

**WARD V. CISCO
PLAINTIFF'S PROPOSED SUBMISSION LOG**

Documents produced in the *Albritton v. Cisco* litigation in the Eastern District of Texas:¹

Begin Bates No. ²	End Bates No.	People - To	People - From	People - CC	Main Date	Type	Title	Description
CISCO PRIVILEGED.000001	CISCO PRIVILEGED.000001	Bart Showalter John Corcoran Kurt Pankratz Mallun Yen Mark Michels Marta Beckwith Michael Ritter	Rick Frenkel	Dan Lang	17-Oct-2007	E-Mail	Amended ESN Complaint	Email with attorney regarding ESN litigation.
CISCO PRIVILEGED.000002	CISCO PRIVILEGED.000003	Bart Showalter Kurt Pankratz Mark Michels Michael Ritter Rick Frenkel	Marta Beckwith	Dan Lang	17-Oct-2007	E-Mail	RE: Amended ESN Complaint	Email with attorney regarding ESN litigation.
CISCO PRIVILEGED.000004	CISCO PRIVILEGED.000004	Bart Showalter Kurt Pankratz Mallun Yen Mark Michels Marta Beckwith Michael Ritter	Rick Frenkel		18-Oct-2007	E-Mail	ESN	Email with attorney regarding ESN litigation.
CISCO PRIVILEGED.000005	CISCO PRIVILEGED.000005	Bart Showalter Mallun Yen Mark Michels Marta Beckwith Michael Ritter Rick Frenkel	Kurt Pankratz		18-Oct-2007	E-Mail	RE: ESN	Email with attorney regarding ESN litigation.
CISCO PRIVILEGED.000006	CISCO PRIVILEGED.000006	Bart Showalter Kurt Pankratz Mallun Yen Mark Michels	Kurt Pankratz Rick Frenkel	Dan Lang	18-Oct-2007	E-Mail	RE: ESN	Email with attorney regarding ESN litigation.

¹ Plaintiff believes that these documents should be produced pursuant to this Court's March 30, 2009 Order and the holding in *In re Chrysler Motors Corp. Overnight Evaluation Program Litigation*, 860 F.2d 844, 847 (8th Cir. 1988).

² Cisco's privilege log entries do not include the electronic header information for each document that was later produced in the *Albritton* case. If the Court orders these documents produced, Ward requests that Cisco's production also include the electronic header information for each email.

Begin Bates No. ²	End Bates No.	People - To	People - From	People - CC	Main Date	Type	Title	Description
		Marta Beckwith Michael Ritter Rick Frenkel						
CISCO PRIVILEGED.000007	CISCO PRIVILEGED.000008	Bart Showalter Jillian Powell Kurt Pankratz	Kurt Pankratz Rick Frenkel		22-Oct-2007	E-Mail	FW: Urgent - please read - ESN	Email with attorney regarding litigation.
CISCO PRIVILEGED.000009	CISCO PRIVILEGED.000009	Kurt Pankratz	Jillian Powell		22-Oct-2007	E-Mail	RE: ESN	Email with attorney's staff regarding litigation.
CISCO PRIVILEGED.000010	CISCO PRIVILEGED.000010	Jillian Powell Steve Schortgen	Kurt Pankratz		22-Oct-2007	E-Mail	Re: ESN	Email with attorney's staff regarding litigation.
CISCO PRIVILEGED.000011	CISCO PRIVILEGED.000013	Mark Chandler	Mallun Yen	Rick Frenkel	25-Feb-2008	E-Mail	FW: ESN - PRIVILEGED AND CONFIDENTIAL	Email with attorney regarding ESN litigation.
CISCO PRIVILEGED.000014	CISCO PRIVILEGED.000014	John Noh, Cisco Public Relations Mallun Yen, Cisco	Rick Frenkel, Cisco		18-Oct-2007	E-Mail	CISCO HAS AGREED TO PRODUCE THIS DOCUMENT	Email with attorney regarding ESN litigation
CISCO PRIVILEGED.000015	CISCO PRIVILEGED.000016	Mark Chandler Matthew Tanielian Neal Rubin John Noh	Mallun Yen		18-Oct-2007	E-Mail	RE: ESN	Email with attorney regarding ESN litigation.
CISCO PRIVILEGED.000019	CISCO PRIVILEGED.000026	Bart Showalter Kurt Pankratz Mallun Yen Marta Beckwith Michael Ritter	Rick Frenkel	Dan Lang	15-Oct-2007	E-Mail	Urgent - please read - ESN	Email with attorney regarding ESN litigation.
CISCO PRIVILEGED.000027	CISCO PRIVILEGED.000027	Mallun Yen Mark Michels Marta Beckwith Michael Ritter	Rick Frenkel		15-Oct-2007	E-Mail	We were just sued by ESN, LLC	Email with attorney regarding ESN litigation.
CISCO PRIVILEGED.000028	CISCO PRIVILEGED.000028	Rick Frenkel	Mark R. Weinstein		25-Oct-2007	E-Mail	ESN Filing Date - From the Blogs - A/C Privileged	Email with attorney regarding ESN litigation.
CISCO PRIVILEGED.000037	CISCO PRIVILEGED.000041		Marta Beckwith (mabeckwi)	BCC: Edward Reines, Weil Gotshal; Kurt Pankratz, Baker Botts; Bart Showalter, Baker Botts, Charles Verhoeven, Quinn Emanuel; Doug Kubehl, Baker Botts, Matthew Powers, Weil Gotshal, Victoria Maroulis, Quinn Emanuel	22-Oct-2007	E-Mail	In case you haven't seen this about your DJ case in ESN	Email forwarding Michael Smith's article about the ESN litigation.
CISCO PRIVILEGED.000043	CISCO PRIVILEGED.000043	Victoria Maroulis	Marta Beckwith (mabeckwi)	Charles K Verhoeven	25-Feb-2008	E-Mail	Troll Tracker	Email with attorney informing them that Rick Frenkel was the Patent Troll Tracker.

