

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

JOHN WARD, JR.

v.

CISCO SYSTEMS, INC.

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C.A. NO. 08-4022

JURY TRIAL DEMANDED

**DEFENDANT’S AMENDED ANSWERS
TO PLAINTIFF’S INTERROGATORIES**

TO: Plaintiff John Ward, Jr., by and through his attorney of record, Nicholas H. Patton, Patton, Tidwell & Schroeder, LLP, 4605 Texas Boulevard, P.O. Box 5398, Texarkana, Texas 75505-5398.

Defendant Cisco Systems, Inc. (“Defendant” or “Cisco”) hereby serves its Amended Answers to Plaintiff’s First Set of Interrogatories in compliance with the order of the court dated March 30, 2009. These answers supersede the answers previously provided. The objections previously made in response to the interrogatories are reasserted as if repeated verbatim. To the extent these objections have been overruled by the court, they are reasserted here for appellate purposes only.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: Charles L. Babcock IV

Charles L. Babcock
Federal Bar No.: 10982
Email: cbabcock@jw.com
Richard E. Griffin
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(713) 752-4200
(713) 752-4221 – Fax

**ATTORNEYS FOR DEFENDANT
CISCO SYSTEMS, INC.**

CERTIFICATE OF SERVICE

This is to certify that on this 14th day of April, 2009, a true and correct copy of the foregoing was served electronically and/or via U.S. First Class Mail upon:

Patricia L. Peden
Law Offices of Patricia L. Peden
5901 Christie Avenue
Suite 201
Emeryville, CA 94608
Attorney for Plaintiff John Ward, Jr.

Nicholas H. Patton
Patton, Tidwell & Schroeder, LLP
4605 Texas Boulevard
P.O. Box 5398
Texarkana, Texas 75505-5398
Attorney for Plaintiff John Ward, Jr.

Charles L. Babcock IV

Charles L. Babcock

OBJECTIONS AND ANSWERS TO INTERROGATORIES

1. IDENTIFY and DESCRIBE all actions undertaken by YOU or at YOUR direction to retain, locate, and produce communications between the Troll Tracker and/or Rick Frenkel or any other PERSONS, CONCERNING ESN, the filing of the ESN complaint, Plaintiff Ward, Ward's co-counsel Eric Albritton, the law firm of McAndrews Held & Malloy, or any other information that may be relevant to this case, INCLUDING the gMail account Frenkel used to correspond as the Troll Tracker, and separately and for each action IDENTIFY the persons involved, the DATE of the action, and DESCRIBE DOCUMENTS AND COMMUNICATIONS that were obtained.

RESPONSE:

When Cisco became aware of a lawsuit, it sent a litigation hold notice to all employees so that documents pertaining to the Albritton lawsuit (Albritton v. Cisco) raising the identical allegations as this case, would be retained. The litigation hold memo was sent by **cisco_legal@cisco.com** on March 6, 2008. It is attached to these answers as **Exhibit A**.

In addition, outside counsel George McWilliams (who represents Rick Frenkel) and Crystal Parker (representing Cisco) communicated with Frenkel regarding his Gmail account and any other relevant communications he might have. These communications took place in or about (May, June, August and October of 2008). In response to these requests, Frenkel provided Mr. McWilliams and Ms. Parker with documents which were produced in the related *Albritton v. Cisco et al* case, C.A. 6:08CV89 in the United States District Court for the Eastern District of Texas. These documents were produced as follows: documents labeled FRENKEL.000001-64 were produced on June 12, 2008, documents labeled FRENKEL2.000001-456 were produced on October 22, 2008, documents labeled FRENKEL3.000001-FRENKEL3.000237 on January 8, 2009. There were no relevant documents from Mr. Frenkel's Gmail account that were withheld from production in the *Albritton* case. Ms. Parker reviewed Frenkel's Gmail account on or about October 2008 to insure that all responsive documents had been produced.

With respect to Cisco documents, an in-house attorney, Bill Friedman, was primarily responsible for collecting and obtaining the documents "early in the (Albritton) lawsuit." He was assisted by paralegal Mary Ooley and Digital Strata, and outside vendor that assisted in the collection. His efforts early in the Albritton case occurred in March 2008, and he provided documents to counsel on or about March 19, 2008. Mr. Friedman searched the documents of and spoke to several individuals concerning their documents. Those individuals included Mallun Yen, John Noh, Marta Beckwith, Rick Frenkel, Mark Chandler, and Matt Tanielian.

Cisco later did a broader search of the main and backup servers for the following custodians:

1. Terry Anderson, Public Relations
2. Marta Beckwith, IP Legal Team
3. Robyn Nicole Blum, Public Relations
4. Penelope Bruce, Public Relations
5. Mark Chandler, General Counsel
6. Heather Dickinson, Public Relations
7. Lisa Domingo, Administrative Assistant to Terry Anderson
8. Richard Frenkel, IP Legal Team
9. William Friedman, Litigation Team
10. Jennifer Greeson, Public Relations
11. Dan Lang, IP Legal Team
12. Kenneth M. Lotich, Jr., Public Relations
13. Mark Michels, IP Legal Team
14. Marc Musgrove, Public Relations
15. John Noh, Public Relations
16. Paul Redifer, Govt Affairs
17. Richard Renfree, Litigation Team
18. Michael Ritter, IP Legal Team
19. Neal Rubin, Litigation Team
20. Matthew Tanielian, Govt Affairs
21. Michael Timmeny, Govt Affairs
22. Anita Kirsten Weeks, Public Relations
23. Mallun Yen, IP Legal Team

These emails were then provided to counsel for review beginning in June of 2008. All relevant, non-privileged documents have been produced.

In addition, outside counsel Charles Babcock contacted Kurt Pankratz of the law firm of Baker Botts and requested documents. That request took place in late March or early April of 2008. Mr. Pankratz provided documents from his firm on April 7, 2008, and relevant documents were produced in the Albritton case pursuant to several agreements with Albritton's lawyers. The agreements were designed to protect the attorney-client privilege and attorney work-product nature of the documents because the dispute between ESN and Cisco is still in active litigation (*ESN v. Cisco Systems, Inc. et al*, 5:08-CV-0020-DF in the United States District Court for the Eastern District of Texas—Texarkana Division). The Baker Botts documents relate to this litigation and were created at a time when Baker Botts was counsel for Cisco on the ESN matter. In addition to Mr. Babcock and Ms. Parker, there were other individuals at Jackson Walker who assisted in the production of documents. Those individuals are Kathleen Adair (a paralegal) and Mary Lou Flynn-DuPart (a Partner).

Mr. Babcock, Ms. Parker, Ms. Adair, Ms. Flynn-DuPart and Mr. McWilliams also sought documents from third parties such as David Maland (US District Clerk for the Eastern District of Texas) and other individuals who have been deposed in the Albritton case. Documents were also obtained from the internet.

The documents obtained as a result of these efforts have been produced under bates labels (Ark.000001-Ark.0002013), have been produced in this case or are listed on a privilege log, which has already been produced. In addition, documents obtained at depositions of third parties in the Albritton case were produced to both sides and were thus made available to Ward's lawyers (who also represent Albritton).

2. IDENTIFY each PERSON or COMPANY with whom CISCO or its EMPLOYEES had any COMMUNICATION between October 14, 2007 and March 7, 2008 CONCERNING the Troll Tracker October 17, 2007 Post, the October 18, 2007 Post, and the revised October 18, 2007 Post, and separately and for each COMMUNICATION IDENTIFY the DATE, TIME, PERSONS involved, the purpose of the COMMUNICATION, DESCRIBE THE COMMUNICATION and IDENTIFY ANY DOCUMENTS CONCERNING that COMMUNICATION.

RESPONSE:

The following persons or companies had communications with Cisco or its employees between October 15, 2007 (there were no communication on October 14, 2007) and March 7, 2008, concerning the Troll Tracker October 17, 2007 Post, the October 18, 2007 Post or the "revised October 18, 2007 Post" which Cisco takes to mean the October 18, 2007 article minus certain language which was posted on October 19, 2007.

Name/Company Address and Phone:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	October 18, 2007
Time:	10:23 AM (Pacific)
Persons Involved:	John Noh, 3663 South Bascom Avenue, Campbell, California, 95008, (408) 558-9573. At the time of the communication Mr. Noh was an employee of Cisco. Mr. Noh is now working for Brocade Communications, 1745 Technology Drive, San Jose, CA 95110, (408) 333-8000; Mallun Yen, Cisco IP Legal Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Mr. Frenkel emailed the link to the Patent Troll Tracker blog October 18, 2007 article regarding the altered docket in the ESN litigation.

Description of Communication	Email of link specifically, //trolltracker.blogspot.com/2007/10/esn-convinces-edtx-court-clerk-to-alter.html ; Patent Troll Tracker article dated October 18, 2007 titled "ESN Convinces EDTX Court Clerk to Alter Documents to Try to manufacture Subject Matter Jurisdiction where None Existed.
Documents Concerning Communication:	Documents produced by Defendant Cisco numbered Ark.000001, and 2-3.

Name/Company Address and Phone:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	October 18, 2007
Time:	Before 2 PM Pacific Time
Persons Involved:	Rick Frenkel
Purpose of Communication:	Comment on matter of public concern.
Description of Communication	Article which speaks for itself.
Documents Concerning Communication:	Documents produced by Defendant Cisco numbered Ark.000002-3.

Name/Company Address and Phone:	Michael C. Smith, Siebman, Reynolds, Burg, Phillips & Smith, LLP, Marshall, Texas, (903)938-8900.
Date:	October 19, 2007
Time:	5:04 PM
Persons Involved:	Mr. Smith
Purpose of Communication:	Communicate information to the public.
Description of Communication	Blog article discussing the activity on the internet regarding the ESN case.
Documents Concerning Communication:	Documents produced by Defendant Cisco numbered Ark.0000253-254 the Article titled "They <i>did</i> WHAT with my filing?" Documents produced by Defendant Cisco numbered Ark.00002-3 is the October 18, 2007 and the October 17, 2007 articles referenced by Smith. See also documents previously produced in the Albritton case by Richard Frenkel and produced in this case as documents numbered Ark.1426-1427.

Name/Company Address and Phone:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	October 19, 2007

Time:	Unknown
Persons Involved:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Comment on a matter of public concern.
Description of Communication	Article which speaks for itself.
Documents Concerning Communication:	Documents produced by Defendant Cisco numbered Ark.001472-73.

