to work on things and hone my message.

In the final minutes leading up to his keynote address, Mr. Mullenweg sent one last missive: a photo of the WordCamp audience waiting to hear his speech, with the message that he could shift gears and turn his talk into "just a Q&A" if WP Engine agreed to pay up:
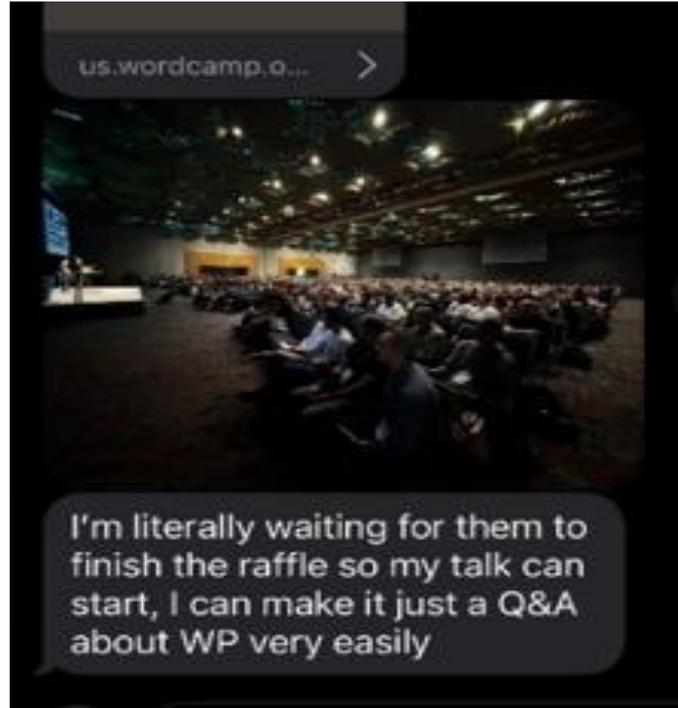
## II.     Mr. Mullenweg Carries Out His Threats – During His WordCamp Keynote and Thereafter.

When WP Engine refused to capitulate to Automattic's astronomical and extortionate monetary demands, Mr. Mullenweg made good on his threats.  Specifically, during the keynote address at WordCamp US on the afternoon of September 20, Mr. Mullenweg made a series of false and disparaging statements about WP Engine and its investor, including:

- Claiming that WP Engine is a company that just wants to "feed off" of the WordPress ecosystem without giving anything back.

- Suggesting that WP Engine employees may be fired for speaking up, supporting Mr. Mullenweg, or supporting WordPress, and offering to provide support in finding them new jobs if that were to occur.

- Stating that every WP Engine customer should watch his speech and then not renew their contracts with WP Engine when those contracts are up for renewal.

- Claiming that if current WP Engine customers switch to a different host they "might get faster performance."

- Alleging that WP Engine is "misus[ing] the trademark" including by using "WP" in its name.

- Claiming that WP Engine's investor doesn't "give a dang" about Open Source ideals.

Mr. Mullenweg's statements during his keynote address at the WordCamp US Convention were demonstrably false and self-serving.  As just a few examples:

- Contrary to Mr. Mullenweg's statements that WP Engine does not contribute to his narrow and self-serving definition of the WordPress community, WP Engine has been deeply dedicated to advancing the use and adoption of WordPress through innovation, investment, and active community involvement.  WP Engine has contributed tens of millions of dollars in ongoing support for the broader community through events, sponsorships, and the development of educational resources, including sponsorship of WordCamps worldwide and producing DE{CODE}; educating and empowering the WordPress community through content like the WordPress Roundup and the Building WordPress series; hosting, funding and actively maintaining multiple Open Source projects (e.g., ACF, WPGraphQL, faust.js) within the ecosystem used by millions of websites around the world; and producing informative webinars, podcasts, and tutorials.  Even considering Mr. Mullenweg's incorrect statement that contribution is only based on hours worked and contributors to Five for the Future, Mr. Mullenweg falsely stated that WP Engine is failing on this metric.  In reality, WP Engine is ranked 30 out of 189 in hours contributed and 16 out of 189 in contributors, significantly outpacing multiple other contributors relative to our revenue.