Begin Bates No. ²	End Bates No.	People - To	People - From	People - CC	Main Date	Type	Title	Description
CISCO PRIVILEGED.000044	CISCO PRIVILEGED.000048	Marta Beckwith (mabeckwi)	bart.showalter@bakerbotts.com		22-Oct-2007	E-Mail	In case you haven't seen this about your DJ case in ESN	Email attaching Michael Smith's blog about the ESN litigation and discussing his impression of the article as it relates to the ESN litigation.
CISCO PRIVILEGED.000087	CISCO PRIVILEGED.000087	Samir.Bhavsar@bakerbotts.com	Marta Beckwith (mabeckwi)	bart.showalter@bakerbotts.com	25-Feb-2008	E-Mail	Troll Tracker	Email with attorney informing them that Rick Frenkel was the Patent Troll Tracker
CISCO PRIVILEGED.000089	CISCO PRIVILEGED.000089	'bart.showalter@bakerbotts.com'	Marta Beckwith (mabeckwi)	bryant.c.boren@bakerbotts.com chad.walters@bakerbotts.com doug.kubehl@bakerbotts.com Samir.Bhavsar@bakerbotts.com	25-Feb-2008	E-Mail	Troll Tracker	Email with attorney informing them that Rick Frenkel was the Patent Troll Tracker.
CISCO PRIVILEGED.000094	CISCO PRIVILEGED.000094	gchambers@McKoolSmith.com	Marta Beckwith (mabeckwi)		25-Nov-2007	E-Mail	New local rules	Email regarding plans to discuss amendments to local rules in Eastern District of Texas
CISCO PRIVILEGED.000103	CISCO PRIVILEGED.000105	Mallun Yen (myen) Michael Ritter (micritte) Rick Frenkel (rfrenkel)	Marta Beckwith (mabeckwi)		18-Oct-2007	E-Mail	ESN	Email regarding the legal effect of the filing of the ESN lawsuit before the patent issued and regarding hiring local counsel.
CISCO PRIVILEGED.000109	CISCO PRIVILEGED.000111	Mallun Yen (myen)	Mark Chandler (machandl)		25-Feb-2008	E-Mail	ESN - PRIVILEGED AND CONFIDENTIAL	Email regarding timing of events with respect to the October 17, 2008 Patent Troll Tracker article.
CISCO PRIVILEGED.000112	CISCO PRIVILEGED.000115	Mallun Yen (myen)	Mark Chandler (machandl)		25-Feb-2008	E-Mail	ESN - PRIVILEGED AND CONFIDENTIAL	Email regarding timing of events with respect to the October 17, 2008 Patent Troll Tracker article.
CISCO PRIVILEGED.000116	CISCO PRIVILEGED.000118	Mark Chandler (machandl)	Mallun Yen (myen)		25-Feb-2008	E-Mail	ESN - PRIVILEGED AND CONFIDENTIAL	Email regarding timing of events with respect to the October 17, 2008 Patent Troll Tracker article.
CISCO PRIVILEGED.000122	CISCO PRIVILEGED.000125	Mark Chandler (machandl)	Mallun Yen (myen)		25-Feb-2008	E-Mail	ESN - PRIVILEGED AND CONFIDENTIAL	Email regarding timing of events with respect to

