

Exhibit A

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Subject: RE: Early discovery re motion to dismiss for lack of subject matter jurisdiction
From: "Scott Jerger" <scott@fieldjerger.com>
Date: Mon, Feb 25, 2008 2:25 pm
To: <victoria@vkhall-law.com>

Yes, we oppose an administrative motion seeking a stay on the briefing.

Scott

Scott Jerger
Field Jerger LLP
610 SW Alder, Suite 910
Portland, Oregon 97205
503.542.2015 (phone)
503.225.0276 (fax)
503.516.7127 (mobile)

From: victoria@vkhall-law.com [mailto:victoria@vkhall-law.com]
Sent: Monday, February 25, 2008 12:40 PM
To: Scott Jerger
Subject: RE: Early discovery re motion to dismiss for lack of subject matter jurisdiction

Thank you for getting back to me.

Page 1 of the FOIA specifically refers to "patents" being infringed. As for the disclaimer, we want to see either the endorsed disclaimer showing the PTO received the disclaimer that Mr. Katzer attached to his declaration, or we want to see the disclaimer appear in the Official Gazette.

We will also file an administrative motion seeking to stay briefing on your motion to dismiss while the motion for early discovery is pending. I assume that your position on this administrative motion is that you oppose it?

Victoria

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

Subject: RE: Early discovery re motion to dismiss for lack of subject matter jurisdiction
From: "Scott Jerger" <scott@fieldjerger.com>
Date: Mon, February 25, 2008 12:04 pm
To: <victoria@vkhall-law.com>

Dear Victoria:

1. We have not received anything from the patent office regarding the '329 patent. The Disclaimer for the '329 patent was approved on February 21, 2008. You may confirm this via the USPTO website. In addition to disclaiming the '329 patent, to the extent it is necessary, my clients covenant not to sue Mr. Jacobsen for past, present and future

violations of the '329 patent.

2. The FOIA request refers only to the '329 patent.

As it is clearly irrelevant to this lawsuit, you may represent that my clients oppose any motion for "early discovery" on these issues should you chose to file such a motion.

Scott

Scott Jerger
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From: victoria@vkhall-law.com [<mailto:victoria@vkhall-law.com>]
Sent: Monday, February 25, 2008 5:31 AM
To: Scott Jerger
Subject: Early discovery re motion to dismiss for lack of subject matter jurisdiction

Scott,

We need the following information from you in order to determine if we will oppose your motion to dismiss for lack of subject matter jurisdiction.

1. The disclaimer, endorsed as received by the PTO
2. The identity of the Katzer patents which, according to the FOIA request, Bob allegedly infringed. The FOIA request is attached for your reference. See page 1.

Later today, I will move for early discovery on these if we are unable to obtain them from you. Please let me know your position on this motion.

Regards,

Victoria

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