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IMPORTANT INFORMATION!!

This realtime transcript is provided for your immediate review of the proceedings and is not provided for, nor meant to be used or cited in any type of court proceedings.

DEPOSITION OF JOHN NOH

NOVEMBER 19, 2009

JOHN NOH,

having been first duly sworn, testifies as follows:

EXAMINATION

BY MS. TOWLE:

Q would you please state your name for the record?

A John Noh.

Q Can you spell it, please?

A JOHN, NOH.

Q Mr. Noh, have you been deposed before?

A Yes.

Q How many times?

A Once.

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relations person, practitioner.

Q So when you graduated from San Jose State, you knew that that was the direction you wanted to go?

A Yes.

Q Were there other departments at Cisco that you worked with in the 2006-2008 time frame?

A Yes.

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Q And which were those?

A I -- as I said, I worked with the corporate development organization, the brand protection organization and I was one of several PR managers who supported John chambers, the CEO.

Q And in your role supporting the legal department, did you also work with Mark chandler?

A Yes.

Q And can you describe that?

A I was his -- I was the Cisco legal department's media liaison and Mark would often be a subject matter expert for media interviews.

Q And I think you said he was often a subject matter expert?

A Yes.

Q How often?

A It would depend.

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Q Did Cisco make any statements about Frenkel being the patent troll tracker?

A I don't remember.

Q would you have been the liaison with regard to Frenkel revealing himself?

A I don't know.

Q Do you remember if people at Cisco reacted to Frenkel outing himself?

A I -- what do you mean? Who at Cisco? There are many people at Cisco.

Q Do you remember anyone commenting about Frenkel revealing himself as the patent troll tracker?

A I don't remember any specific conversations I had with anyone about it, no.

Q Do you remember generally any conversations?

A No.

Q Was there ever an investigation as to Frenkel being the patent troll tracker?

A I wasn't involved in it, no.

Q Were you ever investigated?

A Not that I recall.

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Q And you don't recall any statements from Cisco regarding the patent troll tracker?

A No, not specifically. I -- no, I don't remember any specific statements.

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A No.

Q Have you ever heard the name Raymond /TPHAOEU
row ** [spelling]?

A Vaguely, yes. I have heard their name, yes.

Q How did you hear that name?

A In an article I read.

Q what did it say?

A I don't remember.

Q How about the name Scott Harris?

A No, I don't recall that name.

Q Do you remember when you heard the name ray
/TPHAOEU row?

A No.

Q Do you remember if Mark chandler had any
reaction to Frenkel outing himself as the troll
tracker?

A I don't remember any reaction, no.

Q When you write press releases, do you write
them yourself, do you have somebody review them?

A which press releases.

Q While you were at Cisco at the time you were
at the corporate PR department between 2006 and 2008,
what was your method of writing press releases?

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A I would write the first draft and that would

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do I remember Frenkel getting in trouble?

Q Right.

A I don't know.

Q You testified that you worked with Mark

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Chandler; is that right?

A Yes.

Q Do you remember if chandler ever commented to you regarding Frenkel?

A No.

Q Did Frenkel ever talk to you about being in trouble?

A No.

Q Did Cisco ever investigate Frenkel after he outed himself as the troll tracker?

A I don't know.

Q what is a banana republic?

A I mean, are you asking me?

Q what do you understand a banana republic to be?

A My understanding is it's a term used to describe corrupt governments in third world countries.

Q So describing the federal district court in east Texas as a banana republic, what connotation to you does that have?

A I don't know. You'll have to ask Rick.

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A I wanted him to, yes.

Q Were you sure these numbers were correct?

A Not necessarily, no. Information, I generally regarded the information on the blog as factual.

Q And why did you do that?

A Because I trusted Rick.

Q The second e-mail in this string is from mark

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chandler?

A Yes.

Q Sent Monday December 10th. It looks like about an hour after you had sent your e-mail.

A Yes.

Q It's sent to you again with the CC to Kathy and to Rick and Mark says he's eager to do it. Does that mean he's eager to talk to the Washington post?

A Yes.

Q He says he has some things to say. One is that this isn't driven by legislation, it's driven by an imbalance in the system. Do you know what Mark meant by that?

A I would have to guess what he meant but it would be about the patent system, yes.

Q So I would need to ask Mark what he means by

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that?

A Yes.

Q Is this something that Mark addressed with you on any occasion?

A What do you mean, is this? This article opportunity or --

Q Patent lawsuits?

A Yes.

Q What did he say?

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A He said a lot of things.

Q What are a couple things that stand out?

A We talked about the patent reform legislation that was being proposed at this time.

Q What was the patent reform legislation?

A It was a bill to reform the patent system as it currently exists today in the United States.

Q And this was a topic he was interested in?

A Yes.

