Appendix A

LAW OFFICES

CHERNOFF, VILHAUER, McCLUNG & STENZEL, LLP

INTELLECTUAL PROPERTY LAW
INCLUDING PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION MATTERS

1600 ODS TOWER
601 S.W. SECOND AVENUE
PORTLAND, OREGON 97204-3157
TELEPHONE: 503-227-5631
FAX: 503-228-4373

* JACOB E. VILHAUER, JR.
* DENNIS E. STENZEL
* CHARLES D. McCLUNG
* DONALD B. HASLETT
* J. PETER STAPLES
* WILLIAM O. GENY
* NANCY J. MORIARTY
* KEVIN L. RUSSELL

DANIEL P. CHERNOFF
(1935-1995)

* TIM A. LONG
* KURT ROHLFS
* BRENNA K. LEGAARD
* SUSAN D. PITCHFORD
* J. DOUGLAS WELLS
  HOLLY L. BONAR

* REGISTERED PATENT ATTORNEY

DAVID S. FINE
SENIOR LAW CLERK

October 27, 2005

NOV 0 8 2005 0 ∮

FOIA Officer
Office of Science
US. Department of Energy
1000 Independence Avenue, SW
Washington, DC 20585

> Re: Freedom of Information Act Request for all Documents
> Related to Patent Infringement, Status, Funding, Distribution
> of Contributions and Management Practices Associated with the
> JMRI Project by Berkley Labs.
> Our File No.: 7431.0081

Dear FOIA Officer:

This request for documents is made pursuant to the Freedom of Information Act, 5 U.S.C. §§ 552 *et seq.* This request is made on behalf of KAMIND Associates, Inc. ("KAM") and relates to information gathered by the Physics Division Berkley Livermore Labs (LAB) regarding their duties for JMRI project. KAMIND Associates, Inc. is a small software vendor that has patents being infringed by the JMRI project sponsored by the LAB.

Please consider documents to include all writings, memoranda, letters, notes, working papers, minutes of meetings, photocopies, data, graphs, charts, photographs, inspection reports, compliance reports, records, e-mails (sent, received or drafts), digitized voice communications and any other format of information regarding the JMRI program project (hereafter referred to as COMMUNCIATIONS).

Request: agreed to pay up to $5000 ⁰⁰ by voicemail on 11/8. Please notify if it will exceed. A on F2005-00685

on the Yahoo Groups: JMRI USERS. [Exhibit 8, 9]

13.   All COMMUNCIATIONS and logs from Skype ID: JacobsenRG related to JMRI activities.

14.   Copies (and all drafts) of the welcome letter from the LAB by Bob Jacobson to

FOIA Officer
Office of Science
U.S. Department of Energy
October 27, 2005
Page 3

17.   All COMMUNICATIONS between the following Allen Bryne, Ralph Kimball, Michael Woodman, Graham Plowman, and Jerry Britton. **[Exhibit 10, 11, 12]**

18.   All COMMUNICATIONS about JMRI Royalty payment of $203,000 for KAM Train Server licenses. **[Exhibit 13]**

Sincerely,

Kevin L. Russell

KLR:kk
Enclosures

cc: KAMIND Associates, Inc.
       (w/enclosures)

FOIA Officer
Office of Science
U.S. Department of Energy
October 27, 2005
Page 2

Specifically, KAM requests:

1. Funding information from the Department of Energy for the JMRI program at the LAB.
2. All COMMUNCIATIONS about the JMRI program and proceedings from Robert Jacobsen (LBNL, 1 Cyclotron Rd, MS 50A2160, Berkley Ca, 94720 email address Bob_Jacocobsen@lbl.gov). **[Exhibit 1, 2, 3]**
3. Complete financial records and all COMMUNICATIONS from contributions (PAYPAL) to support the JMRI program. **[Exhibit 4, 5]**
4. Complete financial records verifying that the funds received for Government project JMRI were deposited in US Treasury.
5. Transcripts of communications (COMMUNCIATIONS) to any JMRI team members regarding KAM. **[Exhibit 6]**
6. All COMMUNCIATIONS regarding patent investigation of KAM. **[Exhibit 6]**
7. All draft COMMUNCIATIONS to any member of the JMRI development community. There are 18 members as of 10/24,2005. **[Exhibit 2]**
8. All COMMUNCIATIONS to any member of the JMRI_STRATEGY group. **[Exhibit 7]**
9. All COMMUNCIATIONS regarding legal opinion on Department of Energy personal at any locations regarding the JMRI activities.
10. All COMMUNCIATIONS from email archives (2000 to present) to any member on the Yahoo Groups: JMRI DEVELOPERS. **[Exhibit 2]**
11. All COMMUNCIATIONS from email archives (2000 to present) to any member on the Yahoo Groups: JMRI STRATEGY. **[Exhibit 7]**
12. All COMMUNCIATIONS from email archives (2000 to present) to any member on the Yahoo Groups: JMRI USERS. **[Exhibit 8, 9]**
13. All COMMUNCIATIONS and logs from Skype ID: JacobsenRG related to JMRI activities.
14. Copies (and all drafts) of the welcome letter from the LAB by Bob Jacobson to JMRI members posted on Yahoo groups and or source forge.
15. All information related to the KAM legal action in federal court.
16. All travel activities that relate to the JMRI activities during July 2001, 2002, 2003 and 2004 period.

Yahoo! Groups : jmriusers Messages : Message 1 of 13845

Page 1 of 2

Exhibit 1

Yahoo! My Yahoo! Mail

YAHOO! GROUPS

Sign In
New User? Sign Up

Search [   ] Search

Groups Home - Help

---

jmriusers · JMRI users

Home	**Messages**
Messages	

Members Only
Post
Files
Photos
Links
Database
Polls
Members
Calendar
Promote

Already a member?
Sign in to Yahoo!

Yahoo! Groups Tips

Did you know...
You can search the group
for older messages.

Yahoo! 360°

Keep connected to
your friends and
family through blogs,
photos and more.
Create your own
360° page now.

Messages   Messages Help

Message # [   ] Go   Search: [   ] Go

Up Thread | Message Index | View Source | **Message 1** of 13845 < Previous Message |
Unwrap Lines   Next Message >

[Reply] [Forward]

From: Bob Jacobsen <Bob_Jacobsen@...>   Bob_Jacobsen15
Date: Mon Apr 15, 2002 5:15 am   ☺ Offline
Subject: Welcome to the JMRI Users group   ✉ Send Email

Welcome to the JMRI user's discussion group. This the
place to ask
questions, make suggestions, complain and complement.

There's more information available on the main JMRI web
page:

http://jmri.sf.net

and the main page for DecoderPro:

http://jmri.sf.net/DecoderPro

Decoder Pro is a program to make it easier to program
DCC decoders.
--

Bob Jacobsen (Bob_Jacobsen@..., 510-486-7355, fax 510-
495-2957)

[Reply] [Forward]

Up Thread | Message Index | View Source | **Message 1** of 13845 < Previous Message |
Unwrap Lines   Next Message >

Message # [   ] Go   Search: [   ] Go

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This Project ▼

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and Kin!

ThinkGeek

Most Active

1 Azureus - BitTorrent
Client
2 Gaim
3 7-Zip
4 phpMyAdmin

Project: JMRI Model Railroad Interface: Summary

Summary | Admin | Home Page | Forums | Tracker | Bugs | Support | Patches | RFE | Lists | Tasks | Docs | Screenshots | News | CVS | Files | Donations |

Java interfaces and sample implementations for controlling a model railroad layout from a personal computer. JMRI is intended as a jumping-off point for hobbyists to build their own layout controls. Includes the DecoderPro and PanelPro applications.

