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SAME-DAY DELIVERY TRANSCRIPT

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

ERIC ALBRITTON] CASE NO. 6:08CV89
VS.] 9 AM, SEPTEMBER 16, 2009
CISCO SYSTEMS, INC.] TYLER, TEXAS

REPORTER'S SAME-DAY DELIVERY TRANSCRIPT OF JURY TRIAL

VOLUME 3 OF ^ 000, PAGES 1 THROUGH ^ 000

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THE HONORABLE RICHARD SCHELL, U.S. DISTRICT JUDGE, PRESIDING

PROCEEDINGS REPORTED USING COMPUTERIZED STENOTYPE,
TRANSCRIPT PRODUCED USING COMPUTER-AIDED TRANSCRIPTION.

SAME-DAY DELIVERY TRANSCRIPT

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04:39PM 1 "HEY, I'VE READ THAT YOU HAVE COMMITTED SOME SORT OF CRIME AND
04:39PM 2 WE'RE INVESTIGATING IT"?

04:39PM 3 A. THAT'S CORRECT.

04:39PM 4 Q. ALL RIGHT.

04:39PM 5 AND YOU DIDN'T GET AN APOLOGY, BUT YOU DIDN'T REACH
04:39PM 6 OUT TO MR. FRENKEL'S BLOG, TO THE PATENT TROLL TRACKER, EITHER,
04:39PM 7 DID YOU?

04:39PM 8 A. YOU DON'T WRESTLE WITH A SNAKE, YOU CUT ITS HEAD OFF.
04:39PM 9 AND THAT'S WHAT WE DID.

04:39PM 10 Q. WELL, HE'S STILL GOT HIS HEAD, SO YOU ARE A LITTLE
04:39PM 11 PREMATURE IN THAT.

04:39PM 12 A. WELL, NO, WE SHUT THE BLOG DOWN IS WHAT WE DID. AND I
04:39PM 13 WASN'T GONNA ENGAGE WITH HIM ON HIS HOME TURF WHERE HE COULD
04:39PM 14 SPIN WHATEVER HE WAS GONNA SPIN.

04:39PM 15 Q. YOU SHUT THE BLOG DOWN, AND THAT WAS ONE OF YOUR
04:39PM 16 OBJECTIVES, OF COURSE?

04:39PM 17 A. MY OBJECTIVE WAS TO GET THE ARTICLES THAT WERE ACCUSING
04:39PM 18 ME OF A CRIME TAKEN DOWN. HE TOOK THE WHOLE THING DOWN ON HIS
04:40PM 19 OWN ONCE CISCO GOT OUTED.

04:40PM 20 Q. THE ANSWER TO MY QUESTION A MINUTE AGO WAS: YOU DID
04:40PM 21 NOT REACH OUT TO HIM BY E-MAILING HIM EVEN THOUGH THERE'S A
04:40PM 22 BUTTON RIGHT THERE, RIGHT?

04:40PM 23 A. ABSOLUTELY NOT. NEVER WOULD.

04:40PM 24 Q. YOU NEVER WOULD?

04:40PM 25 A. NO WAY.

SAME-DAY DELIVERY TRANSCRIPT

SAME-DAY DELIVERY TRANSCRIPT

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04:56PM 1 YOUR TEXARKANA CASE FOR ESN, RIGHT?

04:56PM 2 A. I DON'T KNOW THAT THAT'S RIGHT. WHETHER THEY WIN OR
04:56PM 3 LOSE, THE FACTS ARE THE FACTS, AND THOSE FACTS COME INTO THAT
04:57PM 4 CASE, I THINK.

04:57PM 5 Q. WELL, YOUR FACTS WOULD BE A LITTLE BIT BETTER IF THE
04:57PM 6 JURY ACCEPTS YOUR VERSION OF THE EVENTS, WON'T IT?

04:57PM 7 A. I DON'T THINK SO, BECAUSE I DON'T THINK THAT'S
04:57PM 8 ADMISSIBLE.

04:57PM 9 Q. OKAY. WELL, GOOD.

04:57PM 10 YOU ALSO--YOU AND MR. ALBRITTON HAVE SUED CISCO IN
04:57PM 11 ANOTHER CASE, HAVE YOU NOT, RECENTLY?

04:57PM 12 A. WE HAVE A CLIENT WHO HAS, YES.

04:57PM 13 Q. I'M SORRY.

04:57PM 14 A. RIGHT.

04:57PM 15 Q. YOU ARE REPRESENTING A DIFFERENT CLIENT THAN ESN THAT
04:57PM 16 HAS ALSO SUED CISCO IN THE EASTERN DISTRICT OF TEXAS?

04:57PM 17 A. IT'S ANOTHER PATENT-INFRINGEMENT CASE, YES, SIR.

04:57PM 18 Q. OKAY. AND IF YOU WIN THAT CASE, YOU STAND TO BENEFIT
04:57PM 19 PERSONALLY, DO YOU NOT?

04:57PM 20 A. I THINK THAT CASE IS HOURLY. THERE MIGHT BE A
04:57PM 21 CONTINGENT COMPONENT TOO, AS WELL, BUT THAT'S THE WAY 95
04:57PM 22 PERCENT OF MY BUSINESS IS, IT'S CONTINGENT-FEE LITIGATION.

04:57PM 23 Q. SURE. OKAY.

04:57PM 24 NOW, YOU SAID IN GOING THROUGH THE ARTICLE THAT YOU
04:57PM 25 THOUGHT IT WAS FALSE THAT MR. FRENKEL HAD GOTTEN ANONYMOUS

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