

EXHIBIT “F”

1 IN THE UNITED STATES DISTRICT COURT
 2 WESTERN DISTRICT OF ARKANSAS
 3 TEXARKANA DIVISION
 4 JOHN WARD, JR., *
 5 V. * C.A. NO. 08-4022
 6 * JURY TRIAL DEMANDED
 7 CISCO SYSTEMS, INC. *

9 -----
 10 ORAL AND VIDEOTAPED DEPOSITION OF
 11 THOMAS JOHN WARD, JR.
 12 AUGUST 10, 2009
 13 -----

14
 15 ORAL AND VIDEOTAPED DEPOSITION of THOMAS JOHN WARD,
 16 JR., produced as a witness at the instance of the
 17 Defendant, and duly sworn, was taken in the above-styled
 18 and -numbered cause on the 10th day of August, 2009,
 19 from 9:44 a.m. to 1:21 p.m., before Stacy L. Jordan, CSR
 20 in and for the State of Texas, reported by machine
 21 shorthand, taken in the law offices of John Ward, Jr.,
 22 111 West Tyler Street, City of Longview, County of
 23 Gregg, State of Texas, pursuant to the Federal Rules of
 24 Civil Procedure.
 25

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 18

19 ALSO PRESENT:
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 21
 22
 23
 24
 25

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 13 NO. DESCRIPTION MARKED
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 15 Exhibit 3 10/17/07 and 10/18/07 Patent Troll 34
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 16 Exhibit 4 11/5/07 Olivo e-mail string to Ward 52
 (Bates Ward 000011 to 12)
 17 Exhibit 5 12/4/07 Pridham e-mail to Ward 52
 (Bates Ward 000200)
 18 Exhibit 6 2/29/08 Niro e-mail string to Ward, 52
 with attachment
 (Bates Ward 000077 to 78)
 19 Exhibit 7 3/8/08 Crouch e-mail to Ward 52
 (Bates Ward 000080)
 20 Exhibit 8 3/12/08 Fokas e-mail to Ward, et al. 52
 (Bates Ward 000369)
 21 Exhibit 9 3/12/08 Fokas e-mail string to Ward 52
 (Bates Ward 000370 to 371)
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 25

1 EXHIBITS (Continued)
 2 NO. DESCRIPTION MARKED
 3 Exhibit 10 3/14/08 Smith e-mail to Ward and 52
 Albritton, with attachments
 (Bates Ward 000088, Ward 000247 to 255)
 4 Exhibit 11 Law.com article: Patent Attorneys Sue 52
 Cisco and Blogging In-House Lawyer for
 5 Defamation
 (Bates Ward 000228 to 232)
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 7 Exhibit 12 3/17/08 Ward e-mail string to Fenner 52
 (Bates 000346)
 8 Exhibit 13 3/17/08 Gilstrap e-mail to Ward, 52
 with attachment
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 9 Exhibit 14 3/28/08 Ward e-mail string to Fokas, 52
 with attachment
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 10 Exhibit 15 4/7/08 McAndrews letter to Chandler 52
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 12 Exhibit 16 4/18/08 Strachan e-mail to Ward, 52
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 13 Exhibit 17 10/17/07 and 10/18/07 Patent Troll 52
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 (Bates Ward 000009 to 10)
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 15 Exhibit 18 11/7/07 Patent Troll Tracker Article 52
 (Bates Ward 000015 to 29)
 16 Exhibit 19 Web site Printouts 52
 (no Bates)
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1 P R O C E E D I N G S
2 (Exhibit 2 marked.)
3 (Videotape 1.)
4 THE VIDEOGRAPHER: Here begins the
5 videotaped deposition of John Ward, Jr., Tape 1, Volume
6 1, in the matter of John Ward, Jr. versus Cisco Systems,
7 Inc., in the U.S. District Court, Western District of
8 Arkansas, Texarkana Division, Case Number 08-4022.
9 Today's date is August the 10th, 2009.
10 The time on the video monitor is 9:44 a.m.
11 The video operator today is Thad Strobach;
12 the court reporter is Stacy Jordan, both of them
13 representing West Reporting.
14 Will counsel please state their agreements
15 and appearances.
16 MR. BABCOCK: Mr. Patton will be in the
17 camera shortly.
18 MS. PEDEN: Yeah.
19 Come -- come across.
20 Patricia Peden, representing plaintiff.
21 MR. PATTON: Nick Patton, representing
22 the plaintiff.
23 MR. BABCOCK: Charles Babcock and Crystal
24 Parker, representing the defendant.
25 THOMAS JOHN WARD, JR.,