Name/Company Address and Phone:	John Noh, 3663 South Bascom Avenue, Campbell, California, 95008, (408) 558-9573. At the time of the communication Mr. Noh was an employee of Cisco. Mr. Noh is now working for Brocade Communications, 1745 Technology Drive, San Jose, CA 95110, (408) 333-8000.
Date:	October 18, 2007
Time:	10:25 AM
Persons Involved	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055 and Mallun Yen, Cisco IP Legal Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	To Communicate regarding October 18, article.
Description of Communication	Email from John Noh to Rick Frenkel with a carbon copy to Mallun Yen.
Documents Concerning Communication:	Documents produced by Defendant Cisco numbered Ark.000318-19 and Documents produced by Defendant Cisco numbered Ark.00002-3 is the, 2007 October 18, 2007 article Authored by Rick Frenkel.

Name/Company Address and hone:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	March 4, 2008
Time:	3:55 PM
Persons Involved:	Mallun Yen, Cisco IP Legal Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Forwarding the October 2007 emails from Frenkel to Noh with a copy to Yen and from Noh to Frenkel with a copy to Yen.
Description of Communication	Forward by Frenkel to Yen of earlier October emails (i) from Frenkel to Noh with a copy to Yen with a link to the Troll Tracker October 18, 2007 Article and the email from Noh to Frenkel thanking him for the posting.

Documents Concerning Communication:	Documents produced by Defendant Cisco numbered Ark.000318-19 and Documents produced by Defendant Cisco numbered Ark.00002-3 is the, 2007 October 18, 2007 article Authored by Rick Frenkel.
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Date:	October 18, 2007
Time:	12:47 PM
Persons Involved:	Matthew Tanielian, Government Affairs, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Tanielian can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Yen emailed the link to the Patent Troll Tracker blog.
Description of Communication	To email link specifically to the Patent Troll Tracker blog.
Documents Concerning Communication:	Documents produced by Defendant Cisco numbered Ark.000456 and Documents produced by Defendant Cisco numbered Ark.00002-3 is the, 2007 October 18, 2007 article Authored by Rick Frenkel.

Name/Company Address and Phone:	Anonymous<noreply-comment@blogger.com>
Date:	October 17, 2007
Time:	Between 6:37 AM and 8:37
Persons Involved:	trolltraker@gmail.com , Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Provide information off of Dennis Crouch's blog regarding ESN litigation.
Description of Communication	Email from an anonymous person to the Troll Tracker Blog.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001420 in this case and email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001508 in this case.

Name/Company Address and Phone:	Unknown emailer jdsjf jfsjk <mjka1998@gmail.com>
Date:	October 18, 2007
Time:	5:30 AM
Persons Involved:	trolltraker@gmail.com , Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Email to advise the Troll Tracker blog that the ESN filing date had been altered.
Description of Communication:	Email from jdsjf jfsjk mjka1998@gmail.com to the Troll Tracker Blog.

Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001421 in this case and e mail produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001425 in this case.
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Name/Company Address and Phone:	Michael C. Smith, Siebman, Reynolds, Burg, Phillips & Smith, LLP, Marshall, Texas, (903)938-8900.
Date:	October 19, 2007
Time:	Prior to 2:30 PM
Persons Involved:	trolltraker@gmail.com , Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	To request information from the Troll Tracker and comments on the ESN posting.
Description of Communication	Email from Michael Smith to Troll Tracker blog requesting information and discussing the ESN litigation.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001422-23 in this case and email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.1424, 1481-83, 1483, 1484, 1485-1486, 1488-1489 and 1509 in this case.

Name/Company Address and Phone:	Patent Troll, Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	October 19, 2007
Time:	Between 12:30 PM and 2:30 PM
Persons Involved:	Michael C. Smith, Siebman, Reynolds, Burg, Phillips & Smith, LLP, Marshall, Texas, (903)938-8900.
Purpose of Communication:	Rick Frenkel responding to Michael C Smiths email.
Description of Communication	Email from Rick Frenkel, Patent Troll to Michael Smith responding to his earlier email.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001422-23 in this case and email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001424, 1481-82, 1484, 1485-86, 1487-88 and 1509 in this case.

Name/Company Address and Phone:	Michael C. Smith, Siebman, Reynolds, Burg, Phillips & Smith, LLP, Marshall, Texas, (903)938-8900.
Date:	October 19, 2007
Time:	Prior to 1:30 PM
Persons Involved:	trolltraker@gmail.com , Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Michael Smith comments on the information provided by Rick Frenkel and discuss the ESN case.

Description of Communication	Email from Michael Smith to Rick Frenkel, Patent Troll, regarding information provided by Rick Frenkel and the ESN litigation.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001422-23 in this case and email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001485-86, and 1509-1510 in this case.

Name/Company Address and Phone:	Michael C. Smith, Siebman, Reynolds, Burg, Phillips & Smith, LLP, Marshall, Texas, (903)938-8900.
Date:	October 19, 2007
Time:	Prior to 4:10 PM Pacific
Persons Involved:	trolltraker@gmail.com, Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Michael Smith additional comments on ESN case and provides link to his blog posting on the ESN case.
Description of Communication	Email from Michael Smith to Troll Tracker blog providing link to Michael Smith's blog posting on the ESN altered docket.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001424-27 in this case and documents produced by Defendant Cisco numbered Ark.0000253-254 the Article titled "They <i>did WHAT with my filing?</i> " See also email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001481-82, 1487, 1488-90, and 1509-11 in this case.

Name/Company Address and Phone:	Michael Barclay, Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, CA 94304, (650) 493-9300.
Date:	October 18, 2007
Time:	2:46 PM
Persons Involved:	Patent Troll, Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055; Dennis D. Crouch, dcrouch@gmail.com.
Purpose of Communication:	Barclay comments on October 18, 2007 Troll Tracker article and provides copies of the ESN docket sheets showing the alteration in the filed date.
Description of Communication	Email from Barclay to Rick Frenkel, Patent Troll providing dockets from ESN litigation in Texarkana includes the two dockets in the ESN cases.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.0001429, 1430 and 1431 in this case. Email attachments – ESN original and altered docket sheets produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001432-35 in this case.

Name/Company Address and Phone:	Michael Barclay, Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, CA 94304, (650) 493-9300.
Date:	October 19, 2007
Time:	12:11 PM
Persons Involved:	Patent Troll, Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055; Dennis D. Crouch, Crouchdd@missouri.edu ; dcrouch@gmail.com .
Purpose of Communication:	Barclay comments on ESN litigation and provides documents from the ESN litigation.
Description of Communication	Email from Barclay to Rick Frenkel, Patent Troll providing documents from the ESN case.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001429 in this case.

Name/Company Address and Phone:	Patent Troll, Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	October 18, 2007
Time:	Between 10:18 and 11:18 PM
Persons Involved:	Michael Barclay, Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, CA 94304, (650) 493-9300.
Purpose of Communication:	Frenkel asks Barclay for permission to forward the original and altered dockets.
Description of Communication	Email from Frenkel to Barclay.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001459 in this case. Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001430 in this case.

Name/Company Address and Phone:	Michael Barclay, Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, CA 94304, (650) 493-9300.
Date:	October 19, 2007
Time:	12:03 AM
Persons Involved:	Patent Troll, Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Barclay gives permission to forward the ESN altered and original docket to Cisco.
Description of Communication	Email from Barclay to Rick Frenkel, Patent Troll.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001430 in this case.

Name/Company Address and Phone:	Patent Troll, Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	October 19, 2007
Time:	Between 2:16 and 4:16 PM
Persons Involved:	Michael C. Smith, Siebman, Reynolds, Burg, Phillips & Smith, LLP, Marshall, Texas, (903)938-8900.
Purpose of Communication:	Rick Frenkel responding to Michael C Smiths email regarding Michael C. Smiths blog on the ESN Litigation.
Description of Communication	Email from Rick Frenkel, Patent Troll to Michael Smith responding to his earlier email.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001481 in this case. Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001487-88 and 1511 in this case.

Name/Company Address and Phone:	Michael C. Smith, Siebman, Reynolds, Burg, Phillips & Smith, LLP, Marshall, Texas, (903)938-8900.
Date:	October 19, 2007
Time:	2:38 PM
Persons Involved:	Patent Troll, Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Michael C. Smith responding to an email from Frenkel requesting information on a Davis case, commenting on the ESN case and a suit against Acacia.
Description of Communication	Email from Michael C. Smith to Rick Frenkel, Patent Troll, responding to earlier email.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001488-90 in this case. Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001458 and 1511 in this case.

Name/Company Address and Phone:	Anonymous<noreply-comment@blogger.com>
Date:	October 18, 2007
Time:	10:03 AM
Persons Involved:	trolltraker@gmail.com , Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	The Anonymous email comments on the October 17, 2007, post regarding the ESN litigation.
Description of Communication	Email from an anonymous person to the Troll Tracker Blog.

Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001507 in this case.
Name/Company Address and Phone:	Aaron Ross Feigelson, Ph.D, arf@alumni.uchicago.edu.
Date:	October 28, 2007
Time:	9:06 PM
Persons Involved:	trolltraker@gmail.com , Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Dr. Feigelson comments on the ESN litigation and asks questions.
Description of Communication	Email from Dr. Feigelson to Rick Frenkel, Patent Troll.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001538 in this case.

PRIVILEGED COMMUNICATIONS

Name/Company Address and Phone:	Marta Beckwith, IP Legal Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Ms. Beckwith can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Date:	October 22, 2007
Time:	10:47 AM Pacific
Persons Involved:	Edward Reines, Matthew Powers Weil Gotshal, 201 Redwood Shores Parkway, Redwood Shores, CA 94065, (650) 802 3000 and 767 Fifth Avenue, New York, NY 10153, (212) 310-8000; Victoria Maroulis, Quinn Emanuel, 555 Twin Dolphin Dr. Suite 560, Redwood Shores, California 94065, (650) 801-5000; Charles K Verhoeven, Quinn Emanuel, 50 California Street 22nd Floor, San Francisco, California 94111, (415)-875-6600; Bart Showalter, Doug Kubehl, and Kurt Pankrantz, Baker Botts, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500.
Purpose of Communication:	Beckwith Forwarded information to counsel for Cisco regarding ESN litigation.
Description of Communication	Email from Beckwith to Cisco Counsel forwarding Michael Smith's article about the ESN litigation.

Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000037-41. This document was produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation. The non-privileged portion of this document has been previously produced by Cisco as Ark.000253-254 and 1426-1427.
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Name/Company Address and Phone:	Bart Showalter, Baker Botts, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500.
Date:	October 22, 2007
Time:	11:01 AM
Persons Involved:	Marta Beckwith, IP Legal Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Ms. Beckwith can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Showalter, as counsel for Cisco, responds to email attaching Michael Smith's blog about the ESN litigation and discusses his impression of the article as it relates to the ESN litigation.
Description of Communication	Email from Showalter to Beckwith in response to earlier email.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000044-48. This document was produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation. The non-privileged portion of this document has been previously produced by Cisco as Ark.000253-254 and 1426-1427.

Name/Company Address and Phone:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	October 18, 2007
Time:	9:23 AM
Persons Involved:	Bart Showalter and Kurt Pankratz, Baker Botts, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500; Marta Beckwith, Mark Michels, Mallun Yen and Michael Ritter, Dan Lang, IP Legal Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Beckwith, Michels, Yen, Lang, and Ritter can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Request for legal opinion from Baker and Botts regarding ESN litigation filed in the Eastern District.
Description of Communication	Email from Rick Frenkel to Cisco Counsel at Baker and Botts and the Cisco IP.

Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000004. This email is also contained in CISCO PRIVILEGED.0000111, 114-15, 118, 125, 144, and 148-149. All of these documents were produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation.
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Name/Company Address and Phone:	Kurt Pankratz, Baker Botts, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500.
Date:	October 18, 2007
Time:	9:29 AM
Persons Involved:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055. Bart Showalter, Baker Botts, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500; Marta Beckwith, Mark Michels, Mallun Yen and Michael Ritter, Dan Lang, IP Legal Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Beckwith, Michels, Yen, Lang, and Ritter can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Provide status and opinions regarding ESN litigation in the Eastern District.
Description of Communication	Email from Cisco Counsel to Rick Frenkel and Cisco IP Legal Team members.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000006. This email is also contained in CISCO PRIVILEGED.0000111, 118, 124-125, 144, and 148. All of these documents were produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation.

Name/Company Address and Phone:	Mallun Yen, IP Legal Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Date:	October 18, 2007
Time:	9:47 AM

Persons Involved:	Mark Chandler, Cisco General Counsel, Matthew Tanielian, Cisco Governmental Affairs, and Neal Rubin, Litigation Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Chandler, Tanielian, and Rubin can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200. John Noh, 3663 South Bascom Avenue, Campbell, California, 95008, (408) 558-9573. At the time of the communication Mr. Noh was an employee of Cisco. Mr. Noh is now working for Brocade Communications, 1745 Technology Drive, San Jose, CA 95110, (408) 333-8000.
Purpose of Communication:	Email to Cisco General Counsel regarding rumors about the ESN filing against Cisco.
Description of Communication	Email from Yen to Chandler, Tanielian, Rubin and Noh.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000264. This email is also contained in CISCO PRIVILEGED.0000110, 114, 117-118, 124, 143-144, and 148. All of these documents were produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation.

Name/Company Address and Phone:	John Noh, 3663 South Bascom Avenue, Campbell, California, 95008, (408) 558-9573. At the time of the communication Mr. Noh was an employee of Cisco. Mr. Noh is now working for Brocade Communications, 1745 Technology Drive, San Jose, CA 95110, (408) 333-8000.
Date:	October 18, 2007
Time:	10:04 AM
Persons Involved:	Mallun Yen, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200. Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Discuss suit pending against Cisco.
Description of Communication	Email from Noh to Yen with a copy to Rick Frenkel.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.0000110. This email is also contained in CISCO PRIVILEGED.000113, 117, 123-124, 142-143, and 147. All of these documents were produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation.

Name/Company Address and Phone:	Mallun Yen, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Date:	October 18, 2007
Time:	10:06 AM
Persons Involved:	John Noh, 3663 South Bascom Avenue, Campbell, California, 95008, (408) 558-9573. At the time of the communication Mr. Noh was an employee of Cisco. Mr. Noh is now working for Brocade Communications, 1745 Technology Drive, San Jose, CA 95110, (408) 333-8000; Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Internal discussion regarding information related to pending litigation against Cisco.
Description of Communication	Email from Yen to Noh with a copy to Frenkel.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.0000109. This email is also contained in CISCO PRIVILEGED.000113, 117, 123, 142, and 147. All of these documents were produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation.

Name/Company Address and Phone:	Mallun Yen, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Date:	February 25, 2008
Time:	9:32 PM
Persons Involved:	Mark Chandler, General Counsel for Cisco, Neal Rubin, Litigation Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Chandler and Rubin can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200, Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Providing internal information to the General Counsel regarding litigation filed by Albritton and Ward.
Description of Communication	Email from Yen forwarding previous emails to General Counsel and Neal Rubin and discussing pending litigation.

Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000011. This email is also contained in CISCO PRIVILEGED.0000109, 112-113, 116, 123, 141-142, and 146. All of these documents were produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation.
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Name/Company Address and Phone:	Mark Chandler, General Counsel for Cisco, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Chandler can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Date:	February 25, 2008
Time:	10:10 PM
Persons Involved:	Mallun Yen, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	General Counsel requesting additional information from Yen relating to suits filed by Albritton and Ward.
Description of Communication	Email regarding timing of events with respect to the October 17, 2008 Patent Troll Tracker article.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.0000109, This email is also contained in CISCO PRIVILEGED.000112, 116, and 122-123. All of these documents were produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation.

Name/Company Address and Phone:	Mallun Yen, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Date:	February 25, 2008
Time:	10:11 PM
Persons Involved:	Mark Chandler, General Counsel for Cisco, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Chandler can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Email regarding timing of events with respect to the October 17, 2008 Patent Troll Tracker article.
Description of Communication	Email reply by Yen to question asked by Cisco General Counsel regarding litigation pending against Cisco.

Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000116. This email is also contained in CISCO PRIVILEGED.000112, and 122. All of these documents were produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation.
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Name/Company Address and Phone:	Mark Chandler, General Counsel for Cisco, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Chandler can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Date:	February 25, 2008
Time:	10:13 PM
Persons Involved:	Mallun Yen, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Email regarding timing of events with respect to the October 17, 2008 Patent Troll Tracker article.
Description of Communication	Email from General Counsel to Mallun Yen regarding pending litigation.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000112. This email is also contained in CISCO PRIVILEGED.122. All of these documents were produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation.

Name/Company Address and Phone:	Mallun Yen, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Date:	February 25, 2008
Time:	10:14 PM
Persons Involved:	Mark Chandler, General Counsel for Cisco, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Chandler can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Email regarding timing of events with respect to the October 17, 2008 Patent Troll Tracker article.
Description of Communication	Email from Mallun Yen to Cisco General Counsel regarding pending litigation.

Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000122. This document was produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation.
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Name/Company Address and Phone:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	February 25, 2008
Time:	9:47 PM
Persons Involved:	Mallun Yen, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Email regarding timing of events with respect to the October 17, 2008 Patent Troll Tracker article.
Description of Communication	Email from Frenkel to Yen regarding pending litigation.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000146. This document was produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation.

Name/Company Address and Phone:	Mallun Yen, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Date:	February 25, 2008
Time:	9:51 PM
Persons Involved:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Email regarding timing of events with respect to the October 17, 2008 Patent Troll Tracker article.
Description of Communication	Email from Yen to Frenkel regarding pending litigation.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000141. This document was produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation.

Name/Company Address and Phone:	Mark R. Weinstein, White & Case LLP, 3000 El Camino Real, 5 Palo Alto Square, 9th Floor, Palo Alto, California 94306, (650) 213-0300.
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Date:	October 25, 2007
Time:	11:44 AM
Persons Involved:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Email with Attorney regarding ESN litigation against Cisco.
Description of Communication	Email from Cisco Attorney to Rick Frenkel.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000028. This document was produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation.

3. IDENTIFY each PERSON or COMPANY with whom CISCO or its EMPLOYEES had any COMMUNICATION between October 14, 2007 and March 7, 2008 CONCERNING the filing of the ESN complaint, Ward's role in that filing, the role of Ward's co-counsel, Eric Albritton, in that filing, and the role of Ward's co-counsel McAndrews Held & Malloy in that filing, and separately and for each COMMUNICATION IDENTIFY the DATE, TIME, PERSONS involved, the purpose of the COMMUNICATION, DESCRIBE THE COMMUNICATION and IDENTIFY ANY DOCUMENTS CONCERNING that COMMUNICATION.

RESPONSE:

The following persons or companies had communications with Cisco or its employees between October 15, 2007 (there were no communication on October 14, 2007) and March 7, 2008, concerning the filing of the ESN complaint and Ward, Albritton, or McAndrews Held & Mallory's role in the filing of the ESN complaint.

NON PRIVILEGED COMMUNICATIONS

Name/Company Address and Phone:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	October 18, 2007
Time:	10:23 AM (Pacific)

Persons Involved:	John Noh, 3663 South Bascom Avenue, Campbell, California, 95008, (408) 558-9573. At the time of the communication Mr. Noh was an employee of Cisco. Mr. Noh is now working for Brocade Communications, 1745 Technology Drive, San Jose, CA 95110, (408) 333-8000; Mallun Yen, Cisco IP Legal Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Ms. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Mr. Frenkel emailed the link to the Patent Troll Tracker blog October 18, 2007 article regarding the altered docket in the ESN litigation.
Description of Communication	Email of link specifically, //trolltracker.blogspot.com/2007/10/esn-convincing-edtx-court-clerk-to-alter.html . Patent Troll Tracker article dated October 18, 2007 titled "ESN Convinces EDTX Court Clerk to Alter Documents to Try to manufacture Subject Matter Jurisdiction where None Existed."
Documents Concerning Communication:	Documents produced by Defendant Cisco numbered Ark.000001 is the email from Rick Frenkel to John Noh with a copy to Mallun Yen and Ark.000318-319. Documents produced by Defendant Cisco numbered Ark.00002-3 are the October 18, 2007 and the October 17, 2007 articles that would be available at the link referenced in Mr. Frenkel's email.

