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Attorneys for Defendants  
Matthew Katzer and Kamind Associates, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ROBERT JACOBSEN, an individual,  
  
Plaintiff,  
  
vs.  
  
MATTHEW KATZER, an individual, and  
KAMIND ASSOCIATES, INC., an Oregon  
corporation dba KAM Industries,  
  
Defendants.

Case Number C06-1905-JSW

Hon. Jeffrey S. White

DEFENDANTS MATTHEW  
KATZER AND KAMIND  
ASSOCIATES, INC.'S RESPONSE  
TO PLAINTIFF'S SECOND  
ADMINISTRATIVE MOTION FOR  
LEAVE TO FILE SUPPLEMENTAL  
MATERIAL

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

3 **STATEMENT OF FACTS**

4 Defendants' KAM and Katzer filed, *inter alia*, a motion to dismiss plaintiff's  
5 cybersquatting claim for failure to join a necessary party under Fed. R. Civ. P. 19 on September  
6 28, 2006. Oral argument on this motion and other motions was held on January 19, 2007.  
7 Plaintiff's administrative motion seeks to file supplementary material allegedly in support of the  
8 proposition that defendant's motion to dismiss for failure to join a necessary party is now  
9 "moot." This material consists of a "WIPO Administrative Panel Decision." Neither KAM nor  
10 Katzer was invited to provide evidence at this proceeding.

11 **ARGUMENT**

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

23  
24 Dated August 13, 2007.

25 \_\_\_\_\_ /s/  
26 R. Scott Jerger (*pro hac vice*)  
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