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April 4, 2008

Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, NW
Washington, D.C. 20439

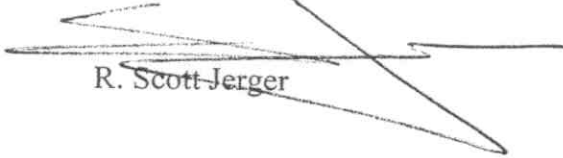
RE: NOTICE OF SUPPLEMENTAL AUTHORITY; ROBERT JACOBSEN, Plaintiff-Appellant vs. MATTHEW KATZER, and KAMIND ASSOCIATES, INC. (doing business as KAM Industries), Defendant-Appellees; 2008-1001; Appeal from the United States District Court for the Northern District of California in Case No. 06-CV-1905; Judge Jeffrey S. White.

Dear Clerk of the Court:

Pursuant to Federal Rules of Appellate Procedure 28(i) and Federal Circuit Rule 28(i), Defendants-Appellees file this Notice of Supplemental Authority and six copies with this Court. On January 18, 2008, the United States District Court for the Northern District of California issued its opinion and order in *Netbula, LLC. v. Storage Technology Corporation, et al.*, 2008 U.S. Dist. LEXIS 4119; 2008 WL 228036 (N.D. Cal., January 18, 2008) Defendants-Appellees became aware of this authority subsequent to the filing of their Appellees' brief in the present appeal. This decision is relevant and persuasive authority in this appeal.

The *Netbula* case supports Defendant-Appellees' position that the Artistic License at issue in this case is unlimited in scope and contains contractual covenants as opposed to conditions precedent to the granting of this license. This argument is contained at pages 17-25 of Defendant-Appellees' brief. The analysis supporting Defendant-Appellees position is contained, most pertinently, at 2008 U.S. Dist. LEXIS 4119 at *7-*13 and *17-*18 of the *Netbula* decision.

Very truly yours,


R. Scott Jerger

cc: client
Victoria Hall, Esq.
Anthony Falzone, Esq.