Begin Bates No. ²	End Bates No.	People - To	People - From	People - CC	Main Date	Type	Title	Description
								the October 17, 2008 Patent Troll Tracker article.
CISCO PRIVILEGED.000126	CISCO PRIVILEGED.000126	Matthew Tanielian (mtanieli)	Mark Chandler (machandl)		18-Oct-2007	E-Mail	ESN	Email regarding potential conversation with local counsel regarding filing of ESN lawsuit.
CISCO PRIVILEGED.000134	CISCO PRIVILEGED.000135	Rick Frenkel (rfrenkel)	John Corcoran (jocorcor)		17-Oct-2007	E-Mail	Amended ESN Complaint	Comment in response to legal strategy regarding the timing of the filing of the ESN litigation.
CISCO PRIVILEGED.000136	CISCO PRIVILEGED.000137	John Corcoran (jocorcor)	Rick Frenkel (rfrenkel)		17-Oct-2007	E-Mail	Amended ESN Complaint	Comment in response to legal strategy regarding the timing of the filing of the ESN litigation.
CISCO PRIVILEGED.000138	CISCO PRIVILEGED.000140	Matthew Tanielian (mtanieli)	Rick Frenkel (rfrenkel)		19-Oct-2007	E-Mail	Fair Comparison of Patent Litigation Statistics, 1990 v. 2006 v. 2007	Email regarding patent statistics.
CISCO PRIVILEGED.000141	CISCO PRIVILEGED.000144	Rick Frenkel (rfrenkel)	Mallun Yen (myen)		25-Feb-2008	E-Mail	ESN - PRIVILEGED AND CONFIDENTIAL	Email regarding timing of events with respect to the October 17, 2008 Patent Troll Tracker article.
CISCO PRIVILEGED.000146	CISCO PRIVILEGED.000149	Mallun Yen (myen)	Rick Frenkel (rfrenkel)		25-Feb-2008	E-Mail	ESN - PRIVILEGED AND CONFIDENTIAL	Email regarding timing of events with respect to the October 17, 2008 Patent Troll Tracker article.
CISCO PRIVILEGED.000154	CISCO PRIVILEGED.000156	Mark Chandler (machandl) Rick Frenkel (rfrenkel)	Matthew Tanielian (mtanieli)	Dan Lang (dlang) Mallun Yen (myen)	19-Oct-2007	E-Mail	Fair Comparison of Patent Litigation Statistics, 1990 v. 2006 v. 2007	Email regarding patent litigation statistics.
CISCO PRIVILEGED.000167	CISCO PRIVILEGED.000168	'bart.showalter@bakerbotts.com' 'kurt.pankratz@bakerbotts.com' Mark Michels (mmichels) Marta Beckwith (mabeckwi) Michael Ritter (micritte) Rick Frenkel (rfrenkel)	Mallun Yen (myen)	Dan Lang (dlang)	18-Oct-2007	E-Mail	ESN	Email regarding similar case where filing party filed a motion to correct the docket.
CISCO	CISCO	bart.showalter@bak	kurt.pankratz@bakerbo	Dan Lang (dlang)	18-Oct-2007	E-Mail	ESN	Email attaching both

Begin Bates No. ²	End Bates No.	People - To	People - From	People - CC	Main Date	Type	Title	Description
PRIVILEGED.000169	PRIVILEGED.000169	erbotts.com Mallun Yen (myen) Mark Michels (mmichels) Marta Beckwith (mabeckwi) Michael Ritter (micritte) Rick Frenkel (rfrenkel)	tts.com					online version of the complaint in the ESN litigation.
CISCO PRIVILEGED.000192	CISCO PRIVILEGED.000194	Mallun Yen (myen) Marta Beckwith (mabeckwi) Rick Frenkel (rfrenkel)	Michael Ritter (micritte)		18-Oct-2007	E-Mail	ESN	Email regarding similar case where filing party filed a motion to correct the docket.
CISCO PRIVILEGED.000204	CISCO PRIVILEGED.000204	kurt.pankratz@bak erbotts.com Marta Beckwith (mabeckwi) Michael Ritter (micritte)	Zahner, Gail	Bucci, Michael A. Sicilian, James	17-Oct-2007	E-Mail	Complaint for Declaratory Judgment - Cisco v ESN LLC	Email attaching papers served on ESN and notices from court.
CISCO PRIVILEGED.000212	CISCO PRIVILEGED.000212	'kurt.pankratz@bak erbotts.com' bart.showalter@bak erbotts.com	Marta Beckwith (mabeckwi)	Mallun Yen (myen) Michael Ritter (micritte) Rick Frenkel (rfrenkel)	18-Oct-2007	E-Mail	Re: Hertz/TSD Motion to Correct Docket	Email attaching filings in similar case where filing party filed a motion to correct the docket.
CISCO PRIVILEGED.000227	CISCO PRIVILEGED.000228	'bart.showalter@ba kerbotts.com' 'doug.kubehl@bake rbotts.com' 'kurt.pankratz@bak erbotts.com' Mallun Yen (myen) Mark Michels (mmichels) Marta Beckwith (mabeckwi) Michael Ritter (micritte) Rick Frenkel (rfrenkel)	Rich Renfree (rrenfree)		19-Oct-2007	E-Mail	ESN Files Motion to Enjoin Cisco's CT Case	Email attaching ESN's amended complaint.
CISCO PRIVILEGED.000231	CISCO PRIVILEGED.000233	'Victoria Maroulis'	Michael Ritter (micritte)		1-Nov-2007	E-Mail	ESN v. Cisco -- Conference Call	Email regarding trying to get in touch by phone to discuss response to ESN motion.
CISCO	CISCO	Mallun Yen (myen)	Marta Beckwith		18-Oct-2007	E-Mail	ESN	Email regarding status of

