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Nicholas H. Patton
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4605 Texas Boulevard
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Re: C.A. No. 08-4022; *John Ward, Jr. v Cisco Systems, Inc., et al.*, In the United States District Court for the Western District of Arkansas, Texarkana Division

Dear Nick,

As you know, Judge Schell ruled in the *Albritton v. Cisco* lawsuit that, with respect to the October 17, 2007, October 18, 2007, and revised October 18, 2007 Patent Troll Tracker articles at issue (the "Articles"), "the real heart of the matter here is the oversight of electronic case records by the district clerk, and that is a matter of public concern. So I think that's primarily what the blog posts are about... As a matter of law, it is a matter of public concern." Tr. at pp. 1072:24-1073:5.

As you also know, you and John Ward, Jr. have verified in this matter that the Articles are not "privileged," which is defined by Arkansas Code Section 16-63-503(2)(B) to include "(i) all expressions of opinion or criticisms in regard to any legislative, executive, or judicial proceeding, or other proceeding... and (ii) all criticisms of the official acts of any and all public officers." Pursuant to Judge Schell's ruling, the Articles are privileged. Accordingly, we ask that you withdraw the verification and assertion in the pleadings that the Articles are not privileged and concede that the Articles are privileged under the Arkansas Code.

Sincerely,

*Charles L. Babcock w/permission
by CTP*

Charles L. Babcock