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10 Attorneys for Defendants  
 Matthew Katzer and Kamind Associates, Inc.

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN FRANCISCO DIVISION  
 14

15 ROBERT JACOBSEN, an individual, )

16 )  
 17 Plaintiff, )

18 vs. )

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

21 Defendants. )  
 22

Case Number C06-1905-JSW-JL

Hearing Date: August 26, 2009  
 Hearing Time: 9:00am  
 Place: Ct. F, Floor 15

Hon. Judge Larson

**DEFENDANTS MATTHEW  
 KATZER AND KAMIND  
 ASSOCIATES, INC.'S  
 MEMORANDUM IN RESPONSE  
 TO PLAINTIFF'S LETTER OF  
 REQUEST**

23  
 24 Defendants Matthew Katzer and Kamind Associates, Inc. (Katzer) hereby respond to  
 25 Plaintiff's Letter of Request.

26 ///

1           Katzner does not object to this Court sending a Letter of Request for the testimony of  
2 Robert Bouwens. However, Katzner files this response to address and object to specific factual  
3 mis-characterizations and argument contained in Plaintiff’s Letter of Request. Specifically,  
4 Katzner 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, Katzner objects to the characterization of the complaint as involving patent declaratory  
9 actions.

10  
11 **7.c.: Summary of Defence and Counterclaim:** Again, Katzner objects to the discussion of  
12 patent issues, which are not relevant to this case. Additionally, Katzner objects to factual mis-  
13 characterizations of the record in this case. Katzner has never admitted (and does not admit to)  
14 “copying, modifying and distributing Jacobsen’s copyrighted works...”. In his answer, Katzner  
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. Katzner also objects to the unfounded assertion that Katzner “blames” Bouwens for  
18 anything and also to the characterization of Katzner’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

1 Dated July 31, 2009.

2 Respectfully submitted,

3 \_\_\_\_\_  
/s/ Scott Jerger

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11 **CERTIFICATE OF SERVICE**

12 I certify that on July 31, 2009, I served Matthew Katzer's and KAM's MEMORANDUM  
13 IN RESPONSE TO LETTER OF REQUEST on the following parties through their attorneys via  
14 the Court's ECF filing system:

14 Victoria K. Hall  
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21 \_\_\_\_\_  
/s/ Scott Jerger

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