Q Why was he interested in that?

A Because Cisco was interested in reforming along with a number of other companies in reforming the patent system in the United States.

Q And why is that?

A Because we believed that the system was unfair and imbalanced and it -- particularly against

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A If I had them, yes.

Q What records would you review?

A The e-mails at the time I had.

Q Anything else you would review?

A No.

Q I'm going to butcher this name again. Kathy
mart netty?

A Mart netty, yes.

Q Mart netty. Who is she?

A She's Mark's executive assistant.

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Q So what does she do in that role?

A She manages Mark's schedule. I used -- I
worked with Kathy to puts -- to schedule meetings on
his calendar.

Q So she keeps Mark's calendar?

A Yes.

Q And she would keep records of when he's
talking to -- or when he's supposed to be talking to a
reporter?

A Yes.

Q After Mark would speak with a reporter and if
an article quoted him, would you send that article
both to Mark and to Kathy or would it just be to Mark?

A It would depend on I might send it to others

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as well depending on the article.

Q Okay. But typically when you e-mail Mark, you didn't always e-mail Kathy as well?

A I don't remember if I did or not but I worked with Kathy specifically to get on Mark's calendar.

Q And did Mark ask you why you CC'd Rick Frenkel here?

A No.

Q would it have been unusual to CCRick Frenkel on an e-mail like this to Mark?

A No.

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Q Why not?

A It's a member of his staff and he's an expert.

Q Did Mark and Rick work together frequently?

A I don't know if they did.

Q But they knew each other?

A Yes.

Q And then the last e-mail on this page at the top is from you to Mark CCing both Kathy and Rick and it says you'll set up the interview; is that right?

A When? Where?

Q I'll read it. It says, thank you Mark. We'll set the interview with the reporter today. This is onward 00 --

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looking at 001200, the e-mail from you to mark
chandler CCing Kathy and Rick is the same as the one
we went over, correct, beginning at 001202?

A Yes.

Q And then mark chandler's response is the same
that we looked at before the break?

A Yes.

Q And then at 00199 there's an e-mail from Rick
Frenkel to mark chandler and to yourself?

A Yes.

Q CCing Kathy and it says agree it is but one
symptom?

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A Yes.

Q Do you understand what he was referring to?

A Yes.

Q What is it?

A He was responding to Mark's e-mail where Mark
uses the word symptom.

Q So what is the problem that this is a symptom
of?

MR. GRIFFIN: Can you speak up again. I'm --

BY MS. TOWLE:

Q So what is the problem that this is a symptom
of?

A Patent issues.

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Q So chandler and Frenkel agree regarding the problems with the patent system. Is that how it appears to you?

A Yes.

Q And then Kathy writes back to everyone on the string and says John is trying to schedule for 10:00 a.m. on Wednesday?

A Yes.

Q So you're trying to schedule Mark's interview with the Washington post for ten on that Wednesday?

A Yes.

Q And following that Frenkel writes to you

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alone asking if you want him on the call; is that right?

A Yes.

Q Did you want him on the call?

A I don't remember how I responded.

Q Would it be common that you would have Frenkel on a call with mark chandler?

A It would depend on the interview.

Q But do you remember any instance where Frenkel and chandler were together on a call with the media?

A No.

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Q Did it have anything to do with the troll tracker?

A No, it did not.

Q To your knowledge, did she know anything about the troll tracker?

A Not to my knowledge.

Q Did it have anything to do with the lawsuit of Johnny Ward or Eric aBriton against Cisco?

A No, it did not.

Q And why did you go to the troll tracker as a result of that inquiry?

A Because she had asked specifically about the number of cases in the eastern district of Texas and I did recall that there was a blog with updated statistics about cases of patent cases in that district and other districts so that's why I pulled those statistics specifically as part of this

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discussion.

Q All right. That was just for back up information?

A That's correct.

Q Did Mr. Mark Chandler ever discuss with her or anyone else anything about the ESN/Cisco case publically that you know of?

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A No.

Q Did he ever discuss publically anything about Mr. Ward, Johnny ward?

A No.

Q Did he ever discuss publically anything about the issues in this lawsuit, the troll tracker and the contents of the troll tracker?

A No.

MR. GRIFFIN: Pass the witness.

FURTHER EXAMINATION

BY MS. TOWLE:

Q Mr. Noh, in response to Mr. Griffin's questions I think you responded that chandler never addressed the various topics Mr. Griffin brought up. Do you mean that you know through the time you worked at Cisco or are you also representing that you know of chandler's statements to the media after you left Cisco?

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A No, I'm talking about this response to the Washington post***fix record***.

Q So your response to Mr. Griffin's question has to do with the time frame of December 2007; is that correct?

A December 10, 2007, regarding the Washington post interview, yes.