

1 Artistic License is used by other open source software groups. See Open Source Initiative OSI –
2 Licensing: Artistic License, at <http://www.opensource.org/licenses/artistic-license.php> (last visited
3 Oct. 5, 2006). But given the breadth of Defendants’ motion, an adverse ruling could result in
4 invalidating a wide range of other open source software licenses. Plaintiff is contacting others
5 whose rights may be affected by such a ruling, and seeks to give those other individuals and
6 entities additional time to file amicus briefs or intervene, should they choose to do so.

7 Plaintiff also opposes the Administrative Motion for Setting a Briefing Schedule because of
8 the timeline it seeks. Plaintiff intends to file motions of his own. Friday, November 3, 2006 is the
9 last day that Plaintiff can file his own motions, without a motion to shorten time. Also, given the
10 subject matter (patent, copyright and trademark) in this litigation, ENE requires a significant
11 amount of preparation, ADR L.R. 5-8 and 5-9, which Plaintiff will also be working on during this
12 time frame. Requiring Plaintiff to meet Defendants’ proposed deadline while he is also working on
13 his own motions and preparing for an ENE session puts him at a disadvantage. He asks the Court
14 not to set a briefing schedule, but to permit him to file his opposition on Friday, November 17,
15 2006, which is when the opposition would otherwise be due.

16 For these reasons, Plaintiff opposes the Administrative Motion for Setting a Briefing
17 Schedule.

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19 DATED: October 6, 2006

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