

1 VICTORIA K. HALL (SBN 240702)
LAW OFFICE OF VICTORIA K. HALL
2 401 N. Washington St. Suite 550
Rockville MD 20850
3 Victoria@vkhall-law.com
Telephone: 301-738-7677
4 Facsimile: 240-536-9142

5 Attorney for Plaintiff
ROBERT JACOBSEN
6
7
8
9

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

13 ROBERT JACOBSEN, an individual,)
14)
Plaintiff,)
15 v.)
16)
MATTHEW KATZER, an individual, and)
17 KAMIND ASSOCIATES, INC, an Oregon)
corporation dba KAM Industries,)
18)
Defendants.)
19)
20)

No. C-06-1905-JSW

**DECLARATION OF ALEXANDER JOHN
SHEPHERD IN SUPPORT OF MOTION
FOR PRELIMINARY INJUNCTION**

Courtroom: 2, 17th Floor
Judge: Hon. Jeffrey S. White

21 I, ALEXANDER JOHN SHEPHERD, have personal knowledge to the facts stated herein
22 and hereby declare as follows:

23 I am not a party to this action. I am submitting this Declaration in Support of Motion for
24 Preliminary Injunction.

25 WHEN INFRINGEMENT DISCOVERED

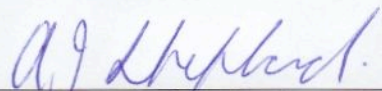
26 1. On June 5, 2006, I tried to download Defendants' products from their website. I had trouble
27 doing so, and searched the website to find a way.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. While searching Defendants' website, I came across a link that allowed me to download 2006_0516.TemplateTool.zip. I downloaded the zip file and opened it.
3. It had a "readme.txt" file, which I looked at. It contained instructions on how to use this software tool, and had specific instructions on how to import the JMRI Decoder Definition Files.
4. I ran the tool. This application has a "JMRI" tab to convert the JMRI Decoder Definition Files into a KAM format. Attached as Exhibit B is a true and correct copy of a screen dump of this tool, clearly showing the options for converting JMRI templates to KAM templates.
5. I contacted Bob Jacobsen immediately with my findings. Attached as Exhibit A is a true and correct copy of an email that I sent Bob immediately after discovering the tool and how it worked.

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

Executed this 17th day of November, 2006, in Hamilton, New Zealand.

By 

Alexander John Shepherd