

Hall Opposition Declaration Exhibit F

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

-----X
ROBERT JACOBSEN, an individual

Plaintiff,

C06-1905-JSW

Vs.

MATTHEW KATZER, an individual, and
KAMIND ASSOCIATES, INC., an Oregon
Corporation dba KAM Industries

Defendants.
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**EXPERT REPORT OF
MICHAEL A. EINHORN, Ph.D.,**

ON BEHALF OF PLAINTIFF

October 20, 2008

Subject to revision as more information becomes available

CONFIDENTIAL

1. INTRODUCTION

1. As a professional economist, I have been asked by Victoria Hall, Esq., counsel for plaintiff Robert Jacobsen, for my professional valuation of economic damages that resulted from the use of copyrighted material without authorization by the defendant Matthew Katzer.
2. Recoverable valuations in a copyright case result from the loss of actual profits suffered by the plaintiff, as well as any additional economic profits earned by the defendant.
3. The determination of both measures of economic damages is reasonably a consideration for the expertise of a professional economist. I make no claims regarding the liability of the defendant.

2. STATEMENT OF QUALIFICATIONS

1. My attached resume (Appendix A) itemizes my education (Ph.D. Yale), career, and publications as a professional economist. This discloses my publications and the testimony that I have given, as required by the Federal Rules.
2. In 1979, I co-authored a handbook for electric utilities on the topic of load research, which was distributed nationwide to power companies by Argonne National Laboratories. Load research involves the survey of electricity usage patterns at customer premises. It usually involves the collection of data from a designated sample of an identified population of households or businesses. To be proficient in load research, a researcher must be knowledgeable in the design of surveys and samples.
3. From 1997-2000, I worked as a staff economist at Broadcast Music, Inc. (BMI). BMI is a licensing organization that licenses performance rights in music to major broadcasters, including television networks, local stations, cable companies, and radio stations. To determine payments and allocations to music publishers and songwriters, it is necessary to design samples and implement surveys of the relevant category of user.
4. From July 2000 to the present date, I have served as a testifying economist in court cases involving the valuation of intellectual property manifested in copyrights, trademarks, and patents.
5. I have written 38 professional articles in the area of copyright and intellectual property in law journals and periodicals. I have delivered 36 professional lectures or CLE seminars related to these topics.

6. I am also the author of the book *Media, Technology, and Copyright: Integrating Law and Economics* (Edward Elgar Publishers). Chapter 8 of the book is entitled “Open Source and Innovative Copyright”. The chapter was later used as material in a Continuing Legal Education seminar.

7. I am paid \$450/hr and charge \$650/hr for depositions.

3. SUMMARY OF CONCLUSIONS

1. Open source software is a highly practical institution for creating computer programs with written code that incorporates the coincident insights of a worldwide base of voluntary contributors.

2. Open source software presents a wide range of economic benefits related to efficiency and innovativeness.

3. It is used by many high-tech companies, including Sun, IBM, and Red Hat, which monetize investments in open source with other creative tactics in their business models.

4. Open source software has the apparent potential of resolving difficult scientific and mathematical problems through trial-and-error, feedback, and increasing complexity.

5. The defendant in this case has wrongfully benefited by taking and reusing copyrighted code from an open source project without proper license. As damage compensation, plaintiff may recover a sum equal to the defendant’s value of use of the taking. The value of use would be the hours that would have been spent but for the infringements at issue.

6. There are three ways to impute the number of hours in the defendant’s taking – . survey estimate of total work hours by plaintiff’s programmers, classification of files times work hours per file type, and line count and translation into hours needed to produce it.

7. I have reviewed a survey of programmers that counted the amount of time that each donated to the project. Estimated programmer hours total to 1530 hours.

8. In as second compendium, program files were categorizing the files in three groups. Multiplying by the expected number of hours needed to program files in each, the estimated hourly total using the second method is 1576 hours.

9. In a third diagnostic, I counted the number of lines in the infringing files and estimated the subtotal that implicated some minutes of new input. Multiplying the line total by an estimated programming time of five minutes per line gives a total hours count of 1548.

10. Assuming an hourly rate for freelance programmers of \$100 per hour, I find that the three independent approaches present a converging consensus to similar results that justify an award between \$153,000 to \$157,600.

4. DOCUMENTS

Deposition of Howard G. Penny, September 11, 2009

Declaration of Matthew Katzer in Opposition to Plaintiff's Motion for a Preliminary Conclusions

Declaration of Robert Jacobsen Relating to Damages, and Exhibits

Dawson v. Britton, Final Judgment on Consent

Artistic License, GNU General Public License, licenses for JMRI Software

Jacobsen v. Katzer, 535 F.3d 1373 (Fed. Cir. 2008).

JMRI Downloads and Damage Calculations

Emails from Victoria Hall to Becker, Bender, Blackwell, Bogdanov, Bosch, Boudreau, Brandenburg, Bronson, Cameron, Chinn, Chown, Cliffe, Chazelle, Cressman, Crosland, DeHayes, Duchamp, Einhorn, Ellis, Falkenburg, Fuchs, Gostling, Green, Harper, Harris, Hartung, Kasprowicz, Kongsted, Koud'a, McAleely, McKinnon, Oberhauser, Reader, Robinson, Schmaltz, Scott, Shall, Shanks, Shepherd, Stack, Terdina, James L. Thompson, Walter Thompson, Tripp, Ware, Watkins, Wesstein, and Wils

Emails to Victoria Hall from Becker, Bender, Blackwell, Bogdanov, Bosch, Boudreau, Brandenburg, Bronson, Cameron, Chinn, Chown, Cliffe, Chazelle, Cressman, Crosland, DeHayes, Duchamp, Einhorn, Ellis, Falkenburg, Fuchs, Gostling, Green, Harper, Harris, Hartung, Kasprowicz, Kongsted, Koud'a, McAleely, McKinnon, Oberhauser, Reader, Robinson, Schmaltz, Scott, Shall, Shanks, Shepherd, Stack, Terdina, James L. Thompson, Walter Thompson, Tripp, Ware, Watkins, Wesstein, and Wils

Wikipedia: Open Source, Open Source Software, Business Models for Open Source Software, Distributed Computing, Grid Computing

<http://www.sourceforge.com>

5. THE NATURE OF OPEN SOURCE

Open source programming comprises open standards, shared source code, and collaborative development of computer software by an open network of interconnected programmers. The actual programs are kernels of code that are made available to a

common website; uploaded programs can be downloaded and changed by other computer professionals on an ongoing basis. Each programmer may download code from the posted website and adopt it to his/her particular computing needs, so long as the modifications are licensed to others under the same terms as the original code. Alternatively, the secondary programmer may post the revised program to the website, where the project director will decide whether to keep the suggested edit in the repository. Open source software can then lower costs, allow modification of code, permit quick fixes, inspire innovations, and bring about a shared community of self-interests and scientific insights in an ongoing work.

An open source project is begun typically by someone with a personal interest in a matter and a need for assistance to meet some unfilled programming need. Once a repository of code is posted, other programmers may edit code or add additional interacting modules. With this distributed nature of development, it is possible to modify part of a program without knowing all information about the program that the module belongs to and without altering other modules or the overall purpose of the core program.

Open source software is not necessarily free of price, and not then the same as freeware (such as Adobe's file readers), which charge no price but may entail proprietary code that is made available in order to promote the sale of upgrades and related products. Operating code that is licensed under an open source contract is available for later modification and redistribution under the terms of the license.

Open source programs can be downloaded at the website Sourceforge, which now lists 378,577 programs grouped in twenty broad categories – e.g., desktop, mobile, scientific, systems, etc. Each group has a number of subgroups built around a more limited functionality; e.g., the systems group includes subgroups for hardware, search, firewalls, monitoring, etc. Each subgroup then includes programs capable of performing a task related to the subgroup activity. A prospective open source contributor may then plumb the Sourceforge catalog to find all programs related to a chosen interest.

Famous open source projects include Apache (primary market share among web servers), Linux (which now challenges Microsoft for market leadership for server-based operating systems), Sendmail (which routes a majority of emails on Internet), BitTorrent (which stores bits of video content on networked personal computers and reconstitutes modules for immediate viewing at a host viewer), and Perl (a high-level, general purpose, dynamic programming language dubbed the "Swiss Army chainsaw of programming languages".) Much of the Internet runs on open source software tools and utilities known as the LAMP stack -- Linux, Apache, MySQL (relational database management), and PHP (Hypertext Preprocessor, a scripting language for producing dynamic web pages). A number of open source programs are utility applications that have the ability to perform cryptography, online diagnostics, privacy protection, and security (i.e., protect against malware, spam, and viruses). For Internet services, Sourceforge lists 26 assemblers, 26 debuggers, 118 templates, 1118 emulators, 1277 compilers, and 2461 code generators, inter alia.

Perhaps most interesting, 34,471 programs for scientific/engineering uses that are now listed on the Sourceforge website show the potential for open source software to aid basic scientific research and development that is critical to the advance of knowledge. Taking astronomy as an example of the detailed potentiality, *NASA World Wind* is a graphically rich 3D virtual globe that integrates NASA satellite imagery for use on desktop computers. *Stellarium* renders 3D photo-realistic skies in real time and displays real time position of stars, constellations, planets, and nebulas, inter alia. *Celestia* is an application for real-time 3D visualization of space, with a detailed model of the solar system, over 100,000 stars, more than 10,000 galaxies, and an extension mechanism for adding more objects. *Software for Moon* provides observation and survey that lets the user visualize the real Moon aspect at every moment time. *OpenUniverse* lets the user visit all of its planets, major moons and a vast collection of smaller bodies in real time 3D

There are three critical benefits of open source software. First, any open source program (complete or incomplete) can be made freely and instantaneously available to other users for professional editing or instant use. Second, programming experimentation may occur without the need for either central direction or commercial development. Progress here moves by tactics motivated by engaged personal interests, self-grouping, trial and error, feedback, and serendipity, rather than the centralized control obtained through a chosen core and inner circle that is putatively more rational and all-knowing. Third, the process of immediate presentation, self-grouping, and incremental progress presents a self-organizing venue in which randomness may be conceptually ordered and human knowledge thus more complex

The promise of open source programming will be complemented by additional phenomena that make the entire network a Computer of computers. With grid computing technology, it is now possible to disassemble and store chunks of data for distributed storage on individual personal computers. These parcels may be accessed by parallel computers for scientific research, reassembled for access at a host computer, or coordinated to operate with other computers in a fixed network or a dynamically scalable cloud.

6. ECONOMICS AND LICENSING

Six economic benefits are apparent in open source programming. First, open source programming presents a particularly efficient format for editing. Each would-be innovator posts his work on the website; subsequent recipients test and report bugs (“given enough eyeballs, all bugs are shallow.”) This can be contrasted favorably to a process where source code is not disclosed to outside peers, but instead caught through in-house review and customer reports.

Second, open source programming generates more programming innovation as more participants join and activate specific insights. As long as program leaders edit efficiently, each innovation adds an incremental value that may increase program

functionality and the number of follow-up participants. The programming team may widen in size or enthusiasm if each action generates bandwagon effects.

Third, companies can profit from open source code by selling program upgrades or complementary programs or services. For example, Red Hat offers the Fedora for free through the Fedora Project, but sells the more deluxe Red Hat Enterprise Linux (RHEL) to its enterprise customers. An industry leader, Sun Microsystems offers OpenSolaris for free, while selling Solaris. They also offer OpenOffice.org for free, while selling StarOffice. As innovative as even, Apple Inc. offers the Darwin operating system for free, while selling the more deluxe Mac OS X. IBM provides a complimentary installation of Linux on customer servers, which it monetizes with related consulting and maintenance services. By “giving away razors to sell the blades”, these monetization strategies widen the programming domain for more users who may not otherwise be able to enjoy the benefits of lower costs and higher efficiencies.

Fourth, professional programmers benefit considerably from personal enjoyment, professional interaction and gains in professional reputation. Individual programmers may learn much from working with other talented programmers who communicate in the hybrid language of source code and template prose. Moreover, individual programmers can demonstrate their cyber-skills to the wider population of professionals, and therefore signal a professional worth that can advance careers and attract venture capital.

Fifth, while some programmers may free ride on the results by using code without contributing code in reverse, the apparent problem is insignificant. First, free riders who download programs but otherwise honor the license cause no congestion or other harms by not contributing to the source code repository. More importantly, a wider group of users can actually improve the likelihood for standardization of the code, thus improving the professional reputation of the core team and widening the potential market for derivative applications.

Finally, open source programming can be an efficient means of avoiding costly transactions that are often necessary in producing a complex product. Without monetary transfer, contributions of code here avoid the common events of negotiating, contracting, and dispute resolution that often occur elsewhere. Open source in this respect can be compared to a patent pool, such as the Motor Vehicle Manufacturer Association, where Ford, GM, and other competitors shared a total of 607 patents without pricing.

To make open source programming institutionally viable, programmers must be willing to invest efforts without fear of later expropriation of their work by proprietary agents who may violate terms. The key currency of exchange then is not money, but the assurances that a programmer’s work will not be used in a manner that would expropriate the intellectual property – i.e., violate license terms. Open source programmers who use licenses must then send a credible commitment to prospective programmers that expropriation is not possible.

Over forty open source licenses now exist that set forth necessary conditions for proper use – e.g., the right to copy, modify, redistribute, etc. In this instance, the plaintiff attached to his work the Artistic License and, later, the GNU General Public License (see Appendix B) in order to protect the files produced by project members. The terms of this license were apparently violated with regard to the decoder definition files that were issued with version 1.7.1 of plaintiff’s software.

If defendant’s infringing actions were permitted, this court would eliminate the commitment that now ensures the economic viability of an open source project. The licensing procedures for open source protection should then be appreciated as institutional devices that are conceived and activated under a rule of law that admits no excuse nor dissuades any due punishment to infringers of protected intellectual property.

7. PLAINTIFF’S DAMAGE ANALYSIS

I am advised under copyright law that plaintiff may recover as damages the value of use of the taking to the defendant. This is the amount that defendant would putatively have spent *but for the infringement*. It is possible to have a positive value of use even if the defendant’s infringing activity were non-profitable in the end.

Mr. Katzer did not employ a team of programmers. Consequently, he would have had to engage a core of software programmers in freelance contracts to do the required work.

There are three ways that we may estimate the required time of Katzer’s hypothetical freelance project. First, it is possible to obtain a direct estimate of total work hours by surveying the original programmers of the decoder definition files that were infringed. Second, it is possible to categorize different files into groups, and multiply each by the estimated hours per file. Third, it is possible to count up the number of lines in the infringed files, and transform the line count by a suitable factor to estimate expected hours. I shall discuss these in turn.

A. Direct estimate of total work hours from programmer survey

Counsel Victoria Hall surveyed a total of 80 contributors for their inputs of time needed to compose decoder definition files related to 1.7.1. As seen in Appendix C, a total of 60 reporting respondents spent an estimated 1147 hours on programming related code. If extrapolated proportionally to a total population of 80, the estimated total of contributed hours would be 1,530. This is an estimated number of hours defendant would have had to contract in the market in order to compose the code from scratch.

This hourly total should be multiplied by the rate expected to prevail in an employment agreement that Mr. Katzer would have needed to pay programmers *but for the infringement*. As Mr. Katzer did not employ a team of programmers, he would have had to engage a core of software programmers in freelance contracts. I surveyed from websites relevant rates for such programmers, and determined that a going rate of \$100

per hour was reasonable. Using this *direct hours* method, the imputed value of the programmers' time was \$153,000, which is the estimated value of use to the defendant.

B. *Classification of files times work hours per file type*

Ms. Hall then constructed an alternative test based on expected hours for different file types that required different levels of effort. Bob Jacobsen developed four of eleven *original decoder definition files* in DecoderPro. (Jacobsen Decl. ¶ 2) He also created each of twenty decoder definition files that describe, for a specific decoder chip, various functions that are available for programming on the decoder chip. Finally, Mr. Jacobsen served as an editor to 30 files created by himself and others for the project.

It is then possible to divide the programs into three corresponding categories – original decoder definition files (11; see Table 2; Appendix D), derivative files derived from previous decoder definition files (91; see Table 3; Appendix D), and number of edits contributed to each program (see Table 4; Appendix D). As an estimate of hourly input, each original file required an estimated 30 hours of programmer time¹; each derivative file required an estimated 10 hours.² The estimated hourly input per edit was 1 hour.³ The total number of expected hours was 1576.

C. *Line count and translation into hours.*

A third analysis is based on the total number of lines of active code in the decoder definition files. As seen in Table 5 (Appendix E), there was a total of 57,800 lines in all decoder files (as determined by using a Unix counting command, “wc*.xml”) in version 1.7.1. Of this total, 5,595 lines were blank (as determined by using a Unix counting command, “xmllint *.xml | wc”). From the remaining 52,205, 1,120 additional lines were deducted for boilerplate template (based on an average of 20 lines per sampled file).

Based on a sample of files, some 10% (or 5,019) of the remaining 50,185 lines were original coding – i.e., created from scratch. The remaining lines (90%) were derivative code, as they use an existing decoder definition as the basis for a new decoder file. Of the total number of new derivative lines, 30% of the lines (or 13,550) had actual changes made by the defendant.

¹ The estimate of 30 hours/original file is based on Bob Jacobsen's testimony (30 hours/original), Howard Penny's 50-65 hours/file (Penny Dep. pp. 31-32) and Jeffrey Schmaltz's 40 hours/file (5RGJ.00000167).

² The estimate of 10 hours/derivative file is based on Bob Jacobsen's testimony (10 hours/file), Howard Penny's 11-16 hours/file (Penny Dep. pp. 34, 36, 59-60), and Mosher's 1-11 hours per new file (2RGJ_MM. 00000014), and Jeffrey Schmaltz's 16 hours/file.

³ The estimate of 1 hour/edit is based on Bob Jacobsen's testimony (3 hours/edit), Mosher's 0.5 hr/edit and Jeffrey Schmaltz's 4 hours/edit.

The combined total of new or changed lines in the decoder definition files is 18,568. Assuming four minutes of programming time per line (15 lines per hour), I estimate that programmers spent 1,238 hours on infringed new code. If programming time increases to five minutes per line (12 lines per hour), programmers spent 1548 hours. Assuming an hourly compensation of \$100 per hour, the imputed value of the programmers' time ranged from \$123,800 to \$154,800.

8. CONCLUSION

The three techniques roughly comport with one another and serve as a reliable basis for a damages award. That is, had Mr. Katzer not infringed, I estimate that he would have spent anywhere from \$153,000 to \$157,600 for additional programming time to construct his decoder files. I am advised that this amount is a value of use that is rightfully recovered under Sections 503-504 of the U.S. Copyright Act, as upheld in a number of Federal cases.

October 20, 2009



Michael A. Einhorn, Ph.D.

APPENDIX A

MEDIA, TECHNOLOGY, COPYRIGHT



MICHAEL A. EINHORN

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Michael A. Einhorn is an economic consultant and expert witness active in the areas of intellectual property, media, entertainment, valuation, and antitrust. He is the author of the book *Media, Technology, and Copyright: Integrating Law and Economics* (Edward Elgar Publishers), a Senior Research Fellow at the Columbia Institute for Tele-Information, and an Adjunct Professor at the Rothman Institute of Entrepreneurial Studies at the Silberman School of Business (Fairleigh Dickinson University, Madison, New Jersey). He is affiliated with a number of organizations and consulting firms active in the areas of intellectual property and general commercial damages.

As an economic expert, Dr. Einhorn has worked in matters involving American Telephone and Telegraph, General Electric, Kodak, Archer Daniels Midland, Wal-Mart, Autozone, Blockbuster, Borders Books, Barnes and Noble, eUniverse, Target Stores, Broadcast Music, Inc., SESAC, five magazine distributors, six record companies, eight movie studios, forty-five State Attorneys General, the U.S. Copyright Office, and the U.S. Department of Justice. In the technology sector, he has worked at Bell Laboratories, consulted to Argonne National Laboratories and Bell Communications Research (nka Telcordia), advised on matters related to CDMA and wireless technologies, and assisted in litigation related to semiconductors and medical technologies.

Dr. Einhorn has designed and applied innovative techniques related to damage estimation, valuation, licensing, and strategy in transactional and litigation matters involving intellectual property and licensing. He has valued copyright damages for infringing recordings, screenplays, television programs, photographs, artwork, cartoons,



MEDIA, TECHNOLOGY, COPYRIGHT

architectural plans, and apparel and product designs. Other matters in intellectual property have involved patents, trademarks, trade secrets, publicity rights, false advertising, estate planning, and royalty accounting.

Michael A. Einhorn received a B.A. from Dartmouth College and a Ph.D. in Economics from Yale University. He taught at Rutgers University and worked at the U.S. Department of Justice, Broadcast Music, Inc., and Bell Laboratories. He served as an Adjunct Professor at the Graduate Schools of Business at Fordham University and Columbia University, and at the Rutgers University School of Law. He has published over seventy professional and academic articles and lectured in Great Britain, France, Holland, Germany, Italy, Sri Lanka, China, and Japan.

Dr. Einhorn can be reached at 973-618-1212, mae@mediatechcopy.com.

