

Jacobsen Declaration Exhibit E



LAW OFFICES
CHERNOFF, VILHAUER, McCLUNG & STENZEL, LLP

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

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DAVID S. FINE
SENIOR LAW CLERK

March 8, 2005

CERTIFIED MAIL
Return Receipt Requested

Mr. Robert G. Jacobsen
1927 Marin Avenue
Berkeley, CA 94707-2407

Re: Kam Industries' U.S. Patent No. 6,530,329 B2
Our File No.: 7431.0081

Dear Mr. Jacobsen:

We represent KAM Industries ("KAM") with respect to their intellectual property matters. KAM is the owner of U.S. Patent No. 6,530,329 B2, issued March 11, 2003, a copy of which is enclosed herewith for your convenience.

Our preliminary analysis of the JMRI software indicates that it currently includes several separate distinct programs (*e.g.*, interface instances), namely, Throttle, PanelPro, DecoderPro, and Loco Tools. Each of these programs appears to be a separate Java application instance that may be run simultaneously on a computer. During operation of the JMRI software programs, our analysis indicates that the software includes the functionality to communicate over a TCP/IP connection with an installed JMRI server. The JMRI server in turn communicates with a command station for a model railroad. Our analysis further indicates that the JMRI server is capable of receiving commands from all of the Java application instances and then the commands are forwarded to the command station, and likewise retrieving commands from the command station and providing them to the corresponding separate Java application instance.



Mr. Robert G. Jacobsen
March 9, 2005
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Claim 1 of U.S. Patent No. 6,530,329 claims a method of operating a digitally controlled model railroad comprising the steps of: (a) transmitting a first command from a first program to an interface; (b) transmitting a second command from a second program to said interface; and (c) sending third and fourth commands from said interface representative of said first and second commands, respectively, to a digital command station.

It is our opinion that the JRMI software may infringe claim 1 of the '329 patent.

By way of assistance, in order to avoid further infringement of claim 1 of the '329 patent, I would suggest rewriting all of the Java application instances in a single instance where JMRI instance manager can only satisfy one creation request.

KAM currently has an active licensing program for each copy of infringing software downloaded or otherwise installed on a computer at \$19 per copy. KAM would be interested in licensing its patent rights to the JRMI software.

Please provide us with a response within 10 days.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin L. Russell', with a long horizontal flourish extending to the right.

Kevin L. Russell

KLR:kk
Enclosure