

From: Mallun Yen (myen)
Sent: Thursday, October 18, 2007 9:47 AM
To: Mark Chandler (machandl); Matthew Tanielian (mtanieli); Neal Rubin (nrubin); John Noh (jnoh)
Subject: FW: ESN

This is ridiculous. The "buzz" we're getting from various sources is that the local counsel persuaded the court clerk to change the filing date to Oct. 16th.

Neal, the background is that ESN filed a lawsuit against us one day too early -- a day before the patent actually issued. We DJd them in Connecticut, and then yesterday, they arranged for the filing date to be changed to Oct. 16th, the day the patent issued. Neal, including you because I think one of our Alcatel cases was in Texarkana and wondering who we used as local counsel.

Also, Mark, case has been referred to the Magistrate Judge (we've not consented yet), so it may not be Folsom. I left a message for Webb anyway to see what he has to say about this.

Maybe a news story here? Though we'll obviously keep getting data to track down what happened.

Mallun

Mallun Yen
Vice President, Worldwide Intellectual Property
Cisco Systems, Inc.
Direct: 408.527.4213

The contents of this message and any additions or modifications thereto constitute CISCO CONFIDENTIAL INFORMATION and may be a privileged communication to or from one or more attorneys and/or supporting personnel for purposes of obtaining or facilitating legal advice and/or legal services.

From: kurt.pankratz@bakerbotts.com [mailto:kurt.pankratz@bakerbotts.com]
Sent: Thursday, October 18, 2007 9:29 AM
To: Rick Frenkel (rfrenkel); bart.showalter@bakerbotts.com; Marta Beckwith (mabeckwi); Mark Michels (mmichels); Mallun Yen (myen); Michael Ritter (micritte)
Cc: Dan Lang (dlang)
Subject: RE: ESN

I got a tip from a colleague here in town this morning and have been looking into this. I have Jillian getting the complaint with the revised banner right now and getting in touch with the clerk as well. I think this is good for us, since it shows that they know it can't stick on the 15th. Having the court clerk change dates will not change the facts.

-----Original Message-----

From: Rick Frenkel (rfrenkel) [mailto:rfrenkel@cisco.com]
Sent: Thursday, October 18, 2007 11:23 AM