,	R. Scott Jerger (pro hac vice)		
1	Field Jerger, LLP		
2	610 SW Alder Street, Suite 910		
	Portland, OR 97205		
3	Tel: (503) 228-9115		
	Fax: (503) 225-0276		
4	Email: scott@fieldjerger.com		
5			
	John C. Gorman (CA State Bar #91515)		
6	Gorman & Miller, P.C.		
_	210 N 4th Street, Suite 200		
7	San Jose, CA 95112		
8	Tel: (408) 297-2222		
	Fax: (408) 297-2224		
9	Email: jgorman@gormanmiller.com		
0	Attorneys for Defendants		
0	Matthew Katzer and Kamind Associates, Inc.		
1	Watthew Ratzer and Rammu Associates, mc.		
	LINITED STATES	DISTRICT	COURT
2	UNITED STATES DISTRICT COURT		
3	NORTHERN DISTRICT OF CALIFORNIA		
. 3	SAN FRANCISCO DIVISION		
4	SAN FRANCI	ISCO DIVIS	SION
_	ROBERT JACOBSEN, an individual,)	Case Number C06-1905-JSW
5	ROBERT JACOBSEN, all llidividual,)	Cuse Ivalliber Coo 1903 35 W
6	Plaintiff,)	Hon. Jeffrey S. White
	Tiumini,)	
7	VS.)	DEFENDANTS MATTHEW
	75.	{	KATZER AND KAMIND
8	MATTHEW KATZER, an individual, and	Ś	ASSOCIATES, INC.'S RESPONSE TO PLAINTIFF'S SECOND
9	KAMIND ASSOCIATES, INC., an Oregon)	ADMINISTRATIVE MOTION FOR
	corporation dba KAM Industries,)	LEAVE TO FILE SUPPLEMENTA
20	Corporation don 12 11/1 munition,)	MATERIAL
	Defendants.)	
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Case Number C 06 1905 JSW

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Defendants Matthew Katzer and Kamind Associates, Inc.'s Response to Plaintiff's Second Administrative Motion for Leave to File Supplemental Material

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Defendants Matthew Katzer and Kamind Associates, Inc. respond to plaintiff's motion for leave to file supplemental material as follows:

STATEMENT OF FACTS

Defendants' KAM and Katzer filed, *inter alia*, a motion to dismiss plaintiff's cybersquatting claim for failure to join a necessary party under Fed. R. Civ. P. 19 on September 28, 2006. Oral argument on this motion and other motions was held on January 19, 2007. Plaintiff's administrative motion seeks to file supplementary material allegedly in support of the proposition that defendant's motion to dismiss for failure to join a necessary party is now "moot." This material consists of a "WIPO Administrative Panel Decision." Neither KAM nor Katzer was invited to provide evidence at this proceeding.

ARGUMENT

- 1. As an initial matter, plaintiff's motion, as a motion for administrative relief per LR 7-1 and 7-11, is not properly before this Court as plaintiff failed to confer with defendant's counsel and thus failed to obtain or provide either a stipulation under LR 7-12 or a declaration explaining why a stipulation could not be obtained. LR 7-11(a).
- 2. Plaintiff's motion and appended material is irrelevant, hearsay and contains improper legal argument per LR 7-3(d).
- 3. To the extent that plaintiff "no longer seek[s] the return of the domain name through litigation in this Court" (Plaintiff's Motion for Leave at 2), then the proper course of action is for plaintiff to amend his Prayer in his Amended Complaint to delete this requested remedy.
- 4. Based on the foregoing, this Court should deny the plaintiff's motion.

Dated August 13, 2007.

/s/

R. Scott Jerger (*pro hac vice*) Field Jerger, LLP 610 SW Alder Street, Suite 910

Case Number C 06 1905 JSW

Defendants Matthew Katzer and Kamind Associates, Inc.'s Response to Plaintiff's Second Administrative Motion for Leave to File Supplemental Material

Portland, OR 97205 Tel: (503) 228-9115 Fax: (503) 225-0276

Email: scott@fieldjerger.com

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I certify that on August 13, 3007, I served Defendants Matthew Katzer and Kamind Associates, Inc.'s Response to Plaintiff's Motion for Leave to File Supplemental Material on the following parties through their attorneys via the Court's ECF filing system:

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Victoria K. Hall Law Office of Victoria K. Hall 3 Bethesda Metro Suite 700 Bethesda, MD 20814 David M. Zeff Law Office of David M. Zeff 1388 Sutter Street, Suite 820 San Francisco, CA 94109

/s/

R. Scott Jerger (*pro hac vice*) Field Jerger, LLP

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