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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: May 1, 2009  
Hearing Time: 1:30PM  
Place: Ct. 2, Floor 17

Hon. Jeffrey S. White

**DEFENDANTS MATTHEW  
KATZER AND KAMIND  
ASSOCIATES, INC.'S STATUS  
CONFERENCE REPORT**

Per the Court's March 20, 2009 order [Docket #298], Defendants Matthew Katzer and Kamind Associates, Inc. submit this Status Conference Report and proposed litigation schedule addressing the scheduling issues raised in Plaintiff's motion for a status conference.

1 **DEFENDANTS' PROPOSED LITIGATION AND DISCOVERY SCHEDULE**

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Date	Counting	Rule	Event
3/13/06			Complaint
8/11/06		FRCP 26 f	Initial case management conference
9/5/06		FRCP 26 a	Initial Disclosures filed
9/11/06			Amended Complaint filed
12/5/06			ENE/ADR completed
1/19/07			Case Management Conference
9/14/07			Case Management Conference
12/12/07			Second Amended Complaint filed
2/15/08			First Round ADR with Judge LaPorte completed
2/11/09			Answer and Counterclaim filed by Defendants
2/27/09			Second Round ADR with Judge LaPorte completed
3/2/09			Answer to Counterclaim filed by Plaintiff
5/1/09			Status Conference
5/4/09			Opening of Fact Discovery
5/29/09			Parties to file updated Initial Disclosures
2/5/10			Completion of Fact Discovery
3/5/10	30 days after completion of fact discovery		Disclosure of Expert Testimony and Written Reports for issues on which party bears burden of proof.
4/5/10	30 days after filing of Expert Disclosures		Completion of expert discovery. Deadline to file all discovery motions

Date	Counting	Rule	Event
TBD	60 days before trial		Deadline to file all pretrial and dispositive motions
TBD	30 days before trial		Pretrial Disclosures and Pretrial Order
TBD	7 days before trial		Pretrial Conference
TBD	At Court's convenience		Trial

The above schedule presupposes that all parties will proceed with discovery cooperatively and as provided by the Federal Rules of Civil Procedure, the orders of this Court, and applicable law. Defendants specifically reserve their right to petition the Court to modify and/or amend this schedule if the circumstances so warrant.

Should the case not be resolved on dispositive motions, defendants believe that the trial will last approximately three days. Plaintiff has requested a jury trial in his complaint.

#### **PENDING APPEAL AT THE CAFC**

Jacobsen has filed an appeal of the denial of his motion for a preliminary injunction for copyright infringement with the United States Court of Appeals for the Federal Circuit. The parties are in the briefing stage at this point. Defendants have filed a motion to transfer venue of this appeal to the U.S. Court of Appeals for the Ninth Circuit. Briefing is completed on this motion, however the Federal Circuit has not ruled on the motion.

Defendants do not believe that the resolution of this appeal affects the litigation schedule laid out above.

Dated: April 15, 2009

Respectfully submitted,

          /s/ R. Scott Jerger            
R. Scott Jerger (*pro hac vice*)  
Field Jerger LLP

**CERTIFICATE OF SERVICE**

I certify that on April 15, 2009, I served Matthew Katzer's and KAM's STATUS CONFERENCE REPORT on the following parties through their attorneys via the Court's ECF filing system:

Victoria K. Hall  
Law Office of Victoria K. Hall  
Attorney for Robert Jacobsen  
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Bethesda, MD 20814

          /s Scott Jerger            
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