Name/Company Address and Phone:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	October 18, 2007
Time:	Before 2 PM Pacific Time
Persons Involved:	Rick Frenkel
Purpose of Communication:	Comment on a matter of Public Concern.
Description of Communication	Article which speaks for itself.
Documents Concerning Communication:	Documents produced by Defendant Cisco numbered Ark.000002-3.

Name/Company Address and Phone:	John Noh, 3663 South Bascom Avenue, Campbell, California, 95008, (408) 558-9573. At the time of the communication Mr. Noh was an employee of Cisco. Mr. Noh is now working for Brocade Communications, 1745 Technology Drive, San Jose, CA 95110, (408) 333-8000.
Date:	October 18, 2007
Time:	10:25 AM

Persons Involved:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055. Mallun Yen, Cisco IP Legal Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Ms. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	To communicate regarding October 18, 2007, Article.
Description of Communication	Email from John Noh to Rick Frenkel with a carbon copy to Mallun Yen.
Documents Concerning Communication:	Documents produced by Defendant Cisco numbered Ark.000318-19. Documents produced by Defendant Cisco numbered Ark.00002-3 is the, 2007 October 18, 2007 article Authored by Rick Frenkel.

Name/Company Address and Phone:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	March 4, 2008
Time:	3:55 PM
Persons Involved:	Mallun Yen, Cisco IP Legal Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Ms. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Forwarding the October 2007 emails from Frenkel to Noh with a copy to Yen and from Noh to Frenkel with a copy to Yen.
Description of Communication	Forward by Frenkel to Yen of earlier October emails (i) from Frenkel to Noh with a copy to Yen with a link to the Troll Tracker October 18, 2007 Article and the email from Noh to Frenkel thanking him for the posting.
Documents Concerning Communication:	Documents produced by Defendant Cisco numbered Ark.000318-19. Documents produced by Defendant Cisco numbered Ark.00002-3 is the, 2007 October 18, 2007 article Authored by Rick Frenkel.

Name/Company Address and Phone:	Mallun Yen, Cisco IP Legal Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Ms. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Date:	October 18, 2007
Time:	12:47 PM
Persons Involved:	Matthew Tanielian, Government Affairs, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Tanielian can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	To email the link to the Patent Troll Tracker blog.

Description of Communication	Email of link specifically, http://trolltracker.blogspot.com/ and Patent Troll Tracker article dated October 18, 2007 titled "ESN Convinces EDTX Court Clerk to Alter Documents to Try to manufacture Subject Matter Jurisdiction where None Existed.
Documents Concerning Communication:	Documents produced by Defendant Cisco numbered Ark.000456. Documents produced by Defendant Cisco numbered Ark.00002-3 is the, 2007 October 18, 2007 article Authored by Rick Frenkel.

Name/Company Address and Phone:	Anonymous<noreply-comment@blogger.com>
Date:	October 17, 2007
Time:	Between 6:37 AM and 8:37
Persons Involved:	trolltraker@gmail.com , Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Provide information off of Dennis Crouch's blog regarding ESN litigation.
Description of Communication	Email from an anonymous person to the Troll Tracker Blog.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001420 in this case. Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001508 in this case.

Name/Company Address and Phone:	Unknown emailer jdsflf jfslk <mjka1998@gmail.com>
Date:	October 18, 2007
Time:	5:30 AM
Persons Involved:	trolltraker@gmail.com , Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Email to advise the Troll Tracker blog that the ESN filing date had been altered.
Description of Communication:	Email from jdsflf jfslk mjka1998@gmail.com to the Troll Tracker Blog.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001421 in this case. Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001425 in this case.

Name/Company Address and Phone:	Michael C. Smith, Siebman, Reynolds, Burg, Phillips & Smith, LLP, Marshall, Texas, (903)938-8900.
Date:	October 19, 2007
Time:	Prior to 2:30 PM

Persons Involved:	trolltraker@gmail.com, Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	To request information from the Troll Tracker and comments on the ESN posting.
Description of Communication	Email from Michael Smith to Troll Tracker blog requesting information and discussing the ESN litigation.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001422-23 in this case. Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.1424, 1481-83, 1483, 1484, 1485-1486, 1488-1489 and 1509 in this case.

Name/Company Address and Phone:	Patent Troll, Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	October 19, 2007
Time:	Between 12:30 PM and 2:30 PM
Persons Involved:	Michael C. Smith, Siebman, Reynolds, Burg, Phillips & Smith, LLP, Marshall, Texas, (903)938-8900.
Purpose of Communication:	Rick Frenkel responding to Michael C Smiths email.
Description of Communication	Email from Rick Frenkel, Patent Troll to Michael Smith responding to his earlier email.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001422-23 in this case. Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001424, 1481-82, 1484, 1485-86, 1487-88 and 1509 in this case.

Name/Company Address and Phone:	Michael C. Smith, Siebman, Reynolds, Burg, Phillips & Smith, LLP, Marshall, Texas, (903)938-8900.
Date:	October 19, 2007
Time:	Prior to 1:30 PM
Persons Involved:	trolltraker@gmail.com, Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Michael Smith comments on the information provided by Rick Frenkel and discuss the ESN case.
Description of Communication	Email from Michael Smith to Rick Frenkel, Patent Troll, regarding information provided by Rick Frenkel and the ESN litigation.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001422-23 in this case. Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001485-86, and 1509-1510 in this case.

Name/Company Address and Phone:	Michael C. Smith, Siebman, Reynolds, Burg, Phillips & Smith, LLP, Marshall, Texas, (903)938-8900.
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Date:	October 19, 2007
Time:	Prior to 4:10 PM Pacific
Persons Involved:	trolltraker@gmail.com , Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Michael Smith additional comments on ESN case and provides link to his blog posting on the ESN case.
Description of Communication	Email from Michael Smith to Troll Tracker blog providing link to Michael Smith's blog posting on the ESN altered docket.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001424-27 in this case. Documents produced by Defendant Cisco numbered Ark.0000253-254 the Article titled "They <i>did WHAT with my filing?</i> " See also email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001481-82, 1487, 1488-90, and 1509-11 in this case.

Name/Company Address and Phone:	Michael Barclay, Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, CA 94304, (650) 493-9300.
Date:	October 18, 2007
Time:	2:46 PM
Persons Involved:	Patent Troll, Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055; Dennis D. Crouch, dcrouch@gmail.com
Purpose of Communication:	Barclay comments on October 18, 2007 Troll Tracker article and provides copies of the ESN docket sheets showing the alteration in the filed date.
Description of Communication	Email from Barclay to Rick Frenkel, Patent Troll providing dockets from ESN litigation in Texarkana includes the two dockets in the ESN cases.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.0001429, 1430 and 1431 in this case. Email attachments – ESN original and altered docket sheets produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001432-35 in this case.

Name/Company Address and Phone:	Michael Barclay, Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, CA 94304, (650) 493-9300.
Date:	October 19, 2007.
Time:	12:11 PM.
Persons Involved:	Patent Troll, Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055; Dennis D. Crouch, crouchdd@missouri.edu , dcrouch@gmail.com .
Purpose of Communication:	Barclay comments on ESN litigation and provides documents from the ESN litigation.

Description of Communication	Email from Barclay to Rick Frenkel, Patent Troll providing documents from the ESN case.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001429 in this case.

Name/Company Address and Phone:	Patent Troll, Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	October 18, 2007.
Time:	Between 10:18 and 11:18 PM.
Persons Involved:	Michael Barclay, Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, CA 94304, (650) 493-9300.
Purpose of Communication:	Frenkel asks for permission to forward the original and altered dockets.
Description of Communication	Email from Frenkel to Barclay.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001459 in this case. Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001430 in this case.

Name/Company Address and Phone:	Michael Barclay, Wilson Sonsini Goodrich & Rosati, 650 Page Mill Road, Palo Alto, CA 94304, (650) 493-9300.
Date:	October 19, 2007.
Time:	12:03 AM.
Persons Involved:	Patent Troll, Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Barclay gives permission to forward the ESN altered and original docket to Cisco.
Description of Communication	Email from Barclay to Rick Frenkel, Patent Troll.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001430 in this case.

Name/Company Address and Phone:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	October 19, 2007.
Time:	Unknown.

Persons Involved:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Comment on a matter of public concern.
Description of Communication	Article which speaks for itself.
Documents Concerning Communication:	Documents produced by Defendant Cisco numbered Ark.001472-73

Name/Company Address and Phone:	Patent Troll, Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	October 19, 2007.
Time:	Between 2:16 and 4:16 PM.
Persons Involved:	Michael C. Smith, Siebman, Reynolds, Burg, Phillips & Smith, LLP, Marshall, Texas, (903)938-8900.
Purpose of Communication:	Rick Frenkel responding to Michael C Smiths email regarding Michael C. Smiths blog on the ESN Litigation.
Description of Communication	Email from Rick Frenkel, Patent Troll to Michael Smith responding to his earlier email.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001481 in this case. Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001487-88 and 1511 in this case.

Name/Company Address and Phone:	Michael C. Smith, Siebman, Reynolds, Burg, Phillips & Smith, LLP, Marshall, Texas, (903)938-8900.
Date:	October 19, 2007.
Time:	2:38 PM.
Persons Involved:	Patent Troll, Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Michael C. Smith responding to an email from Frenkel requesting information on a Davis case, commenting on the ESN case and a suit against Acacia.
Description of Communication	Email from Michael C. Smith to Rick Frenkel, Patent Troll, responding to earlier email.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001488-90 in this case. Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001458 and 1511 in this case.

Name/Company Address and Phone:	Anonymous<noreply-comment@blogger.com>
Date:	October 18, 2007.
Time:	10:03 AM.
Persons Involved:	trolltraker@gmail.com , Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	The Anonymous email comments on the October 17, 2007, post regarding the ESN litigation.
Description of Communication	Email from an anonymous person to the Troll Tracker Blog.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001507 in this case.

Name/Company Address and Phone:	Aaron Ross Feigelson, Ph.D, arf@alumni.uchicago.edu .
Date:	October 28, 2007.
Time:	9:06 PM.
Persons Involved:	trolltraker@gmail.com , Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Dr. Feigelson comments on the ESN litigation and asks questions.
Description of Communication	Email from Dr. Feigelson to Rick Frenkel, Patent Troll.
Documents Concerning Communication:	Email produced by Rick Frenkel in the Albritton v. Frenkel case and produced as Ark.001538 in this case.