MEDIA, TECHNOLOGY, COPYRIGHT**INTELLECTUAL PROPERTY**

Dr. Einhorn has designed and applied innovative techniques related to damage estimation, valuation, licensing, and corporate strategy in engagements involving patents, copyrights, trademarks, trade secrets, and publicity rights.

Music: Worked on transactional matters and litigation involving artists, composers, labels, publishers, and radio stations. Engagements have involved the RIAA, SESAC, Universal Music, BMG/Sony, Major Bob Publishing, Aimee Mann, Outkast, Randy Newman, Nappy Roots, Xzibit, Christina Milian, Clear Channel, Disney Records, Notorious B.I.G., Daddy Yankee, P. Diddy, and U2.

Television and Cable: Valued the worth of product placements (Paxson Productions), treatments (NBC Universal/Donald Trump), publicity rights (Turner Broadcasting System), movie characters (Dreamworks), television programs (Televiscentro of Puerto Rico). Helped win judgments in antitrust trials involving vertical arrangements in satellite (Golden Channels Company of Israel) and cable operations (AT&T).

Cyberspace and Technology: Valued display rights for electronic content that appeared on website of a prominent book publisher (Pearson Education); valued copyrights and publicity rights for characters and musical works used in video games (Activision); valued rights in cartoons and stories published in search engine (eUniverse), valued worth of copyright infringements by digital music services (Mp3.com, Napster).

Publicity Rights and Trademarks: Valuations in litigation or consulting involving the names or likenesses of Woody Allen, Arnold Schwarzenegger, Melina Kanakaredes, Yogi Berra, and Rosa Parks. Valuations in trademarks include *Greens Today*, *The New York Observer*, and the name of Marlon Brando.

Apparel and Design. Assisted in matters involving the valuation of apparel patterns (Target Stores, Malibu Textiles), medical illustrations (Pearson Education), celebrity photographs (Harris Publications), architectural plans (Sprint PCS), and art sculpture (Marco Domo).

Patents, Software, and Technology: Now assisting Centrifugal Force Inc. and Frogsware, Ltd., for recovery of damages for infringement of software copyright. Assisted defendant Sakar Inc. in damages estimation in matter brought for patent infringement, and consulted to medical inventor to recover damages for improper loss of rights in use of professional name. Worked at Bell Telephone Laboratories, consulted on projects for Argonne National Laboratories General Electric, and Bell Communications Research (nka Telcordia),

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REPRESENTATIVE CLIENTS

New York State Attorney General, Antitrust Division; New York

Arnold & Porter; Washington

Baker & Hostetler; Cleveland

Palmer & Dodge; Boston

Hunton & Williams; Washington

Blecher & Collins; Los Angeles

Stokes Bartholomew Evans & Petree; Nashville

King & Ballow, Nashville

Frankfurt Kurnit Klein & Selz; New York

Lavelly & Singer; Los Angeles

Gradstein Luskin & Van Dalsem; Los Angeles

Cowan DeBaets Abrahams & Sheppard; New York

Recording Industry Association of America; Washington

Davis and Gilbert; New York

Seyfarth Shaw; Los Angeles

Costa Abrams & Coate; Santa Monica

Blackwell Sanders Peper Martin; St. Louis

Lipsitz Green Fahringer Roll Salisbury & Cambria; Buffalo

LITIGATION ENGAGEMENTS

Media, Entertainment, and Intellectual Property

Golden Channels Company et al. v. Director General of the Antitrust Authority, The Court of Trade Restrictions, Tel Aviv, Israel, 2000, report; antitrust case involving licensing restrictions on movie and program content of Sony, Warner, and Paramount in cable and satellite operations in Israel.

Universal City Studios, Inc. et al. v. Eric Corley, Southern District of New York, 2000, deposition and testimony, regarding economic considerations concerning the decrypting of protective code for copyrighted music, film, text, and photographs.

RIAA v. MP3Board, Southern District of New York, 2001, deposition and testimony, economic considerations involving the legality of search engines that post links to infringing material.

State of Florida et al., v. BMG Music, et al., District of Maine, 2001, report, antitrust case involving the anti-competitive effects of minimum advertising pricing rules established by the five major record labels and their specialized retail outlets.

Nobody in Particular, Inc. v. Clear Channel, Inc., District of Colorado, 2001, consultant: antitrust case involving advertising restrictions by a Clear Channel radio station in Denver against a competing concert promoter.

SESAC v. WPNT, Western District of Pennsylvania, 2001, deposition, antitrust case involving the economic consequences of blanket licensing of musical compositions by a prominent U.S. performing rights organization

Major Bob Music Inc. et al. v. MP3.com, Inc., Southern District of New York, 2001, report; estimated damages for unauthorized use of Garth Brooks' musical compositions and sound recordings by MP3.com.

Chrysalis Music v. MP3 Com Inc, et al, Central District of California, 2002, consultant, estimated damages due for unauthorized use of musical compositions owned by three major music publishers and used on MP3.com.

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Aimee Mann v. UMG Recordings, Inc., et al. Central District of California, 2002, consultant, estimated sales displacement and loss of income resulting from the unauthorized release of a compilation album by record label Universal.

General Electric v. Kodak, 2002, consultant, assisted General Electric in valuation of semiconductor portfolio in potential patent infringement matter vs. Kodak.

Michael A. Lowe v. Loud Records, Eastern District of Pennsylvania, 2002, report, reviewed data in copyright case involving work recorded by Xzibit and produced by Dr. Dre.

Brought to Life v. MCA Records, Inc. et al, Southern District of New York, 2002, consultant, reviewed data in copyright case involving work recorded by Mary J. Blige.

Jacques Loussier v. UMG Recordings, Inc., et al., Southern District of New York, 2002, consultant: surveyed data in copyright case involving French composer Jacques Loussier and Eminem.

Hamstein Music Group, et al v. MP3.com Inc, et al, Central District of California, 2002, consultant, estimated damages due to music publisher for unauthorized use of major musical compositions on MP3.com.

Universal Music Publishing Group v. Fitness Quest, Inc., Northern District of Ohio, 2003, report and deposition, estimated damages due from exercise video producer for use of compositions and sound recordings controlled by Universal.

Core Group P.C. v. Sprint PCS, American Arbitration Association, 2004, report and testimony, estimated due licensing fees for architectural firm that controlled rights in building designs used in nationwide redesign of retail space operated by Sprint.

Impala Lechner v. Marco-Domo Internationales Interieur, et al., Southern District of New York, 2004, consultant; estimated damages due to famous international sculptress for unauthorized use of her artistic designs.

Sandi Gray, et al. v. eUniverse, Inc., et al., Eastern District of Texas, report, 2004; estimated due licensing fees for unauthorized use of copyrighted poetry, prose, and photography by a large provider of shared content and targeted advertising.

Melina Kanakaredes v. Ouidad, Inc., Eastern District of Ohio, report, 2004; publicity rights case involving damages created by unauthorized article appearing in *People* and *Redbook* bearing name of prominent television actress Melina Kanakaredes.

**MEDIA, TECHNOLOGY, COPYRIGHT**

Darryl D. Lassiter, et al., v. Twentieth Century Fox Film Corp., Central District of California, 2004, considered liability involving damages due for use unauthorized screenplay in the Fox box office smash movie *Drumline*.

Willie Woods v. Atlantic Recording Company, et al., Eastern District of Missouri, 2004, report, valued damages and profits resulting from the unauthorized use of musical compositions taken by Nappy Roots in a multi-platinum release by Atlantic Records.

Mojo Music et al., v. Walt Disney Records, Los Angeles Superior Court, 2004, report, estimated value of synchronization rights in musical compositions used in Disney sequel to *The Lion King*.

Rosa Parks v. LaFace Records, Eastern District of Michigan, 2004, report, valued publicity rights involving use of celebrity name by rap group Outkast in a BMG album bearing the name and track *Rosa Parks*.

Lawrence “Yogi” Berra v. Turner Broadcasting System, Superior Court of New York, 2005, consultant, valued publicity rights case involving the unauthorized use of name of baseball player Yogi Berra in citywide advertising campaign by TBS.

Arnold Schwarzenegger and Oak Productions, Inc. v. Recycled Paper Greetings, Inc., et al., Los Angeles Superior Court, 2005, report, estimated damages in publicity rights case involving merchandise bearing celebrity likeness of movie star/governor Arnold Schwarzenegger.

Frederic H. Martini v. Pearson Education Services, Northern District of California, 2005, report, estimated damages for website infringements of prominent illustrator by leading book publisher Pearson Education.

Al Howard Productions, Inc. v. Paxson Productions, Central District of California, 2005, report, estimated commercial damages for breach of contract involving valuation of product placements of prominent game show, *Supermarket Sweeps*.

The Royalty Network Inc., et al. v. Activision, et al., Central District of California, 2005, report, estimated damages for unauthorized use of copyrighted compositions and sound recordings on best-selling video game produced by Activision.

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TMTV Corp. v. Mass Productions, Inc. District of Puerto Rico, 2005, report, estimated damages for lost licensing opportunity resulting from theft of television treatment by a major television producer and Latin television network.

Bridgeport Music et al. v. Universal Music et al., Middle District of Tennessee, 2006, report and testimony, estimated damages for unauthorized use of musical compositions and sound recordings on album *Ready to Die* recorded by Notorious B.I.G. and produced by P. Diddy.

Command Cinema Corp. v. VCA Labs, Inc., Southern District of New York, 2006, report, estimated commercial damages resulting from the destruction of master tapes bearing the only reproduction of digital re-releases of two movies.

Thomas Turino et al. v. Universal Music et al., Central District of California, 2006, report and deposition, estimated damages resulting from infringement of plaintiff's rights in album track *Dip It Low* by Universal recording artist Christina Milian.

Velocity Entertainment Group v. NBC Universal and Donald Trump, Los Angeles Superior Court, Los Angeles, California, 2006, consultant, estimated valuation of treatment used in popular reality television show, *The Apprentice*.

Bridgeport Music et al. v. Crited Music., Middle District of Tennessee, 2006, report, estimated damages for unauthorized use of musical composition *You'll Like it Too* by music publisher Crited Music.

Vera Bradley, Inc. v. Target Stores Inc., Northern District of Indiana, 2006, report, copyright cases involving unauthorized textile design by clothing designer distributed by Target Stores

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MEDIA, TECHNOLOGY, COPYRIGHT

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MEDIA, TECHNOLOGY, COPYRIGHT

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APPENDIX C

TABLE 1

ESTIMATED HOURS - PARTIAL LIST (60 OF 80 DEVELOPERS)

First Name	Last Name	Hours worked aside from Decoder Definition Files?	Hours worked on 1.7.1 or earlier Decoder Definition Files?	Hours worked on Decoder Definition Files after 1.7.1?	Source
Richard	Beaber	--no response--			--
Robin D	Becker	80	80-100		5RGJ.00000203- 5RGJ.00000204
Paul H	Bender	1000	20-30	30-40	5RGJ.00000110- 5RGJ.00000111
Ian P	Birchenough	--no response--			--
Robert	Blackwell	0	24	12	5RGJ.00000144
Kirill E.	Bogdanov	--	--	--	5RGJ.00000170
Sipke	Bosch	100	50	0	5RGJ.00000093
Daniel	Boudreau	500	0	0	5RGJ.00000136
Peter	Brandenburg	0	50	50	5RGJ.00000105
Dick	Bronson	200-250	0	100	5RGJ.00000086
Jim	Buckley	--no response--			--
Kenneth S	Cameron	1120-1410	0	0	5RGJ.00000160
Barry	Chinn	0	0	10	5RGJ.00000114
Bill	Chown	0	0	45	5RGJ.00000165
Nigel	Cliffe	50	0	80	5RGJ.00000098- 5RGJ.00000099
Norman	Clymer	--no response--			--
Xavier	Chazelle	0	0	15	5RGJ.00000155
Peter W	Cressman	1000	0	0	5RGJ.00000141
Andrew	Crosland	50-100	0	2	5RGJ.00000123
Louis J.	DeHayes	0	0	20	5RGJ.00000140
David J.	Duchamp	1500	0	0	5RGJ.00000112
David McLean	Duchesneau	--no response--			--
Michael L.	Dunn	--no response--			--
Joseph A.	Ellis	4-6	15-20	0	5RGJ.00000132
Peter	Ely	10-12	0	0	Phone interview by V. Hall 10/14/2009
Max	Ettinger	3	0	0	Phone interview by V. Hall 10/12/2009
David Robbins	Falkenburg	20-40	0	0	5RGJ.00000094
Paul R.	Fraker	--no response--			--
Gil	Fuchs	0	3	0	5RGJ.00000150
Simon	Ginsburg	--no response--			--
Martin Howard	Gostling	0	0	25	5RGJ.00000120
Phil	Grainger	--no response--			--
Charles M.	Green, Jr	80-160	60-80	60-80	5RGJ.00000100; 5RGJ.00000134- 5RGJ.00000135

TABLE 1

ESTIMATED HOURS - PARTIAL LIST (60 OF 80 DEVELOPERS)

First Name	Last Name	Hours worked aside from Decoder Definition Files?	Hours worked on 1.7.1 or earlier Decoder Definition Files?	Hours worked on Decoder Definition Files after 1.7.1?	Source
John	Harper	40	0	0	5RGJ.00000128
David Platt	Harris	0	1.5-2	0	Phone interview by V. Hall 10/15/2009
Matthew John	Harris	80-100	0	2-3	5RGJ.00000103- 5RGJ.00000104
Philip R.	Hartung	8	0	0	5RGJ.00000130
Timothy C.	Hatch	--no response--			--
Rob	Heikens	--no response--			--
Robert	Jacobsen	--	410	--	Declaration of Robert Jacobsen re Damages (decoder definitions 1.7.1 and earlier only)
Mark	Kasprowicz		15		5RGJ.00000101; 5RGJ.00000116
Klaus	Kongsted	15-20	0	0	5RGJ.00000090
Petr	Koud'a	5-10	0	0	5RGJ.00000092
Jeffrey Douglas	Law	--no response--			
John	McAleely	0	0	5	5RGJ.00000095
Ronald John	McKinnon	0	0	10	5RGJ.00000148
Dennis Stewart	Miller	16	0	0	Phone interview by V. Hall 10/14/2009
Michael J.	Mosher	--	47.5	33.5	2RGJ_MM.00000014
Glen	Oberhauser	40	0	0	5RGJ.00000115
Howard G.	Penny	250-300	97-130	--	H. Penny Deposition, pp. 29-36; 59-60
Phillip John	Perry	0	0	20-40	Phone interivew by V. Hall 10/15/2009
Ronnie	Pinkerton	--no response--			--
John Michael	Plocher	40-80	0	0	Phone interview by V. Hall 10/12/2009
Simon	Reader	5-10	0	0	5RGJ.00000142- 5RGJ.00000143
William A.	Robinson	--	35-40	--	5RGJ.00000109; RGJ.00062609
Leonard	Royles	--no response--			--
Joseph P.	Salemi	0	2-3	0	Phone interview by V. Hall 10/12/2009
Robert G.	Scheffler	--no response--			--
Jeffrey E	Schmaltz	0	0	300	5RGJ.00000167- 5RGJ.00000168

TABLE 1

ESTIMATED HOURS - PARTIAL LIST (60 OF 80 DEVELOPERS)

First Name	Last Name	Hours worked aside from Decoder Definition Files?	Hours worked on 1.7.1 or earlier Decoder Definition Files?	Hours worked on Decoder Definition Files after 1.7.1?	Source
Mark Frederick	Schutzer	0	6-8	0	Phone interview by V. Hall 10/12/2009
Brett	Scott	40-50	0	0	5RGJ.00000174
Jack C.	Shall, Jr.	100-200	50-100	150-200	5RGJ.00000151- 5RGJ.00000152
Bruce	Shanks	100	0	0	5RGJ.00000129
Alexander John	Shepherd	200-300	0	0	5RGJ.00000091
Alfredo	Sola Perez	--no response--			--
Thomas R	Stack	100	0	0	5RGJ.00000125
Giorgio	Terdina	1000	0	0	5RGJ.00000096- 5RGJ.00000097
James L.	Thompson	20-30	0	0	5RGJ.00000119
Walter S.	Thompson	100	100	0	5RGJ.00000118
Dale A.	Tripp	0	0	0	5RGJ.00000127
Peter	Ulvestad	--no response--			--
Jack R.	Walton	0	8	0	Phone interview by V. Hall 10/12/2009
Ian	Ware	10-20			5RGJ.00000153
Mark Williams	Waters	--no response--			--
Howard	Watkins	5-10	0	0	5RGJ.00000138
M.V.	Wesstein	0	0	6-7	5RGJ.00000107- 5RGJ.00000108
Kenneth	Weygandt	4-5	0	0	Phone interview by V. Hall 10/12/2009
Stephen P	Williams	--no response--			--
J.F.A.	Wils	0	0	200	5RGJ.00000173
Christopher A.	Zurek	--no response--			--
TOTAL HOURS		8,323	1,147	1,227	
ADJUSTED HOURS		11,097	1,530	1,635	
ADJUSTED HOURS = TOTAL HOURS x (total number of developers (80) / respondents (60))					

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Subject: RE: From Bob Jacobsen's attorney
From: "Robin Becker" <n3ix@earthlink.net>
Date: Mon, Oct 12, 2009 11:35 pm
To: <victoria@vkhall-law.com>

Victoria,

Here is what I wrote the last time around, Nov 2006:

My work on the JMRI project was mostly with the Soundtraxx decoders. Believe in the end there were 10 or 11 Soundtraxx decoder files that I contributed to over multiple releases. Most of this effort was during the early years of JMRI, something like 2001-2003. At that time I think it is fair to say that the DCC information available in the public domain was greatly inferior to today.

The lack of quality information was particularly true with regard to the details of decoder behavior for each manufacturer. The documentation that was provided was often incomplete, contradictory, and inaccurate. There was no standardized, accessible firmware versioning method used by Soundtraxx. As a result it was difficult to determine what functions were actually supported in any a given decoder.

On multiple occasions I dealt directly with Soundtraxx, the decoder manufacturer, in attempts to resolve issues. At times they were confused, or just plain wrong, about what was in the firmware, how a function actually worked, or what their documentation actually meant.

Given the overall state of the industry during that time, a fair amount of skill, research, and experimentation were required to correctly establish some of the details in each of the JMRI Soundtraxx decoder files. I can flatly state that it was not possible to take the manufacturer and NMRA documentation and produce complete, fully functioning decoder files. I make these statements as one who is trained and highly skilled in Electronics, Firmware, and Embedded Control System design and development.

I do not have specific records of the hours I contributed to JMRI on the Soundtraxx decoder files. Given my recollections, the number of files, multiple releases, and nature of the issues encountered, a reasonable estimate would be 80-100 hours.

Think that covers (1), (2) and (4).

For (3), my work beyond decoders has dealt with testing and debugging, suggestions for improvements, and working with scripts and logix. I have debugged Java code to some degree, have written Jython for scripts, however I have not authored any Java code. The portion of this effort that was directed at the JMRI project in general was probably 80 hours.

(In addition, I have worked on developing a great deal of Jython code to create a JMRI-based application for a particular model railroad. This effort is somewhere above 200 hours, but is just being an advanced user as opposed to a "developer")

As for (5), not sure when 1.7.1 happened but most of my work on decoders was through 2003, which probably pre-dates this?

Regards,

Robin D. Becker, PhD EE
Director of Engineering
Teledyne Advanced Pollution Instrumentation

5RGJ.00000203

San Diego, CA

-----Original Message-----

From: victoria@vkhall-law.com [<mailto:victoria@vkhall-law.com>]

Sent: Wednesday, September 02, 2009 9:21 PM

To: n3ix@earthlink.net

Subject: From Bob Jacobsen's attorney

Dear Mr. Becker,

My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen v. Katzer. We are collecting information about developers' work on the JMRI project. Could you please answer the following?

1. What portions of JMRI code have you worked on?
2. Have you worked on decoder definition files? If so, which decoders?
3. How many hours have you worked on JMRI software, aside from decoder definitions? If you do not have an exact number, estimate a range (e.g., between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)
4. If you worked on decoder definitions for version 1.7.1 or earlier versions, estimate the number of hours that you worked on those decoder definitions.
5. If you worked on decoder definitions--either updates or new decoder definitions--that appeared for versions after 1.7.1, estimate the number of hours that you worked on those decoder definitions.

Regards,

Victoria K. Hall
Law Office of Victoria K. Hall
3 Bethesda Metro Suite 700
Bethesda MD 20814
301-280-5925
240-536-9142 fax

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5RGJ.00000204

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Subject: Re: From Bob Jacobsen's attorney
From: paul.bender@acm.org
Date: Thu, Sep 03, 2009 8:13 am
To: victoria@vkhall-law.com

Ms. Hall,

On 3 Sep, victoria@vkhall-law.com wrote:

> My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen
> v. Katzer. We are collecting information about developers' work on the
> JMRI project. Could you please answer the following?

>

> 1. What portions of JMRI code have you worked on?

I've worked on many components of pieces of JMRI. Here are the ones I am majorly responsible for:

The XPressNet Protocol Support
The Lenz XPA Support
The Consisting Manager, and general supporting utilities for consists.
Portions of the JMRI throttle tool (Speed controls in particular)

I'm sure there are many other pieces I have touched over the years for either major or minor improvements.

