

Exhibit H

From: Rick Frenkel (rfrenkel) <rfrenkel@cisco.com>
Sent: Thursday, October 18, 2007 12:13 PM
To: John Noh (jnoh) <jnoh@cisco systems.com>; Mallun Yen (myen) <myen@cisco systems.com>
Subject: RE: ESN

Stay tuned.

Rick Frenkel

Director, Intellectual Property - Consumer & Emerging Technologies
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From: John Noh (jnoh)
Sent: Thursday, October 18, 2007 10:04 AM
To: Mallun Yen (myen)
Cc: Rick Frenkel (rfrenkel)
Subject: RE: ESN

Mallun, in the simplest terms possible, are you saying that this troll filed a patent lawsuit against us before they even had the patent issued to them?

Can we have the TrollTracker do a very simply worded blog about this? I'd love to be able to send it out to a few of the legal reporters and bloggers. I play a game with them now about I have no idea who the TrollTracker is but I read his/her blog religiously.

TT: Would this be hitting too close to home in terms of dotted line between TT and Cisco?

+++++

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Attorney Work-Product**

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

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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
To: Showalter, Bart; Pankratz, Kurt; Marta Beckwith; Michels, Mark; Yen, Mallun; Ritter,

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Michael
Cc: Lang, Dan
Subject: ESN

The court clerk of the Eastern District of Texas changed the docket and all of the documents to reflect a 10/16 filing date instead of a 10/15 filing date in the ESN case. The result would be, of course, creating subject matter jurisdiction where there was none before. Of course, this is absurd. Kurt, what options do we have?

Rick Frenkel

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From: Mallun Yen (myen)
Sent: Thursday, October 18, 2007 12:47 PM
To: Matthew Tanielian (mtanieli) <mtanieli@cisco.com>
Subject: esn case

<http://trolltracker.blogspot.com/>

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