- As for Mr. Mullenweg's claim that WP Engine is misusing the WordPress trademark, that too is false, and reflects a profound misunderstanding of both trademark law and WordPress Foundation's trademark policy.  First, WP Engine's use of "WP" is explicitly permitted by WordPress Foundation's trademark policy: "The abbreviation 'WP' is not covered by the WordPress trademarks and you are free to use it in any way you see fit."[2]  Moreover, WP Engine's use of the WordPress mark is entirely compliant with governing trademark law.   For more than a decade, WP Engine has fairly used that term to describe its services, as other members of the WordPress ecosystem do.

- Likewise, Mr. Mullenweg's speculation that WP Engine might retaliate against employees for supporting the WordPress ecosystem is not just false and wholly unsubstantiated – it is also absurd.

Not satisfied with the harm he inflicted at WordCamp, Mr. Mullenweg has continued his smear campaign since then.  For example, Mr. Mullenweg authored a post on Wordpress.org, the site of the non-profit WordPress Foundation, entitled "WP Engine is not WordPress."  The post falsely states, "What WP Engine gives you is not WordPress, it's something that they've chopped up, hacked, butchered to look like WordPress, but actually they're giving you a cheap knock-off and charging you more for it."  In truth, WP Engine's WordPress installations are identical to the WordPress.org ZIP file which defines WordPress. Disabling revisions is a built-in feature of WordPress and has been since before WP Engine was founded (a quick Google search returns about 140,000 articles discussing the practice).  Furthermore, this feature has been officially

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[2]   *See* https://wordpressfoundation.org/trademark-policy/.

documented by WordPress[3] and limiting revisions is also a feature touted by Automattic's own product, JetPack.[4]  Mr. Mullenweg then caused a post from his personal blog entitled "On WP Engine," containing these same false and disparaging statements, to be placed onto the WordPress admin dashboard, which is provided to every WordPress hosting provider, including WP Engine, and seen by those providers' customers.

Mr. Mullenweg also has continued to repeat his various false and defamatory statements about WP Engine on his X account and to encourage customers to switch away from WP Engine.  He has even disparagingly called WP Engine a "cancer" to WordPress – despite the countless contributions WP Engine has made to the WordPress community (as described above) and the obvious harm such aspersions inflict upon WP Engine's business reputation.  Mr. Mullenweg's self-declared "nuclear war" against WP Engine for daring not to capitulate to Automattic's extortionate monetary demands has continued up through this writing.

## III.   Automattic Must Cease and Desist.

Mr. Mullenweg's false, misleading, and disparaging statements are legally actionable.  They were made to key members of the WordPress and broader software and technology ecosystem, including WP Engine employees and customers at WordCamp US, and were livestreamed across the world via YouTube.  Among other things, Mr. Mullenweg's words and actions threaten to – and appear intended to – harm WP Engine's business and reputation within the WordPress community and beyond, and tortiously interfere with WP Engine's contractual relationships with its employees and customers.

Indeed, some WP Engine customers and community members have already expressed an intention to stop doing business with WP Engine due to Mr. Mullenweg's misconduct:



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[3]   "wp_revisions_to_keep()", WordPress Developer Resources, last accessed September 23, 2024, https://developer.wordpress.org/reference/functions/wp_revisions_to_keep/.
[4]    WordPress Revisions: How to Enable, Disable, Limit & Delete Them, JetPack.com, last accessed September 23, 2024, https://jetpack.com/blog/wordpress-revisions/.

