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16 Matthew Katzer and Kamind Associates, Inc.

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

20 ROBERT JACOBSEN, an individual,	)	Case Number C06-1905-JSW-JL
	)	
21 Plaintiff,	)	Hearing Date: August 26, 2009
	)	Hearing Time: 9:00am
	)	Place: Ct. F, Floor 15
22 vs.	)	
	)	Hon. Judge Larson
23 MATTHEW KATZER, an individual, and	)	
24 KAMIND ASSOCIATES, INC., an Oregon	)	<b>DEFENDANTS MATTHEW</b>
25 corporation dba KAM Industries,	)	<b>KATZER AND KAMIND</b>
	)	<b>ASSOCIATES, INC.'S</b>
26 Defendants.	)	<b>MEMORANDUM IN RESPONSE</b>
	)	<b>TO PLAINTIFF'S LETTER OF</b>
	)	<b>REQUEST</b>

27 Defendants Matthew Katzer and Kamind Associates, Inc. (Katzer) hereby respond to  
28 Plaintiff's Letter of Request.

29 ///

30 Case Number C 06 1905 JSW  
31 Defendants' Response to Plaintiff's Letter of Request

1           Katzer does not object to this Court sending a Letter of Request for the testimony of  
2 Robert Bouwens. However, Katzer files this response to address and object to specific factual  
3 mis-characterizations and argument contained in Plaintiff’s Letter of Request. Specifically,  
4 Katzer responds to the following sections:

5  
6 **7.b.: Summary of Complaint:** This case does not involve any patent issues. All patent claims  
7 were dismissed with prejudice in this Court’s Order dated January 9, 2009. [Dkt.# 284].  
8 Therefore, Katzer objects to the characterization of the complaint as involving patent declaratory  
9 actions.

10  
11 **7.c.: Summary of Defence and Counterclaim:** Again, Katzer objects to the discussion of  
12 patent issues, which are not relevant to this case. Additionally, Katzer objects to factual mis-  
13 characterizations of the record in this case. Katzer has never admitted (and does not admit to)  
14 “copying, modifying and distributing Jacobsen’s copyrighted works...”. In his answer, Katzer  
15 specifically denies that Jacobsen is the owner of any copyrighted works (which to date, Jacobsen  
16 has yet to identify, with the exception of the QSI decoder definition file). See [Dkt.#290] at ¶¶  
17 80, 88. Katzer also objects to the unfounded assertion that Katzer “blames” Bouwens for  
18 anything and also to the characterization of Katzer’s copyrighted works as an “instruction  
19 manual.”  
20

21           Defendants believe that this motion for a letter of request can be decided on the written  
22 submissions and therefore a hearing is unnecessary. Should the scheduled hearing proceed in  
23 this matter, Defendants’ counsel respectfully requests to participate via telecommunication.  
24  
25  
26

