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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
Hearing Date: April 11, 2008
Hearing Time: 9:00am
Place: Ct. 2, Floor 17
Hon. Jeffrey S. White

**DECLARATION OF MATTHEW
KATZER IN SUPPORT OF
DEFENDANTS MOTION TO
DISMISS COUNTS 1,2 AND 3 IN
PLAINTIFF'S SECOND
AMENDED COMPLAINT AS
MOOT [FED. R. CIV. P. 12(B)(1)]**

1 I, Matthew Katzer, declare:
2

3 1. I am Chief Executive Officer and Chairman of the Board of Directors of Kamind
4 Associates, Inc. ("KAM"). I am a named defendant in this action. If called as a witness, I would
5 and could testify to the following as a matter of personal knowledge.

6 2. I am authorized by KAM to make this declaration in support of the motion by KAM
7 and myself to dismiss Plaintiff's declaratory judgment claims regarding the '329 patent. I make
8 this declaration in my capacity as KAM's Chief Executive Office and Chairman of the Board of
9 Directors.
10

11 3. Attached as Exhibit A to this Declaration is a true copy of a Disclaimer in Patent
12 under 37 C.F.R. 1.321(a) filed at my direction on February 1, 2008 with the United States Patent
13 and Trademark office regarding the '329 patent at issue in this case.

14 I declare under penalty of perjury under the laws of the United States of America that the
15 foregoing is true and correct.
16

17 Executed on February 12, 2008, at Hillsboro, Oregon, U.S.A.

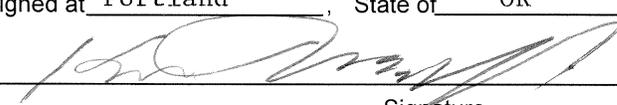
18 /s/ Matthew Katzer
19 Matthew Katzer

20 I hereby attest that I have on file all holograph signatures for any signatures indicated by
21 a "conformed" signature (/S/) within this efiled document.

22 /s/ R. Scott Jerger
23 R. Scott Jerger

Exhibit A

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DISCLAIMER IN PATENT UNDER 37 CFR 1.321(a)	
Name of Patentee Matthew A. Katzer	Docket Number (Optional) 7431.0056
Patent Number 6,530,329	Date Patent Issued March 11, 2003
Title of Invention MODEL TRAIN CONTROL SYSTEM	
I hereby disclaim the following complete claims in the above identified patent: <u>1-27</u> (all claims)	
The extent of my interest in said patent is (if assignee of record, state liber and page, or reel and frame, where assignment is recorded): <u>100%</u>	
The fee for this disclaimer is set forth in 37 CFR 1.20(d).	
<input type="checkbox"/> Patentee claims small entity status. See 37 CFR 1.27. <input checked="" type="checkbox"/> Small entity status has already been established in this case, and is still proper. <input type="checkbox"/> A check in the amount of the fee is enclosed. <input checked="" type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required or credit any overpayment to Deposit Account No. <u>03-1550</u> . I have enclosed a duplicate copy of this form.	
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.	
Signed at <u>Portland</u> , State of <u>OR</u> , this <u>1st</u> day of <u>February</u> 20 <u>08</u> .	
 Signature	38,292 Registration Number, if applicable
Kevin L. Russell Typed or printed name of patentee/ attorney or agent of record	503-227-5631 Telephone Number
Chernoff, Vilhauer, McClung & Stenzel, 601 SW Second Ave., Suite 1600, Address	
Portland, OR 97204 City, State, Zip Code or Foreign Country as applicable	

This collection of information is required by 37 CFR 1.321. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.