Begin Bates No. ²	End Bates No.	People - To	People - From	People - CC	Main Date	Type	Title	Description
PRIVILEGED.000234	PRIVILEGED.000237	Michael Ritter (micritte) Rick Frenkel (rfrenkel)	(mabeckwi)					similar case where filing party filed a motion to correct the docket.
CISCO PRIVILEGED.000250	CISCO PRIVILEGED.000251	Marta Beckwith (mabeckwi) Michael Ritter (micritte) Rick Frenkel (rfrenkel)	Mallun Yen (myen)		18-Oct-2007	E-Mail	ESN	Email regarding status of similar case where filing party filed a motion to correct the docket.
CISCO PRIVILEGED.000254	CISCO PRIVILEGED.000254	Marta Beckwith (mabeckwi) Michael Ritter (micritte) Rick Frenkel (rfrenkel)	Mallun Yen (myen)	Mark Michels (mmichels)	19-Oct-2007	E-Mail	Go ahead and contact Quinn and Weil as the short list.	Email regarding selection of counsel.
CISCO PRIVILEGED.000255	CISCO PRIVILEGED.000255	ip-disputes-team(mailer list)	Marta Beckwith (mabeckwi)		25-Nov-2007	E-Mail	New EDTx rules	Email regarding proposed amendments to the local rules of the Eastern District of Texas.
CISCO PRIVILEGED.000256	CISCO PRIVILEGED.000256	John Noh (jnoh) Mark Chandler (machandl)	Mallun Yen (myen)		18-Oct-2007	E-Mail	ESN	Email regarding calling potential counsel.
CISCO PRIVILEGED.000257	CISCO PRIVILEGED.000260	Mallun Yen (myen) Marta Beckwith (mabeckwi) Michael Ritter (micritte)	Rick Frenkel (rfrenkel)		18-Oct-2007	E-Mail	ESN	Email regarding status of similar case where filing party filed a motion to correct the docket.
CISCO PRIVILEGED.000261	CISCO PRIVILEGED.000261	bart.showalter@bak erbotts.com John Corcoran (jocorcor) Mallun Yen (myen) Mark Michels (mmichels) Marta Beckwith (mabeckwi) Michael Ritter (micritte) Rick Frenkel (rfrenkel)	kurt.pankratz@bakerbo tts.com	Dan Lang (dlang)	17-Oct-2007	E-Mail	Amended ESN Complaint	Email attaching exhibits to complaint in ESN litigation.
CISCO PRIVILEGED.000264	CISCO PRIVILEGED.000265	John Noh (jnoh) Mark Chandler (machandl) Matthew Tanielian	Mallun Yen (myen)		18-Oct-2007	E-Mail	ESN	Email regarding rumors about the ESN filing.

Begin Bates No. ²	End Bates No.	People - To	People - From	People - CC	Main Date	Type	Title	Description
		(mtanieil) Neal Rubin (nrubin)						
CISCO PRIVILEGED.000269	CISCO PRIVILEGED.000272	Marta Beckwith (mabeckwi) Michael Ritter (micritte) Rick Frenkel (rfrenkel)	Mallun Yen (myen)		18-Oct-2007	E-Mail	ESN	Email regarding status of similar case where filing party filed a motion to correct the docket.
CISCO PRIVILEGED.000276	CISCO PRIVILEGED.000277	kurt.pankratz@bakerbotts.com Mallun Yen (myen) Marta Beckwith (mabeckwi) Michael Ritter (micritte) Rick Frenkel (rfrenkel)	bart.showalter@bakerbotts.com	Dan Lang (dlang)	16-Oct-2007	E-Mail	Urgent - please read - ESN	Email concerning contents of complaint and subject-matter jurisdiction.
CISCO PRIVILEGED.000278	CISCO PRIVILEGED.000281	Marta Beckwith (mabeckwi) Michael Ritter (micritte) Rick Frenkel (rfrenkel)	Mallun Yen (myen)		18-Oct-2007	E-Mail	ESN	Email regarding status of similar case where filing party filed a motion to correct the docket.
CISCO PRIVILEGED.000287	CISCO PRIVILEGED.000287	John Noh (jnoh)	Mallun Yen (myen)		18-Oct-2007	E-Mail	ESN	Email forwarding both versions of complaint showing different filing dates.
CISCO PRIVILEGED.000324	CISCO PRIVILEGED.000324	John Noh (jnoh)	Mallun Yen (myen)		17-Oct-2007	E-Mail	Amended ESN Complaint	Email attaching amended complaint.
CISCO PRIVILEGED.000327	CISCO PRIVILEGED.000331	Mallun Yen (myen) Marta Beckwith (mabeckwi) Michael Ritter (micritte)	Rick Frenkel (rfrenkel)		18-Oct-2007	E-Mail	ESN	Email regarding transfer of ESN case to Texas.
BB_0001-Privileged	BB_0006-Privileged	Kurt Pankratz, Bart Showalter, Baker Botts, Marta Beckwith, Mallun Yen, and Michael Ritter, Cisco Jillian Powell, paralegal at Baker Botts	Rick Frenkel Kurt Pankratz	Dan Lang, Cisco	22-Oct-2007	E-Mail E-Mail		

