

1 R. Scott Jerger (*pro hac vice*) (Oregon State Bar #02337)
2 Field Jerger LLP
3 621 SW Morrison, Suite 1225
4 Portland, OR 97205
5 Tel: (503) 228-9115
6 Fax: (503) 225-0276
7 Email: scott@fieldjerger.com

8 John C. Gorman (CA State Bar #91515)
9 Gorman & Miller, P.C.
10 210 N 4th Street, Suite 200
11 San Jose, CA 95112
12 Tel: (408) 297-2222
13 Fax: (408) 297-2224
14 Email: jgorman@gormanmiller.com

15 Attorneys for Defendants
16 Matthew Katzer and Kamind Associates, Inc.

17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN FRANCISCO DIVISION

20 ROBERT JACOBSEN, an individual,)

Case Number C06-1905-JSW

21 Plaintiff,)

Hon. Jeffrey S. White

22 vs.)

23 MATTHEW KATZER, an individual, and)
24 KAMIND ASSOCIATES, INC., an Oregon)
25 corporation dba KAM Industries,)

**DECLARATION OF MATTHEW
KATZER SUPPORT OF
DEFENDANTS' MOTION FOR
LEAVE TO FILE FIRST
SUPPLEMENTAL
COUNTERCLAIM**

26 Defendants.)

1 I, Matthew Katzer, declare:

- 2 1. I am control shareholder and operator of the close corporation Kamind
3 Associates, Inc. ("KAM"). KAM and I are the only two defendants in this
4 lawsuit. If called as a witness, I would and could testify to the following as
5 a matter of personal knowledge.
6
- 7 2. I am authorized by KAM to make this declaration in support of
8 Defendants' Motion for leave to file a first supplemental counterclaim.
9
- 10 3. After purchasing Version 3.0 in 2006, KAM purchased from QS Industries
11 all right, title and interest to all versions of the QSI manual in 2008.
- 12 4. During the discovery process in this case, Defendants have discovered that
13 Plaintiff's software infringes on Versions 4.02, 4.1, 4.3, and 4.4 of the QSI
14 Manual as well as Version 3.0.
15
- 16 5. KAM was unaware at the time of filing its original counterclaim that
17 Plaintiff's software infringed on Versions 4.02, 4.1, 4.3 and 4.4 of the QSI
18 Manual.
19
- 20 6. KAM registered its copyright rights with the United States Copyright
21 Office for Version 4.02 and obtained Copyright Registration Number TX 6-
22 888-840 on November 7, 2008.
- 23 7. KAM registered its copyright rights with the United States Copyright
24 Office for Version 4.1 on August 5, 2009 and this registration is still
25 pending.
26

1 8. KAM registered its copyright rights with the United States Copyright
2 Office for Version 4.3 on April 28, 2009 and this registration is still
3 pending.

4 9. KAM registered its copyright rights with the United States Copyright
5 Office for Version 4.4 on August 4, 2009 and this registration is still
6 pending.
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8
9 I declare under penalty of perjury under the laws of the United States of America
10 that the foregoing is true and correct.
11

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13 Executed on August 19, 2009 at Portland, Oregon.
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18 Matthew Katzer
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