From wordpress.org
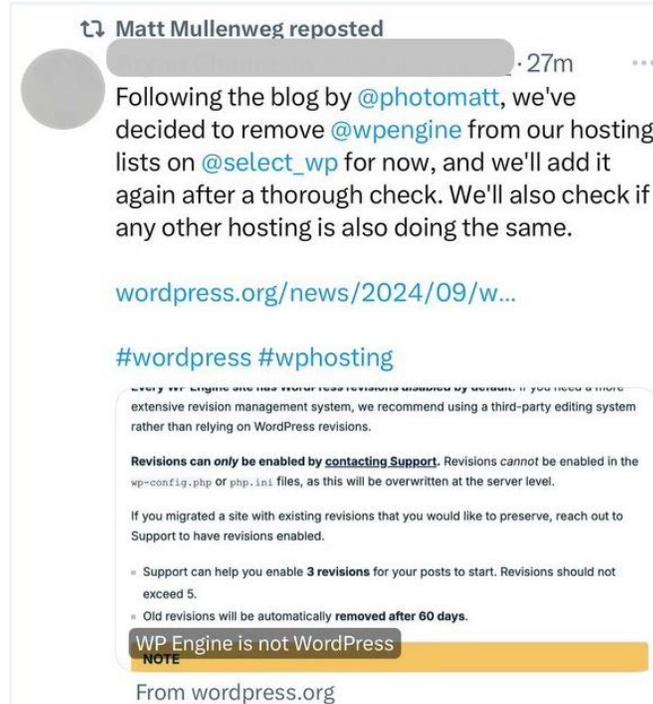
Mr. Mullenweg's statements also reflect a clear abuse of his conflicting roles as both (1) the Director of the non-profit WordPress Foundation, and (2) the CEO of at least two for-profit businesses that compete with WP Engine. From his sham assertion of trademark rights, to his market-wide disparagement, to disruption of known business relationships by either convincing or coercing WP Engine's customers from doing any further business with it, these acts reflect just a few examples of Mr. Mullenweg's unethical abuse of power. That Mr. Mullenweg quietly demanded tens of millions from WP Engine for his for-profit company while publicly claiming to be selflessly safeguarding the interests of the community is shameful.

WP Engine is fully prepared to take all necessary steps to protect its business, employees and customers, as well as the entire WordPress ecosystem, from the harm Automattic is attempting to inflict upon them. To that end, WP Engine here by demands that Automattic immediately take the following steps:

1. <u>Cease Making False Factual Statements Regarding WP Engine.</u>

Automattic and its CEO Matthew Mullenweg must immediately cease and desist from disparaging WP Engine and/or its investor by making false factual statements. This includes immediately taking down the false statements from the various channels on which Automattic has posted them, such as Wordpress.org and the WordPress admin dashboard, and from public channels such as YouTube and X.

2.     <u>Cease Interfering with WP Engine's Contractual Relationships With its Employees.</u>

Automattic and its CEO Matthew Mullenweg must immediately cease and desist from interfering with WP Engine's contractual relationships with its employees, including ceasing and desisting from providing false and misleading information to WP Engine's employees to encourage those employees to end their employment relationships with WP Engine.

3.     <u>Cease Interfering with WP Engine's Contractual Relationships With its Customers.</u>

Automattic and its CEO Matthew Mullenweg must immediately cease and desist from interfering with WP Engine's contractual relationships with its business partners and customers, including by ceasing and desisting from providing false and misleading information to customers in order to encourage customers to stop doing business with WP Engine.

4.     <u>Preserve All Potentially Relevant Documents and Data.</u>

Automattic and its CEO Matthew Mullenweg must immediately take all necessary steps to preserve, and not destroy, any and all documents or information in their possession, custody, or control that may be relevant to any dispute between WP Engine and Automattic, including, but not limited to correspondence (such as text messages, emails, chats, voicemails), memos, social media posts, blog posts, direct messages, PowerPoints (or other presentations), hardcopy materials or any other documents concerning:

- Mr. Mullenweg's conduct as described above, including, but not limited to, text messages, emails, chats, voicemails and all other documents and data, including through any and all ephemeral messaging channels that he may use;

- Automattic's interactions with or about WP Engine and its investor, including communications, documents related to contracts or agreements, or analyses that relate to Automattic's relationship with WP Engine;

- WordCamp US 2024 in Portland, Oregon, including Mr. Mullenweg's keynote presentation, all versions thereof, and all communications regarding the same;

- Any analyses, discussions, or assessments of WP Engine's business, its services, or its website;

- Any and all documents that relate to internal or external communications about WP Engine or its services, marketing materials, statements, or publications concerning WP Engine;

- Automattic's communications with third parties, including customers, partners, or other entities, about WP Engine or its service;

- Any analyses, discussions, or assessments of WP Engine's business, its services, or its website, including comparisons to Automattic or WordPress products and services;

- WP Engine's standing in the marketplace, including any strategies, initiatives, or discussions aimed at competing with WP Engine;

- Any potential or actual collaboration, partnerships, or competition between Automattic and WP Engine;

- Automattic's and WordPress Foundation's trademarks and trademark applications, including WORDPRESS and WOOCOMERCE, as well as any materials pertaining to the use, registration, or enforcement of those trademarks that may be relevant to this dispute;

- Any evidence of recent page changes to the Wordpress.com site, including any concerning revisions, including whether revisions are turned on by default;

- Automattic's current financial position and any recent plans for monetization in light of that position; and

- Any requests or demands by Automattic to other parties concerning purported licensing or partnership agreements.

