

Exh. B

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

JOHN WARD, JR.

v.

CISCO SYSTEMS, INC.

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§
§

C. A. NO. 08-4022
JURY TRIAL DEMANDED

**CISCO SYSTEMS, INC.'S OBJECTIONS AND ANSWERS TO
PLAINTIFF'S SPECIAL INTERROGATORIES**

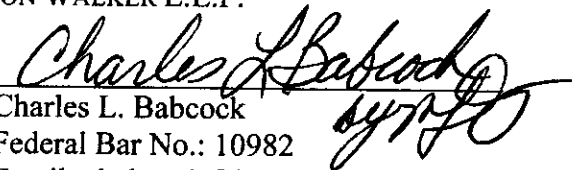
TO: John Ward, Jr., by and through his attorney of record, Nicholas H. Patton, Patton, Tidwell & Schroeder, LLP, 4605 Texas Boulevard, Texarkana, Texas.

Pursuant to FED.R.CIV.P. 33, Defendant Cisco Systems, Inc. serves these Objections and Answers to Plaintiff's Special Interrogatories.

Respectfully submitted,

JACKSON WALKER L.L.P.

By:


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ATTORNEYS FOR DEFENDANT
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EXHIBIT

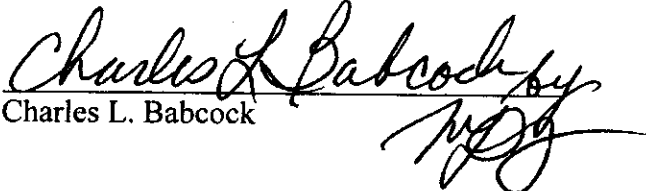
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CERTIFICATE OF SERVICE

This is to certify that on this 11th day of February, 2009, a true and correct copy of the foregoing was served via electronic mail upon:

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Attorney for Plaintiff John Ward, Jr.

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Attorney for John Ward, Jr.


Charles L. Babcock

ANSWERS AND OBJECTIONS TO SPECIAL INTERROGATORIES

1. DESCRIBE YOUR policies and procedures pertaining to data retention and destruction from October 15, 2007 to the present, IDENTIFY whether YOUR policy has changed over time and if so, DESCRIBE the changes to YOUR policy and the DATE they were implemented and IDENTIFY the three PEOPLE most knowledgeable about the implementation of YOUR data retention and destruction policies and procedures.

ANSWER:

Cisco objects to this special interrogatory on the basis that: (1) it purports to expand Defendant's obligations beyond what is required by the Federal Rules of Civil Procedure by attempting to require Defendant to "identify" and "describe" documents rather than produce the documents; (2) the definitions of "describe," "identify," "your," "date," and "person" expands the scope of the inquiry beyond the scope of discovery as set forth in the Federal Rules of Civil Procedure, (3) it requests information that is privilege from disclosure as it contains trade secret information and confidential business and proprietary information; and (4) it calls for discovery regarding matters that are not relevant to any party's claim or defense.

Subject to and without waiving the foregoing objections, upon the execution of an agreed Protective Order by all parties to the litigation, Cisco will produce in response to the interrogatory Cisco's "Record Retention Schedule" from October 15, 2007, to the present.

2. DESCRIBE ALL groups of connected computer systems used in or by CISCO that permit users to share information and transfer data, INCLUDING local area networks (LANs), wide area networks (WANs), client-server networks (SANs) and, separately and for each system, DESCRIBE the following information concerning data backups performed for that system:

ANSWER:

Cisco objects to this special interrogatory on the basis that: (1) it calls for discovery regarding matters that are not relevant to any party's claim or defense (especially to the extent it calls for information regarding all Cisco employees); (2) the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the

issues; (3) it requests information about the system architecture for all Cisco offices in over 75 counties and as such the information is sought for the purposes of harassment and not to further any party's claim or defense; (4) it purports to expand Defendant's obligations beyond what is required by the Federal Rules of Civil Procedure by attempting to require Defendant to "describe" documents rather than produce the documents; (5) the definitions of "describe," "all," "Cisco," and "including" expand the scope of the inquiry beyond the scope of discovery as set forth in the Federal Rules of Civil Procedure; and (6) it requests information that is privileged from disclosure as it contains trade secrets and/or confidential business and proprietary information.