- Development Status: 5 - Production/Stable
- Intended Audience: Developers, End Users/Desktop
- License: Artistic License
- Operating System: OS Independent (Written in an interpreted language)
- Programming Language: Java
- Topic: Games/Entertainment
- Translations: English, French, German
- User Interface: Cocoa (MacOS X), Win32 (MS Windows), X Window System (X11), Web-based

Developer Info

Project Admins:
jacobsen

Developers: 18
[View Members]

Donate to JMRI Model Railroad Interface
Latest supporters:
Anonymous donor
(s) (View All)

Project UNIX name: jmri
Registered: 2001-05-06 22:18
Activity Percentile (last week): 99.63
View project activity statistics
View list of RSS feeds available for this project

Exhibit 2 Page 2 of 3

5 Ares Galaxy
6 Compiere ERP + CRM
Business Solution
7 FCKeditor
8 ABC [Yet Another
Bittorrent Client]
9 Asterisk@Home
10 FileZilla

Need support? See the support
instructions provided by this project

More Activity>>

Top Downloads

1 Azureus - BitTorrent
Client
2 eMule
3 Ares Galaxy
4 BitTorrent
5 Shareaza
6 DC++
7 GTK+ and The GIMP
installers for Windows
8 Audacity
9 eMule Plus
10 NASA World Wind

More Statistics>>

Network Access
☒ Message: The
page cannot
be displayed

Explanation: There is a
and it cannot be displayed.

Try the following:

- **Refresh page:** See
button. The timeout
- **Check spelling:** Ch

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Sponsored Content

ITA SM a complete
email security Solution

Simple Web
Conferencing Try It

Latest File Releases

Package	Version	Date	Notes / Monitor	Download
production files	Bug fix JMRI version 1.6.1 for Windows	August 14, 2005	🗐 - 📨	Download
source tree	1.2.4 source code	August 16, 2003	🗐 - 📨	Download
support files	Java comm installer (4) for MacOS 10.2 and above	September 25, 2004	🗐 - 📨	Download
test files	JMRI 1.7.2 test version for Windows	August 2, 2005	🗐 - 📨	Download

[View ALL Project Files]

Latest News

JMRI 1.7.2 test version is available
  jacobsen - 2005-08-02 22:22
    [Read More/Comment]

JMRI production version 1.6 is available
  jacobsen - 2005-06-20 05:34
    [Read More/Comment]

JMRI 1.7.1 test release is available
  jacobsen - 2005-06-18 10:17
    [Read More/Comment]

JMRI test version 1.5.7 is available
  jacobsen - 2005-06-05 09:47

Project Home Page

Supporters of this
project/Make a donation

Tracker

- Bugs (**15 open / 135 total**)
Bug Tracking System

- Support Requests (**0 open / 4 total**)
Tech Support Tracking System

- Patches (**3 open / 55 total**)
Patch Tracking System

- Feature Requests (**88 open / 178 total**)

Exhibit 2 Page 3 of 3

Free

6.0/768. $99.95/mo.
Speed is good

Feature Request
Tracking System

Public Forums (**4**
messages in **3** forums)

DocManager: Project
Documentation

Mailing Lists (**4 total**)

Screenshots

Task Manager
 - Documentation
 - Releases

CVS Repository (**4,316**
commits, **1,481** adds)
 - Browse CVS

[Read More/Comment]

**JMRI test version 1.5.6 has
been released**
 *jacobsen - 2005-01-02
16:08*
  [Read More/Comment]

**JMRI/DecoderPro
production version 1.4 is
available**
 *jacobsen - 2004-04-09
01:44*
  [Read More/Comment]

**JMRI/DecoderPro test
version 1.3.11 is available**
 *jacobsen - 2004-03-26
11:09*
  [Read More/Comment]

**JMRI/DecoderPro test
version 1.3.8 available**
 *jacobsen - 2003-12-30
12:44*
  [Read More/Comment]

**DecoderPro new production
version 1.2.5**
 *jacobsen - 2003-08-24
08:30*
  [Read More/Comment]

**JMRI/DecoderPro test
version 1.2.2 is available**
 *jacobsen - 2003-08-05
18:35*
  [Read More/Comment]
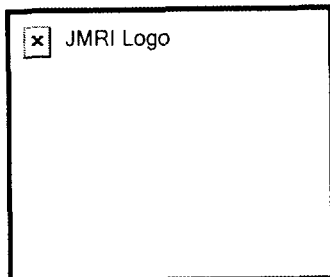
[News archive]
[Submit News]