The duty of preservation applies to Automattic, Wordpress.com, as well as WordPress Foundation which employs Automattic staff.

<div align="center">***</div>

WP Engine reserves all rights, including the right to pursue all available legal remedies to address the wrongful actions of Automattic.

Very truly yours,

Rachel Herrick Kassabian

cc:     Matt Mullenweg (via email)
        Mark Davies (via email)
        Legal Department (via email)
        Toni Schneider (via email)
        Phil Black (via FedEx)
        Ann Dunwoody (via FedEx)
        Sue Decker (via FedEx)

13245-00001/15247414.1

# EXHIBIT 31

X

🏠 Home

🔍 Explore

🔔 Notifications

✉️ Messages

Grok

Lists

🔖 Bookmarks

💼 Jobs

👥 Communities

✕ Premium

⚡ Verified Orgs

👤 Profile

⋯ More

**Post**

Clients are coming to us to say "What's the deal?" They're stuck in the middle of a stupid dispute that should have no bearing on their mission.

💬 4        🔁        ♡ 24        📊 1.7K        🔖 📤

Sep 26  ⋯
Do they use WPE and if not, where did they hear about the situation?

💬 1        🔁        ♡ 1        📊 1.5K        🔖 📤

· Sep 26  ⋯

WP Engine, they could do it to any other hosting provid

💬 1        🔁        ♡ 14        📊 646        🔖 📤

· Sep 26  ⋯
I was wondering how your clients who are with other hosts heard about it, as presumably they don't follow WordPress news sources.

💬 3        🔁        ♡ 2        📊 637        🔖 📤

⋯

There is a "WordPress Events & News" box on the dashboard of admin panel, which by default is visible on EVERY WordPress installation.
So... such posts like "WP Engine is banned from WordPress.org" has quite big reach...

**WordPress Events and News**        ⌃ ⌄ ▲

Enter your closest city to find nearby events.  📍 Select location

City: [ Cincinnati ]        [ Submit ]        Cancel

WP Engine is banned from WordPress.org

WP Engine is not WordPress

WordCamp Central: Quarterly WordPress Event Sponsorship Report, 2016-2024 Q3

Matt: WPE & Trademarks

WPTavern: WP Engine Banned from Using WordPress.org Resources

Meetups ☒  |  WordCamps ☒  |  News ☒

10:19 PM · Sep 26, 2024 · **115** Views

💬        🔁        ♡ 3        🔖        📤

👤  Post your reply                    **Reply**

🔍 Search

datacollection_ge   ⋯
@qe_datacollect

**Post**

# EXHIBIT 32

▲ stefanos82 5 days ago | prev | next [−]

The URL though says "advanced-custom-fields"; Matt...I can't find the words to comment; I just shake my head -_-

reply

    ▲ unsnap_biceps 5 days ago | parent | next [−]

If you look at the reviews, they took over the advanced-custom-fields plugin and modified the owner to be Wordpress.org and renamed it to Secure Custom Fields.

What a terrible look

They also modified it by ripping out the pro features, so if people update their ACF Plugin and they had pro features enabled, it'll just break their install

https://plugins.trac.wordpress.org/changeset/3167679/advance...

reply

        ▲ Scaevolus 5 days ago | root | parent | next [−]

So they forked some open source software and "hacked it up" to remove notices from the original creators? Fascinating.

reply

            ▲ cyral 5 days ago | root | parent | next [−]

Yup, removing post revisions which I think is single line change is hacking it up when WP Engine does it, but this is totally okay apparently.

reply

        ▲ joe_hills 5 days ago | root | parent | prev | next [−]

What a choice, and what poor timing.

Companies that make breaking changes on holiday weekends aren't going to earn much goodwill from developers.

reply

            ▲ photomatt 5 days ago | root | parent | next [−]

Nothing has broken. Perhaps WP Engine should have consider that before suing us.

reply

# EXHIBIT 33

We updated our clients with a brief explainer, and told them it was a volatile situation with uncertain implications. We also laid out some of the possible responses (ex: fork).