a. DESCRIBE and IDENTIFY ALL procedures and/or devices used to backup the software and/or data, INCLUDING names(s) of backup software and version used, tape rotation schedule, type of tape backup drives (e.g. DDs4, DLT, SDLT, LTO, etc.), INCLUDING name and version number;

ANSWER:

Cisco objects to this special interrogatory on the basis that: (1) it calls for discovery regarding matters that are not relevant to any party's claim or defense; (2) the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues; (3) it requests information about the system architecture for all Cisco offices in over 75 counties and as such the information is sought for the purposes of harassment and not to further any party's claim or defense; (4) it purports to expand Defendant's obligations beyond what is required by the Federal Rules of Civil Procedure by attempting to require Defendant to "describe" and "identify" documents rather than produce the procedures; (5) the definitions of "describe," "all," "identify," and "including" expand the scope of the inquiry beyond the scope of discovery as set forth in the Federal Rules of Civil Procedure; and (6) it requests information that is privileged from disclosure as it contains trade secrets and/or confidential business and proprietary information.

b. Are multiple generations of backups maintained? If so, IDENTIFY how many and DESCRIBE whether the backups are full, differential or incremental.

ANSWER:

Cisco objects to this special interrogatory on the basis that: (1) it calls for discovery regarding matters that are not relevant to any party's claim or defense; (2) the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving

the issues; (3) it requests information about all Cisco offices in over 75 counties and as such the information is sought for the purposes of harassment and not to further any party's claim or defense; (4) it purports to expand Defendant's obligations beyond what is required by the Federal Rules of Civil Procedure by attempting to require Defendant to "describe" and "identify" documents rather than produce the procedures; (5) the definitions of "describe," and "identify," expand the scope of the inquiry beyond the scope of discovery as set forth in the Federal Rules of Civil Procedure; and (6) it requests information that is privileged from disclosure as it contains trade secrets and/or confidential business and proprietary information.

Subject to and without waiving the foregoing objections, upon the execution of an agreed Protective Order by all parties to the litigation, Cisco will produce in response to the interrogatory Cisco's "Record Retention Schedule" from October 15, 2007, to the present. See also Cisco's answer to Interrogatory number one served on January 30, 2009.

c. Are backup storage media kept off-site? If so, where are such media kept? How long are such media kept? DESCRIBE the process for archiving and retrieving offsite media?

ANSWER:

Backup storage for October 15, 2007, to the present is not kept offsite.

d. IDENTIFY who conducts the backup, INCLUDING name, title, office location and telephone number.

ANSWER:

Cisco objects to this special interrogatory on the basis that: (1) it calls for discovery regarding matters that are not relevant to any party's claim or defense; (2) the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues; (3) it requests information for all Cisco offices in over 75 counties and as such the information is sought for the purposes of harassment and not to further any party's claim or defense; and (4) the definitions of "identify," and "including" expand the scope of the inquiry beyond the scope of discovery as set forth in the Federal Rules of Civil Procedure.

Subject to and without waiving the foregoing objections, upon the execution of an agreed Protective Order by all parties to the litigation, Cisco will produce in response to the interrogatory Cisco's "Record Retention Schedule" from October 15, 2007, to the present. See also Cisco's answer to Interrogatory number one served on January 30, 2009.

- e. DESCRIBE, in detail, what information is backed up.

ANSWER:

Cisco objects to this special interrogatory on the basis that: (1) it calls for discovery regarding matters that are not relevant to any party's claim or defense; (2) the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues; (3) it requests information about all Cisco offices in over 75 counties and as such the information is sought for the purposes of harassment and not to further any party's claim or defense; (4) it purports to expand Defendant's obligations beyond what is required by the Federal Rules of Civil Procedure by attempting to require Defendant to "describe" documents rather than produce documents; (5) the definition of "describe" expands the scope of the inquiry beyond the scope of discovery as set forth in the Federal Rules of Civil Procedure; and (6) it requests information that is privileged from disclosure as it contains trade secrets and/or confidential business and proprietary information.

Subject to and without waiving the foregoing objections, upon the execution of an agreed Protective Order by all parties to the litigation, Cisco will produce in response to the interrogatory Cisco's "Record Retention Schedule" from October 15, 2007, to the present. See also Cisco's answer to Interrogatory number one served on January 30, 2009.

