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Attorneys for Defendants
Matthew Katzer and Kamind Associates, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ROBERT JACOBSEN, an individual,

Plaintiff,

vs.

MATTHEW KATZER, an individual, and
KAMIND ASSOCIATES, INC., an Oregon
corporation dba KAM Industries,

Defendants.

Case Number C06-1905-JSW

Place: Ct. 2, Floor 17

Hon. Jeffrey S. White

**DECLARATION OF R. SCOTT
JERGER IN SUPPORT OF
DEFENDANTS' REPLY TO
PLAINTIFF'S OPPOSITION TO
DEFENDANTS' MOTION TO
DISMISS FOR MOOTNESS**

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I, R. Scott Jerger, declare:

1. I, R. Scott Jerger, am over the age of 18 and am competent to testify and make these averments from my own knowledge and observations. I hereby state as follows:

2. I am the attorney for Matt Katzer and KAMIND Associates, Inc.

3. I contacted the United States Patent and Trademark Office (USPTO) on March 3, 2008 and asked for an “endorsed” copy of the ‘329 Disclaimer. The USPTO representative stated that the Disclaimer is not in the file wrapper yet and therefore the USPTO could not provide an endorsed copy of the Disclaimer for at least 25-30 days.

4. Attached as Exhibit A to this Declaration is a true copy of the confirmation card received from the USPTO regarding the filing of the ‘329 Disclaimer.

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

Executed on March 5, 2008, at Portland, Oregon, U.S.A.

/s/ R. Scott Jerger
R. Scott Jerger

EXHIBIT A

1104

Receipt is hereby acknowledged in the U.S. Patent and Trademark Office of

- Disclaimer in Patent Under 37 CFR 1.321(a), in duplicate

Title: MODEL TRAIN CONTROL SYSTEM
Patent No.: 6,530,329
Patentee: Matthew A. Katzer
KAM - 7431.0056
KLR:kk

Date of Deposit: **February 1, 2008**

