

EXHIBIT “F”

30(b)(6) Deposition of Mallun Yen
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

30(b)(6) DEPOSITION OF MALLUN YEN

Monday, November 17, 2008

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1 Cisco Systems, Inc.

2 MR. McWILLIAMS: George McWilliams and
3 Nicole Peavy representing Defendant Rick Frenkel.

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

6 MR. BABCOCK: There is one stipulation.
7 Miss Yen, in addition to being tendered for her
8 personal knowledge, is also here responding to the
9 30(b)(6); that is the corporate notice of Item 10,
10 Cisco's knowledge and creation and operation of the
11 Troll Tracker blog.

12
13 MALLUN YEN,

14 The deponent herein, was sworn and
15 testified as follows:

16
17 EXAMINATION

18 BY MR. PATTON:

19 Q. Would you state your name, please.

20 A. Mallun Yen.

21 Q. And if you would, give me your residence
22 address, telephone number, business address and that
23 telephone number.

24 A. 25960 Estacada Drive, Los Altos Hills,
25 California, 94022. 650-948-8685. And the business

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1 Q. No. Way before the lawsuit. You're
2 talking about the ESN lawsuit or this lawsuit?

3 A. I was talking about this lawsuit.

4 Q. Okay. Well, I think that this lawsuit
5 wasn't filed until sometime in 2008, and the time
6 period I'm talking about is in October of 2007 and I
7 believe that would be before the lawsuit was filed.
8 Don't you agree?

9 A. I'm sorry. Can you say that again?

10 MR. BABCOCK: He's asking you whether you
11 read the thing in October of 2008 is what he wants
12 to know.

13 MR. PATTON: No. 2007.

14 MR. BABCOCK: 2007. Sorry. October 2007.

15 THE WITNESS: I don't remember reading it.

16 BY MR. PATTON:

17 Q. You never read the ESN controversy, the
18 accusations? You've never read that?

19 A. I don't know.

20 MR. McWILLIAMS: Objection to form.

21 MR. BABCOCK: Same objection.

22 BY MR. PATTON:

23 Q. Have you ever read it?

24 A. I have read it.

25 Q. Okay. When did you read it?

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1 A. I read it after the lawsuit was filed,
2 this lawsuit.

3 MR. BABCOCK: The Albritton lawsuit?

4 THE WITNESS: Yes.

5 BY MR. PATTON:

6 Q. You had not -- you weren't aware of it
7 at all around the October 16, 17, 18 time period
8 of 19- -- of 2007; is that right?

9 A. No, I didn't say that. I was aware of it.

10 Q. But you hadn't read the blog material?

11 A. I don't remember reading it.

12 Q. Okay. You have read it now?

13 A. I have read it now.

14 Q. Okay. Did Mr. Frenkel call the Eastern
15 District of Texas a Banana Republic?

16 MR. BABCOCK: Object to the form.

17 MR. McWILLIAMS: Same objection.

18 THE WITNESS: I don't know. I read the
19 posting that was attached to the complaint in this
20 lawsuit and that is the first I saw of that phrase
21 used. So I don't know any --

22 BY MR. PATTON:

23 Q. Maybe we're just having time sequencing
24 problems, Miss Yen. And what I'm getting ready to
25 ask you refers to have you ever read that blog; and

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CERTIFICATE OF REPORTER

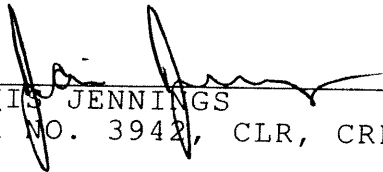
I, JANIS L. JENNINGS, a Certified Shorthand Reporter of the State of California, do hereby certify:

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