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November 3, 2007

Hon. Jeffrey S. White  
United States District Court  
for the Northern District of California  
450 Golden Gate Ave.  
San Francisco CA 94102

Re: Jacobsen v. Katzer et al., C06-1905

Your Honor,

As the Court knows, I filed a motion for leave to file a Second Amended Complaint, and in the alternative, a motion for final judgment under Rule 54(b) as to the cybersquatting cause of action only. [Docket 174, amended Docket 177]. In connection with a motion for administrative relief, I filed several email exchanges between myself and Mr. Robert Scott Jerger, counsel for Defendants Matthew Katzer and KAMIND Associates. In these letters, Mr. Jerger threatened to seek Rule 11 sanctions for our motion for leave. After hours on Friday evening, Mr. Jerger sent a demand letter to me and included a motion for Rule 11 sanctions.

We believe this has gotten out of hand, and we ask the Court to intercede and resolve the matter promptly. As we have shown in the administrative motion and the amended motion, Defendants consented to the filing of either version of the Second Amended Complaint. We believe that this bars them from opposing a motion for leave to file the amended complaint, and leaves only two questions to be resolved: whether this Court will grant leave to file a motion for reconsideration, and the Rule 54(b) motion. The motion for leave to file a motion for reconsideration is within this Court's discretion and it can rule on it now. If it does not intend to grant this motion, then the Court can accept Version B of the proposed Second Amended Complaint. If the Court grants the motion, it can wait for an opposition to the motion for reconsideration, or it can rule now on that motion, as well. The facts as to the motion for reconsideration are not in dispute, and Plaintiff can think of no argument Defendants can make that would put the facts in dispute. As for the Rule 54(b) motion, it is a minor procedural matter which the Court can also rule on, or can wait until the Court receives Defendants' opposition.

We ask the Court to intercede on this matter now, or to put a telephone conference on its Friday, November 9, 2007 calendar to ask defense counsel why their previously given consent does not bar their opposition. As it stands now, because of these unexpected developments, Plaintiff may later this week seek an extension for filing his

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opening brief in the Federal Circuit if these matters are not resolved. We believe that resolving the matter quickly will streamline this litigation, promote the possibility of settlement at the settlement conference tentatively scheduled for late November, and make it unnecessary to defer deadlines. For these reasons, we ask the Court for its assistance.

Sincerely,

A handwritten signature in cursive script that reads "Victoria K. Hall". The signature is written in black ink and is positioned above the typed name.

Victoria K. Hall

Attachment: Certificate of Service

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 5, 2007, I sent this Letter by fax to R. Scott Jerger, Attorney for Defendants Matthew Katzer and KAMIND Associates, Inc., Field Jerger LLP, at (503) 225-0276 before 5 p.m. local time.

By *Victoria K. Hall*

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