PRIVILEGED COMMUNICATIONS

Name/Company Address and Phone:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	October 17, 2007.
Time:	1:47 PM.
Persons Involved:	Marta Beckwith, Mallun Yen, Michael Ritter, Mark Michels, and John Corcoran, Dan Lang, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Beckwith, Yen, Ritter, Lang, and Michels can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200. Bart Showalter and Kurt Pankratz, Baker Botts, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500.
Purpose of Communication:	Email with Cisco attorneys regarding litigation filed against Cisco.

Description of Communication	Email from Rick Frenkel to Counsel for Cisco and members of the IP regarding the ESN amended complaint.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000001. This document was produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation. This email is also contained in CISCO PRIVILEGED.000042 and 98.

Name/Company Address and Phone:	Marta Beckwith, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Beckwith can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Date:	October 19, 2007.
Time:	1:50 PM.
Persons Involved:	Edward Reines, Matthew Powers Weil Gotshal, 201 Redwood Shores Parkway, Redwood Shores, CA 94065, (650) 802 3000 and 767 Fifth Avenue, New York, NY 10153, (212) 310-8000.
Purpose of Communication:	Email with attorneys for Cisco discussing filing of amended petition in ESN litigation.
Description of Communication	Email from Beckwith to Reines and Powers forwarding information regarding amended complaint filed by ESN against Cisco.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000042.

Name/Company Address and Phone:	Bart Showalter, Baker Botts, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500.
Date:	October 22, 2007.
Time:	11:01 AM.
Persons Involved:	Marta Beckwith, IP Legal Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Beckwith can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Showalter, as counsel for Cisco, responds to email attaching Michael Smith's blog about the ESN litigation and discusses his impression of the article as it relates to the ESN litigation.
Description of Communication	Email from Showalter to Beckwith in response to earlier email.

Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000044-48. This document was produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation. The non-privileged portion of this document has been previously produced by Cisco as Ark.000253-254 and 1426-1427.
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Name/Company Address and Phone:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	October 15, 2007.
Time:	3:00 PM.
Persons Involved:	Mallun Yen, Marta Beckwith, Michael Ritter and Mark Michels, IP Legal Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Yen, Beckwith, Ritter and Michels can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200. Kurt Pankratz and Bart Showalter, Baker Botts, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500.
Purpose of Communication:	Email with attorney regarding litigation that has been filed against Cisco.
Description of Communication	Email from Frenkel to members of the Cisco IP Legal Team.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000027. This document was produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation. This email is also contained in CISCO PRIVILEGED.000088, 101, and 282-283.

Name/Company Address and Phone:	Marta Beckwith, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Beckwith can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Date:	October 19, 2007.
Time:	12:48 PM.
Persons Involved:	Victoria Maroulis, Quinn Emanuel, 555 Twin Dolphin Dr. Suite 560, Redwood Shores, California 94065, (650) 801-5000; Charles K Verhoeven, Quinn Emanuel, 50 California Street 22nd Floor, San Francisco, California 94111, (415)-875-6600.
Purpose of Communication:	Email among attorneys discussing ESN filing and declaratory judgment action in Connecticut.
Description of Communication	Email from Frenkel to members of the Cisco IP Legal Team.

Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000088.
Name/Company Address and Phone:	Paul Devinsky, McDermott Will & Emery, 600 13th Street, N.W., Washington, DC, 20005-3096, (202) 756-8000.
Date:	October 16, 2007.
Time:	1:49 PM.
Persons Involved:	Marta Beckwith, and Mark Michels, IP Legal Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Beckwith and Michels can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Email from Cisco attorney discussing claims made by ESN.
Description of Communication	Email from Devinsky to Beckwith and Michels.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000095-97.

Name/Company Address and Phone:	Paul Devinsky, McDermott Will & Emery, 600 13th Street, N.W., Washington, DC, 20005-3096, (202) 756-8000.
Date:	October 16, 2007.
Time:	3:58 PM.
Persons Involved:	Marta Beckwith, and Mark Michels, IP Legal Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Beckwith and Michels can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Email from Cisco attorney discussing claims made by ESN.
Description of Communication	Email from Devinsky to Beckwith and Michels.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000095-97.

Name/Company Address and Phone:	Kurt Pankratz, Baker Botts, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500.
Date:	October 17, 2007.
Time:	4:32 PM.

Persons Involved:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055; Marta Beckwith, Mallun Yen, Michael Ritter, Mark Michels, John Corcoran and Dan Lang. Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134 Beckwith, Yen, Ritter, Michels, Corcoran, and Lang can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200, Bart Showalter, Baker Botts, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500.
Purpose of Communication:	Email from Counsel for Cisco attaching exhibits to complaint in ESN litigation and discussion of same.
Description of Communication	Email from Pankratz to Frenkel, Beckwith, Yen Ritter, Mark Michels and Lang.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000261. This document was produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation. This email is also contained in CISCO PRIVILEGED.000098.

Name/Company Address and Phone:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	October 17, 2007.
Time:	4:45 PM.
Persons Involved:	Kurt Pankratz, and Burt Showalter, Baker Botts, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500; Marta Beckwith, Mallun Yen, Michael Ritter, Mark Michels, John Corcoran and Dan Lang. Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134 Beckwith, Yen, Ritter, Michels, Corcoran, and Lang can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Email with attorney discussing amended complaint in the ESN litigation and the significance of the file date of the ESN litigation on strategy in the case.
Description of Communication	Email from Frenkel to Counsel for Cisco with copies to IP Legal Team.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000098.

Name/Company Address and Phone:	Marta Beckwith, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Beckwith can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
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Date:	October 15, 2007.
Time:	4:01 PM.
Persons Involved:	John Noh, 3663 South Bascom Avenue, Campbell, California, 95008, (408) 558-9573. At the time of the communication Mr. Noh was an employee of Cisco. Mr. Noh is now working for Brocade Communications, 1745 Technology Drive, San Jose, CA 95110, (408) 333-8000.
Purpose of Communication:	Internal communication regarding lawsuit filed on October 15, 2007 against Cisco and potentially filing declaratory judgment action in Connecticut.
Description of Communication	Email from Beckwith to Noh.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000101.

Name/Company Address and Phone:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	November 12, 2007.
Time:	4:35 PM.
Persons Involved:	Mark Michels, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Michels can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	IP Legal Team monthly report with case summaries.
Description of Communication	Email from Rick Frenkel to Mark Michels.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000131-132.

Name/Company Address and Phone:	Victoria Maroulis, Quinn Emanuel, 555 Twin Dolphin Dr. Suite 560, Redwood Shores, California 94065, (650) 801-5000.
Date:	October 19, 2007.
Time:	1:16 PM.

Persons Involved:	Charles K Verhoeven, Quinn Emanuel, 50 California Street 22nd Floor, San Francisco, California 94111, (415)-875-6600; Marta Beckwith, Michael Ritter and Mark Michels, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Beckwith, Ritter and Michels can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200 and Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Email regarding legal strategy with respect to declaratory judgment action.
Description of Communication	Email from Beckwith to Counsel for Cisco with copies to members of the Cisco IP Legal Team.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000159-160.

Name/Company Address and Phone:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	October 18, 2007.
Time:	9:23 AM.
Persons Involved:	Bart Showalter and Kurt Pankratz, Baker Botts, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500; Marta Beckwith, Mark Michels, Mallun Yen and Michael Ritter, Dan Lang, IP Legal Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Beckwith, Michels, Yen, Lang, and Ritter can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Request for legal opinion from Baker and Botts regarding ESN litigation filed in the Eastern District.
Description of Communication	Email from Rick Frenkel to Cisco Counsel at Baker and Botts and the Cisco IP.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000004. This email is also contained in CISCO PRIVILEGED.000111, 114-115, 118, 125, 144, 148-149, and 287. All of these documents were produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation.

Name/Company Address and Phone:	Kurt Pankratz, Baker Botts, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500.
Date:	October 18, 2007.
Time:	9:36 AM.

Persons Involved:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055. Marta Beckwith, Mark Michels, Mallun Yen and Michael Ritter, Dan Lang, IP Legal Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Beckwith, Michels, Yen, Lang, and Ritter can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200. Bart Showalter, Baker Botts, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500.
Purpose of Communication:	Email with counsel for Cisco attaching both online versions of the complaint in the ESN Litigation and discussion of same.
Description of Communication	Email from Pankratz to Frenkel and members of the Cisco IP Legal Team and head of the Baker Botts IP section.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000169. This document was produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation.

Name/Company Address and Phone:	Mallun Yen, IP Legal Team member, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Date:	October 18, 2007.
Time:	9:08 PM.
Persons Involved:	Marta Beckwith and Michael Ritter, Cisco IP Legal Team members, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Beckwith and Ritter can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200. Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Email regarding legal analysis subject-mater jurisdiction argument.
Description of Communication	Email from Yen to Cisco IP Legal Team members.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000213.

Name/Company Address and Phone:	Marta Beckwith, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Beckwith can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Date:	October 15, 2007.
Time:	8:48 PM.

Persons Involved:	Michael Ritter, IP Legal Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Ritter can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200. Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Email regarding selection of counsel and filing of declaratory judgment action.
Description of Communication	Email from Beckwith to Frenkel with a copy to Ritter.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000215.

Name/Company Address and Phone:	Kurt Pankratz, Baker Botts, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500.
Date:	October 18, 2007
Time:	11:27 AM.
Persons Involved:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055; Bart Showalter, Baker Botts, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500, Marta Beckwith, Mark Michels, Mallun Yen, Dan Lang, and Michael Ritter, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Lang, Beckwith, Michels, Yen and Ritter can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Communication with Counsel for Cisco regarding ESN litigation.
Description of Communication	Email from Pankratz to Frenkel, Showalter, Beckwith, Michels, Yen, Ritter and Lang all members of the Cisco IP Legal Team or Baker Botts team.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000005. This document was produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation. This email is also contained in CISCO PRIVILEGED.000229.

Name/Company Address and Phone:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	October 18, 2007.
Time:	11:33 AM.

Persons Involved:	Kurt Pankratz and Bart Showalter, Baker Botts, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500; Marta Beckwith, Mark Michels, Mallun Yen, Dan Lang, and Michael Ritter, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Lang, Beckwith, Michels, Yen and Ritter can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Email with counsel for Cisco regarding legal strategy for dealing with the filing of the ESN lawsuit against Cisco.
Description of Communication:	Email from Frenkel to Counsel for Cisco and copies to Cisco IP Legal Team members.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000229.

