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11 UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 ROBERT JACOBSEN, an individual, ) No. C06-1905-JSW  
15 )  
Plaintiff, ) **STATUS REPORT**  
16 )  
v. ) Courtroom: 11, 19th Floor  
17 ) Judge: Hon. Jeffrey S. White  
MATTHEW KATZER, an individual, and ) Date: Friday, May 1, 2009  
18 KAMIND ASSOCIATES, INC., an Oregon ) Time: 1:30 p.m.  
corporation dba KAM Industries, )  
19 )  
Defendants. )  
20 )  
21 )

22 Plaintiff Robert Jacobsen respectfully submits this status report per the Court's March 20,  
23 2009 order [Docket #298], regarding the Rule 26(f) conference, Rule 26(a) disclosures, and the  
24 Rule 16 conference, and other relevant matters.

25 Defendants have recommended that fact discovery open on Monday, May 4, 2009, with  
26 updates to Rule 26(a) disclosures made by May 29, 2009. They have not identified dates for a Rule  
27 26(f) conference or a Rule 16 conference. They have made other recommendations relating to the  
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1 close of fact discovery, and the opening and closing of expert discovery.

2 Jacobsen proposes that third-party fact discovery open Monday, May 4, 2009. However,  
3 discovery between the parties presents more complex issues—protective orders, electronic  
4 discovery, claw-back provisions—that may result in delays. Other issues, such as foreign  
5 discovery, may result in delays, but the risk of delays can be decreased through a meet and confer.  
6 Jacobsen therefore proposes that the parties meet and confer to develop a discovery plan, as  
7 required by Rule 26(f), by Friday, May 29, 2009, and that by Friday, June 5, 2009, the parties  
8 update their Rule 26(a) disclosures and submit a joint report to the Court. Jacobsen proposes a  
9 Rule 16 hearing on Friday, June 19, 2009. His counsel contacted Scott Jerger, Defendants’  
10 counsel, to determine his availability for a June 19 hearing. Mr. Jerger has not yet responded.  
11 Jacobsen believes that is premature to set other deadlines, but will be prepared to discuss  
12 Defendants’ proposed deadlines, if the Court so chooses.

13 The pending appeal should not affect this litigation schedule. As Defendants noted in their  
14 Status Report [Docket #299], Defendants moved to transfer the appeal from the Federal Circuit to  
15 the Ninth Circuit. The Federal Circuit denied Defendants’ motion on Monday, April 20, 2009.

16 On a related note, the Federal Circuit Mediation program contacted both parties on Friday,  
17 April 3, 2009, in an attempt to mediate the appeal and the dispute pending before this Court.  
18 Jacobsen has consented to mediation. Defendants stated that they would not participate voluntarily  
19 unless the scope of mediation was limited to preliminary injunction issues and excluded all patent  
20 issues that Jacobsen could appeal at final judgment.

21 Respectfully submitted,

22  
23 DATED: April 24, 2009

By \_\_\_\_\_ /s/  
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