

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT
2009-1221

ROBERT JACOBSEN,

Plaintiff-Appellant,

v.

MATTHEW KATZER
and KAMIND ASSOCIATES (doing business as KAM Industries),

Defendants-Appellees.

Appeal from the United States District Court for the Northern District of California in Case No. 06-CV-1905, Judge Jeffrey S. White

Joint Motion of Appellant Robert Jacobsen and Appellees Matthew Katzer and KAMIND Associates, Inc. to Defer Oral Argument.

Pursuant to Fed. R. App. P. 26(b) and Fed. Cir. Rule 26(b), and Fed. R. App. P. 27 and Fed. Cir. Rule 27, Jacobsen, Katzer and KAMIND Associates, Inc. request a deferral in oral argument.

Oral argument is currently set for 10 a.m. Monday, January 4, 2010. The district court issued a summary judgment order on Thursday, December 10, 2009. The parties have scheduled a judicial settlement conference for Thursday, January 28, 2010 before Magistrate Judge Elizabeth Laporte in San Francisco. The parties have sought no other extensions in oral argument. The parties ask for oral argument to be re-scheduled to a date convenient for the Court.


I have sent this motion to R. Scott. Jerger, counsel for Katzer and KAMIND Associates, Inc. He consents to this motion.

Summary

For the foregoing reasons, the joint motion to defer oral argument should be granted.

Respectfully submitted,

DATED: December 15, 2009

By 
Victoria K. Hall, Esq. (SBN 240702)
LAW OFFICE OF VICTORIA K. HALL
3 Bethesda Metro Suite 700
Bethesda MD 20814

Telephone: 301-280-5925
Facsimile: 240-536-9142

ATTORNEY FOR PLAINTIFF/APPELLANT

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

Robert Jacobsen v. Matthew Katzer and KAMIND Associates, Inc.
(dba KAM Industries)
No. 2009-1221

CERTIFICATE OF INTEREST

Counsel for the (petitioner) (appellant) (respondent) (appellee) (amicus) (name of party)

Robert Jacobsen certifies the following (use "None" if applicable; use extra sheets if necessary):

1. The full name of every party or amicus represented by me is:

Robert Gibbs Jacobsen

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

None

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

None

4. There is no such corporation as listed in paragraph 3.

5. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

Law Office of Victoria K. Hall; David McGowan

For the record, Ms. Hall was an intern, serving with Judge Richard Linn from June-August 2002.

December 15, 2009
Date

Victoria K. Hall
Signature of counsel
VICTORIA K. HALL
Printed name of counsel

Reset Fields

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Declaration of Victoria K. Hall, counsel for Appellant Robert Jacobsen, in
Support of Joint Motion to Defer Oral Argument

I, VICTORIA K. HALL, hereby declare:

1. I am an attorney at law licensed to practice before all Maryland, District of Columbia, and California courts and am a member of the bar of this Court. I am the attorney of record for Plaintiff-Appellant in this action. I state all facts herein are of my own firsthand personal knowledge, and if called as a witness, I could and would competently testify thereto.
2. I sent a draft of this motion to Scott Jerger, counsel for Defendants-Appellees Matthew Katzer and KAMIND Associates, Inc. He suggested a change, which I incorporated, resulting in the motion that is filed with the Court. The email exchange is attached as Exhibit A.

I declare under the penalty of perjury under the laws of the State of Maryland that the foregoing is true and correct. Executed this 15th day of December 2009, in Rockville, Maryland.

DATED: December 15, 2009

By 
Victoria K. Hall, Esq. (SBN 240702)
LAW OFFICE OF VICTORIA K. HALL
3 Bethesda Metro Suite 700
Bethesda MD 20814

Telephone: 301-280-5925
Facsimile: 240-536-9142

ATTORNEY FOR PLAINTIFF/APPELLANT

Exhibit A

[Print](#) | [Close Window](#)

Subject: RE: Proposed Federal Circuit consent motion
From: victoria@vkhall-law.com
Date: Tue, Dec 15, 2009 10:12 am
To: "Scott Jerger" <scott@fieldjerger.com>

It will be changed.

> ----- Original Message -----

> Subject: RE: Proposed Federal Circuit consent motion

> From: "Scott Jerger" <scott@fieldjerger.com>

> Date: Tue, December 15, 2009 8:26 am

> To: <victoria@vkhall-law.com>

> OK. Looks good. How about instead of "have entered settlement talks" : "have scheduled a judicial settlement conference."

> -----Original Message-----

> From: victoria@vkhall-law.com [mailto:victoria@vkhall-law.com]

> Sent: Tue 12/15/2009 7:58 AM

> To: Scott Jerger

> Subject: Proposed Federal Circuit consent motion

>

> Scott,

> Here is the proposed motion and order for the Federal Circuit. Please

> let me know if it is OK with you.

> The Federal Circuit has argument in the first full week of any given

> month, and the clerk will schedule us for whatever day they chose to

> schedule us for. Unfortunately, we cannot select a specific day, so it

> will be whatever it will be.

> Regards,

> Victoria

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JACOBSEN v KATZER, 2009-1221

PROOF OF SERVICE

I hereby certify that on December 15, 2009, I sent a copy of Jacobsen, Katzer and KAMIND Associates, Inc.'s Joint Motion to Defer Oral Argument, by first class mail, to each of the following:

R. Scott Jerger
Field Jerger LLP
621 SW Morrison St. Suite 1225
Portland OR 97205

Attorney for Defendants-Appellees


Daniel B. Ravicher
Software Freedom Law Center
1995 Broadway Fl. 17
New York NY 10023

Attorney for Amicus Software Freedom Law Center

Jonathan Marcus
Covington & Burling LLP
1201 Pennsylvania Ave., N.W.
Washington DC 20004

Attorney for Amicus Association for Competitive Technology, Inc.

DATED: December 15, 2009

By 

Victoria K. Hall, Esq.
LAW OFFICE OF VICTORIA K. HALL
3 Bethesda Metro Suite 700
Bethesda MD 20814

Telephone: 301-280-5925
Facsimile: 240-536-9142

ATTORNEY FOR PLAINTIFF/APPELLANT

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[Proposed] Order Granting Jacobsen, Katzer, and KAMIND Associates,
Inc.'s Joint Motion to Defer Oral Argument

Having considered the parties' Joint Motion to Defer Oral Argument,
the Court hereby GRANTS the motion.

The clerk will re-schedule oral argument for _____.

Washington, D.C.

FOR THE COURT:

Dated: _____

Circuit Judge