

## Expert Witness Report

December 9, 2009

This report is submitted by Ronald C. Weston, Sr.. It was prepared for Jackson Walker L.L.P. for Case No. 08-4022 JLH; John Ward, Jr. v. Cisco Systems, Inc., In the United States District Court for the Western District of Arkansas, Texarkana Division

The focus of my opinion is the official filing date of the complaint and other initiating documents in the above case. In my professional opinion, the official filing date for the complaint and other initiating documents in this case is 10/15/2007. The primary bases for my opinion are:

- 1) The Notice of Electronic Filing for Case No. 5:07-cv-00156-DF-CMC; ESN LLC v. Cisco Systems, Inc. and Cisco-Linksys LLC; in the United States District Court for the Eastern District of Texas. The Notice of Electronic Filing states 10/15/2007 as the date filed for the case. This indicates that electronic transmission of the complaint and initiating documents began prior to 12:00 AM on 10/16/2007 and that the entrees made prior to 12:00 AM were sufficient for the electronic filing system to established a 10/15/2007 file date.
- 2) The U.S. District Court for the Eastern District of Texas Local Rules and Appendixes as of February 12, 2007 state that a document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.
- 3) There appears to be no expert information stating the system did not function properly when the case was filed.

During my tenure as Clerk of Court I never had the occasion to change the filing date on a document that was filed manually or electronically. The complaint and other initiating documents in the case were officially filed. Therefore, the date and time stated on the Notice of Electronic Filing is deemed the date filed per the U.S. District Court for the Eastern District of Texas Local Rules and Appendixes. Based on my knowledge of U.S. District Court operations, the official filing date can only be changed by order of the court. In reviewing information on this specific case, I have found nothing that would justify or support a Clerk of Court changing the filing date.

I have considered the following documents in forming my opinion:

1. Civil Docket for Case No. 5:07-cv-00156-DF-CMC; ESN LLC v. Cisco Systems, Inc. and Cisco-Linksys LLC; in the United States District court for the Eastern District of Texas, Texarkana Division: Date Filed 10/15/2007
2. Civil Action No. No. 5:07-cv-00156-DF-CMC; ESN LLC v. Cisco Systems, Inc. and Cisco-Linksys LLC; in the United States District court for the Eastern District of Texas, Texarkana Division: Complaint for Patent Infringement filed 10/15/2007

3. Civil Action No. No. 5:07-cv-00156-DF-CMC; ESN LLC v. Cisco Systems, Inc. and Cisco-Linksys LLC; in the United States District court for the Eastern District of Texas, Texarkana Division: Notice of Electronic Filing: 10/15/2007
4. Civil Action No. No. 5:07-cv-00156-DF-CMC; ESN LLC v. Cisco Systems, Inc. and Cisco-Linksys LLC; in the United States District court for the Eastern District of Texas, Texarkana Division: Complaint for Patent Infringement filed 10/16/2007
5. Civil Docket for Case No. 5:07-cv-00156-DF-CMC; ESN LLC v. Cisco Systems, Inc. and Cisco-Linksys LLC; in the United States District court for the Eastern District of Texas, Texarkana Division: Date Filed 10/16/2007
6. November 3, 2008 deposition of David Maland in C.A. No.6:08-CV-00089; Eric M. Albritton v Cisco Systems, Inc., Rick Frenkel, Mallum Yen & John Noh; In the United States District Court for the Eastern District of Texas, Tyler Division
7. September 14, 2009 trial testimony of David Maland in C.A. No.6:08-CV-00089; Eric M. Albritton v Cisco Systems, Inc., Rick Frenkel, Mallum Yen & John Noh; in the United States District Court for the Eastern District of Texas, Tyler Division
8. December 4, 2009 deposition of Bruce Curran taken in Case No. 08-4022 JLH; John Ward, Jr. v. Cisco Systems, Inc., in the United States District Court for the Western District of Arkansas, Texarkana Division
9. November 10, 2009 Expert Witness Report of Ralph L. DeLoach
10. U.S. District Court for the Eastern District of Texas Local Rules and Appendixes as of February 12, 2007.
11. November 3, 2008 deposition of Cynthia Parr taken in C.A. No.6:08-CV-00089; Eric M. Albritton v Cisco Systems, Inc., Rick Frenkel, Mallum Yen & John Noh; In the United States District Court for the Eastern District of Texas, Tyler Division
12. October 28, 2009 deposition of Cynthia Parr taken in Case No. 08-4022 JLH; John Ward, Jr. v. Cisco Systems, Inc., In the United States District Court for the Western District of Arkansas, Texarkana Division