> 2. Have you worked on decoder definition files? If so, which decoders?

Yes. Based on header comments, I have at touched the following decoder definitions:

Atlas_VO1000.xml
Bachmann_EZDCC.xml
Digitrax_Basic.xml
Digitrax_CS.xml
Lenz_DriveSelect.xml
Lenz_Gold.xml
Lenz_LE1000.xml
Lenz_Silver.xml
Lenz_UltraDrive.xml
MRC_soundbrilliance1636.xml
MRC_soundbrilliance1644.xml
MRC_soundbrilliance1645.xml

Of those, I created the following

Atlas_VO1000.xml
Lenz_LE1000.xml
MRC_soundbrilliance1636.xml

> 3. How many hours have you worked on JMRI software, aside from decoder
> definitions? If you do not have an exact number, estimate a range (e.g.,
> between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)

Over the 6 or 7 years I've been involved in the project, I've easily spent 1000 hours or more on JMRI.

> 4. If you worked on decoder definitions for version 1.7.1 or earlier
> versions, estimate the number of hours that you worked on those
> decoder definitions.

Of the definitions I created, Atlas_VO1000.xml and Lenz_LE1000.xml were included in version 1.7.1. I would estimate I have 20-30 hours of work in all decoder definitions I worked on prior to and including version

5RGJ.00000110

1.7.1

> 5. If you worked on decoder definitions--either updates or new decoder
> definitions--that appeared for versions after 1.7.1, estimate the
> number of hours that you worked on those decoder definitions.

Of the definition files I created, the MRC_soundbrilliance1636.xml was included after version 1.7.1 (it was first included in version 1.7.6). I would estimate I have 30-40 hours of work in all decoder definitions I have touched since version 1.7.1.

Paul Bender, Ph.D.

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Subject: Re: From Bob Jacobsen's attorney
From: AFTICARR <AFTICARR@sympatico.ca>
Date: Sat, Sep 05, 2009 3:01 pm
To: victoria@vkhall-law.com

Victoria,

To the best of my recollection I have been involved with JMRI as follows;

Key Moderator of the Yahoo JMRI Newsgroup from sometime in 2003 until my wife took ill in Nov 2004. I still provide moderation to the News Group but with much less involvement.

I've only worked on decoder definition files. The first one and the one I spent the most time on related to CVP's AD4. The file is named CVProducts_AD4.xml. I also updated a couple of Digitrax decoder definition files but cannot remember which version of JMRI they fell under. The files I can verify as updating are;

1) Digitrax_01x3.xml Updated several times; February 16th 2007, March 4, 2007, August 7, 2007, Aug 28, 2007 and August 30, 2007

2) Digitrax_0SFX.xml Updated Aug 5, 2007

Just remembered one more! On Aug 12, 2006 I created a definition file for he Kuehn ZTC217 decoder.

I believe work on the CVP AD4 file was conducted prior to release of version 1.7.1. I recall spending a few days learning how to and updating the related xml file. I estimate 24 hours where contributed to this file. I don't think I would have spent more than 12 hours updating the other files.

Please feel free to contact me if additional information is required.

Bob Blackwell
Pickering, Ontario

www.afticarr.com

Organ donation can save a life. Please sign your organ donor card.

---> On 03/09/2009 12:25 AM, victoria@vkhall-law.com wrote:

> Dear Mr. Blackwell,

>

> My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen

> v. Katzer. We are collecting information about developers' work on the

> JMRI project. Could you please answer the following?

>

> 1. What portions of JMRI code have you worked on?

> 2. Have you worked on decoder definition files? If so, which decoders?

> 3. How many hours have you worked on JMRI software, aside from decoder

> definitions? If you do not have an exact number, estimate a range (e.g.,

> between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)

> 4. If you worked on decoder definitions for version 1.7.1 or earlier

> versions, estimate the number of hours that you worked on those decoder

> definitions.

> 5. If you worked on decoder definitions--either updates or new decoder

> definitions--that appeared for versions after 1.7.1, estimate the number

> of hours that you worked on those decoder definitions.

>

> Regards,

>

> Victoria K. Hall

> Law Office of Victoria K. Hall

> 3 Bethesda Metro Suite 700

5RGJ.00000144

> Bethesda MD 20814
> 301-280-5925
> 240-536-9142 fax
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5RGJ.00000145

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Subject: Re: From Bob Jacobsen's attorney
From: Kirill Bogdanov <k_bogdanov_uk@yahoo.co.uk>
Date: Sat, Sep 12, 2009 5:32 pm
To: victoria@vkhall-law.com

Dear Victoria,

I have not actually made a contribution to JMRI. I was working on a specific part (support for a custom command station) but found out too late that certain portions of my work are covered by patents which are being enforced to prevent distribution of anything covered rather than for direct financial gain. Consequently, the work I did was not contributed to JMRI.

I hope this answers your questions.

Warm Regards,

Kirill Bogdanov.

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5RGJ.00000170

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Subject: RE: From Bob Jacobsen's attorney
From: "Sip Bosch" <sip@euronet.nl>
Date: Thu, Sep 03, 2009 12:00 am
To: <victoria@vkhall-law.com>

Dear Mrs. Hall,

1. The ZIMO MX-1 Command Station software
2. ZIMO decoders
3. more than 100 hours
4. more than 50 hours
5. N.A.

Sincerely,

Sip Bosch

-----Oorspronkelijk bericht-----

Van: victoria@vkhall-law.com [<mailto:victoria@vkhall-law.com>]

Verzonden: donderdag 3 september 2009 6:27

Aan: sip@euronet.nl

Onderwerp: From Bob Jacobsen's attorney

Dear Mr. Bosch,

My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen v. Katzer. We are collecting information about developers' work on the JMRI project. Could you please answer the following?

1. What portions of JMRI code have you worked on?
2. Have you worked on decoder definition files? If so, which decoders?
3. How many hours have you worked on JMRI software, aside from decoder definitions? If you do not have an exact number, estimate a range (e.g., between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)
4. If you worked on decoder definitions for version 1.7.1 or earlier versions, estimate the number of hours that you worked on those decoder definitions.
5. If you worked on decoder definitions--either updates or new decoder definitions--that appeared for versions after 1.7.1, estimate the number of hours that you worked on those decoder definitions.

Regards,

Victoria K. Hall
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240-536-9142 fax

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5RGJ.00000093

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Subject: RE: From Bob Jacobsen's attorney
From: "Daniel Boudreau" <daboudreau@hotmail.com>
Date: Thu, Sep 03, 2009 8:02 pm
To: <victoria@vkhall-law.com>

Hi Victoria,

My answers to your questions are below.

If you have any other questions please feel free to ask.

I want to thank you for helping Bob deal with these very messy issues.

Dan

> -----Original Message-----

> From: victoria@vkhall-law.com [<mailto:victoria@vkhall-law.com>]

> Sent: Thursday, September 03, 2009 12:28 AM

> To: daboudreau@hotmail.com

> Subject: From Bob Jacobsen's attorney

>

> Dear Mr. Boudreau,

>

> My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen

> v. Katzer. We are collecting information about developers' work on the

> JMRI project. Could you please answer the following?

>

> 1. What portions of JMRI code have you worked on?

Most of my work has been adding features for the NCE DCC command station and a new piece of functionality called operations. Here's the link if you need additional info concerning operations:

<http://jmri.sourceforge.net/help/en/package/jmri/jmrit/operations/Operations.shtml>

> 2. Have you worked on decoder definition files? If so, which decoders?

No I have not.

> 3. How many hours have you worked on JMRI software, aside from decoder

> definitions? If you do not have an exact number, estimate a range (e.g.,

> between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)

More than 500 hours. Most of the hours were consumed developing and supporting the "operations" code.

> 4. If you worked on decoder definitions for version 1.7.1 or earlier

> versions, estimate the number of hours that you worked on those decoder

> definitions.

I did not work on decoder definitions for any version.

> 5. If you worked on decoder definitions--either updates or new decoder

> definitions--that appeared for versions after 1.7.1, estimate the number

> of hours that you worked on those decoder definitions.

Again, I haven't worked on any of the decoder definitions before or after 1.7.1.

>

5RGJ.00000136

> Regards,
>
> Victoria K. Hall
> Law Office of Victoria K. Hall
> 3 Bethesda Metro Suite 700
> Bethesda MD 20814
> 301-280-5925
> 240-536-9142 fax
>

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Subject: Re: From Bob Jacobsen's attorney
From: Peter Brandenburg <Peter.Brandenburg@t-online.de>
Date: Thu, Sep 03, 2009 4:01 am
To: victoria@vkhall-law.com

Dear Mrs. Hall,

I'll try to answer to my best knowledge:

1. - none
3. - none
2. -

CT_Elektronik_DCX_30_V.xml 2004/29/12

CT_Elektronik_DCX_new2.xml 2006/11/20

CT_Elektronik_DCX_old.xml 2004/29/12

CT_Elektronik_DCX_V66_plus.xml 2006/11/20

CT_Elektronik_Sound_GE_70.xml 2004/29/12

CT_Elektronik_Sound_SL.xml 2006/11/20

Haber_u_Koenig.xml 2006/11/09

Kuehn_5Moto.xml 2006/01/30

4. and 5. - I'm sorry but I don't know which versions of JMRI have been in use at the time I wrote the decoder definitions, but you or Bob should be able to find out accordingly to the dates I stated above (last time of update).

The total time working on these definitions estimated is more than 100 hours.

Hope this helps.

Regards

Peter Brandenburg

victoria@vkhall-law.com schrieb:

> Dear Mr. Brandenburg,

>

> My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen

> v. Katzer. We are collecting information about developers' work on the

> JMRI project. Could you please answer the following?

>

> 1. What portions of JMRI code have you worked on?

> 2. Have you worked on decoder definition files? If so, which decoders?

> 3. How many hours have you worked on JMRI software, aside from decoder

> definitions? If you do not have an exact number, estimate a range (e.g.,

> between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)

> 4. If you worked on decoder definitions for version 1.7.1 or earlier

> versions, estimate the number of hours that you worked on those decoder

> definitions.

> 5. If you worked on decoder definitions--either updates or new decoder

> definitions--that appeared for versions after 1.7.1, estimate the number

> of hours that you worked on those decoder definitions.

>

> Regards,

5RGJ.00000105

>
> Victoria K. Hall
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> 301-280-5925
> 240-536-9142 fax
>
>
>

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5RGJ.00000106

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Subject: Re: Question re JMRI hours, etc.
From: Dick Bronson <dick@rr-cirkits.com>
Date: Wed, Sep 02, 2009 10:15 pm
To: victoria@vkhall-law.com

victoria@vkhall-law.com wrote:

> Dear Dick,

>

> We are collecting information about developers' work on the
> JMRI project. Could you please help us with the following?

>

> 1. What portions of JMRI code have you worked on?

>

The only Java code I have worked on was 'blockboss'. That is the code that is commonly called Simple Signal Logic. I added some functionality to the original code, added the tool tips, and cleaned up the display formatting. I also worked on the documentation files for the same section.

I also created all the graphics currently found in the 'USSpanel' and 'USS' sections of the icons. I have also added some of the signal icons found in other areas.

> 2. Have you worked on decoder definition files? If so, which decoders?

>

I did the complete decoder definition file for our RR-CirKits TC-64 product. (429.89KB) It was first included in Feb 2006. 1.7.3 so it was done after your cutoff version.

> 3. How many hours have you worked on JMRI software, aside from decoder
> definitions? If you do not have an exact number, estimate a range (e.g.,
> between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)

>

Probably between 200-250 hours spread out over the last 4-5 years. (not counting clinics)

> 4. If you worked on decoder definitions for version 1.7.1 or earlier
> versions, estimate the number of hours that you worked on those decoder
> definitions.

>

Our decoder file was not first included until version 1.7.3.

> 5. If you worked on decoder definitions--either updates or new decoder
> definitions--that appeared for versions after 1.7.1, estimate the number
> of hours that you worked on those decoder definitions.

>

Approximately 100+ hours. It is over 400KB, but there is a lot of repetition that was done by cut... paste... edit... paste... edit..., etc. (there is 64 of everything) There have been about 5 revisions over the years.

Dick :)

> Regards,

>

> Victoria K. Hall
> Law Office of Victoria K. Hall
> 3 Bethesda Metro Suite 700
> Bethesda MD 20814
> 301-280-5925
> 240-536-9142 fax

>

> P.S. Say hi to Karen!

>

>

>

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Subject: RE: From Bob Jacobsen's attorney

From: "Ken Cameron" <kcameron@staffleasing-peo.com>

Date: Thu, Sep 10, 2009 4:30 pm

To: <victoria@vkhall-law.com>

1. I have worked on NCE clock sync logic, X10 powerline devices, expanded the number of system connections, automated train throttle controls, sensor debounce, and CMRI polling support.

2. I have not worked on decoder files.

3. JMRI work for me has been in periods and projects. Generally 2 months at a time with 25 to 30 hours a week then 3 to 6 months with only 20 to 30 hours a month. Seldom has there been a month where I'm not spending at least 15 hours sometime during the month. This has been true since about two months before version 1.8.

4. N/A, see #3.

5. N/A, see #3.

-ken cameron
Syracuse Model Railroad Club <http://www.SyracuseModelRr.org/>
CNY Modelers <http://www.cnymod.com/>
mailto: kcameron@staffleasing-peo.com

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5RGJ.00000160

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Subject: Re: From Bob Jacobsen's attorney
From: "Barry Chinn" <bechinn1@comcast.net>
Date: Thu, Sep 03, 2009 8:38 am
To: <victoria@vkhall-law.com>

Hello Ms. Hall. I will place my answers after your questions. Good luck with this....

/s/ Barry Chinn

----- Original Message -----

From: <victoria@vkhall-law.com>
To: <bechinn1@comcast.net>
Sent: Wednesday, September 02, 2009 9:34 PM
Subject: From Bob Jacobsen's attorney

Dear Mr. Chinn,

My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen v. Katzer. We are collecting information about developers' work on the JMRI project. Could you please answer the following?

1. What portions of JMRI code have you worked on?

I have not worked on any of code, just data files

2. Have you worked on decoder definition files? If so, which decoders?

Yes, the Tsunami steam decoders. About 10 hours total.

3. How many hours have you worked on JMRI software, aside from decoder definitions? If you do not have an exact number, estimate a range (e.g., between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)

zero.

4. If you worked on decoder definitions for version 1.7.1 or earlier versions, estimate the number of hours that you worked on those decoder definitions.

I don't remember which version - I think the decoder definition format remains constant.

5. If you worked on decoder definitions--either updates or new decoder definitions--that appeared for versions after 1.7.1, estimate the number of hours that you worked on those decoder definitions.

same as 4.

Regards,

Victoria K. Hall
Law Office of Victoria K. Hall
3 Bethesda Metro Suite 700
Bethesda MD 20814
301-280-5925
240-536-9142 fax

[Print](#) | [Close Window](#)

Subject: Re: From Bob Jacobsen's attorney
From: Bill Chown <orrrbrit2004@yahoo.com>
Date: Fri, Sep 11, 2009 2:06 pm
To: victoria@vkhall-law.com

Victoria,

thank you for contacting me.

I have inserted my responses below; please contact me again if my information is incomplete, or with any additional questions.

Regards
Bill

Bill Chown
orrrbrit2004@yahoo.com
<http://orrrbrit.home.comcast.net>

From: "victoria@vkhall-law.com" <victoria@vkhall-law.com>
To: orrrbrit2004@yahoo.com
Sent: Wednesday, September 2, 2009 9:36:03 PM
Subject: From Bob Jacobsen's attorney

Dear Mr. Chown,

My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen v. Katzer. We are collecting information about developers' work on the JMRI project. Could you please answer the following?

1. What portions of JMRI code have you worked on?
BC>>>>Decoder Definitions
2. Have you worked on decoder definition files? If so, which decoders?
BC>>>>MRC, TCS
3. How many hours have you worked on JMRI software, aside from decoder definitions? If you do not have an exact number, estimate a range (e.g., between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)
BC>>>>no work other than on decoder definitions
4. If you worked on decoder definitions for version 1.7.1 or earlier versions, estimate the number of hours that you worked on those decoder definitions.
BC>>>>no work prior to 1.7.1
5. If you worked on decoder definitions--either updates or new decoder definitions--that appeared for versions after 1.7.1, estimate the number of hours that you worked on those decoder definitions.
BC>>>>45 hours total

Regards,

Victoria K. Hall
Law Office of Victoria K. Hall

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3 Bethesda Metro Suite 700
Bethesda MD 20814
301-280-5925
240-536-9142 fax

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Subject: Re: From Bob Jacobsen's attorney
From: Nigel Cliffe <ncliffe@btinternet.com>
Date: Thu, Sep 03, 2009 2:02 am
To: victoria@vkhall-law.com

victoria@vkhall-law.com wrote:

> Dear Mr. Cliffe,

>

> My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen
> v. Katzer.

I have checked your legitimacy with Bob Jacobsen.

> We are collecting information about developers' work on the
> JMRI project. Could you please answer the following?

>

> 1. What portions of JMRI code have you worked on?

Decoder definitions, jython scripts for automation and train
identification, debugging Hornby Elite command station interface.

> 2. Have you worked on decoder definition files? If so, which decoders?

CT Elektronik; DCX series decoders (2 files), SL series sound decoders
(1 file). Each covers multiple decoders.

Zimo; MX620 series

ZTC; Sound decoders (the ZTC is a version of a Soundtraxx decoder
produced for ZTC in the UK with different features/settings compared to
standard US versions.)

MERG accessory decoders (MERG are a UK hobby club which provides
electronics kits)

There are one or two others which have not been formally submitted to
the JMRI project, but exist on various web forums as test versions
awaiting further feedback.

> 3. How many hours have you worked on JMRI software, aside from decoder
> definitions? If you do not have an exact number, estimate a range (e.g.,
> between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)

Guess at 50 hours, but I have not kept records.

This would be some automation scripts (variants on "back and forth") and
some sample scripts for RFID integration.

Includes a few hours acting as technical contact to debug the Hornby
command station interface (I had access to one, and the software writer
sent various evaluation code for testing).

> 4. If you worked on decoder definitions for version 1.7.1 or earlier
> versions, estimate the number of hours that you worked on those decoder
> definitions.

None. My contributions are to later versions.

> 5. If you worked on decoder definitions--either updates or new decoder
> definitions--that appeared for versions after 1.7.1, estimate the number
> of hours that you worked on those decoder definitions.

Well over 80 hours.

This includes deciphering decoder behaviour where the makers

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documentation is incomplete or erroneous. CT Elektronik have poor documentation, sometimes contradictory between documentation editions (in the original German/Austrian). There are clues in various documents, and from the websites of diverse suppliers of related products (such as limited information on how a specific feature can be deployed giving the clues to understand how the underlying CV's are structured). The English "translations" are not to be trusted at all.

ZTC documentation is limited and incomplete (the ZTC company has changed hands several times since the decoders were produced, so the current ZTC company support for these products is limited). The decoders are very different to the Sountraxx US versions, so copying US information will result in incorrect configuration.

I hope the above is useful, should you require further information please ask.

regards

- Nigel Cliffe

> Regards,

>

> Victoria K. Hall

> Law Office of Victoria K. Hall

> 3 Bethesda Metro Suite 700

> Bethesda MD 20814

> 301-280-5925

> 240-536-9142 fax

>

>

>

--

Nigel Cliffe - from home - ncliffe@btinternet.com

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Subject: RE: From Bob Jacobsen's attorney
From: "Xavier Chazelle" <xavier.chazelle@chazelle.net>
Date: Tue, Sep 08, 2009 1:48 pm
To: <victoria@vkhall-law.com>

Hello,

Q1 : I worked mainly on decoder definition files

Q2 : I wrote the definition file for Uhenbrock 73400 and 73410 decoders, and worked on some others for improvement but without publishing.

Q3 : Aside from decoders, I spent around some hours but with no publication.

Q4 : I didn't work on old versions.

Q5 : My estimation is that I spent 15 hours on subject of Q2.

Best regards

Xavier Chazelle

-----Message d'origine-----

De : victoria@vkhall-law.com [<mailto:victoria@vkhall-law.com>]

Envoyé : jeudi 3 septembre 2009 06:39

À : xavier.chazelle@chazelle.net

Objet : From Bob Jacobsen's attorney

Dear Mr. Chazelle,

My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen v. Katzer. We are collecting information about developers' work on the JMRI project. Could you please answer the following?

1. What portions of JMRI code have you worked on?
2. Have you worked on decoder definition files? If so, which decoders?
3. How many hours have you worked on JMRI software, aside from decoder definitions? If you do not have an exact number, estimate a range (e.g., between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)
4. If you worked on decoder definitions for version 1.7.1 or earlier versions, estimate the number of hours that you worked on those decoder definitions.
5. If you worked on decoder definitions--either updates or new decoder definitions--that appeared for versions after 1.7.1, estimate the number of hours that you worked on those decoder definitions.

