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10	UNITED STATES DISTRICT COURT
11	FOR THE NORTHERN DISTRICT OF CALIFORNIA
12	SAN FRANCISCO DIVISION
13	ROBERT JACOBSEN,) No. C-06-1905-JSW
14	Plaintiff, OPPOSITION TO ADMINISTRATIVE
15	v. MOTION TO SET A BRIEFING SCHEDULE ON DEFENDANTS'
16	MATTHEW KATZER, et al., MATTHEW KATZER AND KAMIND ASSOCIATES, INC.'S MOTIONS TO
17 18	Defendants. Defendants. Defendants. DISMISS, MOTION TO STRIKE, AND MOTION FOR A MORE DEFINITE
19	STATEMENT
20	Courtroom: 2, 17th Floor Judge: Hon. Jeffrey S. White
21	
22	Plaintiff Robert Jacobsen opposes Defendants Matthew Katzer and KAMIND Associates,
23	Inc.'s Administrative Motion to Set a Briefing Schedule on Defendants' Matthew Katzer and
	KAMIND Associates, Inc.'s Motions to Dismiss, Motion to Strike, and Motion for a More Definite
24	Statement [Dkt #103] [hereinafter "Administrative Motion for Setting a Briefing Schedule"] for the
25	following reasons.
26	In their Motion, Defendants attack an open source software license called the Artistic
2728	License, which Plaintiff uses to protect his rights in the decoder definition and other files. The
40	No. C06-1905-JSW OPPOSITION TO ADMINISTRATIVE MOTION TO SET A BRIEFING SCHEDULE ON DEFENDANTS MATTHEW KATZER AND KAMIND ASSOCIATES, INC.'S MOTIONS TO DISMISS, MOTION TO STRIKE, AND

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Artistic License is used by other open source software groups. <u>See</u> Open Source Initiative OSI – Licensing: Artistic License, <u>at http://www.opensource.org/licenses/artistic-license.php</u> (last visited Oct. 5, 2006). But given the breadth of Defendants' motion, an adverse ruling could result in invalidating a wide range of other open source software licenses. Plaintiff is contacting others whose rights may be affected by such a ruling, and seeks to give those other individuals and entities additional time to file amicus briefs or intervene, should they choose to do so.

Plaintiff also opposes the Administrative Motion for Setting a Briefing Schedule because of the timeline it seeks. Plaintiff intends to file motions of his own. Friday, November 3, 2006 is the last day that Plaintiff can file his own motions, without a motion to shorten time. Also, given the subject matter (patent, copyright and trademark) in this litigation, ENE requires a significant amount of preparation, ADR L.R. 5-8 and 5-9, which Plaintiff will also be working on during this time frame. Requiring Plaintiff to meet Defendants' proposed deadline while he is also working on his own motions and preparing for an ENE session puts him at a disadvantage. He asks the Court not to set a briefing schedule, but to permit him to file his opposition on Friday, November 17, 2006, which is when the opposition would otherwise be due.

For these reasons, Plaintiff opposes the Administrative Motion for Setting a Briefing Schedule.

DATED: October 6, 2006

By /s/ Victoria K. Hall, Esq. (SBN 240702) LAW OFFICE OF VICTORIA K. HALL

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OPPOSITION TO ADMINISTRATIVE MOTION TO SET A BRIEFING SCHEDULE ON DEFENDANTS MATTHEW KATZER AND KAMIND ASSOCIATES, INC.'S MOTIONS TO DISMISS, MOTION TO STRIKE, AND MOTION FOR A MORE DEFINITE STATEMENT