- f. Please provide a detailed list of ALL backup sets, regardless of the magnetic media on which they reside, showing current location, custodian, date of backup, and a DESCRIPTION of backup content; and

ANSWER:

Cisco objects to this special interrogatory on the basis that: (1) it calls for discovery regarding matters that are not relevant to any party's claim or defense (especially to the extent it calls for information regarding all Cisco employees); (2) the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues; (3) it requests information about all Cisco offices in over 75 counties and as such the information is sought for the purposes of harassment and not to further any party's claim or defense; (4) the definitions of "all" and "description" expand the scope of the inquiry beyond the scope of discovery as set forth in the Federal Rules of Civil Procedure; and (5) it requests information that is privileged from disclosure as it contains trade secrets and/or confidential business and proprietary information.

- g. Describe your policies and procedures for performing backups on that system.

ANSWER:

Cisco objects to this special interrogatory on the basis that: (1) it calls for discovery regarding matters that are not relevant to any party's claim or defense (especially to the extent it calls for information regarding all Cisco employees); (2) the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues; (3) it requests information for all Cisco offices in over 75 counties and as such the information is sought for the purposes of harassment and not to further any party's claim or defense; (4) it purports to expand Defendant's obligations beyond what is required by the Federal Rules of Civil Procedure by attempting to require Defendant to "describe" documents rather than produce the documents; (5) the definitions of "describe," and "your" expand the scope of the inquiry beyond the scope of discovery as set forth in the Federal Rules of Civil Procedure; and (6) it requests information that is privileged from disclosure as it contains trade secrets and/or confidential business and proprietary information.

Subject to and without waiving the foregoing objections, upon the execution of an agreed Protective Order by all parties to the litigation, Cisco will produce in response to the interrogatory Cisco's "Record Retention Schedule" from October 15, 2007, to the present. See also Cisco's answer to Interrogatory number one served on January 30, 2009.

3. Have any backup media been replaced or destroyed from October 15, 2007 to the present time? If so, separately and for each IDENTIFY the medium that was replaced or destroyed, the PERSON responsible for the medium replaced or destroyed, the DATE the medium was replaced or destroyed, and why the medium was replaced or destroyed.

ANSWER:

Cisco objects to this special interrogatory on the basis that: (1) it calls for discovery regarding matters that are not relevant to any party's claim or defense; (2) the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues; (3) it requests information about all Cisco offices in over 75 counties and as such the information is sought for the purposes of harassment and not to further any party's claim or defense; (4) it purports to expand Defendant's obligations beyond what is required by the Federal Rules of Civil Procedure by attempting to require Defendant to "identify" documents rather than produce the documents; (5) the definitions of "identify," "person," and "date" expand the scope of the inquiry beyond the scope of discovery as

set forth in the Federal Rules of Civil Procedure; and (6) it requests information that is privileged from disclosure as it contains trade secrets and/or confidential business and proprietary information.

Subject to and without waiving the foregoing objections, upon the execution of an agreed Protective Order by all parties to the litigation, Cisco will produce in response to the interrogatory Cisco's "Record Retention Schedule" from October 15, 2007, to the present. See also Cisco's answer to Interrogatory number one served on January 30, 2009.

4. IDENTIFY ALL email accounts (internal and/or external) used by YOU and YOUR EMPLOYEES from October 15, 2007 to the present time, and separately and for each account IDENTIFY whether ALL email generated from hand-held devices such as Blackberry devices and iPhones etc. are INCLUDED in any such email account and separately and for each account DESCRIBE YOUR policies and procedure for performing backups or for archiving email messages contained in that account, IDENTIFY any hardware or software used to perform such backups or archiving of the email contained in that account, INCLUDING an IDENTIFICATION of hardware or software used to perform such backups or archiving.

ANSWER:

Cisco objects to this special interrogatory on the basis that: (1) it calls for discovery regarding matters that are not relevant to any party's claim or defense (especially to the extent it calls for information regarding all Cisco employees); (2) the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues; (3) it requests information about the system architecture for all Cisco offices in over 75 counties and as such the information is sought for the purposes of harassment and not to further any party's claim or defense; (4) it purports to expand Defendant's obligations beyond what is required by the Federal Rules of Civil Procedure by attempting to require Defendant to "describe" and "identify" documents rather than produce the documents; (5) the definitions of "describe," "all," "identify," "your," "employees" and "including" expand the scope of the inquiry beyond the scope of discovery as set forth in the Federal Rules of Civil Procedure; (6) it requests information that is privileged from disclosure as it contains trade secrets and/or confidential business and proprietary information; and (7) it exceeds the 10 special interrogatory limit set by the court.