My background and qualification are in the attached resume. I have not authored any publications in the previous 10 years and I have not testified as an expert, either at trial or by deposition during the previous four years. My hourly rate for my work on the case is \$250.00



Ronald C. Weston

**Ronald C. Weston, Sr.**

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Over thirty years of management and supervisory experience. Proven ability to adapt to new situations and manage complex organizations. Experienced in resolving problems effectively and maintaining excellent relations.

**EDUCATION**

- M.B.A. - Michigan State University (1985)
- B. S. Economics - Florida A & M University (1971)

**EMPLOYMENT HISTORY**

**United States District Court, Western District of Michigan**, November 1994 - February 2009

**Clerk of Court - Principle Responsibilities included:**

- Consulted with and made recommendations to the judges about Court policies and procedures;
- Hired and assigned personnel;
- Prepared and managed the annual budget;
- Managed the Court's property, procurement, and financial management programs;
- Directed staff responsible for the processing of civil and criminal cases, the issuance of process, and the maintenance of official records in the custody of the Court;
- Managed the jury operations of the Court and made recommendations to improve juror utilization;
- Managed the Court's information technology/automation and courtroom technology;
- Worked with various government agencies on matters necessary to court activities, including space and facilities, and emergency preparedness.

**Chief Deputy Clerk, 11/94 - 12/95**

**U. S. Department of Housing and Urban Development, 7/71 - 11/94**

**Office Manager/Area Coordinator**, Grand Rapids., MI. 3/91 - 11/94, Principal spokesman and representative for the U.S. Department of Housing and Urban Development in the western half of Michigan's lower peninsular and the entire upper peninsular.

Responsible for all budgeting, personnel, planning and program performance within the office jurisdiction. Frequently met with local and state government officials, special interest groups, professional groups, congressional staff and other groups. Very successful in dealing with these groups. Successfully represented numerous issues to the press and on radio and television.

**Director, Office of Regional Housing**, Chicago, IL. 3/85 - 3/91. Responsible for monitoring the activities of approximately 900 housing staff located in ten offices in six states. Workload of approximately 100,000 mortgages annually.

Directed the Illinois operations for planning, underwriting, construction, servicing and management for all FHA single family and multifamily mortgage insurance programs, Approximately 25,000 single family mortgage insurance endorsements annually.

Managed Debt Collection activities with annual collections of over \$9,000,000.00. Supervised staff of 290 - 300 professional, technical and administrative support staff.

**Director, Housing Development Division**, Detroit, MI, 5/80 - 3/85.

**Chief, Multifamily Housing Programs Branch** Indianapolis, IN. 5/79 - 5/80.

**Director. Economic Market Analysis Division**, Indianapolis- IN. 2/78 - 5/79.

**Economist**, Jacksonville, FL. 7/71 - 2/78.

#### **HONORS/AWARDS**

U.S. Department of Housing & Urban Development's Distinguished Service Award.  
National Performance Review Certificate of Appreciation from former Vice President Al Gore  
Honorary Chairman of the Combined Federal Campaign

#### **PRIOR ORGANIZATIONAL MEMBERSHIPS INCLUDE**

Board of Advisors. Grand Valley State University School of Public Administration  
Board of Managers. Grand Rapids Downtown YMCA  
President, West Michigan Federal Executive Association  
Economic Club of Grand Rapids