Regards,

Victoria K. Hall
Law Office of Victoria K. Hall
3 Bethesda Metro Suite 700
Bethesda MD 20814
301-280-5925
240-536-9142 fax

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Subject: Re: From Bob Jacobsen's attorney
From: Pete Cressman <pete_cressman@sbcglobal.net>
Date: Fri, Sep 04, 2009 10:36 am
To: victoria@vkhall-law.com

Dear Ms Hall,

I have been working rather regularly on JMRI for nearly a year - I believe for 10 months. The time I have devoted to coding is more than 1000 hours but none of it has been on decoder definition files or their use in other parts of the code. I have spent my entire time on PanelPro features, Logix in particular and display enhancements to the panels.

Best Regards,

Peter Cressman

From: "victoria@vkhall-law.com" <victoria@vkhall-law.com>
To: pete_cressman@sbcglobal.net
Sent: Wednesday, September 2, 2009 9:40:02 PM
Subject: From Bob Jacobsen's attorney

Dear Mr. Cressman,

My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen v. Katzer. We are collecting information about developers' work on the JMRI project. Could you please answer the following?

1. What portions of JMRI code have you worked on?
2. Have you worked on decoder definition files? If so, which decoders?
3. How many hours have you worked on JMRI software, aside from decoder definitions? If you do not have an exact number, estimate a range (e.g., between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)
4. If you worked on decoder definitions for version 1.7.1 or earlier versions, estimate the number of hours that you worked on those decoder definitions.
5. If you worked on decoder definitions--either updates or new decoder definitions--that appeared for versions after 1.7.1, estimate the number of hours that you worked on those decoder definitions.

Regards,

Victoria K. Hall
Law Office of Victoria K. Hall
3 Bethesda Metro Suite 700
Bethesda MD 20814
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240-536-9142 fax

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Subject: RE: From Bob Jacobsen's attorney
From: "Andrew Crosland" <andrewcrosland@talktalk.net>
Date: Thu, Sep 03, 2009 11:08 am
To: <victoria@vkhall-law.com>

Dear Ms Hall,

Please see answers embedded below

> -----Original Message-----

> From: victoria@vkhall-law.com [<mailto:victoria@vkhall-law.com>]

> Sent: 03 September 2009 05:41

> To: andrewcrosland@talktalk.net

> Subject: From Bob Jacobsen's attorney

>

> Dear Mr. Crosland,

>

> My name is Victoria Hall, and I am Bob Jacobsen's attorney in

> Jacobsen v. Katzer. We are collecting information about

> developers' work on the JMRI project. Could you please answer

> the following?

>

> 1. What portions of JMRI code have you worked on?

Supporting code for the "SPROG" product (mostly a few years ago)

Supporting code for "MERC CBUS" (In the past year)

> 2. Have you worked on decoder definition files? If so, which decoders?

ZTC decoders, but I believe my work has been superceded if that makes any difference.

> 3. How many hours have you worked on JMRI software, aside

> from decoder definitions? If you do not have an exact number,

> estimate a range (e.g., between 30-40 hours, or more than 100

> hours, or less than 5 hours, etc.)

I estimate 50 - 100 hours over a number of years.

> 4. If you worked on

> decoder definitions for version 1.7.1 or earlier versions,

> estimate the number of hours that you worked on those decoder

> definitions.

> 5. If you worked on decoder definitions--either updates or

> new decoder definitions--that appeared for versions after

> 1.7.1, estimate the number of hours that you worked on those

> decoder definitions.

Sorry, I don't recall the version numbers when I worked on the ZTC decoders but I estimate less than 2 hours in any case.

I hope this helps,

Regards,

Andrew Crosland

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Subject: RE: From Bob Jacobsen's attorney
From: "Louis J. DeHayes" <ldehayes@comcast.net>
Date: Fri, Sep 04, 2009 8:24 am
To: <victoria@vkhall-law.com>

1. I haven't done any program code
2. Yes several of them but I have only submitted the MRC1806
3. zero
4. none
5. 20hrs

Hope this helps

Lou DeHayes

-----Original Message-----

From: victoria@vkhall-law.com [<mailto:victoria@vkhall-law.com>]
Sent: Thursday, September 03, 2009 12:42 AM
To: ldehayes@comcast.net
Subject: From Bob Jacobsen's attorney

Dear Mr. DeHayes,

My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen v. Katzer. We are collecting information about developers' work on the JMRI project. Could you please answer the following?

1. What portions of JMRI code have you worked on?
2. Have you worked on decoder definition files? If so, which decoders?
3. How many hours have you worked on JMRI software, aside from decoder definitions? If you do not have an exact number, estimate a range (e.g., between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)
4. If you worked on decoder definitions for version 1.7.1 or earlier versions, estimate the number of hours that you worked on those decoder definitions.
5. If you worked on decoder definitions--either updates or new decoder definitions--that appeared for versions after 1.7.1, estimate the number of hours that you worked on those decoder definitions.

Regards,

Victoria K. Hall
Law Office of Victoria K. Hall
3 Bethesda Metro Suite 700
Bethesda MD 20814
301-280-5925
240-536-9142 fax

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Subject: Re: From Bob Jacobsen's attorney
From: David Duchamp <djduchamp@mac.com>
Date: Thu, Sep 03, 2009 8:19 am
To: victoria@vkhall-law.com

Hi,

We've met at NMRA conventions.

My answers to your questions:

> 1. What portions of JMRI code have you worked on?

I worked primarily on CMRI, Lights, Routes, Logix, Layout Editor, Sections, Transits, and Dispatcher. I've made minor contributions in other areas of PanelPro as well.

> 2. Have you worked on decoder definition files? If so, which decoders?

No. I haven't worked on decoder definition files.

> 3. How many hours have you worked on JMRI software, aside from decoder definitions?

Spread over several years, I'd estimate I've spent over 1500 hours on JMRI.

> 4. If you worked on decoder definitions for version 1.7.1 or earlier

> versions, estimate the number of hours that you worked on those

> decoder

> definitions.

I haven't worked on decoder definition files.

> 5. If you worked on decoder definitions--either updates or new decoder

> definitions--that appeared for versions after 1.7.1, estimate the

> number

> of hours that you worked on those decoder definitions.

I haven't worked on decoder definition files.

Hope this helps.

Dave Duchamp
Kalamazoo, MI

On Sep 3, 2009, at 12:42 AM, victoria@vkhall-law.com wrote:

> Dear Mr. DuChamp,

>

> My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen

> v. Katzer. We are collecting information about developers' work on the

> JMRI project. Could you please answer the following?

>

> 1. What portions of JMRI code have you worked on?

> 2. Have you worked on decoder definition files? If so, which decoders?

> 3. How many hours have you worked on JMRI software, aside from decoder

> definitions? If you do not have an exact number, estimate a range

> (e.g.,

> between 30-40 hours, or more than 100 hours, or less than 5 hours,

> etc.)

> 4. If you worked on decoder definitions for version 1.7.1 or earlier

> versions, estimate the number of hours that you worked on those

> decoder

> definitions.

> 5. If you worked on decoder definitions--either updates or new decoder

> definitions--that appeared for versions after 1.7.1, estimate the

> number

> of hours that you worked on those decoder definitions.

>

> Regards,

>

5RGJ.00000112

> Victoria K. Hall
> Law Office of Victoria K. Hall
> 3 Bethesda Metro Suite 700
> Bethesda MD 20814
> 301-280-5925
> 240-536-9142 fax
>
>

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Subject: Reply on JMRI questions (was Re: From Bob Jacobsen's attorney)

From: Joseph Ellis <synthfilker@sbcglobal.net>

Date: Thu, Sep 03, 2009 5:16 pm

To: <victoria@vkhall-law.com>

On Sep 3, 2009, at 12:46 AM, <victoria@vkhall-law.com> wrote:

> Dear Mr. Ellis,

>

> My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen
> v. Katzer. We are collecting information about developers' work on the
> JMRI project. Could you please answer the following?

>

> 1. What portions of JMRI code have you worked on?

i did not work on the base code. I DID provide a stripped down version of the programmer to use at train shows - I believe it's incorporated in the release, but honestly, I'm not sure. ;) Since I understood XML a little better by that point, that was a matter of, I think, about 4-6 hours work. I know I did it in one evening after coming home from a train show.

> 2. Have you worked on decoder definition files? If so, which decoders?

I contributed one decoder definition, the Lenz LE-077XF.

>

> 3. How many hours have you worked on JMRI software, aside from decoder
> definitions? If you do not have an exact number, estimate a range
> (e.g.,
> between 30-40 hours, or more than 100 hours, or less than 5 hours,
> etc.)

See #1 above... estimated 4-6 hours.

> 4. If you worked on decoder definitions for version 1.7.1 or earlier
> versions, estimate the number of hours that you worked on those
> decoder
> definitions.

This was the first time I had ever done anything like this... I had to learn XML, and it took considerable experimenting for me to get the definition right. As a result, I believe I spent the better part of a week working on it in the evenings - i would have to estimate it was about 15-20 hours, all told.

> 5. If you worked on decoder definitions--either updates or new decoder
> definitions--that appeared for versions after 1.7.1, estimate the
> number
> of hours that you worked on those decoder definitions.

I did no other decoder definitions.

I don't know if it makes any difference.. but I also did the entire first manual for the DecoderPro project... that was at least 60 hours of work overall,

5RGJ.00000132

spread out over 3-4 weeks if I remember correctly. Yes, I get a little obsessive about things like this when I get started on them <<grin>>

>
> Regards,
>
> Victoria K. Hall
> Law Office of Victoria K. Hall
> 3 Bethesda Metro Suite 700
> Bethesda MD 20814
> 301-280-5925
> 240-536-9142 fax

I'd like to say thank you for your efforts on this case - I've been following it closely in the statements and decisions, and I understand that this is a HUGE amount of effort to have expended on something apparently as trivial as "toy train software"... but I understand the implications in the larger world of open source, and am greatly encouraged by both your and Bob's stand on principles and ethics. If you have any other questions, feel free to ask!

Thank you both VERY much!

Joe Ellis

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Subject: Re: From Bob Jacobsen's attorney
From: Dave Falkenburg <falken@mac.com>
Date: Thu, Sep 03, 2009 12:08 am
To: victoria@vkhall-law.com

On Sep 2, 2009, at 9:48 PM, victoria@vkhall-law.com wrote:

> Dear Mr. Falkenburg,
>
> My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen
> v. Katzer. We are collecting information about developers' work on the
> JMRI project. Could you please answer the following?
>
> 1. What portions of JMRI code have you worked on?

I have worked on the low level support for the NCE PowerHouse Binary Command set and USB interface for the NCE PowerCab. I also did some bug fixes for Mac OS X specific portions of JMRI (implementing a "Mac" style menu bar).

> 2. Have you worked on decoder definition files? If so, which decoders?

No. I have not worked on decoder definitions.

> 3. How many hours have you worked on JMRI software, aside from decoder
> definitions? If you do not have an exact number, estimate a range
> (e.g.,
> between 30-40 hours, or more than 100 hours, or less than 5 hours,
> etc.)

Between 20 and 40 hours.

> 4. If you worked on decoder definitions for version 1.7.1 or earlier
> versions, estimate the number of hours that you worked on those
> decoder
> definitions.

I have not worked on decoder definitions

> 5. If you worked on decoder definitions--either updates or new decoder
> definitions--that appeared for versions after 1.7.1, estimate the
> number
> of hours that you worked on those decoder definitions.

I have not worked on decoder definitions

-Dave Falkenburg

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Subject: RE: From Bob Jacobsen's attorney
From: "Gil Fuchs" <gfuchs3@hotmail.com>
Date: Mon, Sep 07, 2009 8:15 am
To: <victoria@vkhall-law.com>

Hi Victoria, I remember meeting you several years ago.

Following are answers to the questions:

>1. What portions of JMRI code have you worked on?

None apart from decoder definition files.

>2. Have you worked on decoder definition files? If so, which decoders?

Yes. The MERG decoder.

>3. How many hours have you worked on JMRI software, aside from decoder
>definitions? If you do not have an exact number, estimate a range (e.g.,
>between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)

I did not work on JMRI software.

>4. If you worked on decoder definitions for version 1.7.1 or earlier
>versions, estimate the number of hours that you worked on those decoder
>definitions.

About 3 hours. I have had to brush up on XML skills which took another 2 hours.

>5. If you worked on decoder definitions--either updates or new decoder
>definitions--that appeared for versions after 1.7.1, estimate the number
>of hours that you worked on those decoder definitions.

I do not believe I have worked on the definition file for versions after 1.7.1.

Regards,

Gil Fuchs
1714 Wilmart St.
Rockville, MD 20852
Tel. 301-230-0169

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Subject: RE: From Bob Jacobsen's attorney
From: "Martin Gostling" <ingleborough@yahoo.com>
Date: Thu, Sep 03, 2009 10:56 am
To: <victoria@vkhall-law.com>

Dear Ms Hall,

With reference to the questions you asked.

1: Decoder definition files only
2: I created and updated the CML Electronics decoder file (CML_Systems_DAC10.xml), and modified the Digitrax decoder file (Digitrax_01x3.xml)
3: 0 hours
4: 0 hours
5: approx 25 hours

Out of curiosity, why do you need this information?

Best regards

Martin Gostling

-----Original Message-----

From: victoria@vkhall-law.com [<mailto:victoria@vkhall-law.com>]

Sent: 03 September 2009 05:52

To: ingeleborough@yahoo.com

Subject: From Bob Jacobsen's attorney

Dear Mr. Gostling,

My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen v. Katzer. We are collecting information about developers' work on the JMRI project. Could you please answer the following?

1. What portions of JMRI code have you worked on?
2. Have you worked on decoder definition files? If so, which decoders?
3. How many hours have you worked on JMRI software, aside from decoder definitions? If you do not have an exact number, estimate a range (e.g., between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)
4. If you worked on decoder definitions for version 1.7.1 or earlier versions, estimate the number of hours that you worked on those decoder definitions.
5. If you worked on decoder definitions--either updates or new decoder definitions--that appeared for versions after 1.7.1, estimate the number of hours that you worked on those decoder definitions.

Regards,

Victoria K. Hall
Law Office of Victoria K. Hall
3 Bethesda Metro Suite 700
Bethesda MD 20814
301-280-5925
240-536-9142 fax

No virus found in this incoming message.

Checked by AVG - www.avg.com

Version: 8.5.409 / Virus Database: 270.13.76/2343 - Release Date: 09/03/09

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05:50:00

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Subject: Re: From Bob Jacobsen's attorney
From: "Greene, Michael" <mgreene@cedarlane.com>
Date: Thu, Sep 03, 2009 2:54 am
To: <victoria@vkhall-law.com>

Ms. Hall

- 1) I worked on decoder definitions
- 2) Various Lenz, SoundTraxx, and a few other others. If you need specifics, please reply back, and I will check my files over the upcoming weekend.
- 3) over I would expect in the 80-160 hour range cumulative.
- 4) If you could tell me when version 1.7.1 was released (approximate date), then I can check my files and tell you whether I worked on definitions prior to that date and how much. I suspect the answer is yes.
- 5) need the date for 1.7.1 to be able to answer.

Regards
(Charles) Michael Greene

At 9/3/2009 12:53 AM, you wrote:

>Dear Mr. Greene,

>

>My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen
>v. Katzer. We are collecting information about developers' work on the
>JMRI project. Could you please answer the following?

>

- >1. What portions of JMRI code have you worked on?
- >2. Have you worked on decoder definition files? If so, which decoders?
- >3. How many hours have you worked on JMRI software, aside from decoder
>definitions? If you do not have an exact number, estimate a range (e.g.,
>between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)
- >4. If you worked on decoder definitions for version 1.7.1 or earlier
>versions, estimate the number of hours that you worked on those decoder
>definitions.
- >5. If you worked on decoder definitions--either updates or new decoder
>definitions--that appeared for versions after 1.7.1, estimate the number
>of hours that you worked on those decoder definitions.

>

>Regards,

>

>Victoria K. Hall
>Law Office of Victoria K. Hall
>3 Bethesda Metro Suite 700
>Bethesda MD 20814
>301-280-5925
>240-536-9142 fax

Michael Greene Dunstable, MA, USA
Member: NMRA(Life), NASG, Bristol S Gaugers, The 470 Railroad Club

National Assoc. of S Gaugers <http://www.nasg.org>
DCC Corner <http://www.dccinfo.com>
Pine Canyon Scale Models <http://www.pinecanyonscalemodels.com>
Maine Railroads <http://www.mainerailroads.org>

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Subject: RE: From Bob Jacobsen's attorney
From: "Greene, Michael" <mgreene@cedarlane.com>
Date: Thu, Sep 03, 2009 5:37 pm
To: <victoria@vkhall-law.com>

Hi Ms. Hall,

According to my email records, I developed & submitted Decoder definition files (new or updates) to Bob J. as follows (email submission dates below):

- 1) Mar 2004 - SoundTraxx decoders (updates)
S Helper Services F3 & F7 decoders (new)
- 2) July 2004 - Lenz decoders (new)
- 3) Oct 2004 - Zimo decoder (new)

I also recall submitting some minor updates in 2006, but I don't have the details.

In looking at the work, I would put the work estimate in the 120-160 hour range, and I would say that approximately 50% of the work hours occur prior to the 1.7.1 release and 50% after the 1.7.1 release.

I hope this helps.

Regards
Michael Greene

At 9/3/2009 11:46 AM, you wrote:

>Dear Mr. Greene,

>

>Thanks for getting back to me. Version 1.7.1 was released June 18, 2005.

>

>Regards,

>

>Victoria

>

> > ----- Original Message -----

> > Subject: Re: From Bob Jacobsen's attorney

> > From: "Greene, Michael" <mgreene@cedarlane.com>

> > Date: Thu, September 03, 2009 2:54 am

> > To: <victoria@vkhall-law.com>

> > Ms. Hall

> > 1) I worked on decoder definitions

> > 2) Various Lenz, SoundTraxx, and a few other others. If you need

> > specifics, please reply back, and I will check my files over the

> > upcoming weekend.

> > 3) over I would expect in the 80-160 hour range cumulative.

> > 4) If you could tell me when version 1.7.1 was released (approximate

> > date), then I can check my files and tell you whether I worked on

> > definitions prior to that date and how much. I suspect the answer is yes.

> > 5) need the date for 1.7.1 to be able to answer.

> > Regards

> > (Charles) Michael Greene

> > At 9/3/2009 12:53 AM, you wrote:

> > >Dear Mr. Greene,

> > >

> > >My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen

> > >v. Katzer. We are collecting information about developers' work on the

> > >JMRI project. Could you please answer the following?

5RGJ.00000134

>>>
>>>1. What portions of JMRI code have you worked on?
>>>2. Have you worked on decoder definition files? If so, which decoders?
>>>3. How many hours have you worked on JMRI software, aside from decoder
>>>definitions? If you do not have an exact number, estimate a range (e.g.,
>>>between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)
>>>4. If you worked on decoder definitions for version 1.7.1 or earlier
>>>versions, estimate the number of hours that you worked on those decoder
>>>definitions.
>>>5. If you worked on decoder definitions--either updates or new decoder
>>>definitions--that appeared for versions after 1.7.1, estimate the number
>>>of hours that you worked on those decoder definitions.

>>>

>>>Regards,

>>>

>>>Victoria K. Hall

>>>Law Office of Victoria K. Hall

>>>3 Bethesda Metro Suite 700

>>>Bethesda MD 20814

>>>301-280-5925

>>>240-536-9142 fax

>>>

> -----

>> Michael Greene Dunstable, MA, USA

>> Member: NMRA(Life), NASG, Bristol S Gaugers, The 470 Railroad Club

>> National Assoc. of S Gaugers <http://www.nasg.org>

>> DCC Corner <http://www.dccinfo.com>

>> Pine Canyon Scale

> Models <http://www.pinecanyonscalemodels.com>

>> Maine Railroads <http://www.mainerailroads.org>

>> -----

>> -----

Michael Greene Dunstable, MA, USA

Member: NMRA(Life), NASG, Bristol S Gaugers, The 470 Railroad Club

National Assoc. of S Gaugers <http://www.nasg.org>

DCC Corner <http://www.dccinfo.com>

Pine Canyon Scale Models <http://www.pinecanyonscalemodels.com>

Maine Railroads <http://www.mainerailroads.org>

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5RGJ.00000135

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Subject: RE: From Bob Jacobsen's attorney
From: John Harper <john-a-harper@hotmail.com>
Date: Thu, Sep 03, 2009 2:38 pm
To: <victoria@vkhall-law.com>, <john@john-a-harper.com>

See inline... I'm sorry to hear that this lawsuit is still dragging on.

> From: victoria@vkhall-law.com
> To: john@john-a-harper.com
> Subject: From Bob Jacobsen's attorney
> Date: Wed, 2 Sep 2009 21:54:03 -0700

>
> Dear Mr. Harper,

>
> My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen
> v. Katzer. We are collecting information about developers' work on the
> JMRI project. Could you please answer the following?

>
> 1. What portions of JMRI code have you worked on?

I worked on the code for controlling the NCE (?) controller system, and some user interface features.

> 2. Have you worked on decoder definition files? If so, which decoders?

