

1 VICTORIA K. HALL (SBN 240702)
LAW OFFICE OF VICTORIA K. HALL
2 3 Bethesda Metro Suite 700
Bethesda MD 20814
3 Victoria@vkhall-law.com
Telephone: 301-280-5925
4 Facsimile: 240-536-9142

5 Attorney for Plaintiff
ROBERT JACOBSEN
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8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 ROBERT JACOBSEN, an individual,) No. C06-1905-JSW
12)
Plaintiff,) **MISCELLANEOUS NOTICE**
13) **REGARDING APPELLATE FILINGS**
v.)
14) Courtroom: 2, 17th Floor
MATTHEW KATZER, an individual, and) Judge: Hon. Jeffrey S. White
15 KAMIND Associates, Inc., an Oregon)
corporation, dba KAM Industries,)
16)
Defendants.)
17)
18)

19 Plaintiff files this notice to clarify recent appellate filings that have appeared on this Court's
20 docket.

21 On Sept. 13, 2007, Plaintiff filed a Notice of Appeal. The Notice of Appeal stated that the
22 appeal was to the U.S. Court of Appeals for the Federal Circuit. The following day, the District
23 Court clerk, in error, transmitted the notice of appeal to the U.S. Court of Appeals for the Ninth
24 Circuit. (It correctly transmitted the fee to the Federal Circuit.) On Sept. 19, the Ninth Circuit
25 docketed the case as Case No. 07-16651.

26 On Sept. 21, 2007, counsel for Plaintiff contacted the Federal Circuit clerk's office
27 regarding the appeal. The clerk told counsel for Plaintiff that the Federal Circuit had not received
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1 the appeal paperwork and suggested that counsel contact the District Court clerk’s office to
2 determine if the appeal had been transmitted to the correct appeals court. Counsel for Plaintiff
3 contacted the District Court clerk, and learned that the appeal had been transmitted to the Ninth
4 Circuit. The District Court clerk re-transmitted the appeal to the Federal Circuit later that day.

5 The following week, counsel for Plaintiff received paperwork for the Ninth Circuit appeal,
6 and contacted the motions attorneys at the Ninth Circuit regarding that appeal. On Oct. 1, 2007,
7 the motions attorneys filed a clerk’s order closing Case No. 07-16651 as having been opened in
8 error. This order was posted in this Court’s docket earlier today. On Oct. 2, 2007, the Federal
9 Circuit docketed the Jacobsen v. Katzer et al. appeal, Case No. 2008-1001, which is the appeal
10 from this Court’s orders denying Plaintiff’s Motion for Preliminary Injunction. The Federal Circuit
11 docket information appeared on this Court’s docket earlier this week.

12 Thus, the appeal is Jacobsen v. Katzer et al., Case No. 2008-1001, currently pending before
13 the U.S. Court of Appeals for the Federal Circuit.

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15 Respectfully submitted,

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17 DATED: October 11, 2007

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

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

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ATTORNEY FOR PLAINTIFF

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