Skip to main content

[x] JMRI Logo

- Download
- Applications
- Hardware
- Manual
- Developers
- Acknowledgements

search JMRI: | | **go**|

Release Notes for JMRI 1.1.14 test release

Date: May 31, 2003

From: Bob Jacobsen (Bob_Jacobsen at lbl.gov, 510-486-7355, fax 510-495-2957)

Subject: JMRI/DecoderPro test version 1.1.14 is now available

Notes:

- I strongly recommend that you save copies of your decoder CV values before experimenting with that last item. You should also read the following writeups:
  - http://www.digitrax.com/LOCK.htm
  - http://groups.yahoo.com/group/jmriusers/message/2219
- I'd like to get a discussion going on how we can include this feature in the normal operation of DecoderPro itself. The current tool takes too much attention to detail to use.
- I'd also like to know whether the printing works on Linux machines. Could somebody try it and let me know? Thanks.

Changes suncew 1.1.13:

- Speedometer will now accept distances with and without decimal points
- Fix Digitrax 1x3 default values for BEMF CVs (thanks to Bob Blackwell)
- SlotMonitor now has option to show/not show system slots 0, 120-127. By default, these are not shown.
- NCE N12 series decoder definitions (thanks to Jim Scorse)
- Automation classes got an update to include handling of yellow signals

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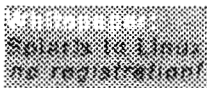| This Project ▾ |

| Search |

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· Project Help Wanted
· New Releases
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· **Get Support**

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Made Easy
TRY IT FREE

Think

Most Active

1 Azureus - BitTorrent Client
2 Gaim
3 phpMyAdmin
4 7-Zip

Please note: If you want your donation to be credited to your SourceForge.net user account (so your name will appear on the supporters page and your user account will have the donor icon), you must login to SourceForge.net before making your donation. (You need not login if you want your donation to be anonymous.)

Click on one of the PayPal buttons below to donate money to JMRI Model Railroad Interface.

| PayPal DONATE | PayPal DONATE | PayPal DONATE | PayPal DONATE | PayPal DONATE | PayPal DONATE |

Donate $5   Donate $10   Donate $20   Donate $50   Donate $100   Donate $250

Information provided (by this user or project's admin) about donations:

> **Donations go to defray the costs of the JMRI project. Our current priority is to pay the filing fees for trademark and copyright protection. We need this to help ensure that JMRI & DecoderPro continue to be freely available. In the past, we've spent money on a better serial library (to reduce the number of problems with old Windows computers), better installer tools, and sending CDs to manufacturers for testing. Every bit helps!**

Instructions and Frequently Asked Questions

This page includes information about how donations may be made, how the donated money will be used, and information about the public recognition you will receive (unless you opt-out) after making a donation. We appreciate your interest in contributing to JMRI Model Railroad Interface (jmri) and want to make this experience one that you will feel good about. Please read the entirety of this page.

Table of Contents

- Why should I donate money to JMRI Model Railroad Interface (jmri)? How will my donation be used?
- How do I donate money to JMRI Model Railroad Interface (jmri)?

Exhibit 5

Case 3:06-cv-01905-JSW   Document 120   Filed 10/30/2006   Page 11 of 19

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Most Active

Summary | Admin | Home Page | Forums | Tracker | Bugs | Support | Patches | RFE | Lists | Tasks | Docs | Screenshots | News | CVS | Files | Donations |

JMRI Model Railroad Interface (jmri) Supporters

Information provided (by this user or project's admin) about donations:

> **Donations go to defray the costs of the JMRI project. Our current priority is to pay the filing fees for trademark and copyright protection. We need this to help ensure that JMRI & DecoderPro continue to be freely available. In the past, we've spent money on a better serial library (to reduce the number of problems with old Windows computers), better installer tools, and sending CDs to manufacturers for testing. Every bit helps!**

Donate to JMRI Model Railroad Interface (jmri)

The following users have made contributions to JMRI Model Railroad Interface (jmri):

October 2004, week 3: n3ix , crosland , rcblackwell , pdimond , markysparky628 , cardcd , acsxfan1 , djduchamp , plocher

June 2005, week 2: gordonmoore

Comments Submitted By Contributors:

Username	Quotation
nobody	Thanks for a great program.
nobody	Great Job, Any pointrs to getting this working on Linux ?