Name/Company Address and Phone:	Mallun Yen, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Date:	October 18, 2007.
Time:	9:06 PM.
Persons Involved:	Mark Chandler, General Counsel, Matthew Tanielian, Governmental Affairs, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Chandler and Tanielian can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200. John Noh, 3663 South Bascom Avenue, Campbell, California, 95008, (408) 558-9573. At the time of the communication Mr. Noh was an employee of Cisco. Mr. Noh is now working for Brocade Communications, 1745 Technology Drive, San Jose, CA 95110, (408) 333-8000.
Purpose of Communication:	Internal communication to provide update on claims made by ESN concerning the filing of the ESN litigation against Cisco.
Description of Communication:	Email from Yen to General Counsel, Noh, and Tanielian.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000262-63.

Name/Company Address and Phone:	Kurt Pankratz, Baker Botts, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500.
Date:	October 18, 2007.
Time:	9:29 AM.

Persons Involved:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055. Bart Showalter, Baker Botts, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500; Marta Beckwith, Mark Michels, Mallun Yen and Michael Ritter, Dan Lang, IP Legal Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Beckwith, Michels, Yen, Lang, and Ritter can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Email with Cisco attorney regarding ESN litigation against Cisco.
Description of Communication	Email from Cisco Counsel to Rick Frenkel and Cisco IP Legal Team members.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000006. This email is also contained in CISCO PRIVILEGED.111, 118, 124-125, 144, 148, and 264. All of these documents were produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation.

Name/Company Address and Phone:	Mallun Yen, IP Legal Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Date:	October 18, 2007.
Time:	9:47 AM.
Persons Involved:	Mark Chandler, Cisco General Counsel, Matthew Tanielian, Cisco Governmental Affairs, and Neal Rubin, Litigation Team, Cisco Public Relations, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Chandler, Tanielian, and Rubin can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200. John Noh, 3663 South Bascom Avenue, Campbell, California, 95008, (408) 558-9573. At the time of the communication Mr. Noh was an employee of Cisco. Mr. Noh is now working for Brocade Communications, 1745 Technology Drive, San Jose, CA 95110, (408) 333-8000.
Purpose of Communication:	Email to Cisco General Counsel regarding rumors about the ESN filing against Cisco.
Description of Communication	Email from Yen to Chandler, Tanielian, Rubin and Noh.

Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000264. This email is also contained in CISCO PRIVILEGED.0000110, 114, 117-118, 124, 143-144, and 148. All of these documents were produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation.
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Name/Company Address and Phone:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Date:	October 15, 2007.
Time:	11:34 PM.
Persons Involved:	Kurt Pankratz and Bart Showalter, Baker Botts, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500; Marta Beckwith, Michael Ritter, Mallun Yen and Dan Lang, IP Legal Team members, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Beckwith Ritter, Yen and Lang can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Email with attorney regarding litigation filed against Cisco.
Description of Communication	Email from Frenkel to Counsel for Cisco with copies to Cisco IP Legal Team members.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000019-26. This email is also contained in CISCO PRIVILEGED.000276-277. All of these documents were produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation.

Name/Company Address and Phone:	Bart Showalter, Baker Botts, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500.
Date:	October 16, 2007.
Time:	4:31 AM.
Persons Involved:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055; Kurt Pankratz, Baker Botts, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500; Marta Beckwith, Michael Ritter, Mallun Yen and Dan Lang, IP Legal Team members, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Beckwith, Ritter, Yen and Lang can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Email from Counsel for Cisco concerning contents of complaint and subject-matter jurisdiction.

Description of Communication	Email from Bart Showalter to members of Cisco's IP Legal Team and with a copy to Mr. Showalter's partner Mr. Pankratz.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000276. This document was produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation.

Name/Company Address and Phone:	Mallun Yen, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Date:	October 15, 2007.
Time:	4:13 PM.
Persons Involved:	Mark Chandler, General Counsel, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134, Chandler can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Purpose of Communication:	Internal email to advise the General Counsel of summary of claims in ESN litigation.
Description of Communication	Email from Mallun Yen to Mark Chandler.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000282.

Name/Company Address and Phone:	Mallun Yen, Vice President, Worldwide Intellectual Property, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Date:	October 18, 2007.
Time:	10:54 AM.
Persons Involved:	John Noh, 3663 South Bascom Avenue, Campbell, California, 95008, (408) 558-9573. At the time of the communication Mr. Noh was an employee of Cisco. Mr. Noh is now working for Brocade Communications, 1745 Technology Drive, San Jose, CA 95110, (408) 333-8000.
Purpose of Communication:	Email forwarding both versions of complaint showing different filing dates.
Description of Communication	Email fro Yen to Noh regarding litigation pending against Cisco.

Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000287. This document was produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation.
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Name/Company Address and Phone:	Mark R. Weinstein, White & Case LLP, 3000 El Camino Real, 5 Palo Alto Square, 9th Floor, Palo Alto, California 94306, (650) 213-0300
Date:	October 25, 2007.
Time:	11:44 AM.
Persons Involved:	Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.
Purpose of Communication:	Email with Attorney regarding ESN litigation against Cisco.
Description of Communication	Email from Cisco Attorney to Rick Frenkel.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000028. This document was produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation.

Name/Company Address and Phone:	Mallun Yen, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Yen can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Date:	Unknown.
Time:	Unknown.
Persons Involved:	Dan Webb.
Purpose of Communication:	Mallun Yen had an oral, privileged telephone conversation with Dan Webb regarding possible representation of Cisco in the ESN v. Cisco litigation. She does not recall the exact date or time of that conversation.
Description of Communication	Phone conversation.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000106, 108, 178, 183, 186 and 242.

Name/Company Address and Phone:	Marta Beckwith, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Beckwith can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Date:	Unknown

Time:	Unknown
Persons Involved:	Quinn Emanuel Attorneys, 555 Twin Dolphin Dr. Suite 560, Redwood Shores, California 94065, (650) 801-5000, 50 California Street 22nd Floor, San Francisco, California 94111, (415)-875-6600.
Purpose of Communication:	Marta Beckwith also had an oral, privileged telephone conversation with some attorneys at the firm of Quinn Emanuel regarding possible representation of Cisco in the ESN v. Cisco litigation.
Description of Communication	Phone conversation.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000037-41. This document was produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation.

Name/Company Address and Phone:	Marta Beckwith, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Beckwith can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Date:	Unknown
Time:	Unknown
Persons Involved:	Sam Baxter, McCool Smith, 104 East Houston, Suite 300, Marshall, TX 75670, (903) 923-9000.
Purpose of Communication:	Marta Beckwith also had an oral, privileged telephone conversation with Sam Baxter regarding possible representation of Cisco in the ESN v. Cisco litigation.
Description of Communication	Phone conversation.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000029, 32, 33, 90, 208 and 218.

Name/Company Address and Phone:	IP Legal Team, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Beckwith can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200.
Date:	Unknown
Time:	Unknown
Persons Involved:	Baker Botts attorneys, 2001 Ross Avenue, Dallas, Texas, 75201-2980, (214) 953-6500. Marta Beckwith, Dan Lang, Mark Michels, Michael Ritter, and Mallun Yen, IP Legal Team members, Cisco Systems, Inc., 300 East Tasman Dr., Bldg. 10/5, San Jose, CA 95134. Beckwith can be reached through counsel for Cisco Charles Babcock, Jackson Walker LLP, 1401 McKinney, Suite 1900, Houston, Texas, 77010, (713) 752-4200. Rick Frenkel, c/o George McWilliams, 406 Walnut, P.O. Box 58, Texarkana, Texas 75504-0058, (870) 772-2055.

Purpose of Communication:	IP Legal Team members also had privileged communications among themselves and with Baker Botts regarding the filing of the ESN complaint on October 15-18, 2007. The Cisco legal team does not remember the exact dates and times of oral communications or the exact substance of those privileged communications.
Description of Communication	Phone conversations.
Documents Concerning Communication:	See Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000004, 5, 6, 19-26, 27, 44-48, 111, 114-15, 118, 125, 144, 148-149, 169, 261, and 276-277. All of these documents were produced in the Albritton case pursuant to agreements designed to protect the attorney client and attorney work product privileges in light of the ongoing ESN v. Cisco litigation. Also, see Cisco's privilege log regarding attorney client and work product privileged document identified as CISCO PRIVILEGED.000229.

4. IDENTIFY ALL COMMUNICATIONS between CISCO and any PERSON and/or COMPANY CONCERNING whether the allegations made in the October 17, 2007 Post, the October 18, 2007 Post, and/or the revised October 18, 2007 were accusations of criminal, unethical or improper conduct, and separately and for each COMMUNICATION IDENTIFY the DATE, TIME, PERSONS involved, DESCRIBE the purpose of the COMMUNICATION, DESCRIBE the COMMUNICATION, and IDENTIFY ANY DOCUMENTS CONCERNING that COMMUNICATION.

RESPONSE:

After a reasonable search, Cisco has located no responsive communications (oral or written) other than a deposition question in the *Albritton v. Cisco* litigation at follows: Mallun Yen depositions at p. 88 where Plaintiff's counsel (Nick Patton) asked Ms. Yen this question.

5. IDENTIFY ALL information relied upon by Richard Frenkel in making the statements contained in the Troll Tracker October 17, 2007, October 18, 2007 and revised October 18, 2007 posts, and separately and for each piece of information IDENTIFY the DATE and TIME the information was received by Frenkel, IDENTIFY all DOCUMENTS CONCERNING the information received, IDENTIFY ALL PERSONS involved in the

information received, IDENTIFY the nature of any COMMUNICATION involved INCLUDING the DATE, TIME, and ALL PERSONS involved in the COMMUNICATION, and IDENTIFY all DOCUMENTS CONCERNING that COMMUNICATION.

