

1 LAWRENCE LESSIG  
 ANTHONY T. FALZONE (SBN 190845)  
 2 anthony.falzone@stanford.edu  
 DAVID S. OLSON (SBN 231675)  
 3 dolson@law.stanford.edu  
 STANFORD LAW SCHOOL  
 4 CENTER FOR INTERNET AND SOCIETY  
 559 Nathan Abbott Way  
 5 Stanford, California 94305-8610  
 Telephone: (650) 724-0517  
 6 Facsimile: (650) 723-4426

7 MARK A. LEMLEY (SBN 155830)  
 mlemley@kvn.com  
 8 MATTHEW M. WERDEGAR (SBN 20047)  
 mwerdegar@kvn.com  
 9 KEKER & VAN NEST LLP  
 710 Sansome Street  
 10 San Francisco, California 94111  
 Telephone: (415) 391-5400  
 11 Facsimile: (415) 397-7188

12 BERNARD A. BURK (No. 118083)  
 bburk@howardrice.com  
 13 ROBERT SPOO (admitted *pro hac vice*)  
 rspoo@howardrice.com  
 14 HOWARD RICE NEMEROVSKI CANADY  
 FALK & RABKIN  
 15 A Professional Corporation  
 Three Embarcadero Center, 7th Floor  
 16 San Francisco, California 94111-4024  
 Telephone: (415) 434-1600  
 17 Facsimile: (415) 217-5910

18 Attorneys for Plaintiff

19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

21 CAROL LOEB SHLOSS,

22 Plaintiff,

23 v.

24 SEAN SWEENEY, in his capacity as trustee of  
 the Estate of James Joyce, and THE ESTATE  
 25 OF JAMES JOYCE

26 Defendants.

No. C 06 3718 JW HRL

**PLAINTIFF'S STATEMENT OF RECENT  
 DECISION IN SUPPORT OF PLAINTIFF'S  
 OPPOSITION TO DEFENDANTS'  
 MOTION TO DISMISS, OR IN THE  
 ALTERNATIVE TO STRIKE, CAROL  
 LOEB SHLOSS'S AMENDED COMPLAINT**

**Date: January 31, 2007  
 Time: 9:00 a.m.  
 Judge: The Honorable James Ware**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Plaintiff Carol Loeb Shloss respectfully submits, pursuant to Northern District of California Civil Local Rule 7-3(d), this Statement of Recent Decision in support of Plaintiff's Opposition to Defendants' Motion to Dismiss, or in the Alternative to Strike, Carol Loeb Shloss's Amended Complaint. The Supreme Court has recently reversed the decision of the Court of Appeals granting a dismissal for lack of subject matter jurisdiction in a similar case. *See MEDIMMUNE, INC. v. GENENTECH, INC., et al.*, 549 U.S. \_\_\_\_ (2007). (Exhibit A). Plaintiff particularly draws the Court's attention to note 11 of the attached case.

DATED: January 25, 2007

STANFORD LAW SCHOOL  
CENTER FOR INTERNET AND SOCIETY

By: \_\_\_\_\_ /S/  
Anthony T. Falzone  
Attorneys for Plaintiff  
CAROL LOEB SHLOSS