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

13 ROBERT JACOBSEN, ) No. C-06-1905-JSW  
14 )  
Plaintiff, )  
15 v. ) **PLAINTIFF’S MOTION FOR LEAVE TO**  
16 ) **FILE SURREPLY TO DEFENDANTS’**  
MATTHEW KATZER, et al., ) **REPLY, IN BRIEFING OF**  
17 ) **DEFENDANTS’ MOTION TO DISMISS**  
Defendants. ) **AND MOTION TO STRIKE [DOCKET**  
18 ) **#192]**  
19 ) Courtroom: 2, 17th Floor  
20 ) Judge: Hon. Jeffrey S. White  
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Plaintiff files this motion for leave to file a Surreply to Defendants’ Reply, in the briefing of Defendants’ Motion to Dismiss and Motion to Strike [Docket # 192]. In their Reply, Defendants raised issues relating to copyright infringement that they had not properly raised in their motion. Plaintiff seeks leave to file a Surreply to respond to these.

Plaintiff also recently obtained previously unavailable legislative history from the World Intellectual Property Organization (WIPO), and offers it here. Finally, Plaintiff addresses new

1 argument that Defendants added in their Reply.

2 The Surreply is Exhibit A to this Motion.

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4 Respectfully submitted,

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6 DATED: April 4, 2008

By \_\_\_\_\_ /s/  
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