Begin Bates No. ²	End Bates No.	People - To	People - From	People - CC	Main Date	Type	Title	Description
BB_0007-Privileged	BB_0009-Privileged	Jillian Powell, Baker Botts paralegal	Steve Schortgen, Baker Botts	Kurt Pankratz, Baker Botts	22-Oct-2007	E-Mail		
		Steve Schortgen, Baker Botts	Jillian Powell, Baker Botts paralegal	Kurt Pankratz, Baker Botts	22-Oct-2007	E-Mail		
BB_0010-Privileged	BB_0012-Privileged	Steve Schortgen, Baker Botts	Jillian Powell, Baker Botts paralegal	Kurt Pankratz, Baker Botts	22-Oct-2007	E-Mail		
		Jillian Powell and Steve Schortgen, Baker Botts	Kurt Pankratz, Baker Botts		22-Oct-2007	E-Mail		
BB_0013-Privileged	BB_0016-Privileged	Kurt Pankratz and Bart Showalter, Baker Botts Mallun Yen, Marta Beckwith, Michael Ritter, and John Corcoran, Cisco	Rick Frenkel, Cisco	Dan Lang, Cisco	17-Oct-2007	E-Mail		
BB_0017-Privileged	BB_0017-Privileged	Bart Showalter and Kurt Pankratz, Baker Botts Mallun Yen, Marta Beckwith, Mark Michels, and Michael Ritter, Cisco	Rick Frenkel, Cisco	Dan Lang, Cisco	18-Oct-2007	E-Mail		
		Rick Frenkel, Mallun Yen, Marta Beckwith, Mark Michels and Michael Ritter, Cisco Bart Showalter, Baker Botts	Kurt Pankratz, Cisco	Dan Lang, Cisco	18-Oct-2007	E-Mail		
BB_0018-Privileged	BB_0018-Privileged	Rick Frenkel, Bart Showalter, Marta Beckwith, Mallun Yen and	Kurt Pankratz	Dan Lang	18-Oct-2007	E-Mail		

Begin Bates No. ²	End Bates No.	People - To	People - From	People - CC	Main Date	Type	Title	Description
		Michael Ritter						
BB_0019-Privileged	BB_0023-Privileged	Kurt Pankratz, Bart Showalter, Marta Beckwith, Michael Ritter and Mallun Yen	Rick Frenkel	Dan Lang	16-Oct-2007	E-Mail		
BB_0024-Privileged	BB_0026-Privileged	Kurt Pankratz and Bart Showalter, Baker Botts Mallun Yen, Marta Beckwith and Michael Ritter, Cisco Rick Frenkel, Mallun Yen, Marta Beckwith and Michael Ritter, Cisco Kurt Pankratz, Baker Botts	Rick Frenkel, Cisco Bart Showalter, Baker Botts	Dan Lang, Cisco Dan Lang, Cisco	16-Oct-2007 16-Oct-2007	E-Mail E-Mail		
BB_0027-Privileged	BB_0028-Privileged	Bart Showalter and Kurt Pankratz, Baker Botts Mallun Yen, Marta Beckwith, Mark Michels, and Michael Ritter, Cisco Rick Frenkel, Mallun Yen, Marta Beckwith, Mark Michels and Michael Ritter, Cisco Bart Showalter, Baker Botts	Rick Frenkel, Cisco Kurt Pankratz, Baker Botts	Dan Lang, Cisco Dan Lang, Cisco	18-Oct-2007 18-Oct-2007	E-Mail E-Mail		
BB_0029-Privileged	BB_0033-Privileged	Bart Showalter and Kurt Pankratz, Baker Botts Mallun Yen, Marta Beckwith, Mark Michels, and Michael Ritter, Cisco	Rick Frenkel, Cisco	Dan Lang, Cisco	18-Oct-2007	E-Mail		

Begin Bates No. ²	End Bates No.	People - To	People - From	People - CC	Main Date	Type	Title	Description
		Rick Frenkel, Mallun Yen, Marta Beckwith, Mark Michels, Michael Ritter, Cisco Bart Showalter, Baker Botts	Kurt Pankratz, Baker Botts	Dan Lang, Cisco	18-Oct-2007	E-Mail		
		Bart Showalter and Kurt Pankratz, Baker Botts Mallun Yen, Marta Beckwith, Mark Michels, and Michael Ritter, Cisco	Rick Frenkel, Cisco	Dan Lang, Cisco	18-Oct-2007	E-Mail		
		Bart Showalter and Kurt Pankratz, Baker Botts Mallun Yen, Marta Beckwith, Mark Michels, and Michael Ritter, Cisco	Mallun Yen, Cisco	Dan Lang, Cisco	18-Oct-2007	E-Mail		

Documents not produced in the Albritton v. Cisco litigation in the Eastern District of Texas but that Plaintiff believes are likely to contain information that falls within the subject-matter waiver of this Court's March 30, 2007 Order:³

Begin Bates No.	End Bates No.	People - To	People - From	People - CC	Date	Type	Title	Description
CISCO PRIVILEGED.000030	CISCO PRIVILEGED.000030	Bart Showalter, Baker Botts	Marta Beckwith, Cisco		24-Oct-2007	E-Mail		Email with attorney regarding representation in ESN litigation.
CISCO PRIVILEGED.000031	CISCO PRIVILEGED.000031	Rick Frenkel, Michael Ritter,	Kurt Pankratz, Baker Botts	Doug Kubehl, Bryant C. Boren, Bart Showalter,	25-Oct-2007	E-Mail		Email with attorney regarding legal strategy

³ Plaintiff selected these documents because they were written on dates corresponding to the publication of the accused articles, October 17, 18, and 19, 2007, were written or received by Richard Frenkel and/or the Cisco employees (Yen and Noh) who encouraged Frenkel to write the accused articles, are correspondence with counsel upon whom Frenkel relied for information concerning events written about in his posts, contain document descriptions that include the same subject matter as Frenkel's posts, likely include facts concerning Cisco and Frenkel's motives for defaming Ward, and/or because they are communications with persons who are not attorneys (Noh, Tanielian and Willhoft) for which Plaintiff believes Defendant's claim of privilege is unwarranted.

