

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

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 RICHARD G. FRENKEL

Tuesday, November 18, 2008

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Reported by:
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CRS-100282-023

1 Q. Okay. What others?

2 A. Who was filing a lot of the patent cases.

3 Q. Are you talking about parties or lawyers?

4 A. Parties.

5 Q. Okay. Were you interested in what I have
6 seen called non-practicing entities?

7 A. Yes, that was an area of interest.

8 Q. And I believe you also describe those
9 people as trolls, do you not?

10 A. The title of the blog is Patent Troll
11 Tracker, so, yes, I used the term "patent troll."

12 Q. You're not real found of trolls, are you?

13 MR. McWILLIAMS: Objection. Form.

14 MR. BABCOCK: Same objection.

15 THE WITNESS: I wouldn't characterize it
16 that way.

17 BY MR. PATTON:

18 Q. How would you characterize it? What are
19 your feelings about non-practicing entities?

20 A. Are you asking for my feeling now or my
21 feelings back when I started the blog?

22 Q. Both.

23 A. When I started the blog, I was frustrated
24 by the lack of information that was out there about
25 who was behind a lot of the patent cases that I was

1 seeing flock to various rocket dockets.

2 Q. Rocket dockets? Is that what you said?

3 A. Yes.

4 Q. What about rocket dockets? What do those
5 filers have to do with rocket dockets? What's the
6 connection?

7 A. My observation was that a large percentage
8 of the cases involving what I refer to as patent
9 trolls were being initiated in jurisdictions that
10 had somewhat of a faster time to trial.

11 Q. All right. Tell me some of those
12 jurisdictions.

13 A. Well, Eastern District of Texas is one of
14 them.

15 Q. Right.

16 A. Eastern District of Virginia is another.

17 Q. Okay.

18 A. Western District of Wisconsin.

19 Q. Okay.

20 A. Those are the three that come to mind
21 right now.

22 Q. Okay. And why were you interested in
23 that, Mr. Frenkel?

24 A. Why was I interested in --

25 Q. The statistics about these non-practicing