From: Bob Jacobsen [Bob_Jacobsen@lbl.gov]
Sent: Sunday, February 08, 2004 8:42 AM
To: jmriusers@yahoogroups.com
Subject: RE: [jmriusers] marketing DecoderPro

At 3:26 PM -0800 2/6/04, kam_jmri wrote:
>Paul also needs to add that if you distribute or resell open source
>product, you need to get license for IP if the product infringes any
>patents.

...

>Because open source license only covers copyright and the IP of the
>contributor who contributes to the open source.
>
>That is why most oem's who sell linux, usually license the linux
>version from ibm, (or HP/redhat etc), and mark up the price as
>"support", even though they pull the code from the net. Decoder
>pro/jmri come will come into the same camp.
>
>So there are really two parts to the "open source" distribution issue.
>Getting it free on the net is one thing; selling it in the market is a
>totally different beast. Free on the net usually means that the
>copyright is clean (you hope; look at the SCO lawsuit). Free on the
>net, does not mean that the IP is free.

There are several issues confused here: patent vs copyright vs trade secrets, and personal
vs corporate liability.

Bottom line: Open-source software is on firm legal grounds. JMRI is neither the first
such project, nor the largest, and there is experience with how open-source software
ownership issues play out in the courts. We're OK.

Details: First, let me address patent vs copyright vs trade secrets for the project as a
whole.

JMRI has _no_ copyright issues so long as somebody is using it consistent with its own
license. The authors of the various parts retain copyright in the parts they have written
(see copyright notices in files, but note that under the Berne convention those are not
even necessary). By contributing them, they have agreed to redistribution under the terms
of the license we use, which has been examined pretty closely by competent attorneys.

JMRI contains _no_ trade secrets, by definition. All of the contributed documents are
owned by the contributors, who have agreed to publication of them.

JMRI code may conflict with patent rights owned by others. Should that happen, and a
successful suit be brought, it will be necessary to remove the conflicting code. However,
under U.S. patent law, as the project has received no direct economic benefit from the
malappropriation of the patent, the damages are strictly limited. If we stop our own
distribution promptly upon notification, a judgement against us couldn't be for much more
than legal costs. And it's not at all clear who among the contributors to the project
could even be served with a suit.

Note that JMRI does contain certain parts that are treated specially.
There's code in there that was copied from a book, but the book explicitly allowed that so
long as proper credit was given. There's code that is licensed for use _only_ within
JMRI, not as a general algorithm. And there are documents that have been created from
information that's under NDA, but has been approved for this use.

The actions of individual contributors are another matter. If somebody contributes code
to JMRI that is _not_ theirs to contribute, e.g. is in violation of a non-disclosure
agreement (NDA) they signed, is copyright by somebody else without license, or contains

1

trade-secrets that they obtained inappropriately, that individual may well be liable. But so long as we pull the offending code or document immediately upon notification (which we definitely would!!), the legal precedents are clear.

Of course, defending against a suit could be costly, even if the suit is without grounds. But so long as we're reasonable citizens about this it's unlikely that anybody would find it worthwhile to sue.

Bob

--

Bob Jacobsen (Bob_Jacobsen@lbl.gov, 510-486-7355, fax 510-495-2957)

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http://us.click.yahoo.com/mOAaAA/3exGAA/qnsNAA/YSTolB/TM
--~->

Yahoo! Groups Links

<*> To visit your group on the web, go to:
    http://groups.yahoo.com/group/jmriusers/

<*> To unsubscribe from this group, send an email to:
    jmriusers-unsubscribe@yahoogroups.com

<*> Your use of Yahoo! Groups is subject to:
    http://docs.yahoo.com/info/terms/

Exhibit 6 page 2 of 2

2

Yahoo! My Yahoo! Mail   Make Yahoo! your home page

Search [   ]   [Search]
the Web

YAHOO! GROUPS

Sign In
New User? Sign Up

Groups Home - Help

jmri_strategy · JMRI Strategy

Home

Home

Members Only
Messages
Post
Files
Photos
Links
Database
Polls
Members
Calendar

| **Info** | Settings |

Group Information

Members: 25

Category: Trains and Railroads

Founded: Oct 16, 2004

Language: English

Already a member? Sign in to Yahoo!