The problem with the WPBeginner article is that it ignores the unpredictability of what may happen next - which is the entire point. Their overriding business need to keep people interested in WP substitutes wishful thinking for objectivity.

For example: which free or premium plugin may be fucked with next?

Which host or dev outfit may be fucked with next?

What new destructive impulse might Mullenweg dream up?

This is what clients & the WP community at large are worried about.

NOBODY had this on their 2024 bingo card.

So confident assurances that it ain't no big thang may well backfire, make the person doing the reassuring look naive at best, and certainly aren't based on actual knowledge.

⬆ 33 ⬇   💬 Reply   ⚬ Award   ↗ Share   ⋯

➕ 10 more replies

# EXHIBIT 34

# MA.TT  UNLUCKY IN CARDS

# A New Home for the WordPress Trademark

© September 9, 2010   ▸ Automattic, Essays, Open Source, WordPress   ⬥ Trademark, WordPress Foundation

As I write this, I'm on my way to Seaside, Florida to see 60+ Automatticians at our yearly meetup. More than sixty… that number astounds me! Automattic has grown so far beyond what I originally imagined and every day I'm amazed by my colleagues and the things they create. Today we're growing in another way: **Automattic has transferred the WordPress trademark to the WordPress Foundation, the non-profit dedicated to promoting and ensuring access to WordPress and related open source projects in perpetuity.** This means that the most central piece of WordPress's identity, its name, is now fully independent from any company.

This is a really big deal.

I want to recognize and applaud the courage and foresight of Automattic's board, investors, and legal counsel who made this possible: Mike Hirshland, Phil Black, Tony Conrad, Toni Schneider, Gunderson Dettmer. I'd also like to thank Matt Bartus of Dorsey & Whitney for their counsel on the Foundation side. The WordPress brand has grown immeasurably in the past 5 years and it's not often you see a for-profit company donate one of their most valuable core assets and give up control. However, I know in my heart that this is the right thing for the entire WordPress community, and they followed me on that. It wasn't easy, but things worth doing seldom are.

When Automattic registered the WordPress trademark back in 2006, we were a small startup of a few people: a business founded largely to enable us to work on WordPress full-time instead of hacking around our day jobs. A lot has changed since then — somehow along the way we ended up with an audience of a quarter billion people — but a lot has stayed the same. We're still a group of people in love with WordPress and free/open source software and we're lucky to have figured out a way to contribute to the world and flourish as a business while doing it.

Automattic might not always be under my influence, so from the beginning I envisioned a structure where for-profit, non-profit, and not-just-for-profit could coexist and balance each other out. It's important for me to know that WordPress will be protected and that the brand will continue to be a beacon of

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WordPress will be protected and that the brand will continue to be a beacon of open source freedom regardless of whether any company is as benevolent as Automattic has been thus far. It's important to me to know that we've done the right thing. Hopefully, it's important to you, too, and you'll continue your support of WordPress, the WordPress Foundation, and Automattic's products and services. We couldn't do it without you!

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**Related Posts**

Response to DHH
I've taken this post down. I've been attacked so much the past few days; the most vicious, personal, hateful words poisoned my brain, and the

WPE & Trademarks
I've been writing and talking about WP Engine a lot in the last week, but I want to be crystal clear about the core issue at play. In short, WP

.Blog
It's now public that Automattic is the company behind Knock Knock Whois There LLC, the registry for the new .blog TLD. (And a great pun.) We wanted

# EXHIBIT 35

## NUNC PRO TUNC TRADEMARK ASSIGNMENT

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and subject to compliance with the terms and conditions of the Trademark Donation, License and Security Agreement entered into between them, of even date herewith, Automattic Inc., a Delaware Corporation having a place of business at 570 El Camino Real #150-454, Redwood City, California ("Assignor"), has assigned, set over, and transferred, *nunc pro tunc* as of June 7, 2010, to WordPress Foundation, a California entity, having a place of business at 300 Brannan St. #239 San Francisco, California ("Assignee"), all of its rights, title, and interest in and to the trademarks and applications and registrations thereof identified in Exhibit A attached hereto (the "Trademarks"), together with the goodwill of the business symbolized thereby.