		Marta Beckwith, Mark Michels, Cisco Attorneys		Baker Botts				with respect to motion to stay filed in ESN litigation in Connecticut.
CISCO PRIVILEGED.000034	CISCO PRIVILEGED.000034	Michael Bucci and James Sicilian, Day Pitney	Marta Beckwith, Cisco		17-Oct-2007	E-Mail		Email regarding service of amended complaint in ESN litigation.
CISCO PRIVILEGED.000035	CISCO PRIVILEGED.000036	Charles Verhoeven, Quinn Emanuel Victoria Maroulis, Quinn Emanuel	Marta Beckwith, Cisco		19-Oct-2007	E-Mail		Email regarding research of ESN for purposes of ESN litigation.
CISCO PRIVILEGED.000042	CISCO PRIVILEGED.000042	Edward Reines and Matthew Powers, Weil Gotshal	Marta Beckwith, Cisco		19-Oct-2007	E-Mail		Email with attorneys discussing filing of amended petition in ESN litigation.
CISCO PRIVILEGED.000088	CISCO PRIVILEGED.000088	Charles K. Verhoeven, Victoria Maroulis, Quinn Emanuel	Marta Beckwith, Cisco		19-Oct-2007	E-Mail		Email among attorneys discussing ESN filing and declaratory judgment action in Connecticut
CISCO PRIVILEGED.000091	CISCO PRIVILEGED.000092	Charles K. Verhoeven, Victoria Maroulis, Quinn Emanuel	Marta Beckwith, Cisco		19-Oct-2007	E-Mail		Email regarding subject-matter jurisdiction in ESN litigation
CISCO PRIVILEGED.000093	CISCO PRIVILEGED.000093	Charles K. Verhoeven, Victoria Maroulis, Quinn Emanuel	Marta Beckwith, Cisco		19-Oct-2007	E-Mail		Email regarding amended complaint in ESN litigation
CISCO PRIVILEGED.000095	CISCO PRIVILEGED.000097	Marta Beckwith, Cisco Mark Michels, Cisco	Paul Devinsky, McDermott Will & Emery		16-Oct-2007	E-Mail		Email discussing claims made by ESN
CISCO PRIVILEGED.000098	CISCO PRIVILEGED.000098	Bart Showalter, Baker Botts John Corcoran, Cisco Kurt Pankratz, Baker Botts Mallun Yen, Cisco Mark Michels, Cisco Michael Ritter, Cisco	Rick Frenkel, Cisco	Dan Lang, Cisco	17-Oct-2007	E-Mail		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.
CISCO PRIVILEGED.000099	CISCO PRIVILEGED.000100	Mark Michels, Cisco Marta Beckwith, Cisco Michael Ritter, Cisco	Rick Frenkel, Cisco	John Corcoran, Cisco	17-Oct-2007	E-Mail		Email regarding ESN's claims in ESN litigation
CISCO	CISCO	John Noh, Cisco	Marta Beckwith, Cisco		15-Oct-2007	E-Mail		Email regarding

PRIVILEGED.000101	PRIVILEGED.000101	Public Relations						potentially filing declaratory judgment action in Connecticut.
CISCO PRIVILEGED.000106	CISCO PRIVILEGED.000107	Rick Frenkel, Cisco Michael Ritter, Cisco Mark Michels, Cisco Mallun Yen, Cisco	Marta Beckwith, Cisco		18-Oct-2007	E-Mail		Email regarding hiring of local counsel
CISCO PRIVILEGED.000108	CISCO PRIVILEGED.000108	Mallun Yen, Cisco	Mark Chandler, Cisco		17-Oct-2007	E-Mail		Email regarding hiring local counsel
CISCO PRIVILEGED.000119	CISCO PRIVILEGED.000121	Matthew Tanielian, Cisco Director of Governmental Affairs	Mark Chandler, Cisco		19-Oct-2007	E-Mail		Email regarding patent statistics
CISCO PRIVILEGED.000145	CISCO PRIVILEGED.000145	Rick Frenkel, Cisco	Kurt Pankratz, Baker Botts		18-Oct-2007	E-Mail		Email regarding similar case where filing party filed a motion to correct the docket
CISCO PRIVILEGED.000150	CISCO PRIVILEGED.000151	Marnie Willhoft, Cisco	Rick Frenkel		15-Oct-2007	E-Mail		Email regarding informing Cisco employee of ESN lawsuit.
CISCO PRIVILEGED.000157	CISCO PRIVILEGED.000158	Rick Frenkel, Cisco Rich Renfree, Cisco Michael Ritter, Cisco Marta Beckwith, Cisco Mallun Yen, Cisco Kurt Pankratz, Baker Botts Doug Kubehl, Baker Botts Bart Showalter, Baker Botts	Mark Michels, Cisco		19-Oct-2007	E-Mail		Email regarding service of ESN lawsuit
CISCO PRIVILEGED.000159	CISCO PRIVILEGED.000160	Marta Beckwith, Cisco Charles Verhoeven, Quinn Emanuel	Victoria Maroulis, Quinn Emanuel	Rick Frenkel, Cisco Michael Ritter, Cisco Mark Michels, Cisco	19-Oct-2007	E-Mail		Email regarding legal strategy with respect to declaratory judgment action.
CISCO PRIVILEGED.000170	CISCO PRIVILEGED.000170	Mallun Yen, Cisco Marta Beckwith, Cisco Michael Ritter, Cisco	Rick Frenkel, Cisco	Bart Showalter, Baker Botts Kurt Pankratz, Baker Botts Mark Michels, Cisco	18-Oct-2007	E-Mail		Email regarding ESN's motion to enjoin proceeding in Connecticut.
CISCO PRIVILEGED.000171	CISCO PRIVILEGED.000171	John Noh, Cisco Public Relations	Marta Beckwith, Cisco	Rick Frenkel, Cisco Michael Ritter, Cisco Mark Michels, Cisco	2-Nov-2007	E-Mail		Email regarding potential motion to dismiss and cooling off period.

