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Attorneys for Defendants
Matthew Katzer and Kamind Associates, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ROBERT JACOBSEN, an individual,

Plaintiff,

vs.

MATTHEW KATZER, an individual, and
KAMIND ASSOCIATES, INC., an Oregon
corporation dba KAM Industries,

Defendants.

Case Number C06-1905-JSW

Place: Ct. 2, Floor 17

Hon. Jeffrey S. White

**DECLARATION OF R. SCOTT
JERGER IN SUPPORT OF
DEFENDANTS' MEMORANDUM
IN OPPOSITION TO PLAINTIFF'S
MOTION FOR EARLY
DISCOVERY**

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I, R. Scott Jerger, declare:

1. I, R. Scott Jerger, am over the age of 18 and am competent to testify and make these averments from my own knowledge and observations. I hereby state as follows:

2. I am the attorney for Matt Katzer and KAMIND Associates, Inc.

3. Attached as Exhibit A to this Declaration is a true copy of an email correspondence dated February 25, 2008 between myself and counsel for Plaintiff, Victoria K. Hall.

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

Executed on February 27, 2008, at Portland, Oregon, U.S.A.

/s/ R. Scott Jerger
R. Scott Jerger

EXHIBIT A

Scott Jerger

From: Scott Jerger
Sent: Monday, February 25, 2008 12:04 PM
To: 'victoria@vkhall-law.com'
Subject: RE: Early discovery re motion to dismiss for lack of subject matter jurisdiction

Dear Victoria:

1. We have not received anything from the patent office regarding the '329 patent. The Disclaimer for the '329 patent was approved on February 21, 2008. You may confirm this via the USPTO website. In addition to disclaiming the '329 patent, to the extent it is necessary, my clients covenant not to sue Mr. Jacobsen for past, present and future violations of the '329 patent.
2. The FOIA request refers only to the '329 patent.

As it is clearly irrelevant to this lawsuit, you may represent that my clients oppose any motion for "early discovery" on these issues should you chose to file such a motion.

Scott

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From: victoria@vkhall-law.com [mailto:victoria@vkhall-law.com]
Sent: Monday, February 25, 2008 5:31 AM
To: Scott Jerger
Subject: Early discovery re motion to dismiss for lack of subject matter jurisdiction

Scott,

We need the following information from you in order to determine if we will oppose your motion to dismiss for lack of subject matter jurisdiction.

1. The disclaimer, endorsed as received by the PTO
2. The identity of the Katzer patents which, according to the FOIA request, Bob allegedly infringed. The FOIA request is attached for your reference. See page 1.

Later today, I will move for early discovery on these if we are unable to obtain them from you. Please let me know your position on this motion.

Regards,

Victoria

2/26/2008