**Automattic, Inc.**

Signed: *Toni ferns*

Printed Name: *Toni Schneider*

Title: *CEO*

STATE OF *California*

COUNTY OF *San Francisco*   }   SS:

Acknowledged before me, a Notary Public, within and for said County and State. Witness my hand and Notarial Seal this *17* day of *June*, 2010.

*Diane Polyakov*
Notary Public

*Diana Polyakov*
Printed Name

My Commission Expires: *Sept 30, 2011*

Resident of *San Mateo* County

State of California County of *San Francisco*
Subscribed and sworn to (or affirmed) before me on
this *17* day of *June*, 20*10*, by: *Toni Schneider*
proved to me on the basis of satisfactory evidence to be
the person(s) who appeared before me.
Signature *Diane Polyakov*

DIANA POLYAKOV
COMM. #1770061
Notary Public - California
San Francisco County
My Comm. Expires Sep 30, 2011

**TRADEMARK
REEL: 004233 FRAME: 0700**

SCHEDULE A-1
TO TRADEMARK ASSIGNMENT

U.S. FEDERAL TRADEMARK REGISTRATIONS

| MARK | APP. NO. | FILE DATE | REG. NO. | GRANTED |
|---|---|---|---|---|
| W WORDPRESS and Design | 78/826938 | March 1, 2006 | 3201428 | January 23, 2007 |
| WORDPRESS | 78/826734 | March 1, 2006 | 3201424 | January 23, 2007 |

# EXHIBIT 36

# TRADEMARK LICENSE

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, effective June 7, 2010, WordPress Foundation, a California nonprofit public benefit corporation, having a place of business at 200 Brannan St. #511, San Francisco, California ("Licensor"), hereby grants to Automattic Inc., a Delaware Corporation having a place of business at 570 El Camino Real #150-454, Redwood City, California ("Licensee"), an exclusive, fully-paid, royalty-free, perpetual, irrevocable, worldwide, sublicensable right and license to use and otherwise exploit the trademarks identified in Exhibit A attached hereto, and any and all related or similar names, marks, designs, domain names, and other rights (excluding www.wordpress.org, www.wordcamp.org and www.wordpressfoundation.org), along with all associated applications, registration and goodwill (the "Trademarks"), in connection with the hosting of blogs and web sites that utilize any version or component of the WordPress open source publishing platform product or open source successor of any of the foregoing on or in connection with www.wordpress.com and www.wordpress.tv (each and collectively, together with any subdomains of any of the foregoing, "Automattic Sites"), providing support for the Automattic Sites, and/or substantially similar uses in connection with the Automattic Sites. This license is subject in all respects to that certain Trademark Donation, License and Security Agreement, by and between Licensor and Licensee, effective as of June 7, 2010.

Licensor agrees to execute and deliver at the request of the Licensee, all papers, instruments, and assignments, and to perform any other reasonable acts the Licensee may require in order to record Licensee's rights in and to the Trademarks in the relevant governmental offices and/or to provide evidence to support any of the foregoing in the event such evidence is deemed necessary by the Licensee, to the extent such evidence is in the possession or control of Licensor.

**WordPress Foundation**

Signed: _Matt Mullenweg_
DocuSigned By: Matt Mullenweg
E7EE06B1978B41F...

Printed Name: Matt Mullenweg

Title: _____

**Automattic Inc.**

Signed: _Toni Schneider_
DocuSigned By: Toni Schneider
CF86AF660586422...

Printed Name: Toni Schneider

Title: CEO

4820-9104-7686\1

**TRADEMARK
REEL: 004233 FRAME: 0810**

# Schedule A

| Trademark | Jurisdiction | App. No. | Reg. No. |
|---|---|---|---|
| WORDPRESS | Canada | 1315055 | 698039 |
| WORDPRESS | China (People's Republic) | 5579753 | 5579753 |
| WORDPRESS | European Community | 5101068 | 5101068 |
| WORDPRESS | Japan | 2006-80948 | 5049965 |
| WORDPRESS | Korea, Republic of | 2006-3207 | 45-0019817 |
|  W WORDPRESS and Design | United States of America | 78/826938 | 3201428 |
| WORDPRESS | United States of America | 78/826734 | 3201424 |