

2008-1001

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

ROBERT JACOBSEN,
Plaintiff-Appellant,

v.

MATTHEW KATZER and
KAMIND ASSOCIATES, INC. (doing business as KAM Industries),
Defendants-Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA IN CV-06-01905,
JUDGE JEFFREY S. WHITE

MOTION FOR LEAVE FOR *AMICI CURIAE* CREATIVE COMMONS
CORPORATION, THE LINUX FOUNDATION, THE OPEN SOURCE
INITIATIVE, SOFTWARE FREEDOM LAW CENTER, YET ANOTHER
SOCIETY, DBA THE PERL FOUNDATION, AND WIKIMEDIA
FOUNDATION, INC. TO PARTICIPATE IN ORAL ARGUMENT

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April 4, 2008

Counsel for Amici Curiae

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

JACOBSEN v. KATZER et al.

No. 2008-1001

CERTIFICATE OF INTEREST

Counsel for the (petitioner) (appellant) (respondent) (appellee) (amicus) (name of party)

Amici Curiae certifies the following (use "None" if applicable; use extra sheets if necessary):

1. The full name of every party or amicus represented by me is:

Creative Commons Corporation, The Linux Foundation, The Open Source Initiative, Software Freedom Law Center, Yet Another Society, dba The Perl Foundation, and Wikimedia Foundation, Inc.

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

None.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

None.

4. [X] There is no such corporation as listed in paragraph 3.

5. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or agency or are expected to appear in this court are:

Anthony T. Falzone and Christopher K. Ridder, Stanford Center for Internet & Society

2/1/08

Date

Signature of counsel

Printed name of counsel

Reset Fields

MOTION FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT

Amici respectfully move the Court, pursuant to Federal Rule of Appellate Procedure 29(g), for leave to participate in the oral argument scheduled for May 7, 2008. Mr. Jacobsen has consented to the filing of this brief. Amici attempted to obtain consent to the filing of this brief from Matthew Katzer and KAMIND Associates, but they have refused their consent. In addition, Katzer and KAMIND have indicated that they will file a response to this motion.

On December 28, 2007, Amici moved this Court for leave to file an amicus brief, and the motion was granted on January 22, 2008. The Court issued an Oral Argument Order on March 21, 2008.

Amici Creative Commons Corporation, The Linux Foundation, The Open Source Initiative, Software Freedom Law Center, Yet Another Society, dba The Perl Foundation, and Wikimedia Foundation, Inc. are organizations that support, facilitate, and depend upon a robust ecosystem of public licensing. Amicus The Perl Foundation in particular relies upon a version of the Artistic License at issue in this case as the license pursuant to which the Perl programming language is distributed. Amici are uniquely situated to explain to the Court the impact that its decision may have on the vast array of industry participants and users who have come to depend upon the viability and enforceability of public licenses.

