

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION**

JOHN WARD, JR.

§

§

Plaintiff

§

No. 4:08cv4022 JLH

§

V.

§

JURY TRIAL DEMANDED

§

CISCO SYSTEMS, INC.

§

§

Defendant.

§

PLAINTIFF'S STATEMENT OF MATERIAL FACTS

In a defamation case, the status of the plaintiff as a private figure or a public figure determines the burden of proof regarding fault. Cisco bears the burden of proving that Ward is a public figure. Plaintiff's motion for summary judgment is a no-evidence summary judgment motion. The following facts demonstrate that Ward is a private figure plaintiff and that Cisco has no evidence upon which to elevate Ward to public figure status.

- (1) Ward has not attained the type of wide-spread notoriety required to make him a general purpose public figure. Cisco can offer no facts to the contrary.
- (2) Ward is not a limited purpose public figure because he has not intentionally and voluntarily thrust himself into the public spotlight with respect to the issue of patent reform in an attempt to influence the outcome of that debate. Cisco can offer no facts to the contrary.
- (3) Ward has not taken trips to Congress to lobby regarding the issue of patent reform. *See* Exh. D to Plaintiff's Motion for Partial Summary Judgment.
- (4) Ward has not met with governmental officials to discuss patent reform. *See* Exh. D to Plaintiff's Motion for Partial Summary Judgment.
- (5) Ward has not given any public lectures, speeches, or press releases on the issue of patent reform.

- (6) Ward has not published articles on the issue of patent reform.
- (7) Because Ward is not a public figure, he is a private figure plaintiff as a matter of law.

Respectfully Submitted,



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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

This is to certify that on this 14th day of October, 2009, a true and correct copy of the foregoing was served electronically upon:

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