

Hall Declaration Exhibit A

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VIA CERTIFIED MAIL AND FACSIMILE

September 21, 2006

Mr. R. Scott Jerger
Field & Jerger LLP
610 SW Alder St. Suite 910
Portland OR 97205

Re: Mr. Matthew Katzer and KAMIND Associates, Inc.'s Violation
of Mr. Robert Jacobsen's Copyright on JMRI Decoder Definition Files

Dear Mr. Jerger,

I am writing to inform you of Mr. Matthew Katzer ("Mr. Katzer") and KAMIND Associates, Inc.'s ("KAMIND Associates") violation of a copyright held by Mr. Robert Jacobsen ("Mr. Jacobsen") on the JMRI Decoder Definition Files. As you know, I represent Mr. Jacobsen in this matter. Mr. Jacobsen values his intellectual property, and the purpose of this letter is to put Mr. Katzer and KAMIND Associates on notice that Mr. Jacobsen intends to zealously defend his intellectual property whenever he believes that his rights in this property are being violated. Decoder template files distributed with KAMIND Associates' software bear substantial similarity to a derivative work authored by Mr. Jacobsen and others, and owned or assigned to Mr. Jacobsen. Hence, these files violate the copyright held by Mr. Jacobsen on this material. Unless and until Mr. Katzer and KAMIND Associates obtains a license to the copyrighted material, they are to remove and destroy any product from the internet, local data storage, or paper and cease and desist from all further use in any form of this copyrighted material. Failure to do so will leave Mr. Jacobsen with no choice but to pursue appropriate action that may include the remedies outlined below.

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I. Mr. Katzer and KAMIND Associates' Illicit Use of Mr. Jacobsen's Copyrighted Material

Earlier this year, Mr. Jacobsen noticed that KAMIND Associates was including more than a hundred of decoder definition files with its products, and had included a software tool for use with "third party software". The KAMIND Associates' decoder definition files, called Decoder Templates, to be used with a KAMIND Associates' product called Decoder Commander. Mr. Katzer and KAMIND Associates also included a software tool which was to be used to convert JMRI decoder definition files to a form to be used with Decoder Commander. Upon investigation, Mr. Jacobsen used this software tool on JMRI decoder definition files and compared the output from the software tool with Mr. Katzer and KAMIND Associates' Decoder Templates. The files contain nearly the same expression – misspellings, quirks, dates of creation and version numbers were the same, but authors' names and the JMRI copyright notice had been stripped out by the software tool. Thus, Mr. Katzer and KAMIND Associates were copying, distributing, and making derivative works from JMRI decoder definition files, and encouraging others to do so.

II. Mr. Katzer's and KAMIND Associates' Copying, Distribution and Conversion of Mr. Jacobsen's Material to a Derivative Work Constitute Infringing Acts

By including the Copyrighted Material in their products, Mr. Katzer and KAMIND Associates are illicitly using Mr. Jacobsen's Copyrighted Material strictly for economic gain. Mr. Katzer developed a software tool specifically to convert JMRI decoder definition files to a format that could be used with Mr. Katzer and KAMIND Associates' software, but it also stripped out the names of the decoder definition files' authors and the JMRI copyright notices. Our investigation shows that JMRI decoder definition files, when processed using Mr. Katzer's software tool, are substantially similar to the files that Mr. Katzer distributes and encourages others to use and distribute. Specifically, the misspellings, quirks, dates of creation, version numbers, etc. are the same in both materials. These strongly suggest literal copying of the Copyrighted Material. Eckes v. Card Prices Update, 736 F.2d 859, 861, 863-64 (2d Cir. 1984); Tradescape.com v. Shivaram, 77 F. Supp. 2d 408, 417-18 (S.D.N.Y. 1999). In using this Infringing Material, Mr. Katzer and KAMIND Associates have been, and are violating Mr. Jacobsen's exclusive right to reproduce, distribute, and make derivative works of the Copyrighted Material. 17 U.S.C. §§ 501 et seq. See also 17 U.S.C. §§ 106 et seq. (outlining the various rights of a copyright holder including the right to reproduce, distribute and make derivative works). Thus, Mr. Katzer's and KAMIND Associates' actions constitute an infringing act making it liable for statutory and monetary damages.

III. Legal Remedies Available to Mr. Jacobsen for Mr. Katzer and KAMIND Associates' Illicit Acts

Mr. Jacobsen has a wide array of injunctive, statutory and monetary damages, and other forms of relief available. See generally 17 U.S.C. §§ 502-504. Under 17 U.S.C. § 502, Mr. Jacobsen can enjoin Mr. Katzer and KAMIND Associates, Inc. from using the

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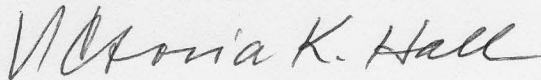
infringing material in any of its products. Moreover, Mr. Jacobsen can seek statutory damages in the amounts of between \$750 and \$30,000 per act of infringement, 17 U.S.C. § 504(c)(1), and where willfulness is proven, statutory damages in the amount of \$150,000 can be imposed by a court, 17 U.S.C. § 504(c)(2). These damages are in addition to other monetary damages in the form of lost profits, and actual damages sustained by Mr. Jacobsen. 17 U.S.C. § 504(a)-(b). Finally, Mr. Jacobsen may be entitled to its attorney's fees associated with enforcing its copyright in the Copyrighted Material. 17 U.S.C. § 505.

IV. Conclusion

Mr. Jacobsen will defend his intellectual property, including the copyright, wherever this property is threatened. Mr. Katzer and KAMIND Associates have blatantly copied the Copyrighted Material authored by and owned by, and assigned to, Mr. Jacobsen. Mr. Jacobsen requests that Mr. Katzer and KAMIND Associates remove the Infringing Material from its products, recall all infringing products from distributors, and destroy all infringing products by Tuesday, September 26, 2006. Please confirm when this has been done. Absent compliance with this request, Mr. Jacobsen will promptly take further steps to enforce his rights in the Copyrighted Material.

I look forward to your prompt attention to this matter, please do not hesitate to call me.

Regards,



Victoria K. Hall
Attorney for Robert Jacobsen

Cc: Robert G. Jacobsen

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This letter does not contain a complete statement of the facts or law relating to this matter, nor a waiver of any of our client's rights, claims, or causes of action against Mr. Katzer, KAMIND Associates or any other party, all of which our clients expressly reserve and shall vigorously pursue.