CISCO PRIVILEGED.000175	CISCO PRIVILEGED.000175	Rick Frenkel, Cisco Michael Ritter, Cisco Marta Beckwith, Cisco	Mallun Yen, Cisco	Mark Michels, Cisco	19-Oct-2007	E-Mail		Email regarding selection of local counsel and strategy for filing declaratory judgment action.
CISCO PRIVILEGED.000178	CISCO PRIVILEGED.000180	Mallun Yen, Cisco Mark Michels, Cisco Marta Beckwith, Cisco Michael Ritter, Cisco	Rick Frenkel, Cisco		17-Oct-2007	E-Mail		Email regarding selection of local counsel for ESN litigation.
CISCO PRIVILEGED.000183	CISCO PRIVILEGED.000185	Mallun Yen, Cisco Mark Michels, Cisco Marta Beckwith, Cisco Michael Ritter, Cisco	Rick Frenkel, Cisco		18-Oct-2007	E-Mail		Email regarding selection of local counsel
CISCO PRIVILEGED.000186	CISCO PRIVILEGED.000187	Mallun Yen, Cisco Marta Beckwith, Cisco Michael Ritter, Cisco Rick Frenkel, Cisco	Mark, Michels, Cisco		17-Oct-2007	E-Mail		Email regarding selection of local counsel
CISCO PRIVILEGED.000188	CISCO PRIVILEGED.000188	Mallun Yen, Cisco	Marta Beckwith, Cisco	John Noh, Cisco	15-Oct-2007	E-Mail		Email regarding mechanics of filing declaratory judgment action.
CISCO PRIVILEGED.000189	CISCO PRIVILEGED.000189	Marta Beckwith, Cisco	John Noh, Cisco public relations		15-Oct-2007	E-Mail		Email regarding filing declaratory judgment action
CISCO PRIVILEGED.000190	CISCO PRIVILEGED.000191	John Noh, Cisco Public Relations Mallun Yen, Cisco Mark Chandler, Cisco Matthew Tanielian, Cisco Governmental Affairs	Neal Rubin, Cisco		18-Oct-2007	E-Mail		Email regarding local counsel
CISCO PRIVILEGED.000195	CISCO PRIVILEGED.000197	Mallun Yen, Cisco Marta Beckwith, Cisco	Kurt Pankratz, Baker Botts	Rick Frenkel, Cisco Bart Showalter, Baker Botts Michael Ritter, Cisco	16-Oct-2007	E-Mail		Email regarding status of filings in the ESN case and filing of the declaratory judgment action.
CISCO PRIVILEGED.000198	CISCO PRIVILEGED.000199	Rick Frenkel, Cisco Michael Ritter, Cisco Marta Beckwith, Cisco Mark Michels, Cisco Mallun Yen, Cisco Kurt Pankratz, Baker Botts Doug Kubehl, Baker Botts Bart Showalter, Baker	Doug Kubehl, Baker Botts		19-Oct-2007	E-Mail		Email regarding service of complaint and motion to enjoin in Connecticut.

