

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

JOHN WARD, JR.
Plaintiff

v.

CISCO SYSTEMS, INC.

Defendant

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C.A. NO. 4:08cv4022
JURY TRIAL DEMANDED

PLAINTIFF'S NOTICE OF SUBPOENA

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

PLEASE TAKE NOTICE that, pursuant to Rules 30 and 45, Fed. R. Civ. P., Plaintiff will serve the attached Subpoena on the Custodian of Records for Google, Inc. ("Google") requesting production of the documents and things described in Exhibit A on or before March 2, 2009, at the offices of Paulson Esquire, 44 Montgomery Street, Suite 1100, San Francisco, CA.

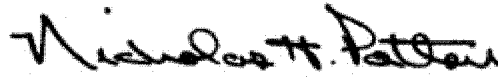
Respectfully submitted,



Nicholas H. Patton
SBN: 15631000
PATTON, TIDWELL & SCHROEDER, LLP
4605 Texas Boulevard
P. O. Box 5398
Texarkana, Texas 7550505398
(903) 792-7080 (903) 792-8233 (fax)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Subpoena has been duly served on all parties via the electronic filing system of the Western District of Arkansas on this, the 30th day of January 2009.

A handwritten signature in black ink, reading "Nicholas H. Patton". The signature is written in a cursive style and is positioned above a horizontal line. A vertical line is drawn to the right of the signature, extending from the top of the signature down to the horizontal line.

Nicholas H. Patton

**Issued by the
UNITED STATES DISTRICT COURT**

NORTHERN

DISTRICT OF

CALIFORNIA

John Ward, Jr.

SUBPOENA IN A CIVIL CASE

V.

Cisco Systems, Inc.

Case Number:¹ 4:08cv4022
(Pending in the Western District of Arkansas)

TO: Google, Inc., Records Custodian, 1600 Amphitheatre Parkway, Mountain View, CA 94043

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

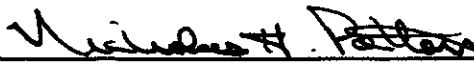
See Exhibit A attached hereto

PLACE	DATE AND TIME
Paulson Esquire, 44 Montgomery Street, Suite 1100, San Francisco, CA.	March 2, 2009

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
 Attorney for Plaintiff	January 30, 2009

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

Nicholas H. Patton, Patton, Tidwell & Schroeder, LLP, P.O. Box 5398, Texarkana, Texas, 75505-5398 (Phone: 903.792.7080)

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

EXHIBIT A

DEFINITIONS & INSTRUCTIONS

1. “YOU”, “YOUR” or “YOURS” refers to Google, Inc. (“GOOGLE”), including without limitation all of its corporate locations and all predecessors, subsidiaries, parents & affiliates and all past or present directors, officers, partners, associates, employees, staff members, agents, representatives, consultants, attorneys, and entities acting in joint-venture, affiliate, partnership or business relationship with GOOGLE and other acting on behalf of GOOGLE.
2. The term “DOCUMENT” is used herein in this broadest sense under the Federal Rules of Civil Procedure and applicable case law and includes all tangible things, all originals (or, if originals are not available, identical copies thereof), archives, all non-identical copies of all documents, all drafts of final documents, all other written, printed, or recorded matter of any kind and all other data compilations from which information can be obtained that are or have been in your actual or constructive possession or control, regardless of the medium on which they are produced, reproduced or stored (including with limitation computer programs and files containing any requested information), and any recording or writing as these terms are defined in Rule 1001 of the Federal Rules of Evidence. Any document bearing marks, including without limitation initials, stamped initials, comments, or notations not part of the original text or photographic reproduction thereof is a separate document.
3. The terms “REFER” or “RELATE” or any variant thereof include, but are not limited to, the following meanings: pertaining to, analyzing, assessing, compromising, concerning, containing, constituting, discussing establishing, mentioning, containing, evidencing,

describing, displaying, showing, identifying, including, recording, reflecting, stating, proving, disproving, consisting of, supporting, contradicting, in any way legally, logically, or factually connected with the matters referenced, or having tendency to prove or disapprove any matter referenced.

4. The term “COMMUNICATION” or any variant thereof means any contact between or among two or more persons and shall include, without limitation, written contact by means such as letters, memoranda, telegrams, telecopies, telexes, e-mail or any other document; and any writings memorializing any oral contact such as face to face meetings or telephone conversations.
5. The term “THE BLOG” shall mean the internet message boards and blog sites found at www.trolltracker.blogspot.com (a/k/a the “TrollTracker.”)
6. The term “FINANCIAL SUPPORT” shall mean any means of supporting THE BLOG including but not limited to monetary compensation, compensation in-kind, or donations.

DOCUMENTS REQUESTED

1. All DOCUMENTS REFRRING or RELATING to COMMUNICATIONS to or from (1) RICHARD FRENKEL a/k/a “The TrollTracker,” (2) MALLUN YEN, (3) JOHN NOH, (4) Mark Chandler, (5) CISCO SYSTEMS, INC. or (6) THE BLOG regarding (1) JOHN WARD, JR.; (2) the filing of Civil Action No. 5:07-CV-00156, styled *ESN, LLC v. Cisco Systems, Inc.*, in the United States District Court for the Eastern District of Texas; or (3) the October 16-17, 2007 postings on www.trolltracker.blogspot.com.
2. All DOCUMENTS REFRRING or RELATING to user searches of the internet and/or THE BLOG regarding (1) JOHN WARD, JR; (2) the filing of Civil Action No. 5:07-CV-00156, styled *ESN, LLC v. Cisco Systems, Inc.*, in the United States District Court for the Eastern District of Texas; or (3) the October 16-17, 2007 postings on the www.trolltracker.blogspot.com including documents reflecting the number of such searches conducted between October 16, 2007 and March 1, 2008.
3. All DOCUMENTS REFRRING or RELATING to COMMUNICATIONS with or responses posted to THE BLOG regarding (1) ERIC M. ALBRITTON; (2) the filing of Civil Action No. 5:07-CV-00156, styled *ESN, LLC v. Cisco Systems, Inc.*, in the United States District Court for the Eastern District of Texas; or (3) the October 16-17, 2007 postings on www.trolltracker.blogspot.com.
4. All DOCUMENTS REFRRING or RELATING to COMMUNICATIONS with or responses posted to THE BLOG regarding (1) ESN, LLC (2) the filing of Civil Action No. 5:07-CV-00156, styled *ESN, LLC v. Cisco Systems, Inc.*, in the United States District Court for the Eastern District of Texas; or (3) the October 16-17, 2007 postings on www.trolltracker.blogspot.com.

5. All DOCUMENTS REFRRING or RELATING to COMMUNICATIONS with or responses posted to THE BLOG regarding (1) McAndrews Held and Malloy; (2) the filing of Civil Action No. 5:07-CV-00156, styled *ESN, LLC v. Cisco Systems, Inc.*, in the United States District Court for the Eastern District of Texas; or (3) the October 16-17, 2007 postings on www.trolltracker.blogspot.com.
6. All DOCUMENTS REFRRING or RELATING to the establishment, creation, maintenance and financial support for THE BLOG.
7. All DOCUMENTS exchanged between Google and Cisco regarding Gregg County, Texas Cause of Action, Gregg County No. 2007-2502-A.