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1 MS. PEDEN: Objection to form.
 2 A. I -- I can't reveal to you what we've talked
 3 about without revealing attorney-client communications
 4 dealing with the client that he worked for.
 5 Q. (BY MR. BABCOCK) Okay. Bruce Lagerman, who
 6 is he -- or Lagerman (pronunciation)?
 7 A. He was a gentleman who contacted me about
 8 potential representation who I did not end up working
 9 for, I believe.
 10 Q. Okay. Are your conversations with him -- do
 11 you view them as privileged?
 12 MS. PEDEN: Objection to form.
 13 A. I do. If he was seeking legal representation,
 14 yes, sir.
 15 Q. (BY MR. BABCOCK) Okay. So anything he said
 16 in that conversation would be covered by the
 17 attorney-client privilege?
 18 MS. PEDEN: Objection to form.
 19 A. I -- I don't know that anything he says in the
 20 conversation with me, when he's seeking legal
 21 representation, would be privileged.
 22 Q. (BY MR. BABCOCK) Okay. Did he -- did you
 23 have any discussion with Mr. Lagerman about Cisco?
 24 MS. PEDEN: Objection to form. And,
 25 also, I -- you know, I don't know -- because I don't

1 know specifically the documents we're talking about,
 2 I -- I just want you to be very cautious --
 3 THE WITNESS: Yeah, I don't --
 4 MS. PEDEN: -- since these may be
 5 attorney-client-privileged communications.
 6 A. I would need to look at the e-mails before I
 7 tell you that, because I don't -- I don't recall,
 8 sitting here --
 9 Q. (BY MR. BABCOCK) Okay.
 10 A. -- saying, "Let me tell you about my case,"
 11 because I -- I generally would never do that.
 12 Q. Here -- here's -- you know, here's my view of
 13 it: I certainly don't want to know -- want to know what
 14 you talked to a -- even -- even a potential client
 15 about. But if -- if you talked to him about, you know,
 16 Frenkel or Cisco or, you know, this thing and that's not
 17 anything to do with your representation, then I do want
 18 to know about that. So --
 19 A. I don't recall having those types of
 20 conversations, but I'd need to look at whatever document
 21 is on the privilege log and see what -- the context and
 22 why I've even produced it to -- to --
 23 Q. To them.
 24 A. -- to them.
 25 Q. Yeah. Yeah, the only -- the only help I can

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1 give you is it says: Bruce Lagerman, John Ward, 4/5/08,
 2 e-mails, re: potential case and comment regarding Troll
 3 Tracker post. Attorney client -- or AC and WP, which I
 4 assume is attorney client, work product.
 5 A. I'd have to look at the document.
 6 Q. Okay. But in any event, there's -- there's no
 7 con- -- no unprivileged conversation with him that you
 8 can share with us today?
 9 MS. PEDEN: Objection to form.
 10 A. Not that I can recall.
 11 Q. (BY MR. BABCOCK) Okay.
 12 A. Again, I'm -- I'm surprised we even -- the
 13 topic came up, but apparently it's in an e-mail, so --
 14 Q. I tell you, these --
 15 A. Dadgum e-mails.
 16 Q. -- these lawyers, you know --
 17 A. Yeah.
 18 Q. -- you've got to watch them all the time.
 19 A. Not mine.
 20 Q. Have you been -- ever been investigated by the
 21 State Bar of Texas, to your knowledge?
 22 MS. PEDEN: Objection to form.
 23 Now, let me counsel you on attorney-client
 24 privilege and if -- and not to divulge any
 25 attorney-client communications.

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1 Q. (BY MR. BABCOCK) Well, now she's got --
 2 MS. PEDEN: Do we need to --
 3 Q. (BY MR. BABCOCK) -- my curiosity up.
 4 MS. PEDEN: No, do you -- do you -- do we
 5 need to --
 6 THE WITNESS: Yeah, let's take a break.
 7 A. We're going to --
 8 MS. PEDEN: All right.
 9 A. -- determine privilege and things like that.
 10 Q. (BY MR. BABCOCK) Sure.
 11 THE VIDEOGRAPHER: Off the record, 1:08.
 12 (Off the record 1:08-1:12.)
 13 THE VIDEOGRAPHER: Going back on record.
 14 The time is 1:12.
 15 Q. (BY MR. BABCOCK) I think before the break,
 16 the question was: Have you ever been investigated by
 17 the State Bar of Texas?
 18 MS. PEDEN: And I'm going to object. I'm
 19 not going to let the witness answer as to
 20 investigations. Those are absolutely privileged. If
 21 you want to ask him if he's ever been disciplined by the
 22 state bar, that's a different question. But I'm going
 23 to instruct him not to answer as to whether any
 24 complaints have been filed.
 25 MR. BABCOCK: Well, your instruction just

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