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9	Attorneys for Plaintiff ROBERT JACOBSEN		
10 11	UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION		
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13			
14	ROBERT JACOBSEN, an individual,) No. C06-1905	5-JSW
15 16	Plaintiff, v. MATTHEW KATZER, an individual, and) NOTICE RE	ROBERT JACOBSEN'S STIPULATION BETWEEN AMIND, JACOBSEN, AND TY QSI
18	KAMIND ASSOCIATES, INC., an Oregon corporation dba KAM Industries,	Courtroom: Judge:	F, 15th Floor Hon. James Larson
19 20	Defendants.))))	
21 22	INTRODUCTION		
23	Plaintiff Robert Jacobsen respectfully submits the attached stipulation between himself, Katzer/KAMIND, and third party QSI.		
24			
25	FACTS		
26	In September 2006, Jacobsen filed an amended complaint, and included a cause of action for copyright infringement against Katzer and KAMIND. Jacobsen is the manager of an open		
27			
28	source group called the Java Model Railroad Interface, JMRI, which produces software that model		
	No. C06-1905-JSW PLAINTIFF ROBERT JACOBSEN'S NOTICE RE STIPULATION BETWEEN		

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railroaders use to program the decoder chips in their trains. One decoder chip manufacturer is QS Industries, or QSI. Jacobsen had learned that Katzer and KAMIND downloaded JMRI's files and converted them to use in their competing product.

In late October 2006, Jacobsen filed a motion for preliminary injunction to enjoin Katzer and KAMIND's infringement. As a part of the motion, Jacobsen used JMRI files that define and

and KAMIND's infringement. As a part of the motion, Jacobsen used JMRI files that define and display certain inputs for the QSI decoder chip, and compared them to KAMIND's files. Nine days later, Katzer and KAMIND bought an assignment to a QSI instruction manual, and more than two years later, counterclaimed for \$6 million for Jacobsen's alleged infringement of the manual.

On June 6, 2009, Jacobsen sent a third party subpoena, under Rule 45, to QSI, requesting documents relating to Katzer/KAMIND's counterclaim, and Jacobsen's license defense. The return date was July 3, 2009. QSI did not respond, nor file any objections, nor a motion to quash. The following week, the undersigned asked one of QSI's executives about the subpoena, to which the QSI executive responded that Katzer and KAMIND's intellectual property attorney, Kevin Russell, was handling the matter. Jacobsen received a small production of non-confidential documents in late July 2009, but QSI has held on to confidential documents. QSI declined to use the protective order that this Court signed in late May 2009. Instead, QSI made some adjustments to the order's text and required the parties to sign, which they did. QSI asked Jacobsen to submit this stipulation, attached as Ex. A, to this Court to sign.

CONCLUSION

Jacobsen respectfully asks the Court to sign the attached stipulation.

21 Respectfully submitted,

DATED: August 19, 2009

By /s/
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