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8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11	ROBERT JACOBSEN, an individual,)	No. C06-1905-JSW
12)	
	Plaintiff,)	PLAINTIFF'S CITATIONS TO
13)	AUTHORITY
	v.)	
14	MATTHEW KATZER, an individual, and)	Courtroom: 2, 17th Floor
15	KAMIND Associates, Inc., an Oregon)	Judge: Hon. Jeffrey S. White
16	corporation, dba KAM Industries,)	
17	Defendants.)	
18)	

19 Plaintiff respectfully submits the following citations to authority which he may discuss,
20 depending on the resolution of Court's question 3 in the "Defendants motion to dismiss counts 5
21 and 6 and to strike damages provisions" section:
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23 Lawrence Rosen, Open Source Licensing: Software Freedom and Intellectual Property Law
24 53 (2004).

25 17 U.S.C. Sec. 301(a).

26 Valente-Kritzer Video v. Pinckney, 881 F.2d 772, 766 (9th Cir. 1989).

27 Sun Microsystems, Inc. v. Microsoft Corp., 81 F. Supp. 2d 1026, 1031-33 (N.D. Cal. 2000).
28

1 Netbula, LLC v. Storage Tech. Corp., No. C06-07391-MJJ, 2008 WL 228036 (N.D. Cal.
2 Jan. 18, 2008) at *5-*7.

3 Rest. 2d Contracts § 32 cmt b.

4 Rest. 2d Contracts § 45(1)-(2).

5 Rest. 2d Contracts § 53.

6 Rest. 2d Contracts § 59.

7 Wrench LLC v. Taco Bell Corp., 256 F.3d 446, 455-459 (6th Cir. 2001).

8 Murray Hill Publ'ns, Inc. v. ABC Communications, Inc., 264 F.3d 622, 636-38 (6th Cir.
9 2001).

10 Del Madera Props. v. Rhodes & Gardner, Inc., 820 F.2d 973, 977 (9th Cir. 1987), overruled
11 on other grounds by Fogerty v. Fantasy, Inc., 510 U.S. 517 (1994), as recognized in Laws v. Sony
12 Music Entm't, Inc., 448 F.3d 1134, 1143 (9th Cir. 2006).

13 Textile Workers Union v. Lincoln Mills of Ala., 353 U.S. 448, 457 (1957).

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15 Respectfully submitted,

16 DATED: April 10, 2008

By _____/s/
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