RESPONSE:

As to the October 17 Article, Rick relied on the following:

1. Electronic Docket Sheet for *ESN v. Cisco*, 5:07-CV-00156-DF-CMC in the United States District Court for the Eastern District of Texas—Texarkana Division
Date and time received by Frenkel: Reviewed online on October 15, 2007 approximately 3:00 PM Pacific Time
Documents Concerning the Information Received: N/A
Persons Involved in the Information Received: Rick Frenkel
Nature of Any Communication Involved: None
Date: N/A
Time: N/A
All Persons Involved in the Communication: N/A
Documents Concerning That Communication: N/A
2. United States Patent and Trade Office website entry for patent 7,283,519
Date and time received by Frenkel: Reviewed online on October 15, 2007 approximately 3:00 PM Pacific Time
Document concerning information received: None
Persons Involved in the Information Received: Rick Frenkel
Nature of Any Communication Involved: None
Date: N/A
Time: N/A
All Persons Involved in the Communication: N/A
Documents Concerning That Communication: N/A
3. Patently O Article attaching file-stamped (10/15/07) complaint (ARK4-87)
Date and time received by Frenkel: Reviewed online on October 16, 2007, time unknown
Document concerning information received: ARK.000004-87
Persons Involved in the Information Received: Rick Frenkel, Dennis Crouch
Nature of Any Communication Involved: None
Date: N/A
Time: N/A
All Persons Involved in the Communication: N/A
Documents Concerning That Communication: N/A
4. Law360 Article regarding *ESN v. Cisco* lawsuit
Date and time received by Frenkel: Reviewed online on October 16, 2007, time unknown
Document concerning information received: ARK.001932-34

- Persons Involved in the Information Received: Rick Frenkel, Amanda Ernst (author of article)
Nature of Any Communication Involved: None
Date: N/A
Time: N/A
All Persons Involved in the Communication: N/A
Documents Concerning That Communication: N/A
5. Anonymous email to PTT at 6:37 a.m. on 10/17
Date and time received by Frenkel: October 17, 2007 at 6:37 a.m.
Document concerning information received: ARK.0001420
Persons Involved in the Information Received: Rick Frenkel, Amanda Ernst (author of article)
Nature of Any Communication Involved: None
Date: N/A
Time: N/A
All Persons Involved in the Communication: N/A
Documents Concerning That Communication: N/A
6. Original Complaint in *ESN v. Cisco Systems, Inc. et al*, 5:08-CV-0020-DF in the United States District Court for the Eastern District of Texas—Texarkana Division
Date and time received by Frenkel: 10/15/07 at approximately 11:34 PM
Document concerning information received: ARK.00093-000166
Persons Involved in the Information Received: Rick Frenkel
Nature of Any Communication Involved: None
Date: N/A
Time: N/A
All Persons Involved in the Communication: N/A
Documents Concerning That Communication: N/A
7. Civil Cover Sheet in *ESN v. Cisco Systems, Inc. et al*, 5:08-CV-0020-DF in the United States District Court for the Eastern District of Texas—Texarkana Division
Date and time received by Frenkel: 10/15/07 at approximately 11:34 PM
Document concerning information received: ARK.00089
Persons Involved in the Information Received: Rick Frenkel
Nature of Any Communication Involved: None
Date: N/A
Time: N/A
All Persons Involved in the Communication: N/A
Documents Concerning That Communication: N/A
8. Docket for *ESN v. Cisco Systems, Inc. et al*, 5:08-CV-0020-DF in the United States District Court for the Eastern District of Texas—Texarkana Division showing filed on 10/15
Date and time received by Frenkel: Reviewed online on October 17, time unknown
Documents Concerning the Information Received: ARK.0000242-243
Persons Involved in the Information Received: Rick Frenkel

- Nature of Any Communication Involved: None
Date: N/A
Time: N/A
All Persons Involved in the Communication: N/A
Documents Concerning That Communication: N/A
9. Opinion in *GAF Building Materials Corp. v. Elk Corp. of Texas*, 90 F.3d 479, 483 (Fed. Cir. 1996) (quoted in article)
Date and time received by Frenkel: Reviewed online on October 17, time unknown
Documents Concerning the Information Received: N/A
Persons Involved in the Information Received: Rick Frenkel
Nature of Any Communication Involved: None
Date: N/A
Time: N/A
All Persons Involved in the Communication: N/A
Documents Concerning That Communication: N/A
10. Complaint for Declaratory Judgment in *Cisco Systems, Inc. et al v. ESN, LLC*, Cause No. 307-CV-01528 in the United States District Court for the District of Connecticut
Date and time received by Frenkel: October 17 at unknown time
Documents Concerning the Information Received: ARK0000291-95
Persons Involved in the Information Received: Rick Frenkel
Nature of Any Communication Involved: None
Date: N/A
Time: N/A
All Persons Involved in the Communication: N/A
Documents Concerning That Communication: N/A
11. Information concerning ESN and its manager.
Date and time received by Frenkel. The information was reviewed online by Frenkel between October 15 and 17, 2007. Some of it came from Zoom.com
Documents Concerning the Information Received. N/A
Persons Involved in the Information Received: Rick Frenkel
Nature of Any Communication Involved: None
Date: N/A
Time: N/A
All Persons Involved in the Communication: N/A
Documents Concerning That Communication: N/A

October 18 Article

1. First Amended Complaint for Patent infringement in *ESN v Cisco*, 5:07-CV-00156-DF-CMC in the United States District Court for the Eastern District of Texas—Texarkana Division
Date and time received by Frenkel: October 17 at approximately 1:47 p.m.

Documents Concerning the Information Received: ARK0000246-252

Persons Involved in the Information Received: Rick Frenkel

Nature of Any Communication Involved:

Date: October 17, 2007

Time: 1:47 p.m.

All Persons Involved in the Communication: Rick Frenkel

2. Anonymous email to Patent Troll Tracker
Date and time received by Frenkel: October 18 at 5:30 a.m.
Documents Concerning the Information Received: ARK0001421
Persons Involved in the Information Received: Rick Frenkel, Anonymous author
Nature of Any Communication Involved: N/A
Date: N/A
Time: N/A
All Persons Involved in the Communication: N/A
Documents Concerning That Communication: N/A
3. Anonymous email to Patent Troll Tracker
Date and time received by Frenkel: October 17, 2007 at 6:37 AM
Document Concerning the Information Received: ARK.001420
Persons Involved in the Information Received: Rick Frenkel
Nature of Any Communication Involved: N/A
4. Conversation with either Mallan Yen or Marta Beckwith
Date and time received by Frenkel: October 18 in the morning.
Documents Concerning the Information Received: None
Persons Involved in the Information Received: Rick Frenkel and Mallun Yen or Marta Beckwith
Nature of Any Communication Involved: Oral communication regarding change of docket in ESN case.
Date: October 18
Time: AM
All Persons Involved in the Communication: Rick Frenkel and Mallun Yen or Marta Beckwith
5. Original Complaint ESN v Cisco, 5:07-CV-00156-DF-CMC in the United States District Court for the Eastern District of Texas—Texarkana Division stamped 10/16
Date and time received by Frenkel: October 18 at unknown time
Documents Concerning the Information Received: ARK.0000167-241
Persons Involved in the Information Received: Rick Frenkel
Nature of Any Communication Involved: None
Date: N/A
Time: N/A
6. Docket in ESN v Cisco, 5:07-CV-00156-DF-CMC in the United States District Court for the Eastern District of Texas—Texarkana Division showing complaint filed on 10/16

- Date and time received by Frenkel: October 18 at unknown time
Documents Concerning the Information Received: ARK0000244-45
Persons Involved in the Information Received: Rick Frenkel
Nature of Any Communication Involved: N/A
Date: N/A
Time: N/A
All Persons Involved in the Communication: N/A
Documents Concerning That Communication: N/A
7. Local rules of the Eastern District of Texas
Date and time received by Frenkel: Unknown
Documents Concerning the Information Received: Deposition of Rick Frenkel in *Albritton v. Cisco* at pp.120, 130-31
Persons Involved in the Information Received: Rick Frenkel
Nature of Any Communication Involved: N/A
Date: N/A
Time: N/A
All Persons Involved in the Communication: N/A
Documents Concerning That Communication: N/A
8. Original Complaint in *ESN v. Cisco Systems, Inc. et al*, 5:08-CV-0020-DF in the United States District Court for the Eastern District of Texas—Texarkana Division
Date and time received by Frenkel: 10/15/07 at approximately 11:34 PM
Document concerning information received: ARK.00093-000166
Persons Involved in the Information Received: Rick Frenkel
Nature of Any Communication Involved: None
Date: N/A
Time: N/A
All Persons Involved in the Communication: Richard Frenkel
Documents Concerning That Communication: ARK.00093-000166
9. Civil Cover Sheet in *ESN v. Cisco Systems, Inc. et al*, 5:08-CV-0020-DF in the United States District Court for the Eastern District of Texas—Texarkana Division
Date and time received by Frenkel: 10/15/07 at approximately 11:34 PM
Document concerning information received: ARK.000089
Persons Involved in the Information Received: Rick Frenkel
Nature of Any Communication Involved: None
Date: N/A
Time: N/A
All Persons Involved in the Communication: Richard Frenkel
Documents Concerning That Communication: ARK.00089
10. Electronic Docket Sheet for *ESN v. Cisco*, 5:07-CV-00156-DF-CMC in the United States District Court for the Eastern District of Texas—Texarkana Division
Date and time received by Frenkel: Reviewed online on October 15, 2007 approximately 3:00 PM Pacific Time

Documents Concerning the Information Received: ARK.000242
Persons Involved in the Information Received: Rick Frenkel
Nature of Any Communication Involved: None
Date: N/A
Time: N/A
All Persons Involved in the Communication: N/A
Documents Concerning That Communication: N/A

**October 19 Article (the “Revised October 18 Article”)
Same as the October 18, 2007 article.**

6. IDENTIFY the DATE and TIME that CISCO first became aware that ESN claimed that the filing date of the complaint as listed on the court’s docket was an error and DESCRIBE the circumstances under which CISCO obtained that knowledge INCLUDING ALL PERSONS involved, all COMMUNICATIONS involved and separately and for each COMMUNICATION the DATE, TIME, ALL PERSONS involved, the content of the COMMUNICATION, what prompted the COMMUNICATION, the form of the COMMUNICATION, and IDENTIFY ALL DOCUMENTS CONCERNING CISCO’s knowledge.

RESPONSE:

Cisco first became aware that ESN was claiming that the filing date of the complaint as listed on the Court’s docket was an error was when it was served with ESN’s Motion to Enjoin filed on October 18, 2007. Cisco does not recall when it was served with that pleading. Also on October 18, 2007, at an unknown time, Cisco’s counsel, Baker Botts, most probably through Jillian Powell, learned from a court clerk that Eric Albritton was claiming the filing date was in error.

