

EXHIBIT “E”

Noh, John
Confidential - Subject To The Protective Order

11/17/2008

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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

CERTIFIED COPY

ERIC M. ALBRITTON,
Plaintiff,

vs.

No. 6:08-CV-00089

(1) CISCO SYSTEMS, INC.,
(2) RICHARD FRENKEL, (3) MALLUN
YEN and (4) JOHN NOH,

Defendants.

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

DEPOSITION OF JOHN NOH

Monday, November 17, 2008

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Reported by:
JANIS JENNINGS, CSR, CRP, CLR
CRS-100282-020

1 MR. McWILLIAMS: George McWilliams and
2 Nicole Peavy representing defendant Rick Frenkel.

3 THE VIDEOGRAPHER: If there are no
4 stipulations, the reporter may administer the oath.

5
6 JOHN NOH,

7 The deponent herein, was sworn and
8 testified as follows:

9 BY MR. PATTON:

10 Q. Would you state your name, please?

11 A. John Noh.

12 Q. Mr. Noh, would you give me your residence
13 address, telephone number, and your business address
14 and telephone number?

15 A. Sure. The home address is 3663 South
16 Bascom Avenue. That's in Campbell, California,
17 95008. And you want my home phone number?

18 Q. Please.

19 A. Home phone number is 408-558-9573.

20 Q. Okay.

21 A. And my work address is 1745 Technology
22 Drive. That's in San Jose, California, 95110.

23 Q. Okay. And your business address is with?

24 A. Brocade Communications.

25 Q. Okay. You were raised -- born and raised

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1 A. Occasionally, yes.

2 Q. Okay. Don't you have some concern that
3 the information you're feeding to the media is
4 correct?

5 A. Yes.

6 Q. Okay. That being the case, the
7 information that you suggested that Mr. Frenkel
8 publish on his blog, what steps did you undertake?
9 Is it just your confidence in Mr. Frenkel, as you
10 told me?

11 A. Yes.

12 Q. Okay. And that satisfies you? You didn't
13 feel you had any further obligation?

14 A. No.

15 Q. Okay. What would it -- would the public's
16 awareness of this ESN filing issue have helped
17 anything as far as patent reform?

18 MR. McWILLIAMS: Objection. Form.

19 MR. BABCOCK: Same objection.

20 THE WITNESS: I don't know.

21 BY MR. PATTON:

22 Q. Okay. Did you have anything to do with or
23 did you ever send the blog of Mr. Frankel's to any
24 media people?

25 A. No.

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1 Q. Okay. You've seen it before?

2 A. Yes.

3 Q. Okay. In the first paragraph, the Troll
4 Tracker is saying, "I got a couple of anonymous
5 emails this morning," pointing out something about
6 the docket in ESN.

7 Right?

8 A. Yes.

9 Q. Were you aware of this blog? Did you look
10 at it near the time it was posted?

11 A. Yes.

12 Q. Okay. Were you aware of the contents of
13 the blog?

14 A. Was I aware of it?

15 Q. Yes.

16 A. What do you mean?

17 Q. Did you read --

18 A. Yes.

19 Q. -- the blog?

20 So you were aware of what was contained in
21 it?

22 A. Yes.

23 Q. You were aware of the allegations of a
24 conspiracy?

25 MR. BABCOCK: Object to the form.

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1 MR. McWILLIAMS: Yeah. Objection. Form.
2 We don't have a time frame here.

3 MR. PATTON: We what?

4 MR. McWILLIAMS: Are you asking him before
5 it was published or after it was published?

6 MR. PATTON: I don't think he knew what
7 was in it before it was published. I'm asking him
8 about when he read it.

9 THE WITNESS: Yes, I see the word
10 "conspiracy" here, yes.

11 BY MR. PATTON:

12 Q. Does the word "conspiracy" make you wonder
13 about something bad?

14 MR. BABCOCK: Object to the form.

15 MR. McWILLIAMS: Same objection.

16 THE WITNESS: It depends on the case.

17 BY MR. PATTON:

18 Q. Huh?

19 A. It depends on the situation.

20 Q. Well, what does conspiracy mean to you?

21 A. It means two people working together on --

22 Q. Two?

23 A. Two or more people working together on
24 some scheme. That's how I would define it.

25 Q. On a scheme?

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CERTIFICATE OF REPORTER

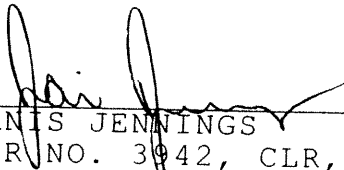
I, JANIS L. JENNINGS, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: November 19, 2008.



JANIS JENNINGS
CSR NO. 3942, CLR, CRP