No

> 3. How many hours have you worked on JMRI software, aside from decoder
> definitions? If you do not have an exact number, estimate a range (e.g.,
> between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)

About 40 hours

> 4. If you worked on decoder definitions for version 1.7.1 or earlier
> versions, estimate the number of hours that you worked on those decoder
> definitions.

> 5. If you worked on decoder definitions--either updates or new decoder
> definitions--that appeared for versions after 1.7.1, estimate the number
> of hours that you worked on those decoder definitions.

John

>
> Regards,
>
> Victoria K. Hall
> Law Office of Victoria K. Hall
> 3 Bethesda Metro Suite 700
> Bethesda MD 20814
> 301-280-5925
> 240-536-9142 fax

>
>
>

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5RGJ.00000128

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Subject: Re: From Bob Jacobsen's attorney
From: Matthew Harris <matthew.john.harris@gmail.com>
Date: Thu, Sep 03, 2009 3:39 am
To: victoria@vkhall-law.com

Dear Victoria,

Please find answers to your questions in-line below:

2009/9/3 <victoria@vkhall-law.com>:

> Dear Mr. Harris,

>

> My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen
> v. Katzer. We are collecting information about developers' work on the
> JMRI project. Could you please answer the following?

>

> 1. What portions of JMRI code have you worked on?

- Creation of the new installer for Microsoft Windows
- Creation of the program launcher for Microsoft Windows
- Creation of the new positional audio tool within JMRI
- Creation of launchers and a helper library to allow JMRI to be used from a USB Flash Drive under Microsoft Windows (a.k.a. JMRI Portable)
- Modifications to allow Layout Editor and Panel Editor scrollbars to be fully customised
- Modifications to DecoderPro to facilitate use on systems with low-resolution screens, such as Asus EeePC
- Work on automatic re-evaluation of available serial ports without requiring software restart
- Creation of a utility module to enable screen display parameters to be more accurately calculated when running under Linux
- Creation of a utility module to allow for a task to be executed automatically without user intervention at program shutdown (based on the already existing shutdown task module written by Bob Jacobsen).
- Various other minor bug fixes

There also exist a few projects that are 'in the works' but are not yet suitable for release to the main JMRI core. If details of these are required, please ask.

> 2. Have you worked on decoder definition files? If so, which decoders?

Digitrax TF2

Digitrax TF4

Lenz V41

> 3. How many hours have you worked on JMRI software, aside from decoder
> definitions? If you do not have an exact number, estimate a range (e.g.,
> between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)

In the region of 80-100 hours (maybe more...)

> 4. If you worked on decoder definitions for version 1.7.1 or earlier
> versions, estimate the number of hours that you worked on those decoder
> definitions.

None.

> 5. If you worked on decoder definitions--either updates or new decoder
> definitions--that appeared for versions after 1.7.1, estimate the number
> of hours that you worked on those decoder definitions.

5RGJ.00000103

Around 2-3 hours

>
> Regards,
>
> Victoria K. Hall
> Law Office of Victoria K. Hall
> 3 Bethesda Metro Suite 700
> Bethesda MD 20814
> 301-280-5925
> 240-536-9142 fax
>

I trust that the above information is sufficient.

If you have any queries, please do not hesitate to contact me.

Best regards,

Matthew Harris
Grimbergen, Belgium
+32 474 55 99 68

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5RGJ.00000104

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Subject: Re: From Bob Jacobsen's attorney
From: "Phil Hartung" <prhartung@cableone.net>
Date: Thu, Sep 03, 2009 4:47 pm
To: <victoria@vkhall-law.com>

- 1- Provided graphics for the switch and turnout levers for the graphical computer interface
- 2- No, None
- 3- The graphics took about 8 hours to develop. I'm using them for my own non-JMRI software at home.
- 4- N/A - see #2
- 5- N/A - see #2

I've been following the updates and just now beginning to understand why parties are encouraged to either follow the laws or settle out of court. I can't believe the stubbornness of the other party in areas that seem to be so clear that they should just stop and get on with life. The \$ used for the attorneys on both sides could have been used to support entire charitable organizations for the time this has taken.

I have met the other party while at national NMRA conventions in 1998, 2001, and 2004. He does not know me by name. I do not use his software (I wrote my own and/or use DecoderPro from JMRI).

I also have worked for the DOE (1990-1999) and DOE contractors (1999-2001, 2001-present), but did not know Bob Jacobsen in the course of my employment. I couldn't believe that the other side went to the Freedom of Information Act request for this effort. Ridiculous.

Thank you for your efforts in this case.

Phil Hartung
Idaho Falls, ID
----- Original Message -----
From: <victoria@vkhall-law.com>
To: <prhartung@cableone.net>
Sent: Wednesday, September 02, 2009 10:56 PM
Subject: From Bob Jacobsen's attorney

Dear Mr. Hartung,

My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen v. Katzer. We are collecting information about developers' work on the JMRI project. Could you please answer the following?

1. What portions of JMRI code have you worked on?
2. Have you worked on decoder definition files? If so, which decoders?
3. How many hours have you worked on JMRI software, aside from decoder definitions? If you do not have an exact number, estimate a range (e.g., between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)
4. If you worked on decoder definitions for version 1.7.1 or earlier versions, estimate the number of hours that you worked on those decoder definitions.
5. If you worked on decoder definitions--either updates or new decoder definitions--that appeared for versions after 1.7.1, estimate the number of hours that you worked on those decoder definitions.

Regards,

Victoria K. Hall
Law Office of Victoria K. Hall

5RGJ.00000130

3 Bethesda Metro Suite 700
Bethesda MD 20814
301-280-5925
240-536-9142 fax

No virus found in this incoming message.
Checked by AVG - www.avg.com
Version: 8.5.409 / Virus Database: 270.13.75/2341 - Release Date: 09/02/09
05:50:00

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created completely from scratch, which is a time consuming process, approximately 30 hours each to research them, write them, and test them. As these were some of the first definitions, they went through several iterations to explore different organization, different phrasing, etc. This part of the project stretched over 4+ months, so 30 hours is a reasonable estimate of time.

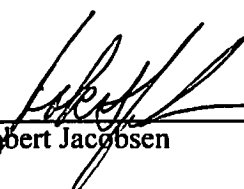
- 2. There are about 20 files that I created by working from a similar definition that already existed. That still requires a lot of work, about 5-15 hours each. These were still early decoder definition files, and I was still encountering various new types of things to describe, so there was a lot of rework here, too. This effort extended over a couple years, so again the 5-15 hours is a reasonable estimate. On top of all that, I made a number of small changes to files I initially created and also those created by others. A quick estimate based on a quick sampling of the repository indicates there were about 30 of these. These are anywhere from an hour to 5 hours each. Even small changes took an hour because of the need to set up test hardware, an immature tool chain, etc. A rough total might then be:

$$4*30 + (5+15)/2*20 = (1+5)/2*30 = 410 \text{ hours}$$

- 3. This is not including the time to write the code that uses these decoder definitions, help web pages, answering email from people using these definitions, doing clinics to demonstrate the capabilities, etc. That's harder to quantify, but it's probably a similar amount of time.

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

Executed this 15th day of October, 2009, in Berkeley, California.

By 
Robert Jacobsen

[Print](#) | [Close Window](#)

Subject: Re: From Bob Jacobsen's attorney
From: Mark Kasprovicz <marowicz@frontier.net>
Date: Thu, Sep 03, 2009 2:55 am
To: <victoria@vkhall-law.com>

Dear Ms. Hall,

I reply to your Email. I only ever worked on Decoder definitions for decoders produced by the Austrian firm, CT Elektronik, principally the SL range of sound and motor decoders. I probably spent around seven or eight hours on each of the two projects. I am unsure whether these would have been pre or post version 1.7.1. Perhaps you would ask Mr. Jacobsen (or I can contact him myself) when this version was released which would enable me to your questions 4 and 5 more accurately.

I would add that the CT Elektronik range of decoders was exclusively imported by myself into the US and only a very small number were ever sold. There were specifically for small applications and their sale was limited to a group of people in the Denver, CO area plus one customer in CA. They were never available retail, nor were they advertised or reviewed in model RR press anywhere. I did promote them on a Yahoo group website at one point when group numbered 4-500 but by that time I had already written and uploaded the decoder definitions. So the chances of anyone outside this small group knowing of them at all at the time when I wrote the original definitions were infinitely remote to say the least.

If I can help in any further way please do not hesitate to get in touch.

Mark Kasprovicz
Oxford, England.

On 9/3/09 5:59 AM, "victoria@vkhall-law.com" <victoria@vkhall-law.com> wrote:

> Dear Mr. Kasprovicz,
>
> My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen
> v. Katzer. We are collecting information about developers' work on the
> JMRI project. Could you please answer the following?
>
> 1. What portions of JMRI code have you worked on?
> 2. Have you worked on decoder definition files? If so, which decoders?
> 3. How many hours have you worked on JMRI software, aside from decoder
> definitions? If you do not have an exact number, estimate a range (e.g.,
> between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)
> 4. If you worked on decoder definitions for version 1.7.1 or earlier
> versions, estimate the number of hours that you worked on those decoder
> definitions.
> 5. If you worked on decoder definitions--either updates or new decoder
> definitions--that appeared for versions after 1.7.1, estimate the number
> of hours that you worked on those decoder definitions.
>
> Regards,
>
> Victoria K. Hall
> Law Office of Victoria K. Hall
> 3 Bethesda Metro Suite 700
> Bethesda MD 20814
> 301-280-5925
> 240-536-9142 fax
>
>

5RGJ.00000101

>

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5RGJ.00000102

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Subject: Re: From Bob Jacobsen's attorney
From: Mark Kasprowicz <marowicz@frontier.net>
Date: Thu, Sep 03, 2009 9:03 am
To: <victoria@vkhall-law.com>

Dear Ms Hall,

My involvement would have been prior to that date.

Mark Kasprowicz

On 9/3/09 4:48 PM, "victoria@vkhall-law.com" <victoria@vkhall-law.com> wrote:

> Dear Mr. Kasprowicz,

>

> Thanks for writing. According to my records, version 1.7.1 was released
> June 18, 2005.

>

> Let me know if you have further questions.

>

> Regards,

>

> Victoria Hall

>

>> ----- Original Message -----

>> Subject: Re: From Bob Jacobsen's attorney

>> From: Mark Kasprowicz <marowicz@frontier.net>

>> Date: Thu, September 03, 2009 2:55 am

>> To: <victoria@vkhall-law.com>

>> Dear Ms. Hall,

>> I reply to your Email. I only ever worked on Decoder definitions for
>> decoders produced by the Austrian firm, CT Elektronik, principally the SL
>> range of sound and motor decoders. I probably spent around seven or eight
>> hours on each of the two projects. I am unsure whether these would have been
>> pre or post version 1.7.1. Perhaps you would ask Mr. Jacobsen (or I can
>> contact him myself) when this version was released which would enable me to
>> your questions 4 and 5 more accurately.

>> I would add that the CT Elektronik range of decoders was exclusively
>> imported by myself into the US and only a very small number were ever sold.
>> There were specifically for small applications and their sale was limited to
>> a group of people in the Denver, CO area plus one customer in CA. They were
>> never available retail, nor were they advertised or reviewed in model RR
>> press anywhere. I did promote them on a Yahoo group website at one point
>> when group numbered 4-500 but by that time I had already written and
>> uploaded the decoder definitions. So the chances of anyone outside this
>> small group knowing of them at all at the time when I wrote the original
>> definitions were infinitely remote to say the least.

>> If I can help in any further way please do not hesitate to get in touch.

>> Mark Kasprowicz

>> Oxford, England.

>> On 9/3/09 5:59 AM, "victoria@vkhall-law.com" <victoria@vkhall-law.com>
>> wrote:

>>> Dear Mr. Kasprowicz,

>>>

>>> My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen
>>> v. Katzer. We are collecting information about developers' work on the
>>> JMRI project. Could you please answer the following?

>>>

>>> 1. What portions of JMRI code have you worked on?

>>> 2. Have you worked on decoder definition files? If so, which decoders?

5RGJ.00000116

>>> 3. How many hours have you worked on JMRI software, aside from decoder
>>> definitions? If you do not have an exact number, estimate a range (e.g.,
>>> between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)
>>> 4. If you worked on decoder definitions for version 1.7.1 or earlier
>>> versions, estimate the number of hours that you worked on those decoder
>>> definitions.
>>> 5. If you worked on decoder definitions--either updates or new decoder
>>> definitions--that appeared for versions after 1.7.1, estimate the number
>>> of hours that you worked on those decoder definitions.
>>>
>>> Regards,
>>>
>>> Victoria K. Hall
>>> Law Office of Victoria K. Hall
>>> 3 Bethesda Metro Suite 700
>>> Bethesda MD 20814
>>> 301-280-5925
>>> 240-536-9142 fax
>>>
>>>
>>>
>

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5RGJ.00000117

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Subject: RE: From Bob Jacobsen's attorney
From: Klaus Kongsted <kka@dubex.dk>
Date: Wed, Sep 02, 2009 10:25 pm
To: "victoria@vkhall-law.com" <victoria@vkhall-law.com>

Dear Ms. Hall,

- 1) I have made a translation of the text in the user interface to Danish language
- 2) No, I haven't done any work on the decoder definition files
- 3) The time spent on translation and tests equals 15-20 hours.
- 4/ N/A
- 5) N/A

Please let me know if I can assist any further, and good luck on the rest of the case.

Med venlig hilsen / Best Regards
Klaus Kongsted

-----Original Message-----

From: victoria@vkhall-law.com [<mailto:victoria@vkhall-law.com>]
Sent: 3. september 2009 07:00
To: Klaus Kongsted
Subject: From Bob Jacobsen's attorney

Dear Mr. Kongsted,

My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen v. Katzer. We are collecting information about developers' work on the JMRI project. Could you please answer the following?

1. What portions of JMRI code have you worked on?
2. Have you worked on decoder definition files? If so, which decoders?
3. How many hours have you worked on JMRI software, aside from decoder definitions? If you do not have an exact number, estimate a range (e.g., between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)
4. If you worked on decoder definitions for version 1.7.1 or earlier versions, estimate the number of hours that you worked on those decoder definitions.
5. If you worked on decoder definitions--either updates or new decoder definitions--that appeared for versions after 1.7.1, estimate the number of hours that you worked on those decoder definitions.

Regards,

Victoria K. Hall
Law Office of Victoria K. Hall
3 Bethesda Metro Suite 700
Bethesda MD 20814
301-280-5925
240-536-9142 fax

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5RGJ.00000090

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Subject: Re: From Bob Jacobsen's attorney
From: Petr Koud'a<pk@train.cz>
Date: Wed, Sep 02, 2009 11:01 pm
To: victoria@vkhall-law.com

victoria@vkhall-law.com píše v St 02. 09. 2009 v 22:00 -0700:

> Dear Mr. Koud'a,

>

> My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen
> v. Katzer. We are collecting information about developers' work on the
> JMRI project. Could you please answer the following?

>

> 1. What portions of JMRI code have you worked on?

> 2. Have you worked on decoder definition files? If so, which decoders?

> 3. How many hours have you worked on JMRI software, aside from decoder

> definitions? If you do not have an exact number, estimate a range (e.g.,

> between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)

> 4. If you worked on decoder definitions for version 1.7.1 or earlier

> versions, estimate the number of hours that you worked on those decoder

> definitions.

> 5. If you worked on decoder definitions--either updates or new decoder

> definitions--that appeared for versions after 1.7.1, estimate the number

> of hours that you worked on those decoder definitions.

>

> Regards,

>

> Victoria K. Hall

> Law Office of Victoria K. Hall

> 3 Bethesda Metro Suite 700

> Bethesda MD 20814

> 301-280-5925

> 240-536-9142 fax

>

>

Dear Victoria K. Hall,

These are the answers to your questions:

1. I worked on the implementation of LsDec signal head and related
modifications of Default signal head.

2. I did not work on any decoder definition file.

3. My work on programming for JMRI software took between 5 to 10 hours.

For points 4. and 5. my answer is 0 hours.

Best regards,

Petr Koud'a

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5RGJ.00000092

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Subject: Re: From Bob Jacobsen's attorney
From: John McAleely <john@mcAleely.com>
Date: Thu, Sep 03, 2009 1:15 am
To: <victoria@vkhall-law.com> <victoria@vkhall-law.com>
Cc: Bob Jacobsen <rgj1927@pacbell.net>

Victoria,

It is my pleasure to answer your questions.

>
> 1. What portions of JMRI code have you worked on?

I have worked only on definition files.

> 2. Have you worked on decoder definition files? If so, which decoders?

I have submitted definitions for several decoders manufactured by Hornby. These are described in:

<http://jmri.sourceforge.net/xml/XSLT/pages/HornbyDigital.xml>
<http://jmri.sourceforge.net/xml/XSLT/pages/HornbyDigitalFnOnly.xml>

> 3. How many hours have you worked on JMRI software, aside from decoder
> definitions? If you do not have an exact number, estimate a range
> (e.g.,
> between 30-40 hours, or more than 100 hours, or less than 5 hours,
> etc.)

None.

> 4. If you worked on decoder definitions for version 1.7.1 or earlier
> versions, estimate the number of hours that you worked on those
> decoder
> definitions.

None.

> 5. If you worked on decoder definitions--either updates or new decoder
> definitions--that appeared for versions after 1.7.1, estimate the
> number
> of hours that you worked on those decoder definitions.

5 hours.

I hope that helps,

John McAleely

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5RGJ.00000095

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Subject: Re: From Bob Jacobsen's attorney
From: Ron McKinnon <rim1@ihug.co.nz>
Date: Sun, Sep 06, 2009 5:53 pm
To: <victoria@vkhall-law.com>

On Wed, 02 Sep 2009 22:03:07 -0700, you wrote:

>Dear Mr. McKinnon,

>

>My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen
>v. Katzer. We are collecting information about developers' work on the
>JMRI project. Could you please answer the following?

>

>1. What portions of JMRI code have you worked on?

None

>2. Have you worked on decoder definition files? If so, which decoders?

Yes

Soundtraxx_Tsu_Steam (5 files for various models. ie. Light, Medium, Heavy, etc)

Updated incorrect info for lighting options.

Updated Minimum / Maximum ranges for large number of CV's in above files.

>3. How many hours have you worked on JMRI software, aside from decoder
>definitions? If you do not have an exact number, estimate a range (e.g.,
>between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)

None

>4. If you worked on decoder definitions for version 1.7.1 or earlier
>versions, estimate the number of hours that you worked on those decoder
>definitions.

Nil

>5. If you worked on decoder definitions--either updates or new decoder
>definitions--that appeared for versions after 1.7.1, estimate the number
>of hours that you worked on those decoder definitions.

>

V. 1.7.4 and later. July 2006.

estimate 10 hours.

>Regards,

>

>Victoria K. Hall

>Law Office of Victoria K. Hall

>3 Bethesda Metro Suite 700

>Bethesda MD 20814

>301-280-5925

>240-536-9142 fax

>

Glad to help

5RGJ.00000148

regards

Ron McKinnon.
Wellington, New Zealand.

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5RGJ.00000149

File	involment	edit time	test time	Total
Atlas_DualMode.xml	minor changes	0.25	0.25	0.5 hr
Digitrax_01x3.xml	minor changes	0.25	0.25	0.5 hr
Digitrax_0SFX.xml	minor changes	0.25	0.25	0.5 hr
Digitrax_CS.xml	minor changes	0.25	0.25	0.5 hr
Digitrax_Economy.xml	minor changes	0.25	0.25	0.5 hr
Lenz_54.xml	minor changes	0.25	0.25	0.5 hr
NCE_D13SR.xml	minor changes	0.25	0.25	0.5 hr
SoundTraxx_DSD_Diesel.xml	minor changes	0.25	0.25	0.5 hr
SoundTraxx_DSD_Steam.xml	minor changes	0.25	0.25	0.5 hr
SoundTraxx_DSX_Diesel.xml	minor changes	0.25	0.25	0.5 hr
SoundTraxx_DSX_Steam.xml	minor changes	0.25	0.25	0.5 hr
SoundTraxx_LC_Diesel.xml	minor changes	0.25	0.25	0.5 hr
SoundTraxx_LC_Diesel_pFXCb.xml	minor changes	0.25	0.25	0.5 hr
SoundTraxx_LC_Diesel_pnp.xml	minor changes	0.25	0.25	0.5 hr
SoundTraxx_LC_Diesel_pnpFX.xml	minor changes	0.25	0.25	0.5 hr
SoundTraxx_LC_Steam.xml	minor changes	0.25	0.25	0.5 hr
SoundTraxx_LC_Steam_hylt.xml	minor changes	0.25	0.25	0.5 hr
SoundTraxx_LC_Steam_pnp.xml	minor changes	0.25	0.25	0.5 hr
SoundTraxx_Tsu_Steam_1Hvy.xml	minor changes	0.25	0.25	0.5 hr
SoundTraxx_Tsu_Steam_2Med.xml	minor changes	0.25	0.25	0.5 hr
SoundTraxx_Tsu_Steam_3Light.xml	minor changes	0.25	0.25	0.5 hr
SoundTraxx_Tsu_Steam_4Lt_Log.xml	minor changes	0.25	0.25	0.5 hr
SoundTraxx_Tsu_Steam_DRGC.xml	minor changes	0.25	0.25	0.5 hr
SoundTraxx_Tsu_Steam_DRGK.xml	minor changes	0.25	0.25	0.5 hr
Atlas_342.xml	new file	1	1	2 hr
NCE_D102EU.xml	new file	0.5	0.5	1 hr
NCE_D102US.xml	new file	1	0.5	1.5 hr
NCE_D13SR_TC.xml	new file	6	1	7 hr
NCE_E.xml	new file	1	0	1 hr
QSI_Articulated_Steam_ver7.xml	new file	10	1	11 hr
QSI_Diesel_Ver7.xml	new file	2	0	2 hr
QSI_Electric_Ver7.xml	new file	0.5	0	0.5 hr
QSI_Gas_Turbine_Ver7.xml	new file	0.5	0	0.5 hr
QSI_Steam_ver7.xml	new file	1	0	1 hr
TCS_Fn.xml	new file	2	0	2 hr
TCS_Tx_v28.xml	new file	2	0.5	2.5 hr
TCS_X.xml	new file	3	0.5	3.5 hr
As of 11/2006	Total	36.5	11	47.5 hr
QSI updates	6/13/2007			0.5 hr
	8/2/2007			6 hr
	10/19/2007			1 hr
	8/11/2008			10 hr
	9/6/2008			2 hr
	9/12/2008			0.5 hr
	12/2/2008			0.5 hr
	3/2/2009			6 hr
	7/24/2009			0.5 hr
	7/28/2009			0.5 hr
	8/19/2009			6 hr
total updates				33.5 hr
total all QSI				48.5 hr

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Subject: Re: From Bob Jacobsen's attorney
From: Glen Oberhauser <gwober@gmail.com>
Date: Thu, Sep 03, 2009 8:58 am
To: victoria@vkhall-law.com

> 1. What portions of JMRI code have you worked on?

