

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

REPLY TO DEFENDANT'S-APPELLEES' KATZER AND KAMIND
ASSOCIATES'S RESPONSE TO 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

Anthony T. Falzone (Counsel of Record)
Christopher K. Ridder (Of Counsel)
STANFORD LAW SCHOOL
CENTER FOR INTERNET & SOCIETY
Crown Quadrangle
559 Nathan Abbott Way
Stanford, California 94305-8610
Telephone: (650) 724-0517
falzone@stanford.edu

April 18, 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.

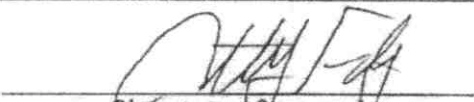
4. There is no such corporation as listed in paragraph 3.

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

Anthony T. Falzone
Printed name of counsel

REPLY TO DEFENDANTS-APPELLEES' KATZER AND KAMIND ASSOCIATES, INC.'S RESPONSE TO *AMICI CURIAE*'S MOTION FOR LEAVE TO PARTICIPATE IN ORAL ARGUMENT

Defendants-Appellees Katzer and KAMIND Associates, Inc. ("Katzer") filed a Response to *Amici Curiae*'s Motion for Leave to Participate in Oral Argument on April 9, 2006. Plaintiff-Appellant Jacobsen consents to Amici's motion and on April 16, 2008 filed a Response in support of it.

Katzer argues that Amici should not be granted leave to participate in the oral argument scheduled for May 7, 2008 because Amici's arguments will be prejudicial to Katzer and duplicative of Jacobsen's arguments. Amici submit that their arguments will not be duplicative or prejudicial to Katzer, but rather helpful to the Court.

Although there may be some overlap in the issues Amici and Jacobsen will discuss, Amici's brief discusses numerous law and policy considerations that were not the focus of Jacobsen's brief. At oral argument Amici will offer specialized knowledge and a valuable perspective to the Court that goes beyond what the parties are able to provide. *See also*, Jacobsen's Response to Defendants-Appellees' Katzer and KAMIND Accosiates, Inc.'s Response to Amici Curiae Creative Commons Corporation et al's Motion for Leave to Participate in Oral Argument ("Jacobsen Response") at 2 (noting that the Court's decision may raise "implications that the parties are unaware of, but that Amici can address.").