Activity within 7 days: **1** New Message

Description

Securing and defending the JMRI trademarks.

$$ **CLICK HERE** $$
Help support the JMRI project Trademark Fund!

Message History

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2005	1			3					1	1		
2004										58	3	

Group Email Addresses

Related Link: http://groups.yahoo.com/group/jmriusers
Post message: jmri_strategy@yahoogroups.com
Subscribe: jmri_strategy-subscribe@yahoogroups.com
Unsubscribe: jmri_strategy-unsubscribe@yahoogroups.com
List owner: jmri_strategy-owner@yahoogroups.com

Yahoo! 360°

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Yahoo! Groups : jmriusers Members : 11 - 20 of 26

Page 1 of 3

Search
the Web

Search

YAHOO! GI

Groups Home - Help

Exhibit 8

kam_jmri · kam_jmri@kamind.com | Group Member - Edit Membership

Start a Group | My Groups

jmriusers · JMRI users

Home	**Members**
Messages	
Post	
Files	
Photos	
Links	
Database	
Polls	
Members	
Calendar	
Promote	

Members Help

Members | Moderators | Bouncing

Search Members: bob   Go

View: Simple | Expanded

11 - 20 of 26 First | < Previous | Next > | Last

Member	Yahoo! ID 🔼	Email Delivery	Joined

bobwclay
😕 Offline
✉ Send Message
 	
  -name- -age- Male
  -location-
	bobwclay	bob.clay@...	Aug 16, 2005

🐦 **Bob_Jacobsen15**
😕 Offline
✉ Send Message
 	
  Bob Jacobsen -age- Male
  Berkeley, CA
	Bob_Jacobsen15	Bob_Jacobsen@...	Apr 13, 2002

bob_marton
😕 Offline
✉ Send Message
 	
  Bob Marton · 45 · Male
  Fremont, California
	bob_marton	bmarton@...	Nov 23, 2002

bob_n_milford 😕 Offline	bob_n_milford	bob_n_milford@...	Apr 24, 2005

Yahoo! Groups Tips

Did you know...
You can create a contact list for your group members?

Yahoo! 360°

Keep connected to your friends and family through blogs, photos and more. Create your own

From: Bob Jacobsen [Bob_Jacobsen@lbl.gov]
Sent: Wednesday, April 14, 2004 6:50 AM
To: jmriusers@yahoogroups.com
Subject: RE: [jmriusers] Re: Loconet Server question

At 11:43 PM -0700 4/13/04, kam_jmri wrote:
>[MAK] >Are you making the XML schema freely available for any use and
>unencumbered by licensing/patents or does it's use require a license?
>
>[MAK] KAM Protocol specs are always open, the spec is more open then
>the jmri open agreement that everyone is using. We don't restrict
>commercialization of the spec, nor use or derivative works.   We tend to
>"control the spec" from a point of maintenance. In the past 10 years,
>we have never denied any changes to our api or xml specs.

I don't agree with Matt's characterization of the MIT "Artistic License" used by JMRI.

        "Everyone is entitled to his own opinion, but not his own facts."
                  - Sen. Daniel Patrick Moynihan

The JMRI license permits commercial use; at least two commerical products are already
using it. It doesn't permit non-attributed use, commercial or otherwise, so if you create
a derivative work that uses part or all of JMRI, it has to acknowledge that. But once
you've done that, there's no restriction on use or derivative works, nor on
commercialization.

I'm sure people will make their own decisions as to which approach is less restrictive.