Subject to and without waiving the foregoing objections, upon the execution of an agreed Protective Order by all parties to the litigation, Cisco will produce in response to the interrogatory Cisco's "Record Retention Schedule" from October 15, 2007, to the present. See also Cisco's answer to Interrogatory number one served on January 30, 2009.

5. IDENTIFY the components and design implementation or distribution of YOUR telephone and voice messaging systems, INCLUDING ALL hardware, software, and third-party service providers used from October 15, 2007 to the present time, and separately and for each system DESCRIBE YOUR policies and procedures for performing backups or for archiving ANY and ALL voice messaging records and IDENTIFY ANY hardware or software used to perform such backups or archiving.

ANSWER:

Cisco objects to this special interrogatory on the basis that: (1) it calls for discovery regarding matters that are not relevant to any party's claim or defense (especially to the extent it calls for information regarding all Cisco employees); (2) the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues; (3) it requests information about all Cisco offices in over 75 counties and as such the information is sought for the purposes of harassment and not to further any party's claim or defense; (4) it purports to expand Defendant's obligations beyond what is required by the Federal Rules of Civil Procedure by attempting to require Defendant to "describe" and "identify" documents rather than produce the documents; (5) the definitions of "describe," "identify," "your" and "any" expand the scope of the inquiry beyond the scope of discovery as set forth in the Federal Rules of Civil Procedure; and (6) it requests information that is privileged from disclosure as it contains trade secrets and/or confidential business and proprietary information, and (7) it exceeds the 10 special interrogatory limit set by the court.

Subject to and without waiving the foregoing objections, upon the execution of an agreed Protective Order by all parties to the litigation, Cisco will produce in response to the interrogatory Cisco's "Voice Messaging Policies" from October 15, 2007, to the present.

6. DESCRIBE in detail the means by which ANY EMPLOYEES may remotely access the CISCO network(s) or directly connect to devices that are connected to the CISCO network(s) using a remote desktop computer, portable computer, or laptop computer, and

IDENTIFY which EMPLOYEES access the CISCO network(s) remotely, separately and for each EMPLOYEE DESCRIBE the device used for remote access, the location of the device used for remote access, the type of device used for remote access (desktop, portable, or laptop), whether remote connections to the CISCO network(s) are logged, IDENTIFY the location of any such logged data, and DESCRIBE the retention period of the logged information.

ANSWER:

Cisco objects to this special interrogatory on the basis that: (1) it calls for discovery regarding matters that are not relevant to any party's claim or defense (especially to the extent it calls for information regarding all Cisco employees); (2) the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues; (3) it requests information about all Cisco offices in over 75 counties and as such the information is sought for the purposes of harassment and not to further any party's claim or defense; (4) it purports to expand Defendant's obligations beyond what is required by the Federal Rules of Civil Procedure by attempting to require Defendant to "describe" and "identify" documents rather than produce the documents; (5) the definitions of "describe," "any," "identify," "Cisco," and "employees" expand the scope of the inquiry beyond the scope of discovery as set forth in the Federal Rules of Civil Procedure; (6) it requests information that is privileged from disclosure as it contains trade secrets and/or confidential business and proprietary information; and (7) it exceeds the 10 special interrogatory limit set by the court.

Subject to and without waiving the foregoing objections, upon the execution of an agreed Protective Order by all parties to the litigation, Cisco will produce in response to the interrogatory Cisco's "Record Retention Schedule" from October 15, 2007, to the present. See also Cisco's answer to Interrogatory number one served on January 30, 2009.

7. DESCRIBE ALL third-party connectivity between the computer systems and network environment identified in your answer to Special Interrogatory Number 2 above, and separately and for each system DESCRIBE the type of information that is shared, the manner in which the information is transferred, and the IDENTITY of ANY PERSONS who have authorization to transfer information into or out of YOUR network environment.

ANSWER:

Cisco objects to this special interrogatory on the basis that: (1) it calls for discovery regarding matters that are not relevant to any party's claim or defense (especially to the extent it calls for information regarding all Cisco employees); (2) the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues; (3) it requests information about the system architecture for all Cisco offices in over 75 counties and as such the information is sought for the purposes of harassment and not to further any party's claim or defense; (4) it purports to expand Defendant's obligations beyond what is required by the Federal Rules of Civil Procedure by attempting to require Defendant to "describe" and "identify" documents rather than produce the documents; (5) the definitions of "describe," "all," "identify," "any," "your," and "persons," expand the scope of the inquiry beyond the scope of discovery as set forth in the Federal Rules of Civil Procedure; and (6) it requests information that is privileged from disclosure as it contains trade secrets and/or confidential business and proprietary information.