Circumstances Under Which Cisco Obtained That Knowledge: ESN filed a Motion to Enjoin Defendant Cisco and Linksys From Prosecuting Later Filed Parallel Litigation In Connecticut. ESN claimed, in that document, that the October 15, 2007 date on the docket was in error. Cisco does not know what person at the company first saw that document.

Persons Involved: Unknown

Communications Involved: ESN’s Motion to Enjoin.

7. IDENTIFY ALL PERSONS or COMPANIES who knew that Richard Frenkel was the Troll Tracker before he publicly identified himself as such on the Troll Tracker Blog, and separately and for each PERSON or COMPANY IDENTIFY the DATE upon which they obtained that knowledge, IDENTIFY the source of that knowledge (who told them), IDENTIFY all PERSONS involved in the COMMUNICATION, DESCRIBE the circumstances leading to the disclosure, and IDENTIFY all DOCUMENTS CONCERNING that disclosure.

RESPONSE:

Mallun Yen

Date obtained knowledge: May 10, 2007
Source of knowledge: Rick Frenkel
Persons involved in communication: Ms. Yen and Mr. Frenkel
Circumstances: Mr. Frenkel told Ms. Yen he was the author of the Patent Troll Tracker
Documents concerning disclosure: N/A

John Noh

Date obtained knowledge: Approximately late May or early June of 2007
Source of knowledge: Mallun Yen
Persons involved in communication: Ms. Yen, Mr. Frenkel and Mr. Noh
Circumstances: Ms. Yen, Mr. Frenkel and Mr. Noh were discussing intellectual property law and Ms. Yen told Mr. Noh that Mr. Frenkel was the author
Documents concerning disclosure: N/A

Dan Lang

Date obtained knowledge: May 14, 2007
Source of knowledge: Rick Frenkel
Persons involved in communication: Mr. Frenkel and Mr. Lang
Circumstances: Mr. Frenkel told him he was the author
Documents concerning disclosure: N/A

Marta Beckwith

Date obtained knowledge: Approximately May 10, 2007
Source of knowledge: Rick Frenkel
Persons involved in communication: Ms. Beckwith and Mr. Frenkel
Circumstances: Mr. Frenkel approached her and told her he was the author
Documents concerning disclosure: N/A

Mark Chandler

Date obtained knowledge: mid-February of 2008

Source of knowledge: Mallun Yen
Persons involved in communication: Ms. Yen and Mr. Chandler
Circumstances: Ms. Yen was aware that Frenkel would be announcing his identity and approached Mr. Chandler to tell him Mr. Frenkel was the author
Documents concerning disclosure: N/A

Matthew Tanielian

Date obtained knowledge: Approximately late May or early June of 2007
Source of knowledge: Rick Frenkel
Persons involved in communication: Mr. Frenkel and Mr. Tanielian
Circumstances: Mr. Frenkel told Mr. Tanielian he was the author
Documents concerning disclosure: N/A

Mark Michels

Date obtained knowledge: Approximately late May or early June 2007
Source of knowledge: Rick Frenkel
Persons involved in communication: Marta Beckwith, Dan Lang, Michael Ritter, and Mark Michaels
Circumstances: Mr. Frenkel told Mr. Ritter he was the author
Documents concerning disclosure: N/A

Michael Ritter

Date obtained knowledge: Approximately late May or early June 2007
Source of knowledge: Rick Frenkel
Persons involved in communication: Marta Beckwith, Dan Lang, Michael Ritter, and Mark Michaels
Circumstances: Mr. Frenkel told Mr. Ritter he was the author
Documents concerning disclosure: N/A

Michael Timmeny

Date obtained knowledge: Approximately mid-February of 2008
Source of knowledge: Rick Frenkel
Persons involved in communication: Ms. Frenkel, Ms. Yen and Mr. Timmeny
Circumstances: Ms. Yen was aware that Frenkel would be announcing his identity and approached Mr. Timmeny to tell him Mr. Frenkel was the author
Documents concerning disclosure: N/A

8. IDENTIFY ALL COMMUNICATIONS and DOCUMENTS CONCERNING whether any CISCO EMPLOYEE should be disciplined, reprimanded, chastised, admonished, warned or corrected CONCERNING the posting of the Troll Tracker October 17, 2007, October

18, 2007 and revised October 18, 2007 posts, and separately and for each COMMUNICATION or DOCUMENT IDENTIFY the DATE, TIME, ALL PERSONS involved, the nature of the COMMUNICATION or the subject-matter of the DOCUMENT, and IDENTIFY all DOCUMENTS CONCERNING each COMMUNICATION.

RESPONSE:

Cisco clarifies its prior answer pursuant to the Court's order as follows: The prior answer was intended to cover both oral communications and documents. Cisco does not believe that Rick Frenkel being placed on administrative leave at full pay after the Albritton case was filed pending the company's investigation, as he was, fits into the areas inquired about ("disciplined, reprimanded etc."). In any event, the communications relating to that decision have been testified about by Mallun Yen in her deposition in the Albritton case and counsel for Ward has a copy of that deposition.

9. IDENTIFY all DOCUMENTS AND COMMUNICATIONS between CISCO and any PERSON or COMPANY CONCERNING Ward's Reputation INCLUDING whether CISCO has been asked by any PERSON or COMPANY about Ward, about hiring Ward, or about CISCO's perception of WARD, separately and for each COMMUNICATION DESCRIBE the COMMUNICATION, IDENTIFY the DATE, TIME, PERSONS involved, the purpose of the COMMUNICATION, DESCRIBE the COMMUNICATION, and IDENTIFY ALL DOCUMENTS CONCERNING each COMMUNICATION.

RESPONSE:

Email from Reporter asking about Ward

Date: August 24, 2007

Time: 8:39 p.m.

Persons involved: John Gerstein, Rick Frenkel

Purpose of communication: Reporter asking Mr. Frenkel about Ward

Description of communication: Reporter asking Mr. Frenkel about Ward

Document concerning the communication: ARK.000255

Phone conversation regarding whether to respond to reporter

Date: Approximately August 24, 2007

Time: unknown

Persons involved: John Noh

Purpose of communication: Phone conversation regarding whether to respond to reporter

Description of communication: Mr. Frenkel told Mr. Noh that Ward was well respected in the patent community and that he didn't see any reason to talk to the reporter
Document concerning the communication: ARK.000255

Exhibit A

From: cisco_legal (mailer list) [cisco_legal@cisco.com]

Sent: Thursday, March 06, 2008 1:00 PM

Subject: Document and Electronic Data Preservation Requirement - John Ward, Jr. v. Cisco Systems, Inc. and Richard Frenkel

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ATTORNEY-CLIENT COMMUNICATION
ATTORNEY WORK PRODUCT

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY.

THIS IS AN URGENT INSTRUCTION FOR YOU TO PRESERVE ALL INFORMATION OF ANY TYPE, HARDCOPY OR ELECTRONIC, RELATED IN ANY WAY TO THE FOLLOWING CASE:

John Ward, Jr. has sued Cisco Systems, Inc. ("Cisco") and Richard Frenkel ("Frenkel"), alleging that Cisco and Frenkel have defamed Ward in entries on the blog Patent Troll Tracker, at <http://trolltracker.blogspot.com> ("The Patent Troll Tracker blog"). The specific allegations relate to postings on October 17-18, 2007, relating to the lawsuit brought by ESN against Cisco.

In order to comply with the obligations imposed on us by law, you must preserve all documents and data, including electronic files, and things potentially relevant to the subject matter of this litigation. This e-mail is a notice to you that it is extremely important that you do not alter, discard, delete or destroy any documents, data or files wherever they might be located, potentially relevant to the following topics:

1. Discussions regarding the initial filing date assigned to the ESN complaint against Cisco (October 15).
2. Discussions regarding the filing date of the ESN complaint, as it was eventually changed (October 16).
3. Discussions regarding The Patent Troll Tracker blog, as it relates to the ESN complaint, or to John Ward, Jr.
4. John Ward, Jr.
5. The Patent Troll Tracker blog.

The term "documents" should be interpreted broadly, and includes drafts of documents, multiple copies or multiple iterations of a single document, handwritten notes, notebooks, memoranda, diaries, calendars, tapes, voicemails, facsimiles, and journal entries. Documents" also includes electronic files, such as, among other things, e-mails (and attachments), instant messages, word processing files, spreadsheets, databases, and any drafts of such documents, whether stored on your hard drive, personal digital assistant, personal storage device, or in a network folder.

You must not alter, destroy, or discard any of the documents relevant to topics listed above, including any such documents maintained on your computer, in network files, or other locations under your control. Please ensure that you preserve and do not destroy or remove any document (including e-mails and computer files) that appears even remotely related to these topics. Even if you would otherwise have

discarded these documents, they must be preserved until further notice. Likewise, even if you routinely delete e-mails or other electronic files from your computer, cease doing so immediately with regard to any e-mails or electronic files relevant to the topics above.

These preservation obligations supersede any document retention or destruction policy that might otherwise result in the loss of relevant documents. If there is any document retention or destruction policy in place that might result in the inadvertent loss of materials relevant to any of the topics above, please report this immediately to me.

If you're not currently running the Connected DataProtector hard drive backup software to back up your personal computer, please follow these instructions to install and run the program as soon as possible:

Go to the Start menu on your computer, go to Programs, then go to Connected, and then click on Connected DataProtector to install and run the software. If Connected DataProtector is not loaded on your computer or if you have questions about installation, please contact the TRC at:

Americas: 1 408 526 8888

Asiapac: +61 2 8448 7588

EMEA: +31 20 485 4888

US (Toll Free): 1 800 800 1180 (ext.68888)

Cisco's attorneys from the Jackson Walker law firm are helping our legal team with this matter. If you have any questions about what to retain, please contact Cisco's outside counsel Chip Babcock (babcock@jw.com); or Cisco's in-house lawyer Bill Friedman (bilfried@cisco.com).

Thank you very much, in advance, for your assistance. This litigation is very important to Cisco and we appreciate your cooperation.

Cisco Legal

Please [click here](#) to confirm receipt of this preservation notice

VERIFICATION

I am an authorized representative of Cisco Systems, Inc. I have read the foregoing Answers to Interrogatories, such answers are within my personal knowledge and, based upon the information available to me, they are true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 14, 2008.

William W. Friedman
William W. Friedman