Throttles

> 2. Have you worked on decoder definition files? If so, which decoders?

No

> 3. How many hours have you worked on JMRI software, aside from decoder
> definitions? If you do not have an exact number, estimate a range (e.g.,
> between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)

about 40

> 4. If you worked on decoder definitions for version 1.7.1 or earlier
> versions, estimate the number of hours that you worked on those decoder
> definitions.

0

> 5. If you worked on decoder definitions--either updates or new decoder
> definitions--that appeared for versions after 1.7.1, estimate the number
> of hours that you worked on those decoder definitions.

>

0

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5RGJ.00000115

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ROBERT JACOBSEN,

Plaintiff,

v.

No. C-06-1905-JSW

MATTHEW KATZER, et al.,

Defendants.

DEPOSITION OF
HOWARD G. PENNY

FRIDAY, SEPTEMBER 11, 2009
12:03 P.M.

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RALEIGH, NORTH CAROLINA

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Telephone (919) 676-1502 - Fax (919) 676-2277

A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:

VICTORIA K. HALL, ESQ.
LAW OFFICE OF VICTORIA K. HALL
3 BETHESDA METRO, SUITE 700
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ON BEHALF OF THE DEFENDANTS:

R. SCOTT JERGER, ESQ. (by phone)
FIELD JERGER LLP
621 SOUTHWEST MORRISON STREET, SUITE 1225
PORTLAND, OREGON 97205

ALSO PRESENT:

MATTHEW KATZER, Defendant (by phone)
KEVIN HERRIN, Videographer
DAVID OMER, Assistant to videographer

1 articles in model train magazines?

2 A I don't recall, but I would say that yes,
3 because I think that's how I originally found it.

4 Q And do you remember what magazine that would
5 have been in?

6 A *Model Railroader*.

7 Q Okay. Have you seen any advertisements for
8 Decoder -- or mentioning DecoderPro?

9 A Not -- not to my knowledge.

10 Q Have you -- let's see. Are you a member of
11 JMRI?

12 A I am a member of the developers, yes.

13 Q Okay. And what does JMRI stand for?

14 A Java Model Railroad Interface.

15 Q Have you -- you said that you are a
16 developer, a developer member of JMRI?

17 A That is correct.

18 Q Have you contributed any files to JMRI?

19 A Yes, I have.

20 Q Have you contributed any decoder definitions
21 to JMRI?

22 A Yes, I have.

23 Q Okay. Setting aside the decoder
24 definitions, what files have you contributed to JMRI?

25 A Besides the decoder files?

1 Q Yes.

2 A Well, directly associated with the decoder
3 files are the DTD files, which are XML files that are
4 needed to -- to read the decoder files. But other than
5 that, I have contributed a great many files that are
6 incorporated within the actual application, JMRI.

7 Q And what do those files do?

8 A The initial set of files that have been
9 incorporated into the JMRI project were allowing the QSI
10 Industries format, that they developed, to be understood
11 by the application and be able to program a QSI Quantum
12 decoder.

13 Q Now, is that a decoder definition file
14 you're talking about, or is that something separate from a
15 decoder definition file?

16 A Oh, it's completely separate from a decoder
17 file. I mean, it's -- this is the actual software that
18 runs. The decoder files merely have the basic data, where
19 that information may go, and what a default value may be.

20 Q Okay. Aside from that file, have you
21 written other files to -- that are incorporated in JMRI,
22 aside from the decoder definition files?

23 A Right. The -- I mean, other than the
24 functionality for JMRI to understand the -- the CV.PI.SI
25 format, I have written a number of additions, such as a

1 clock -- a panel clock that goes on PanelPro and then
2 another few files that related to different formats of
3 data, different data types. Rather than it being broken
4 up like QSI did it, split values, where the high nibble of
5 a byte represents one thing and the low nibble represents
6 something else and how we -- you can put in a number and
7 the program will split it up and knows where to put it.

8 Q Okay. Are there any other files that you
9 contributed to that main JMRI program -- not the decoder
10 definition files, but the main JMRI program?

11 A I have basically done some debugging of the
12 files and have reconfigured. They were not mine -- I
13 mean, not an original creation of mine.

14 Q Were they modifications of earlier files?

15 A Yes, I just would modify a file that
16 actually had a bug in it.

17 Q Okay. For the non-decoder definition, how
18 many hours -- or can you estimate how many hours that you
19 worked on all those files? Give me a range?

20 A It would probably be -- I would say,
21 collectively, somewhere between 250 and 300 hours.

22 Q Okay. And that doesn't include the
23 decoder -- the work you've done on decoder definition
24 files?

25 A No, not really, although they had to be

1 developed simultaneously.

2 Q Okay. Of the decoder definitions, which
3 ones did you work on?

4 A It -- they got split up into basic groups
5 that were similar, one of them being the steam,
6 QSI_steam.xml. There was QSI_diesel.xml. There's
7 QSI_electric. And quite honestly, I don't have it in
8 front of me, so I don't remember. There was about four or
9 five different ones. Articulated, I believe, is one.

10 Q Okay. If you think of the others as we're
11 talking, just let me know, and you can add to your
12 testimony.

13 A All right.

14 Q Of those -- those were the QSI. Have you
15 contributed any other files, aside from decoder
16 definitions based on QSI decoders?

17 A Sure.

18 Q And what other decoder definition files have
19 you --

20 A I believe that I actually submitted one or
21 two for a new Digitrax decoder.

22 Q Do you remember any --

23 A I don't remember specifically which ones
24 they were.

25 Q And any other decoder definition files?

1 A No. Most of the decoder files that I worked
2 with were QSI-based and a few Digitrax. It -- some of
3 the -- the newer, sound-equipped decoders surfaced after I
4 had gotten busy with other projects.

5 Q Okay. Of the files that you worked on, do
6 you remember which ones were released in Version 1.7.1 or
7 earlier, or June 2005 or earlier?

8 A Basically, all of them.

9 Q Okay. Do you remember how many hours that
10 you worked on these decoder definition files?

11 A The first one I completed was the steam, and
12 I probably spent 40 or 50 hours on it.

13 Q And why did you spend that amount of time on
14 that file?

15 A Because I actually had purchased a Broadway
16 Limited locomotive -- a steam locomotive, M1a -- and I
17 wanted to be able to program it and have everything work.
18 I had a subject that I could do all my testing and beta
19 work on, so that's where I spent all my time.

20 Q Does that 40 to 50 hours include time to --
21 let me ask you: Did you need to research QSI decoders in
22 order to program the decoder definition file?

23 A Yes. I mean --

24 Q Did the -- I'm sorry. Go ahead and
25 continue.

1 A Maybe your follow-up question will -- I'll
2 be able --

3 Q Okay. Did the 40 to 50 hours that you just
4 said to me -- did that include any research time?

5 A Well, yeah. I mean, it -- and -- but that's
6 simultaneous. I mean, my actual work on it -- and the
7 research is as I'm working. I mean, granted, there may be
8 another 10 or 15 hours reading over the data to see how I
9 wanted to organize it.

10 Q Okay. So it would be 40 to 50 hours plus 10
11 to 15 hours? That's my -- is that correct?

12 A Yeah. For the first one, yes.

13 Q You said that you created a QSI electric
14 file. Do you know how many hours you worked on that one?

15 A I would say probably 10 to 20.

16 Q And does that include research time?

17 A Well, yeah, I guess it would, because that
18 was done simultaneously. After I had already finished
19 the -- or had completed most of the -- the steam file, it
20 was -- I was pretty understanding of how I was going to
21 organize it and how the -- the interface would look
22 because I'd already -- I mean, I had already designed it
23 for the steam file.

24 Q Okay. So you were just saying that you
25 organized a new -- you just said that you were organizing

1 this file to determine how it would appear in DecoderPro;
2 is that right?

3 A Correct.

4 Q What were -- what considerations did you
5 take when you were creating this file?

6 A Well, to begin with, I wanted to make the
7 file using the -- the same structure -- basic structure
8 that all of the other decoder files that were available --
9 in other words, the way it started out, you know, the
10 headers, pretty much chronologically, the -- the CVs in
11 order.

12 So -- I mean, which obviously, the beginning
13 CVs for the QSI decoders are the same as everything else,
14 and so I used that format and then just elaborated on it
15 for the tremendous volume of data and stuff that was
16 required for the actual QSI.PI.SI -- the CV.PI.SI format.

17 Q Okay. The -- you said that you used a
18 format. What -- tell me about this format.

19 A I came up with the format of the particular
20 lines so that the DTD files would be able to sort them
21 correctly and would make sense. Once they got into the
22 actual program, the program manipulated the data or
23 processed the data.

24 Q Okay. And is that format dictated by the
25 JMRI program?

1 A No.

2 Q Okay. But your decoder definition file
3 needs to be able to interface with the DecoderPro?

4 A Correct. I mean, I created the format that
5 JMRI uses to read it.

6 Q Oh. Got it. Okay.

7 A And therefore, the DTD and the actual
8 decoder files need -- had to be designed so that they
9 would feed the information into JMRI for what the format
10 that I had decided within the program itself to
11 understand.

12 Q Okay. And what considerations -- well,
13 actually, we'll step back a moment, because I'll talk with
14 you a little bit more about the QSI file in a few minutes.

15 Now, you said that you had done some other
16 decoder definition files, in particular Digitrax.

17 Oh, actually, let me ask you: You said that
18 you had done a QSI diesel and perhaps a QSI articulated
19 steam. Do you know how many hours it took for you to
20 create those?

21 A The diesel did not take as long as the
22 steam, but it took more than the electric.

23 Q Okay. Can you give me an estimate?

24 A I would say total time on the -- the diesel
25 may have been 25 to 30 hours.

1 Q That include a research time?

2 A Yep.

3 Q Did that include testing time?

4 A No, it didn't include testing,
5 unfortunately, because I didn't have a subject that I
6 could test. I mean, yes, I did all my regression testing
7 as far as: Did it process into the program? Did it --
8 was it displayed correctly? You know, it was -- my
9 intentions -- did they actually show up correctly in the
10 program?

11 Q And the two Digitrax files, about how long
12 did it take to create those?

13 A They actually did not take terribly long
14 because they were pretty much just new data for an
15 existing format. It just -- it had different -- slightly
16 different parameters here and there.

17 Q And who created that format?

18 A I would have to go back and look at the
19 original file, but typically, there's the copyright or an
20 author name in the top of the file.

21 Q Okay. And you said that you think that you
22 created a QSI articulated steam file; is that right?

23 A I believe so.

24 Q And how many hours did it take for you to
25 create that?

1 A That one didn't -- I would say -- it was --
2 it was one of my -- my latter ones. Originally, I would
3 say I probably did it within six to seven hours, but it
4 ended up having some problems that I had to make some
5 modifications to it, so probably put on another three,
6 four hours.

7 Q All right. So let's set aside the QSI
8 decoder definition files for a moment. For the other
9 decoder definition files, have you been in contact with
10 any of the -- have you been in contact with Digitrax?

11 A Not really. I mean, as far as I haven't
12 needed much of their assistance. Most of their
13 documentation is available.

14 Q Okay. And did they -- has Digitrax ever
15 objected to decoder definition files based on their
16 decoders?

17 A Not to my knowledge.

18 Q Okay. Let me step back a little further and
19 ask you this now: You're familiar with the decoder
20 definition file. Just to reiterate, what is the purpose
21 of a decoder definition file?

22 A Well, the decoder definition file represents
23 the specifics to -- for the CVs, the configuration
24 variables. It -- it has -- actually, the decoder file
25 itself contains, typically, the default values that would

1 come from a manufacturer. And what CVs they're in, where
2 they're -- if you want me to get more specific about QSI,
3 it becomes quite complex because the -- it also represents
4 their index into a matrix of how to manipulate many of the
5 functions, most of them being sound-based.

6 Q Okay. We'll get to that in a moment, but
7 what is -- what would you say the purpose of a decoder
8 definition file is?

9 A Basically, to provide default information
10 and an understanding for the program to know what CVs are
11 available for a particular decoder and what the -- the
12 program's got to read the data from somewhere, either from
13 a definition file or from a binary database. It's got to
14 have the information to do it.

15 Q Okay. And that's what the decoder
16 definition file does? It gets read by a computer program?

17 A Correct.

18 Q Okay. And it displays that information in
19 the computer program?

20 A Yes, in the user interface.

21 Q Correct. Okay.

22 What is the purpose of a -- or do you know
23 what a -- do you know what a QSI manual is?

24 A Yes.

25 Q Let's see. A QSI NMRA DCC Reference Manual

1 for QSI Quantum HO Equipped Locomotives. You know what
2 that is?

3 A Yes, I do.

4 Q What is the purpose of that manual?

5 A The purpose of the manual is to explain how
6 to utilize the functionality of the decoder. It gives an
7 explanation of how the matrix -- well, let me back up just
8 a little bit.

9 The NMRA set forth "X" number of
10 configuration variables to be developed, and it was to be
11 a industry standard. They're -- in their short-sighted
12 way, just like IBM was when nobody thought that a computer
13 would ever need more than 64K of memory -- it's far too
14 limited with the capability of today's electronics. And
15 the QSI manual shows their methodology of adding another
16 64,000 variables in the space of 14 CVs.

17 Q Is the -- are the CVs -- do the CVs appear
18 in the -- actually, let me ask you this: Let's take that
19 decoder definition file and the QSI manual. Are the two
20 interchangeable?

21 A No.

22 Q If you took a page from a QSI manual and
23 scanned it, digitized it, could you put it in a decoder
24 definition file and have the decoder definition file work?

25 A No. There's no comparison.

1 Q And why is that?

2 A The --

3 Q And for the record, you're reaching for your
4 copy of --

5 A I actually have my original copy of the
6 Quantum NMRA DCC Reference Manual for QSI Quantum HO
7 Locomotives. The -- the manual is a document pretty much
8 designed for programmers -- or written by programmers. A
9 general layman is probably not going to understand it.
10 But it gives an explanation of how the programming of the
11 decoder works and the intricacies of it. And there are a
12 few examples in there of how you would do this, how you
13 would program a particular configuration variable. But
14 no, there's -- there's virtually nothing in it that could
15 be scanned or cut-and-paste and it become a decoder file.

16 Q Okay. Now, about -- you're familiar with
17 QSI decoders?

18 A Yes.

19 Q Do they have sound recordings on them?

20 A Yes.

21 Q Are these sound recordings based on
22 recordings from actual trains?

23 A To my knowledge, they are.

24 Q Let's see. Now I'm going to step over to --

25 MR. JERGER: Can you speak up, Victoria?

1 e-mail address, g_pruss@yahoo.com, if you have any
2 questions regarding Quantum firmware.

3 "I ask that you do not give out my e-mail
4 address to any other individual or group.

5 "Regards, Gerry Pruss, QSI."

6 Q And the information that follows that
7 e-mail -- or let me ask you this: Is there other
8 information in this e-mail?

9 A That is correct.

10 Q Yes?

11 A Yes.

12 Q What is that information?

13 A Quantum 1 HO engines.

14 Q No need to read it --

15 A And it's got -- it's --

16 Q -- but can you describe what it is?

17 A Yeah. It's basically the model number and
18 the build number and the version number of their most
19 recent releases for the decoders in particular different
20 models. I mean, there's diesel, electric, steam,
21 articulated steam. And I'm about to remember -- the other
22 QSI decoder file was the gas turbine.

23 Q Okay. The other one that you worked on was
24 the gas turbine?

25 A That is correct. That I created.

1 Q And just for the record, how many hours did
2 you spend working on that file?

3 A The gas turbine probably did not take very
4 long. It was probably one of the latter ones that I
5 worked on; and being that there was only one particular
6 decoder, it probably didn't take me more than about three
7 or four hours.

8 Q Okay. Does that include testing and
9 research time?

10 A Yes. I mean, the testing obviously had been
11 very limited because I don't have one of those models and
12 I didn't know anybody who did, to actually physically test
13 it on a piece of hardware.

14 Q Okay. So you said three or four hours.
15 Okay. Let's see.

16 So getting back to Penny Deposition Exhibit
17 Number 7, that one statement -- Gerry Pruss acknowledges
18 that you are working to add functionality to JMRI to
19 support QSI Quantum CV.PI.SI format for the indexed CVs?
20 He acknowledges that, right? --

21 A Yes.

22 Q -- in this e-mail? Did he object to --
23 would you say that -- did he object to you using this
24 information?

25 A No; actually, I felt quite the opposite. I

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Subject: Re: From Bob Jacobsen's attorney
From: "Simon Reader" <simon.reader@btinternet.com>
Date: Sat, Sep 05, 2009 6:42 am
To: <victoria@vkhall-law.com>

Victoria,

Answers below.

Kind regards

Simon

1. What portions of JMRI code have you worked on?

[SR]. I did some work on the Throttle, Route and Turnout code a couple of years ago

2. Have you worked on decoder definition files? If so, which decoders?

[SR]. No

3. How many hours have you worked on JMRI software, aside from decoder definitions? If you do not have an exact number, estimate a range (e.g., between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)

[SR]. Probably about 5 hours, certainly no more than 10 hours

4. If you worked on decoder definitions for version 1.7.1 or earlier versions, estimate the number of hours that you worked on those decoder definitions.

[SR] N/A

5. If you worked on decoder definitions--either updates or new decoder definitions--that appeared for versions after 1.7.1, estimate the number of hours that you worked on those decoder definitions.

[SR] N/A

----- Original Message -----

From: <victoria@vkhall-law.com>
To: <simon.reader@btinternet.com>
Sent: Thursday, September 03, 2009 6:10 AM
Subject: From Bob Jacobsen's attorney

Dear Mr. Reader,

My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen v. Katzer. We are collecting information about developers' work on the JMRI project. Could you please answer the following?

1. What portions of JMRI code have you worked on?

2. Have you worked on decoder definition files? If so, which decoders?

3. How many hours have you worked on JMRI software, aside from decoder

5RGJ.00000142

definitions? If you do not have an exact number, estimate a range (e.g., between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)

4. If you worked on decoder definitions for version 1.7.1 or earlier versions, estimate the number of hours that you worked on those decoder definitions.

5. If you worked on decoder definitions--either updates or new decoder definitions--that appeared for versions after 1.7.1, estimate the number of hours that you worked on those decoder definitions.

Regards,

Victoria K. Hall
Law Office of Victoria K. Hall
3 Bethesda Metro Suite 700
Bethesda MD 20814
301-280-5925
240-536-9142 fax

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5RGJ.00000143

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Subject: Re: From Bob Jacobsen's attorney
From: Team Digital <td@teamdigital1.com>
Date: Thu, Sep 03, 2009 8:03 am
To: <victoria@vkhall-law.com> <victoria@vkhall-law.com>

Dear Ms. Hall

At some point in the past, I think in the 2006 time frame, I provided some time estimates regarding JMRI. Unfortunately I can not locate the information I provided to you. If you could forward that information to me it would keep me from contradicting myself an

Sincerely,

Bill Robinson
Team Digital, LLC
<http://www.teamdigital1.com/>

On Sep 3, 2009, at 1:11 AM, <victoria@vkhall-law.com> <victoria@vkhall-law.com> wrote:

Dear Mr. Robinson,

My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen v. Katzer. We are collecting information about developers' work on the JMRI project. Could you please answer the following?