Bob
--

Bob_Jacobsen@lbl.gov, +1-510-486-7355, fax +1-510-643-8497, AIM JacobsenRG

Yahoo! Groups Links

<*> To visit your group on the web, go to:
     http://groups.yahoo.com/group/jmriusers/

<*> To unsubscribe from this group, send an email to:
     jmriusers-unsubscribe@yahoogroups.com

<*> Your use of Yahoo! Groups is subject to:
     http://docs.yahoo.com/info/terms/

Exhibit 11

From: Ralph Kimball [ralphkimball@charter.net]
Sent: Thursday, October 20, 2005 5:53 PM
To: sales
Subject: JMRI

Good Evening:

I think I am correct in understanding that you are sueing JMRI for patent infringement. You certainly are entitled to sue whomever you wish. As a model railroading consumer, I think these types of lawsuits are detrimental to our hobby, nobody wins and the consumer is the biggest loser. The only winners are the attorneys.

Until the lawsuit is dropped I will no longer consider KAM products. I expressed the same opinion to MTH when they entered into their lawsuit against Lionel.

This hobby is growing by leaps and bounds and there is room for everyone. A rising tide floats all boats.

Regards,

Ralph

Ralph A. Kimball, Jr.
55 Maple Street
Paxton, MA 01612
508-755-1873
ralphkimball@charter.net

10/24/2005

Exhibit 12

From: Woodman [woodman@west.net]
Sent: Saturday, October 22, 2005 8:25 PM
To: sales; support
Subject: Re: Patent Dispute

Gentlemen:

Be advised that, from this date, I will not be buying any product manufactured by KAM Industries, any subsidiary or partner. Likewise, I will be informing of the dispute regarding putative patents owned by KAM Industries the following: Members of the three model railroad clubs to which I belong, the 30+ railroading mail lists I participate in and the several prototype and modeling organizations I have membership in. I will inform them of my decision and the reasons I am making the decision and will urge them to do the same.

This may seem trivial to you but, I am constructing, with professional assistance, a layout and workshop in a 1800 sq. ft. bldg. that is being designed from the floor up for digital operations and communications. KAM Industries products, and those of its' partners, have been removed from consideration as possible solutions for this layout and the two contractors involved have been informed of this fact. As someone who has been involved with computer networks since the University of California, Santa Barbara, became the third site in what was to become the Internet and who is technically able to evaluate both sides of the dispute, I have found KAM Industries claims to be without merit and reminiscent of the SCO/LINUX actions, designed to deliberately have a chilling effect on the production of Open Source solutions
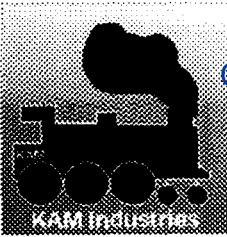
The courts are not the only decision makers involved here since I believe that the market speaks with a much more authoritative voice.

This email is being blind copied to 107 recipients. Have a nice day.

Michael Hadley Woodill
Santa Barbara CA

10/24/2005

KAMIND Associates, Inc

2373 NW 185th Ave
Hillsboro, OR 97124
(503) 291-1221

Bob Jacobson

Account Statement

Account Number:	0010008
Balance:	$206,047.96

Amount Enclosed: _____

Exhibit 13

Please detach and enclose top portion with payment.

Account Summary

Summary Information

Account Number:	0010008	Closing Date:	10/15/2005
Name:	Bob Jacobson	Credit Limit:	$0.00
		Credit Available:	$0.00
	1927 Martin Ave		
	Berkeley, CA 94707-2407	Previous Balance:	$203,000.00
		New Charges:	$3,047.96
		Credits / Payments:	$0.00
		===================	===================
		New Balance:	$206,047.96

Current	1 - 30 Days	31 - 60 Days	61 - 90 Days	Over 90 Days	Balance Due
$3,047.96	$203,000.00	$0.00	$0.00	$0.00	$206,047.96

Account Receivable Activity

Invoice #	Date	Due Date	Details	Debit	Credit	Balance
TR-40	8/18/2005	9/16/2005	New Charge Item: TrainServerLic Train Server Single User	$203,000.0		$203,000.0
FC-47	10/15/2005	10/30/2005	Finance Charge	$2.96		$2.96
DC-53	10/15/2005	10/15/2005	Account adjustment Finance charge adjusment Sept 9/15 - 10/15	$3,045.00		$3,045.00
			Total	$206,047.9	$0.00	$206,047.9

Account Number: 0010008