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

13 ROBERT JACOBSEN, an individual,) No. C06-1905-JSW
14)
Plaintiff,) **SECOND MOTION FOR LEAVE TO**
15) **FILE SUPPLEMENTARY MATERIAL**
v.)
16) Courtroom: 2, 17th Floor
MATTHEW KATZER, an individual, and) Judge: Hon. Jeffrey S. White
17 KAMIND ASSOCIATES, INC., an Oregon)
corporation dba KAM Industries,)
18)
Defendants.)
19)
20)
21)
22)

23 Plaintiff Robert Jacobsen seeks leave to file supplementary material per Civil L.R. 7-3(d).
24 The supplementary material is the ruling from the World Intellectual Property Organization
25 arbitration panel, ordering the transfer of the domain name, decoderpro.com, from Jerry Britton to
26 Plaintiff. In order to find transfer the domain name, Plaintiff had to show that:

27 (i) The domain name is identical or confusingly similar to a trademark or service mark in
28 which Plaintiff has rights; and

1 (ii) Respondent has no rights or legitimate interests in respect of the domain name; and

2 (iii) The domain name has been registered and is being used in bad faith.

3 Internet Corporation for Assigned Names and Numbers, Uniform Domain Name Dispute
4 Resolution Policy ¶ 4(a), available at <http://www.icann.org/dndr/udrp/policy.htm> (last visited Aug.
5 6, 2007). Because Katzer had transferred the domain name to Jerry Britton, an action often
6 referred to in UDRP proceedings as “cyberflying” or “cyberflight”, Plaintiff relied on this transfer
7 to impute Katzer’s actions to Britton. The panel found that Plaintiff established the first two
8 factors as to Respondent Britton. The panel found that Defendant Katzer had acted in bad faith
9 and, because of the circumstances of the transfer, imputed that bad faith to Britton.

10 The domain name transfer is expected shortly. Plaintiff will no longer seek the return of the
11 domain name through litigation in this Court. Thus, the WIPO administrative panel decision and
12 transfer make moot Defendants’ Motion to Dismiss for Failure to Join Necessary Party under Rule
13 19 [Docket #100] heard on Jan. 19, 2007.

14 Plaintiff also submits this ruling to supplement the Joint Case Management Statement
15 [Docket #146].

16 The supplementary material, Administrative Panel Decision, WIPO Case No. D2007-0763,
17 is in Appendix A.

18
19 Respectfully submitted,

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21 DATED: August 6, 2007

By _____ /s/
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