1. What portions of JMRI code have you worked on?
2. Have you worked on decoder definition files? If so, which decoders?
3. How many hours have you worked on JMRI software, aside from decoder definitions? If you do not have an exact number, estimate a range (e.g., between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)
4. If you worked on decoder definitions for version 1.7.1 or earlier versions, estimate the number of hours that you worked on those decoder definitions.
5. If you worked on decoder definitions--either updates or new decoder definitions--that appeared for versions after 1.7.1, estimate the number of hours that you worked on those decoder definitions.

Regards,

Victoria K. Hall
Law Office of Victoria K. Hall
3 Bethesda Metro Suite 700
Bethesda MD 20814
301-280-5925
240-536-9142 fax

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5RGJ.00000109

ID: 49479
DATE: 2006-11-12 17:36:46
FROM: Team Digital <td@teamdigital1.com>
TO: Bob Jacobsen <rgj1927@pacbell.net>
SUBJECT: Re: Help with reply to Katzer
MAILBOX: Production4

Bob

As I began to learn more about JMRI, I became aware that it was a very fine program. I saw the benefit of a cross platform program that could be used to support many products. As I used JMRI to program some of my personal mobile decoder products, I learned about the concept of using XML files to display a product's configuration variables for ease in programming. I did not know exactly what an XML file was, although I had heard of it. At some point late in 2005, after some prompting from some fellow modelers, I decided to embark on creating XML definition files for some Team Digital products.

I first had to learn about XML files. I studied other product definition files which were included with JMRI. Initially I spent a lot of time with the trial and error approach to create a XML file for one of our products. The process was made more difficult because Team Digital products are not the typical mobile decoders used in locomotives. Because of this I could not just copy another XML file and make it a template. Furthermore, since our products are all not structured in the same way, I had to create a unique file for each product. At some point I discovered that the XML file required a DTD file. A DTD file is used to define the elements and models used in the XML file. Now I needed to learn about the DTD file. This was quite challenging for me. More experimentation.

Eventually I created five XML definition files for five of our products. Those products are SMD82, SMD8, SMD2, SIC24 and SRC8. I spent at least 35 to 40 hours in the process. This estimate is based on a number of weekday afternoons and evenings plus several weekends of work.

These files have been provided to the JMRI project at no cost as part of the effort in making JMRI a very useful tool.

Bill Robinson
Team Digital, LLC
<http://www.teamdigital1.com/>

On Nov 11, 2006, at 11:06 PM, Bob Jacobsen wrote:

> I apologize for another mass-mailing, but as you can imagine I'm a
> little short of time at the moment.
>
> As you may have heard, Matt Katzer has taken the JMRI decoder
> definition files that you (and others) wrote, and tried to claim them
> as his own. There's more information on that here:
>
> <<http://jmri.sourceforge.net/k/updates.html#2006-09-10>>
> <<http://jmri.sourceforge.net/k/copycomparison.html>>
>
> I've asked the Court to order him to either given JMRI credit, or stop
> distributing the files. (It's somewhat amazing to me that he won't
> just live by the license, but that's his choice...)
>
> He's now trying to argue that the files were trivial to produce, and
> contain nothing but information copied directly from NMRA standards,
> manuals, etc.
>
> To reply to this, I'd like to get your honest opinion on how much time
> you've spent on writing your contributions. Itemized by file would be
> great, or as a total number would be great. A couple paragraphs on
> how you estimated it would also help.
>
> It would also be very helpful to get examples of where you had to
> understand the information in the manuals, experiment with the
> decoder, write down your experiences in your own words, etc.
>
> Thanks!
>
> We have to file our official reply by Friday. It would be helpful to
> get your comments as soon as possible so we can figure out how to
> include them.
>
> Bob
> --
> Bob Jacobsen +1-510-486-7355 fax +1-510-643-8497 AIM, Skype JacobsenRG
>

[Print](#) | [Close Window](#)

Subject: Re: From Bob Jacobsen's attorney
From: escopetas@comcast.net
Date: Fri, Sep 11, 2009 3:24 pm
To: victoria@vkhall-law.com

Ms. Hall,

Sorry for the delay in responding. Here are the answers to your questions:

- 1) I have worked on decoder definitions files.
- 2) The decoder definitions files I have worked on are:

Zimo_MX69MX690.xml
ESU_LokPilot2.0.xml
ESU_LokPilot3.0.xml
ESU_LokPilotBasic1.0.xml
Massoth_eMOTION_Motor.xml (formerly Massoth_eMOTION_XL.xml)
Massoth_eMOTION_Sound.xml (formerly Massoth_eMOTION_XLS.xml)
Massoth_function_lights.xml
Massoth_LGB.xml
Massoth_LGB_55027.xml
Zimo_MX65.xml

- 3) Zero, as I only worked on decoder definitions
- 4) Zero, as I did not work on decoder definitions for version 1.7.1 or earlier versions
- 5) For decoder definitions after 1.7.1, I estimate the following hours:

I worked on 3 groups of decoder definitions, ESU, Massoth, and ZIMO. The first file I did for each group was very time consuming, I would estimate at least 40 hours for writing, testing, debugging, and correcting.

For the additional files within each group I would estimate 16 hours for writing, testing, debugging, and correcting. There are 7 additional files.

For the updates of each file, I would estimate 4 hours for writing, testing, debugging, and correcting. There are a total of 17 updates.

3 first files, $3 \times 40 = 120$
7 additional files, $7 \times 16 = 112$
17 updates, $17 \times 4 = 68$

Total 300 hours

Please feel free to contact me if you have questions.

5RGJ.00000167

-- Jeff Schmaltz
Daytime phone 301-614-5135

----- Original Message -----

From: victoria@vkhall-law.com

To: escopetas@comcast.net

Sent: Thu, 3 Sep 2009 05:16:31 +0000 (UTC)

Subject: From Bob Jacobsen's attorney

Dear Mr. Schmaltz,

My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen v. Katzer. We are collecting information about developers' work on the JMRI project. Could you please answer the following?

1. What portions of JMRI code have you worked on?
2. Have you worked on decoder definition files? If so, which decoders?
3. How many hours have you worked on JMRI software, aside from decoder definitions? If you do not have an exact number, estimate a range (e.g., between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)
4. If you worked on decoder definitions for version 1.7.1 or earlier versions, estimate the number of hours that you worked on those decoder definitions.
5. If you worked on decoder definitions--either updates or new decoder definitions--that appeared for versions after 1.7.1, estimate the number of hours that you worked on those decoder definitions.

5RGJ.00000168

Regards,

Victoria K. Hall

Law Office of Victoria K. Hall

3 Bethesda Metro Suite 700

Bethesda MD 20814

301-280-5925

240-536-9142 fax

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5RGJ.00000169

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Subject: RE: From Bob Jacobsen's attorney
From: "Scott, Brett" <Brett.Scott@arec.alabama.gov>
Date: Mon, Sep 21, 2009 2:24 pm
To: "victoria@vkhall-law.com" <victoria@vkhall-law.com>

Victoria,

I have not worked on decoder definitions. I wrote programming scripts for several devices, including the "Hare", "Wabbit", "Block Watcher", "PSX". All these are DCC Specialties products.

I spent probably in the neighborhood of 40 to 50 hours of actual programming time on these scripts. This includes research, testing, debugging, etc.

If I can be of any further assistance, please let me know at brettscott@pobox.com

Thanks,
Brett Scott
803 Durden Road
Prattville AL 36067-1534
P 334.799.3096

-----Original Message-----

From: victoria@vkhall-law.com [<mailto:victoria@vkhall-law.com>]
Sent: Thursday, September 03, 2009 12:18 AM
To: brettscott@pobox.com
Subject: From Bob Jacobsen's attorney

Dear Mr. Scott,

My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen v. Katzer. We are collecting information about developers' work on the JMRI project. Could you please answer the following?

1. What portions of JMRI code have you worked on?
2. Have you worked on decoder definition files? If so, which decoders?
3. How many hours have you worked on JMRI software, aside from decoder definitions? If you do not have an exact number, estimate a range (e.g., between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)
4. If you worked on decoder definitions for version 1.7.1 or earlier versions, estimate the number of hours that you worked on those decoder definitions.
5. If you worked on decoder definitions--either updates or new decoder definitions--that appeared for versions after 1.7.1, estimate the number of hours that you worked on those decoder definitions.

Regards,

Victoria K. Hall
Law Office of Victoria K. Hall
3 Bethesda Metro Suite 700
Bethesda MD 20814
301-280-5925
240-536-9142 fax

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5RGJ.00000174

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Subject: RE: From Bob Jacobsen's attorney
From: "Jack C. Shall" <jcshall@bellsouth.net>
Date: Mon, Sep 07, 2009 12:22 pm
To: <victoria@vkhall-law.com>

-----Original Message-----

From: victoria@vkhall-law.com [<mailto:victoria@vkhall-law.com>]

Sent: Thursday, September 03, 2009 12:18 AM

To: jcshall@bellsouth.net

Subject: From Bob Jacobsen's attorney

Dear Mr. Shall,

My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen v. Katzer. We are collecting information about developers' work on the JMRI project. Could you please answer the following?

1. What portions of JMRI code have you worked on?
2. Have you worked on decoder definition files? If so, which decoders?
3. How many hours have you worked on JMRI software, aside from decoder definitions? If you do not have an exact number, estimate a range (e.g., between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)
4. If you worked on decoder definitions for version 1.7.1 or earlier versions, estimate the number of hours that you worked on those decoder definitions.
5. If you worked on decoder definitions--either updates or new decoder definitions--that appeared for versions after 1.7.1, estimate the number of hours that you worked on those decoder definitions.

Regards,

Victoria K. Hall
Law Office of Victoria K. Hall
3 Bethesda Metro Suite 700
Bethesda MD 20814
301-280-5925
240-536-9142 fax

Dear Ms. Hall,

This is in response to your inquiry regarding my involvement with the JMRI project. I'll answer your questions in the order listed above.

1. I have been involved with the DecoderPro portion of the JMRI project. This includes work with the decoder files, programmers, and various support files for the same.
2. I have done work intermittently over the years of the project. I have created and/or modified a number of the decoder files for decoders manufactured by Lenz, NCE and SoundTraxx (Throttle-Up).
3. I have invested a fairly sizable portion of time to other aspects of DecoderPro, namely in the Comprehensive Programmer, and several of the support files for this. Over the years, I would estimate that I've logged at least 100-200 hours of development and testing time in this area.
4. That's been quite awhile ago, but I'd say I probably put in 50-100 hours in those earlier years with the decoder files themselves.
5. I would estimate that I have 150-200 hours working with decoder files during this more recent period.

5RGJ.00000151

Hope this helps....

Regards,
Jack Shall

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5RGJ.00000152

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Subject: RE: From Bob Jacobsen's attorney
From: "wf8l@earthlink.net" <wf8l@earthlink.net>
Date: Thu, Sep 03, 2009 3:56 pm
To: "victoria@vkhall-law.com" <victoria@vkhall-law.com>

Answers inset below in upper case

Bruce Shanks

> [Original Message]
> From: <victoria@vkhall-law.com>
> To: <wf8l@earthlink.net>
> Date: 9/2/2009 10:19:26 PM
> Subject: From Bob Jacobsen's attorney
>
> Dear Mr. Shanks,
>
> My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen
> v. Katzer. We are collecting information about developers' work on the
> JMRI project. Could you please answer the following?
>
> 1. What portions of JMRI code have you worked on?
MANUALS, JMRI FUNCTIONING AND USER SCREENS

> 2. Have you worked on decoder definition files? If so, which decoders?
NO

> 3. How many hours have you worked on JMRI software, aside from decoder
> definitions? If you do not have an exact number, estimate a range (e.g.,
> between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)
OVER 100

> 4. If you worked on decoder definitions for version 1.7.1 or earlier
> versions, estimate the number of hours that you worked on those decoder
> definitions.
> 5. If you worked on decoder definitions--either updates or new decoder
> definitions--that appeared for versions after 1.7.1, estimate the number
> of hours that you worked on those decoder definitions.
>

MY PLEASURE TO HELP

BRUCE SHANKS

> Regards,
>
> Victoria K. Hall
> Law Office of Victoria K. Hall
> 3 Bethesda Metro Suite 700
> Bethesda MD 20814
> 301-280-5925
> 240-536-9142 fax
>
>

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Subject: RE: JMRI hours, etc.

From: "Alex Shepherd" <alex@ajsystems.co.nz>

Date: Wed, Sep 02, 2009 10:41 pm

To: <victoria@vkhall-law.com>

Hi Victoria,

> 1. What portions of JMRI code have you worked on?

- Bug fixes in the Digitrax LocoNet interfaces and LocoNet throttles
- Added Java RMI Based LocoNet Client/Server Networking Support
- Added LocoNetOverTCP Based LocoNet Client/Server Networking Support

> 2. Have you worked on decoder definition files? If so, which decoders?

No, none that have been submitted back into the JMRI project.

> 3. How many hours have you worked on JMRI software, aside
> from decoder definitions? If you do not have an exact number,
> estimate a range (e.g., between 30-40 hours, or more than 100
> hours, or less than 5 hours, etc.)

More than 100 hours - probably 200 - 300.

> 4. If you worked on
> decoder definitions for version 1.7.1 or earlier versions,
> estimate the number of hours that you worked on those decoder
> definitions.

N/A

> 5. If you worked on decoder definitions--either updates or
> new decoder definitions--that appeared for versions after
> 1.7.1, estimate the number of hours that you worked on those
> decoder definitions.

N/A

HTH

Alex

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5RGJ.00000091

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Subject: Re: From Bob Jacobsen's attorney
From: Tom Stack <trstack@earthlink.net>
Date: Thu, Sep 03, 2009 11:45 am
To: victoria@vkhall-law.com

Ms Hall,

Please see responses inserted below

Regards,
Tom Stack

-----Original Message-----

>From: victoria@vkhall-law.com
>Sent: Sep 3, 2009 1:21 AM
>To: trstack@earthlink.net
>Subject: From Bob Jacobsen's attorney

>

>Dear Mr. Stack,

>

>My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen
>v. Katzer. We are collecting information about developers' work on the
>JMRI project. Could you please answer the following?

>

>1. What portions of JMRI code have you worked on?

[Interfaces to external devices and external software via listeners, scripts, queues, web software, and some transponder and signaling related activities.](#)

>2. Have you worked on decoder definition files? If so, which decoders?

[No](#)

>3. How many hours have you worked on JMRI software, aside from decoder

>definitions? If you do not have an exact number, estimate a range (e.g.,

>between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)

[more than 100 hours](#)

>4. If you worked on decoder definitions for version 1.7.1 or earlier

>versions, estimate the number of hours that you worked on those decoder

>definitions.

[n/a](#)

>5. If you worked on decoder definitions--either updates or new decoder

>definitions--that appeared for versions after 1.7.1, estimate the number

>of hours that you worked on those decoder definitions.

[n/a](#)

>

>Regards,

>

>Victoria K. Hall

>Law Office of Victoria K. Hall

>3 Bethesda Metro Suite 700

>Bethesda MD 20814

>301-280-5925

>240-536-9142 fax

>

>

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Subject: Re: From Bob Jacobsen's attorney
From: "Terdina Giorgio" <terdina@ictp.it>
Date: Thu, Sep 03, 2009 1:51 am
To: victoria@vkhall-law.com

Dear Ms. Victoria K. Hall,

Let me thank you, first of all, for the wonderful work you are doing in defense of the JMRI project and, indirectly, of the Open Source community.

I try to provide the requested information. Please keep in mind that time figures are estimates, since it's rather difficult recalling the exact time spent in each development.

1. What portions of JMRI code have you worked on?

a) XnTcp interface (interfacing of a new communication adapter).

Version 2.1.5

b) Support for Roco Multimaus (a new command station)

Version 2.1.5

c) Introduction of zooming and antialiasing (smoother graphics) in Layout Editor.

Version 2.3.1

d) Fixing of various bugs.

Various versions starting with 2.3.1

e) Introduction of Windows menu in all JMRI programs.

Version 2.3.3

f) XtrkCadReader utility for conversion of data from the format employed by XtrkCad (another Open Source project) to JMRI format. Separately available from JMRI web site, but part of JMRI and covered by the same GNU General Public License.

May 2008

g) AutoDispatcher1 script for layout automation (I don't know if you also consider scripts for your purposes). The script is made available through the files repository of the JMRI users group on Yahoo and can be used only with JMRI.

October 2008

h) AutoDispatcher2 script for layout automation

Not released yet

2. Have you worked on decoder definition files? If so, which decoders?

No, I did not contribute any decoder definition file.

3. How many hours have you worked on JMRI software, aside from decoder definitions? If you do not have an exact number, estimate a range (e.g., between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)

I provide you with three separate time estimates.

Java code (i.e. JMRI code)

approx. 300 hours

Jython scripts released

approx. 300 hours

Jython scripts not released yet

approx. 400 hours

Disregard hours spent in Jython scripting if you don't consider scripts being also part of JMRI and keep into account that the third figure is

5RGJ.00000096

related to software under development and not made publicly available yet.

4. If you worked on decoder definitions for version 1.7.1 or earlier versions, estimate the number of hours that you worked on those decoder definitions.

N/A

5. If you worked on decoder definitions--either updates or new decoder definitions--that appeared for versions after 1.7.1, estimate the number of hours that you worked on those decoder definitions.

N/A

I hope the above information may prove useful. If you have any doubts or need any clarifications, don't hesitate to contact me.

Friendly yours,

Giorgio Terdina

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5RGJ.00000097

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Subject: Re: From Bob Jacobsen's attorney
From: "Jim Thompson" <jthompson999@ATT.NET>
Date: Thu, Sep 03, 2009 10:52 am
To: <victoria@vkhall-law.com>

Dear, Ms. Hall

Glad to help Bob out in any way I can. I didn't work on JMRI code, I did create a couple of scripts and corrected two others that were available on the Distribution download. In any case, I have answered your questions below as best I can.

Regards,

Jim Thompson

>
> ----- Original Message -----
> From: <victoria@vkhall-law.com>
> To: <jthompson999@att.net>
> Sent: Thursday, September 03, 2009 12:27 AM
> Subject: From Bob Jacobsen's attorney

>
>
> Dear Mr. Thompson,

>
> My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen
> v. Katzer. We are collecting information about developers' work on the
> JMRI project. Could you please answer the following?

>
> 1. What portions of JMRI code have you worked on?

Only on Scripts

> 2. Have you worked on decoder definition files? If so, which decoders?

No

> 3. How many hours have you worked on JMRI software, aside from decoder
> definitions? If you do not have an exact number, estimate a range (e.g.,
> between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)

Probably between 20 and 30 hours

> 4. If you worked on decoder definitions for version 1.7.1 or earlier
> versions, estimate the number of hours that you worked on those decoder
> definitions.

N/A

> 5. If you worked on decoder definitions--either updates or new decoder
> definitions--that appeared for versions after 1.7.1, estimate the number
> of hours that you worked on those decoder definitions.

N/A

>
> Regards,

>
> Victoria K. Hall
> Law Office of Victoria K. Hall
> 3 Bethesda Metro Suite 700
> Bethesda MD 20814
> 301-280-5925
> 240-536-9142 fax

>
>

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Subject: Re: From Bob Jacobsen's attorney
From: Walter Thompson <wsthompson@earthlink.net>
Date: Thu, Sep 03, 2009 9:10 am
To: victoria@vkhall-law.com

embedded

-----Original Message-----

>From: victoria@vkhall-law.com
>Sent: Sep 3, 2009 1:27 AM
>To: wsthompson@earthlink.net
>Subject: From Bob Jacobsen's attorney

>

>Dear Mr. Thompson,

>

>My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen
>v. Katzer. We are collecting information about developers' work on the
>JMRI project. Could you please answer the following?

>

>1. What portions of JMRI code have you worked on?

I have witten some scripts and some work on decoder xmls.

>2. Have you worked on decoder definition files? If so, which decoders?

As I remember, the ESU decoders, Digitrax decoders, plus others that I don't recall. The update/revision history in each file should give the history of each one.

>3. How many hours have you worked on JMRI software, aside from decoder

>definitions? If you do not have an exact number, estimate a range (e.g.,

>between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)

I am not sure if Scripts apply but my estimate would be over 100 hours. I have never worked on the code that is released with JMRI, just the scripts and decoders.

>4. If you worked on decoder definitions for version 1.7.1 or earlier

>versions, estimate the number of hours that you worked on those decoder

>definitions.

>5. If you worked on decoder definitions--either updates or new decoder

>definitions--that appeared for versions after 1.7.1, estimate the number

>of hours that you worked on those decoder definitions.

>

An example is ESU_LokPilotDCC.xml, I estimate the research and updating took more than 100 hours.