8. DESCRIBE YOUR policies and procedures governing EMPLOYEE use of the internet, internet newsgroups, chat rooms, or instant messaging on YOUR computer systems/network(s) and separately and for each DESCRIBE in detail ANY logging of internet activity that is done, INCLUDING an IDENTIFICATION of where the logged information is kept and the period of its retention.

ANSWER:

Cisco objects to this special interrogatory on the basis that: (1) it purports to expand Defendant's obligations beyond what is required by the Federal Rules of Civil Procedure by attempting to require Defendant to "describe" documents rather than produce the documents; (2) the definitions of "describe," "identification," "employee," "your," "any," and "including" expand the scope of the inquiry beyond the scope of discovery as set forth in the Federal Rules of Civil Procedure; (3) it requests information that is privileged from disclosure as it contains trade secrets and/or confidential business and proprietary information; and (4) it exceeds the 10 special interrogatory limit set by the court.

Subject to and without waiving the foregoing objections, see documents produced by Cisco in this case numbered ARK000310-317.

9. DESCRIBE YOUR policies and procedures pertaining to data retention and destruction from October 15, 2007 to the present, and separately and for each IDENTIFY ALL

hardware or software used to facilitate the deletion of data subject to the data retention and destruction policies and procedures identified in YOUR answer.

ANSWER:

Cisco objects to this special interrogatory on the basis that: (1) it purports to expand Defendant's obligations beyond what is required by the Federal Rules of Civil Procedure by attempting to require Defendant to "identify" and "describe" documents rather than produce the documents; (2) the definitions of "describe," "identify," "your," and "all" expands the scope of the inquiry beyond the scope of discovery as set forth in the Federal Rules of Civil Procedure, (3) it requests information that is privilege from disclosure as it contains trade secret information and confidential business and proprietary information; (4) it calls for discovery regarding matters that are not relevant to any party's claim or defense; and (5) it exceeds the 10 special interrogatory limit set by the court.

Subject to and without waiving the foregoing objections, upon the execution of an agreed Protective Order by all parties to the litigation, Cisco will produce in response to the interrogatory Cisco's "Record Retention Schedule" from October 15, 2007, to the present.

10. IDENTIFY ANY and ALL servers or other network(s) storage devices, desktop computers, portable computers, laptop computers, personal digital assistants (PDAs), telephones, and other electronic devices that have had their hard drives reformatted, wiped, or replaced from October 15, 2007 to the present time and separately and for each IDENTIFY ANY and ALL information, DOCUMENTS, COMMUNICATIONS and things deleted, physically destroyed, corrupted, damaged, lost, or overwritten, whether pursuant to YOUR data retention and destruction policies and procedures or not, that may have been relevant to the above-captioned case.

ANSWER:

Cisco objects to this special interrogatory on the basis that: (1) it calls for discovery regarding matters that are not relevant to any party's claim or defense (especially to the extent it calls for information regarding all Cisco employees); (2) the burden or expense of the proposed discovery outweighs its likely benefit, taking into account the needs of the case, the amount in controversy, the parties' resources, the importance of the issues at stake in the litigation, and the importance of the proposed discovery in resolving the issues; (3) it requests information about the all Cisco offices in over 75 counties and as such the information is sought for the purposes of harassment and not to further any

party's claim or defense; (4) it purports to expand Defendant's obligations beyond what is required by the Federal Rules of Civil Procedure by attempting to require Defendant to "identify" documents rather than produce the documents; (5) the definitions of "identify," "all," "documents," "your," "any" and "communications" expand the scope of the inquiry beyond the scope of discovery as set forth in the Federal Rules of Civil Procedure; (6) it requests information that is privileged from disclosure as it contains trade secrets and/or confidential business and proprietary information; and (7) it exceeds the 10 special interrogatory limit set by the court.

Subject to and without waiving the foregoing objections, upon the execution of an agreed Protective Order by all parties to the litigation, Cisco will produce in response to the interrogatory Cisco's "Record Retention Schedule" from October 15, 2007, to the present. See also Cisco's answer to Interrogatory number one served on January 30, 2009.