

Ex. B

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

30(b)(6) DEPOSITION OF MALLUN YEN

Monday, November 17, 2008

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CRS-100282-019

1 Q. And what news story were you anticipating
2 there might be about this?

3 A. Why a complaint was filed a day before the
4 patent issued.

5 Q. Okay. Was there ever a news story about
6 it?

7 A. I don't know.

8 Q. Did you contact the news media about it?

9 A. No.

10 Q. Did Mr. Noh?

11 A. I don't know.

12 Q. You never talked to him about that?

13 A. I did not ask him whether he contacted any
14 media about it.

15 Q. Well, why did you ask that question,
16 "Maybe a news story here? Though we'll obviously
17 be [sic] getting data to track down what happened"?

18 A. Because it's unusual to file a lawsuit
19 before the patent issues, and it's also very unusual
20 and out of the ordinary to have a docket entry be
21 changed.

22 Q. You thought the general public would be
23 interested in this. Is that what you're saying?

24 A. I thought there might be a news story.

25 Q. And it would be a news story, of course,

1 that would enhance your agenda of patent reform,
2 would it not?

3 MR. McWILLIAMS: Objection. Form.

4 MR. BABCOCK: Same objection.

5 THE WITNESS: Not necessarily.

6 BY MR. PATTON:

7 Q. You can't tell me. What other purpose did
8 it have?

9 A. It doesn't necessarily -- it's not
10 necessarily to further patent reform.

11 Q. Well, this is in the middle of the effort
12 for patent reform, isn't it? Mr. Noh is a PR guy;
13 correct?

14 A. He is.

15 Q. Tanielian is a government affairs guy;
16 correct?

17 A. Yes.

18 Q. I don't see any trial team stuff on here
19 again. Do you? Do you see any of the trial team?

20 A. On this particular email there is not any
21 member of the trial team at the time.

22 Q. Okay. And the next one is from Mr. Noh
23 and it's dated 10:04. And this is the one that has
24 the quote in it about too close and the dotted line
25 between Troll Tracker and Cisco. Right?