>Regards,

>

>Victoria K. Hall

>Law Office of Victoria K. Hall

>3 Bethesda Metro Suite 700

>Bethesda MD 20814

>301-280-5925

>240-536-9142 fax

>

>

Walt Thompson

Moderator, Yahoo JMRIusers group

NMRA, TLR, TCD, Crossing Gate Editor

NRMA #136859

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5RGJ.00000118

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Subject: Re: From Bob Jacobsen's attorney
From: Dale A Tripp <dat7719@daletripp.com>
Date: Thu, Sep 03, 2009 12:05 pm
To: victoria@vkhall-law.com

I have done no development work on JMRI that has been released.
I use the DP to program my engines.
Dale Tripp

victoria@vkhall-law.com wrote:

> Dear Mr. Tripp,
>
> My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen
> v. Katzer. We are collecting information about developers' work on the
> JMRI project. Could you please answer the following?
>
> 1. What portions of JMRI code have you worked on?
> 2. Have you worked on decoder definition files? If so, which decoders?
> 3. How many hours have you worked on JMRI software, aside from decoder
> definitions? If you do not have an exact number, estimate a range (e.g.,
> between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)
> 4. If you worked on decoder definitions for version 1.7.1 or earlier
> versions, estimate the number of hours that you worked on those decoder
> definitions.
> 5. If you worked on decoder definitions--either updates or new decoder
> definitions--that appeared for versions after 1.7.1, estimate the number
> of hours that you worked on those decoder definitions.
>
> Regards,
>
> Victoria K. Hall
> Law Office of Victoria K. Hall
> 3 Bethesda Metro Suite 700
> Bethesda MD 20814
> 301-280-5925
> 240-536-9142 fax
>
>
>
>

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Subject: Re: From Bob Jacobsen's attorney
From: Ian Ware <ian.m.ware@uk.ibm.com>
Date: Mon, Sep 07, 2009 3:34 pm
To: <victoria@vkhall-law.com>

Hi,

responses in line below.

Thanks,

Ian

From: <victoria@vkhall-law.com>
To: sulzerbeast@gmail.com
Date: 03/09/2009 06:30
Subject: From Bob Jacobsen's attorney

Dear Mr. Ware,

My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen v. Katzer. We are collecting information about developers' work on the JMRI project. Could you please answer the following?

1. What portions of JMRI code have you worked on?

[decoder definition files](#)

2. Have you worked on decoder definition files? If so, which decoders?

[Yes, Lez Silver decoders, possibly ZTC decoders also.](#)

3. How many hours have you worked on JMRI software, aside from decoder definitions? If you do not have an exact number, estimate a range (e.g., between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)

[10-20 hours](#)

4. If you worked on decoder definitions for version 1.7.1 or earlier versions, estimate the number of hours that you worked on those decoder definitions.

[Not sure.](#)

5. If you worked on decoder definitions--either updates or new decoder definitions--that appeared for versions after 1.7.1, estimate the number of hours that you worked on those decoder definitions.

[Not sure.](#)

5RGJ.00000153

Regards,

Victoria K. Hall
Law Office of Victoria K. Hall
3 Bethesda Metro Suite 700
Bethesda MD 20814
301-280-5925
240-536-9142 fax

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5RGJ.00000154

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Subject: Re: From Bob Jacobsen's attorney
From: Howard Watkins <howard@watkins.myzen.co.uk>
Date: Fri, Sep 04, 2009 12:37 am
To: <victoria@vkhall-law.com>

At 06:31 03/09/2009, you wrote:

Dear Mr. Watkins,

My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen v. Katzer. We are collecting information about developers' work on the JMRI project. Could you please answer the following?

1. What portions of JMRI code have you worked on?

I've been involved in testing, not writing code.

2. Have you worked on decoder definition files? If so, which decoders?

no.

3. How many hours have you worked on JMRI software, aside from decoder definitions? If you do not have an exact number, estimate a range (e.g., between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)

5-10 hours on testing the CBUS interface.

4. If you worked on decoder definitions for version 1.7.1 or earlier versions, estimate the number of hours that you worked on those decoder definitions.

0

5. If you worked on decoder definitions--either updates or new decoder definitions--that appeared for versions after 1.7.1, estimate the number of hours that you worked on those decoder definitions.

0

Howard.

Regards,

Victoria K. Hall
Law Office of Victoria K. Hall

5RGJ.00000138

3 Bethesda Metro Suite 700
Bethesda MD 20814
301-280-5925
240-536-9142 fax

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5RGJ.00000139

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Subject: Re: From Bob Jacobsen's attorney
From: vincent wesstein <vincent_wesstein@yahoo.com>
Date: Thu, Sep 03, 2009 5:49 am
To: victoria@vkhall-law.com

Dear Mrs. Hall

In answer to your questions:

- 1) I did not work on the JMRI code itself.
- 2) I have contributed (incomplete) decoder definition files for the Kuehn decoder range, based on information the Austrian company Kuehn offered on their website at the time. I submitted these files to the JMRI team, which then completed them. This was my first foray in programming.
- 3) As stated in question 1, I did not work on the actual JMRI code.
- 4)+5) I can't recall which JMRI version was current at the time of contributing my work, but it was 08/2005. Timewise, given it was my first attempt in programming it took me quite some time to figure out how the decoder definition files were/are set up and what syntax I should use. I estimate approx. 6 to 7 hours work, over a period of several days.

I hope to have answered your questions satisfactorily, of course I'm available for additional questions.

On a sidenote: quite some time, June 2006, ago Mr. Jacobsen asked the community for prior art, to invalidate the fraudulantly obtained patents held by Mr. Katzer. I then send him a box of paper work, containing material from the late 1970's onwards, but I never recieved a reply if or when that box arrived. So I presume it was lost in transit, which is unfortunate as it contained historic material from my collection. Below is the itemised list of my offering to Mr. Jacobsen, dating June 8, 2006:

However, I managed to find old catalogues and other papers which might help you. They are, sorted on date:
an information folder of the Lenz Digital Plus system, in the Dutch language, dated Feb. 1, 1993.
a operators manual of the forenamed Lenz system, in German, with a Dutch translation, dating to Feb 1, 1993.
a leaflet "Digital is Cool" from Roco (Austria) with Lenz technology, no specific date but references to the 1994/1995 Roco main catalogue. German language.
Lenz Digital Plus catalogue 1997/98, Dutch language.
Lenz catalogue 1999, German language.
Lastly, to top it off: a Trix catalogue 1978/79(!!) with the Trix EMS system and the Trix "System 2000", in German.

I recall sending the box took me quite some time, at least a month or more. I'd appreciate it if you would check with Mr. Jacobsen if he recieved the box. Otherwise it'll probably be lost.

Kind regards,

M.V. Wesstein
teh Netherlands

--- On Thu, 9/3/09, victoria@vkhall-law.com <victoria@vkhall-law.com> wrote:

> From: victoria@vkhall-law.com <victoria@vkhall-law.com>
> Subject: From Bob Jacobsen's attorney
> To: vincent_wesstein@yahoo.com
> Date: Thursday, September 3, 2009, 7:32 AM
> Dear Mr. Wesstein,
>
> My name is Victoria Hall, and I am Bob Jacobsen's attorney
> in Jacobsen
> v. Katzer. We are collecting information about developers'
> work on the

5RGJ.00000107

> JMRI project. Could you please answer the following?
>
> 1. What portions of JMRI code have you worked on?
> 2. Have you worked on decoder definition files? If so,
> which decoders?
> 3. How many hours have you worked on JMRI software, aside
> from decoder
> definitions? If you do not have an exact number, estimate a
> range (e.g.,
> between 30-40 hours, or more than 100 hours, or less than 5
> hours, etc.)
> 4. If you worked on decoder definitions for version 1.7.1
> or earlier
> versions, estimate the number of hours that you worked on
> those decoder
> definitions.
> 5. If you worked on decoder definitions--either updates or
> new decoder
> definitions--that appeared for versions after 1.7.1,
> estimate the number
> of hours that you worked on those decoder definitions.
>
> Regards,
>
> Victoria K. Hall
> Law Office of Victoria K. Hall
> 3 Bethesda Metro Suite 700
> Bethesda MD 20814
> 301-280-5925
> 240-536-9142 fax
>
>
>

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Subject: Re: From Bob Jacobsen's attorney
From: Jos Wils <wilsjos@orcon.net.nz>
Date: Tue, Sep 15, 2009 9:35 pm
To: victoria@vkhall-law.com

Dear Victoria,

1. I have not worked on the JMRI code itself.
2. I have worked on all current ESU decoder definitions and modified the comprehensive programmer definition.
3. zero hours.
4. zero hours
5. I have spend probably up to 200 hours on the above.

Lots of success in the case versus Katzer.

Kind regards,
Jos Wils

victoria@vkhall-law.com wrote:

Dear Mr. Wils,

My name is Victoria Hall, and I am Bob Jacobsen's attorney in Jacobsen v. Katzer. We are collecting information about developers' work on the JMRI project. Could you please answer the following?

1. What portions of JMRI code have you worked on?
2. Have you worked on decoder definition files? If so, which decoders?
3. How many hours have you worked on JMRI software, aside from decoder definitions? If you do not have an exact number, estimate a range (e.g., between 30-40 hours, or more than 100 hours, or less than 5 hours, etc.)
4. If you worked on decoder definitions for version 1.7.1 or earlier versions, estimate the number of hours that you worked on those decoder definitions.
5. If you worked on decoder definitions--either updates or new decoder definitions--that appeared for versions after 1.7.1, estimate the number of hours that you worked on those decoder definitions.

Regards,

Victoria K. Hall
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3 Bethesda Metro Suite 700
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Jos Wils
1 Bridger Glade, Whakatane 3120
New Zealand
ph: +64 7 308 4488

APPENDIX D

TABLE 2

ESTIMATED ORIGINAL FILES

Decoder File Name
0NMRA.xml
0NMRA_registers.xml
0NMRA_test.xml
Atlas_DualMode.xml
Digitrax_1x2.xml
Digitrax_yDS54.xml
Lenz_54.xml
NCE_D13SR.xml
QSI_Steam.xml
SoundTraxx_DSD_Diesel.xml
Umelec_ATL2051.xml
11 FILES, TOTAL
Original files created from blank template

TABLE 3

ESTIMATED DERIVATIVE FILES

Decoder File Name
Atlas_342.xml
Atlas_345.xml
Atlas_VO1000.xml
Bachmann_EZDCC.xml ¹
Bachmann_EZDCC_4fn.xml
CT_Elektronik_DCX_30_V.xml
CT_Elektronik_DCX_new.xml
CT_Elektronik_DCX_old.xml
CT_Elektronik_Sound_GE_70.xml
CT_Elektronik_Sound_SL_51.xml
CVProducts_AD4.xml ¹
CVProducts_AD4LC.xml
Digitrax_01x3.xml
Digitrax_Basic.xml ¹
Digitrax_CS.xml
Digitrax_Economy.xml
Digitrax_STD.xml
Digitrax_STDstar.xml
Digitrax_xearly.xml
Digitrax_yfunction.xml
ESU_LokPilotDCC.xml
ESU_LokSound2_21.xml
ESU_LokSoundV3_0.xml
Lenz_51.xml
Lenz_80.xml
Lenz_DriveSelect.xml
Lenz_Gold.xml ¹
Lenz_LE077XF.xml ¹
Lenz_LE1000.xml ¹
Lenz_LF100XF.xml ¹
Lenz_UltraDrive.xml ¹
MERG_10.xml ¹
MERG_12A.xml ¹
MERG_ACC4.xml ¹
MERG_DCCACC.xml ¹
MERG_DIY_10.xml ¹
MERG_DIY_12A.xml ¹

TABLE 3

ESTIMATED DERIVATIVE FILES

Decoder File Name
MRC_1428step.xml ¹
MRC_14step.xml ¹
MRC_1626.xml ¹
MRC_1627.xml ¹
MRC_AD370.xml ¹
NCE_D102EU.xml
NCE_D102US.xml
NCE_D13SR_TC.xml
QSI_Articulated_Steam.xml
QSI_Diesel.xml
QSI_Electric.xml
QSI_Gas_Turbine.xml
QSI_Quantum.xml
SoundTraxx_DSD_Steam.xml ¹
SoundTraxx_DSX_Diesel.xml
SoundTraxx_DSX_Steam.xml
SoundTraxx_LC_Diesel.xml ¹
SoundTraxx_LC_Diesel_pFXCb.xml
SoundTraxx_LC_Diesel_pnp.xml
SoundTraxx_LC_Diesel_pnpFX.xml
SoundTraxx_LC_Steam.xml ¹
SoundTraxx_LC_Steam_hylyt.xml
SoundTraxx_LC_Steam_pnp.xml
SoundTraxx_SHS_F3.xml ¹
SoundTraxx_SHS_F7.xml ¹
TCS_A1.xml
TCS_A1X.xml
TCS_M1_v24.xml
TCS_Mfamily.xml
TCS_TH150DP.xml
TCS_Tx.xml
TCS_Tx_v27.xml
TCS_zMx.xml
Umelec_ATL2064.xml
Wangrow_2.xml
Wangrow_4.xml
Wangrow_6.xml

TABLE 3

ESTIMATED DERIVATIVE FILES

Decoder File Name
Wangrow_7.xml
ZTC_213.xml ¹
ZTC_213B.xml ¹
ZTC_215.xml ¹
ZTC_415.xml
ZTC_B_Stabilized.xml ¹
ZTC_Legacy.xml ¹
ZTC_Stabilized.xml ¹
Zimo_MX61_1.xml
Zimo_MX61_2.xml
Zimo_MX61_N.xml
Zimo_MX62_1.xml
Zimo_MX62_64_1.xml
Zimo_MX64(H)_1.xml
Zimo_MX66M(V)_1.xml
Zimo_MX66S_1.xml
Zimo_MX68(L)_1.xml ¹
91 FILES, TOTAL
Derivative files created from previously existing decoder definition file
¹ Assumed to be derivative files

TABLE 4
ESTIMATED EDITS

Decoder File Name	No of Add'l Edits
0NMRA.xml	4
0NMRA_registers.xml	3
0NMRA_test.xml	2
Atlas_342.xml	2
Atlas_DualMode.xml	14
CVProducts_AD4.xml	7
Digitrax_01x3.xml	25
Digitrax_1x2.xml	24
Digitrax_Basic.xml	11
Digitrax_CS.xml	11
Digitrax_Economy.xml	2
Digitrax_STD.xml	4
Digitrax_STDstar.xml	7
Digitrax_xearly.xml	3
Digitrax_yDS54.xml	5
ESU_LokPilotDCC.xml	2
ESU_LokSound2_21.xml	4
Lenz_51.xml	1
Lenz_54.xml	7
Lenz_80.xml	1
Lenz_DriveSelect.xml	8
Lenz_LE077XF.xml	13
Lenz_LF100XF.xml	1
MERG_10.xml	1
MERG_12A.xml	2
MRC_1428step.xml ¹	2
MRC_14step.xml ¹	2
NCE_D102US.xml	1
NCE_D13SR.xml	20
NCE_D13SR_TC.xml	3
QSI_Articulated_Steam.xml	4
QSI_Diesel.xml	1
QSI_Gas_Turbine.xml	1
QSI_Quantum.xml	5
QSI_Steam.xml	8
SoundTraxx_DSD_Diesel.xml	16
SoundTraxx_DSD_Steam.xml ¹	13
SoundTraxx_DSX_Diesel.xml	8
SoundTraxx_DSX_Steam.xml	8

TABLE 4

ESTIMATED EDITS

Decoder File Name	No of Add'l Edits
SoundTraxx_LC_Diesel.xml ¹	15
SoundTraxx_LC_Diesel_pFXCb.xml	2
SoundTraxx_LC_Diesel_pnp.xml	3
SoundTraxx_LC_Diesel_pnpFX.xml	4
SoundTraxx_LC_Steam.xml ¹	10
SoundTraxx_LC_Steam_hylt.xml	3
SoundTraxx_LC_Steam_pnp.xml	4
SoundTraxx_SHS_F3.xml ¹	1
SoundTraxx_SHS_F7.xml ¹	1
TCS_A1.xml	4
TCS_M1_v24.xml	1
TCS_TH150DP.xml	7
TCS_Tx.xml	12
TCS_zMx.xml	3
Umelec_ATL2051.xml	1
Umelec_ATL2064.xml	1
Zimo_MX61_2.xml	1
Zimo_MX62_1.xml	2
Zimo_MX62_64_1.xml	2
Zimo_MX64(H)_1.xml	1
Zimo_MX66M(V)_1.xml	1
Zimo_MX66S_1.xml	1
TOTAL	336
Add'l Edits = new changes after file created	

APPENDIX E

TABLE 5

HOURS BASED ON LINES OF CODE, DECODER DEFINITIONS V. 1.7.1

Decoder File Name	Lines of Code
0NMRA.xml	473
0NMRA_registers.xml	75
0NMRA_test.xml	1057
Atlas_342.xml	397
Atlas_345.xml	331
Atlas_DualMode.xml	170
Atlas_VO1000.xml	116
Bachmann_EZDCC.xml	166
Bachmann_EZDCC_4fn.xml	398
CT_Elektronik_DCX_30_V.xml	766
CT_Elektronik_DCX_new.xml	670
CT_Elektronik_DCX_old.xml	663
CT_Elektronik_Sound_GE_70.xml	475
CT_Elektronik_Sound_SL_51.xml	870
CVProducts_AD4.xml	204
CVProducts_AD4LC.xml	208
Digitrax_01x3.xml	1076
Digitrax_1x2.xml	554
Digitrax_Basic.xml	450
Digitrax_CS.xml	314
Digitrax_Economy.xml	788
Digitrax_STD.xml	172
Digitrax_STDstar.xml	162
Digitrax_xearly.xml	166
Digitrax_yDS54.xml	1165
Digitrax_yfunction.xml	127
ESU_LokPilotDCC.xml	339
ESU_LokSound2_21.xml	660
ESU_LokSoundV3_0.xml	4145
Lenz_51.xml	208
Lenz_54.xml	444
Lenz_80.xml	366
Lenz_DriveSelect.xml	407
Lenz_Gold.xml	1086
Lenz_LE077XF.xml	333
Lenz_LE1000.xml	168
Lenz_LF100XF.xml	379
Lenz_UltraDrive.xml	393
MERG_10.xml	928
MERG_12A.xml	561
MERG_ACC4.xml	200

TABLE 5

HOURS BASED ON LINES OF CODE, DECODER DEFINITIONS V. 1.7.1

Decoder File Name	Lines of Code
MERG_DCCACC.xml	53
MERG_DIY_10.xml	926
MERG_DIY_12A.xml	561
MRC_1428step.xml	62
MRC_14step.xml	57
MRC_1626.xml	271
MRC_1627.xml	155
MRC_AD370.xml	174
NCE_D102EU.xml	126
NCE_D102US.xml	129
NCE_D13SR.xml	627
NCE_D13SR_TC.xml	851
QSI_Articulated_Steam.xml	1302
QSI_Diesel.xml	1382
QSI_Electric.xml	1335
QSI_Gas_Turbine.xml	1354
QSI_Quantum.xml	358
QSI_Steam.xml	1264
SoundTraxx_DSD_Diesel.xml	725
SoundTraxx_DSD_Steam.xml	632
SoundTraxx_DSX_Diesel.xml	531
SoundTraxx_DSX_Steam.xml	561
SoundTraxx_LC_Diesel.xml	619
SoundTraxx_LC_Diesel_pFXCb.xml	668
SoundTraxx_LC_Diesel_pnp.xml	694
SoundTraxx_LC_Diesel_pnpFX.xml	735
SoundTraxx_LC_Steam.xml	558
SoundTraxx_LC_Steam_hylt.xml	613
SoundTraxx_LC_Steam_pnp.xml	645
SoundTraxx_SHS_F3.xml	1045
SoundTraxx_SHS_F7.xml	1155
TCS_A1.xml	564
TCS_A1X.xml	788
TCS_M1_v24.xml	641
TCS_Mfamily.xml	539
TCS_TH150DP.xml	600
TCS_Tx.xml	612
TCS_Tx_v27.xml	725
TCS_zMx.xml	612
Umelec_ATL2051.xml	219
Umelec_ATL2064.xml	424

TABLE 5

HOURS BASED ON LINES OF CODE, DECODER DEFINITIONS V. 1.7.1

Decoder File Name	Lines of Code
Wangrow_2.xml	131
Wangrow_4.xml	118
Wangrow_6.xml	120
Wangrow_7.xml	122
ZTC_213.xml	126
ZTC_213B.xml	139
ZTC_215.xml	112
ZTC_415.xml	892
ZTC_B_Stabilized.xml	171
ZTC_Legacy.xml	168
ZTC_Stabilized.xml	156
Zimo_MX61_1.xml	633
Zimo_MX61_2.xml	878
Zimo_MX61_N.xml	282
Zimo_MX62_1.xml	753
Zimo_MX62_64_1.xml	926
Zimo_MX64(H)_1.xml	897
Zimo_MX66M(V)_1.xml	923
Zimo_MX66S_1.xml	784
Zimo_MX68(L)_1.xml	947
TOTAL¹	57,800
Minus blank lines ²	52,205
Minus boilerplate template ³	50,185
Original coding ⁴	5,019
Derivative coding ⁵	13,550
ADJUSTED TOTAL	18,568
TOTAL HOURS (15 lines/hour)	1,238
¹ Numbers of lines is determined using a Unix command, "wc *.xml"	
² Blank lines are determined using a Unix command, "xmllint *.xml wc"	
³ "Boilerplate template" average is 20 lines per file.	

CERTIFICATE OF SERVICE

I hereby certify that on Tuesday, October 20, 2009, I served by email, per agreement of the parties, the foregoing expert report on Scott Jerger.

By Victoria K. Hall

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