

Exhibit D

FIELD JERGER LLP
ATTORNEYS AT LAW
610 SW ALDER STREET, SUITE 910
PORTLAND, OR 97205
TELEPHONE: (503) 228 - 9115
FACSIMILE: (503) 225 - 0276
SCOTT@FIELDJERGER.COM

JOSEPH A. FIELD*
R. SCOTT JERGER**
MATTHEW A. ARBAUGH

* Also admitted in Washington
** Also admitted in Texas

October 26, 2007

VIA FIRST CLASS MAIL AND EMAIL TO Victoria@vkhall-law.com

Victoria K. Hall
Law Office of Victoria K. Hall
3 Bethesda Metro, Suite 700
Bethesda, MD 20814

Re: *Jacobsen v. Katzer, et al.*
USDC-Northern District of California at San Francisco, No.: C06-1905-JSW

Dear Victoria,

Pursuant to Judge White's Civil Minute Order dated September 14, 2007, this letter responds to both of your proposed second amended complaints in the above-referenced lawsuit. **I consent to the filing of either of your second amended complaints in this matter.** A motion for leave to file a second amended complaint under Fed. R. Civ. P. 15 is not necessary. You should be aware, however, that this consent to the filing of the second amended complaint does not mean that I will not, potentially, file a timely dispositive motion or motions in response to some of your claims in the second amended complaint.

Of foremost concern to me is your decision to replead the stricken cybersquatting claim "in order to make certain arguments for the record on appeal." As you know, this cybersquatting claim was dismissed with prejudice in Judge White's August 17, 2007 Order [Dkt#158]. Your decision to replead this claim is based on a fundamental misunderstanding of the law and is not warranted by any existing law. *See* Fed. R. Civ. P. 11(b)(2). I encourage you to research the law in this area. Should you file a claim against my clients for cybersquatting, despite the fact that this claim has been dismissed with prejudice, I will take all necessary steps to protect my clients' interests, including appropriate sanctions against you and your client. *See* Fed. R. Civ. P. 11(c).

Similarly, I direct your attention to page 7 of Judge White's August 17, 2007 Order [Dkt#158] granting my motion to strike your request for relief under 17 U.S.C. § 504 as "Plaintiff is not entitled to seek damages under 17 U.S.C. § 504 considering Plaintiff registered the copyright after the alleged infringement occurred." Despite this ruling, both versions of your amended complaint seek damages under 17 U.S.C. § 504. *See i.e.* ¶¶ 473, 475 of the Second Amended Complaint. Again, this position is unsupported in law and contrary to the Judge's order. Should you fail to remove all requests for damages under 17 U.S.C. § 504, I will take all necessary steps to protect my clients' interests, including appropriate sanctions against your and your client.

Letter to Victoria Hall

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Please call me if you have any questions.

Very truly yours,

A handwritten signature in black ink, appearing to be "Scott Jerger", written over a horizontal line.

Scott Jerger

cc: client