

# Hall Declaration Exhibit I

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 16 Matthew Katzer and Kamind Associates, Inc.

17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA  
 19 SAN FRANCISCO DIVISION

20 ROBERT JACOBSEN, an individual,

21 Plaintiff,

22 vs.

23 MATTHEW KATZER, an individual, and  
 24 KAMIND ASSOCIATES, INC., an Oregon  
 25 corporation dba KAM Industries,

26 Defendants.

Case Number C06-1905-JSW

Hon. Jeffrey S. White

**DEFENDANTS MATTHEW  
 KATZER AND KAMIND  
 ASSOCIATES, INC.'S RESPONSE  
 TO PLAINTIFF'S SECOND SET  
 OF INTERROGATORIES,  
 REQUEST FOR PRODUCTION  
 AND REQUESTS FOR  
 ADMISSION**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Defendants Matthew  
 Katzer and Kamind Associates, Inc. ("Defendants") object and respond to Plaintiff's Second  
 Request for Production of Documents ("Document Requests" or "Requests"), Plaintiff's Second

1 Set of Interrogatories ("Interrogatories"), and Plaintiff's Second Request for Admission, as  
2 follows:

### 3 GENERAL OBJECTIONS

4 1. Defendants object to any production request or instruction attempting to impose  
5 requirements beyond those provided by the Federal Rules of Civil Procedure.

6 2. Defendants object to the definition of the terms "free software" and "open source  
7 software" as vague and ambiguous.

8 3. Defendants object to the time and place for production of documents as unreasonable.  
9 Defendants will produce non-objectionable and non-privileged documents and things responsive  
10 to the Document Requests at a mutually convenient time and location.

11 4. Defendants object to the Document Requests to the extent that they request documents  
12 protected by the attorney-client privilege, the attorney work-product doctrine, the joint-defense  
13 privilege, the accountant-client privilege, the consulting expert privilege, the self-critical analysis  
14 privilege, or any other applicable privilege or immunity from discovery. By producing  
15 documents, Defendants do not waive any claim to privilege, work product, or other applicable  
16 privileges or protections as to any such documents or as to any subject matter related to any such  
17 documents.

18 5. Any response that Defendants will produce non-privileged documents responsive to a  
19 Document Request is not intended to mean that Defendants currently have documents responsive  
20 to such request or that such documents exist, but only that Defendants will produce such  
21 documents if they exist and have been located within Defendants' possession, custody, or  
22 control, and to the extent that they are not privileged.

23 6. Subject to and without waiver of the foregoing general objections, Defendants  
24 specifically object and/or otherwise respond to these Requests for Admissions, Interrogatories  
25 and Requests for Production as follows below.  
26

1 **INTERROGATORY NO. 4:**

2 You denied Jacobsen's Request for Admission 35, in Jacobsen's First Set of Requests for  
3 Admissions, which stated "You did not have permission from Plaintiff to remove or alter  
4 Plaintiff's copyright notices, license, reference to the license, and authors' names." State all  
5 bases for your contention that you have permission from Plaintiff to remove or alter Plaintiff's  
6 copyright notices, license, reference to the license, and authors' names.

7 **RESPONSE:**

8 Defendants do not presently contend that they have permission to remove or alter  
9 Plaintiff's copyright notices, license, reference to the license, and authors' names from Robert  
10 Jacobsen.

11 **INTERROGATORY NO. 5:**

12 List the names of all witnesses that you plan to call to testify or use as expert witnesses.

13 **RESPONSE:**

14 Defendants object to this interrogatory to the extent it seeks confidential or privileged  
15 information. At this point, Defendants intend to call Mr. Jacobsen and Mr. Katzer as witnesses.  
16 Defendants reserve the right to call additional witnesses and will inform Plaintiff of the existence  
17 of non-consulting expert witnesses when that information is available.

18 **INTERROGATORY NO. 6:**

19 In response to Interrogatory 4 in Jacobsen's First Set of Interrogatories, you provided a  
20 list of documents that you contend are copied from the QSI manual to JMRI files. Provide a  
21 comparison of these documents listed in your response, to the JMRI files that you contend  
22 include expression from the QSI manual, identifying the location in the QSI manual of  
23 information that you contend was copied and the line number in JMRI files where this  
24 information purportedly appears.

25 **RESPONSE:**

1 objections, Defendants will produce non-privileged documents that relate to the subject matter of  
2 this lawsuit.

3 **REQUEST FOR PRODUCTION NO. 5:**

4 All documents that support your contention that you have a license to use JMRI  
5 materials.

6  
7 **RESPONSE:**

8 Defendants object to this Request because it is unreasonably broad, unduly burdensome  
9 and seeks information that is neither relevant nor reasonably calculated to lead to the discovery  
10 of admissible evidence. Due to the way in which this request is broadly worded, it calls for  
11 information protected by the attorney-client privilege, the work product doctrine and Rule  
12 26(b)(3) of the Federal Rules of Civil Procedure, and Defendants respectfully object to this  
13 request because it seeks such privileged information. Subject to the foregoing objections,  
14 Defendants will produce non-privileged documents that relate to the subject matter of this  
15 lawsuit.


16  
17 **VERIFICATION**

18 STATE OF OREGON )  
19 COUNTY OF MULTNOMAH ) ss

20 I, Matthew A. Katzer, being first duly sworn upon oath depose and say:

21  
22 That I am a defendant in the above-name cause of action and the president of Kamind  
23 Associates, Inc., that I have read the foregoing interrogatories and requests for production and  
24 that answers and responses thereto, know the contents thereof, and believe the same to be true to  
25 the best of my knowledge and information.

26 ANSWERS AND RESPONSES dated this 24 of August 2009.

  
Matthew A. Katzer