		Botts						
CISCO PRIVILEGED.000200	CISCO PRIVILEGED.000201	Bart Showalter, Baker Botts Mallun Yen, Cisco Marta Beckwith, Cisco Michael Ritter, Cisco Rick Frenkel, Cisco	Kurt Pankratz, Baker Botts	Dan Lang, Cisco	16-Oct-2007	E-Mail		Email regarding legal analysis of complaint and filing of declaratory judgment action.
CISCO PRIVILEGED.000202	CISCO PRIVILEGED.000203	William O'Shaughnessy, McCarter & English	Rick Frenkel, Cisco	William Bright and Mark Giarratana, McCarter & English Marta Beckwith, Cisco Michael Ritter, Cisco	15-Oct-2007	E-Mail		Email regarding possible representation in Connecticut.
CISCO PRIVILEGED.000205	CISCO PRIVILEGED.000207	Rick Frenkel, Cisco Marta Beckwith, Cisco	Victoria Maroulis, Quinn Emanuel	Katherine Bennett, Quinn Emanuel Kevin Smith, Quinn Emanuel Mark Michels, Cisco Michael Ritter, Cisco Sayuri Sharper, Quinn Emanuel	27-Oct-2007	E-Mail		Email regarding legal strategy in dealing with subject-matter jurisdiction
CISCO PRIVILEGED.000208	CISCO PRIVILEGED.000211	Rick Frenkel, Cisco Victoria Maroulis, Quinn Emanuel	Marta Beckwith, Cisco	Katherine Bennett, Quinn Emanuel Kevin Smith, Quinn Emanuel Sayuri Sharper, Quinn Emanuel Mark Michels, Cisco Michael Ritter, Cisco	27-Oct-2007	E-Mail		Email regarding legal strategy in dealing with subject matter jurisdiction
CISCO PRIVILEGED.000213	CISCO PRIVILEGED.000214	Rick Frenkel, Cisco Michael Ritter, Cisco Marta Beckwith, Cisco	Mallun Yen, Cisco		18-Oct-2007	E-Mail		Email regarding legal analysis subject-matter jurisdiction argument
CISCO PRIVILEGED.000215	CISCO PRIVILEGED.000217	Rick Frenkel, Cisco	Marta Beckwith, Cisco	Michael Ritter, Cisco	15-Oct-2007	E-Mail		Email regarding selection of counsel and filing of declaratory judgment action.
CISCO PRIVILEGED.000225	CISCO PRIVILEGED.000226	Rick Frenkel, Cisco Michael Ritter, Cisco Marta Beckwith, Cisco Mallun Yen, Cisco	Mark Michels, Cisco	Dan Lang, Cisco	16-Oct-2007	E-Mail		Email regarding facts about ESN
CISCO PRIVILEGED.000229	CISCO PRIVILEGED.000230	Bart Showalter, Baker Botts Kurt Pankratz, Baker Botts Mallun Yen, Cisco Mark Michels, Cisco Marta Beckwith, Cisco	Rick Frenkel, Cisco	Dan Lang, Cisco	18-Oct-2007	E-Mail		Email regarding legal strategy for dealing with the filing of the ESN lawsuit

		Michael Ritter, Cisco						
CISCO PRIVILEGED.000238	CISCO PRIVILEGED.000238	Rick Frenkel, Cisco Michael Ritter, Cisco Marta Beckwith, Cisco Mark Michels, Cisco Mallun Yen, Cisco Kurt Pankratz, Baker Botts Bart Showalter, Baker Botts	Doug Kubehl, Baker Botts		19-Oct-2007	E-Mail		Email regarding plans to discuss ESN's motion to enjoin proceedings in Connecticut.
CISCO PRIVILEGED.000242	CISCO PRIVILEGED.000243	Rick Frenkel, Cisco Michael Ritter, Cisco Marta Beckwith, Cisco Mark Michels, Cisco	Mallun Yen, Cisco		17-Oct-2007	E-Mail		Email regarding selection of counsel
CISCO PRIVILEGED.000244	CISCO PRIVILEGED.000244	Mallun Yen, Cisco Marta Beckwith, Cisco Michael Ritter, Cisco	Rick Frenkel, Cisco	Mark Michels, Cisco	18-Oct-2007	E-Mail		Email regarding timing of filing declaratory judgment action
CISCO PRIVILEGED.000252	CISCO PRIVILEGED.000252	Marta Beckwith, Cisco	Mallun Yen, Cisco	John Noh, Cisco Public Relations Mark Chandler, Cisco	15-Oct-2007	E-Mail		Email regarding procedure for filing in Connecticut
CISCO PRIVILEGED.000253	CISCO PRIVILEGED.000253	Mallun Yen, Cisco	Mark Chandler, Cisco		18-Oct-2007	E-Mail		Email asking response from potential counsel
CISCO PRIVILEGED.000262	CISCO PRIVILEGED.000263	John Noh, Cisco Public Relations Mark Chandler, Cisco Matthew Tanielian, Cisco Governmental Affairs	Mallun Yen, Cisco		18-Oct-2007	E-Mail		Update on claims made by ESN concerning the filing of the ESN litigation.
CISCO PRIVILEGED.000266	CISCO PRIVILEGED.000268	Rick Frenkel, Cisco Michael Ritter, Cisco Marta Beckwith, Cisco	Mallun Yen, Cisco		18-Oct-2007	E-Mail		Email regarding selection of local counsel
CISCO PRIVILEGED.000273	CISCO PRIVILEGED.000274	Mark Chandler, Cisco	Mallun Yen, Cisco		18-Oct-2007	E-Mail		Email regarding selection of local counsel
CISCO PRIVILEGED.000275	CISCO PRIVILEGED.000275	John Noh, Cisco Public Relations Marta Beckwith, Cisco	Mallun Yen, Cisco	Michael Ritter, Cisco	17-Oct-2007	E-Mail		Update about status of filings in ESN litigation
CISCO PRIVILEGED.000282	CISCO PRIVILEGED.000283	Mark Chandler, Cisco	Mallun Yen, Cisco		15-Oct-2007	E-Mail		Email regarding summary of claims in ESN litigation
CISCO PRIVILEGED.000284	CISCO PRIVILEGED.000284	Mark Chandler, Cisco	Mallun Yen, Cisco		17-Oct-2007	E-Mail		Email regarding filing of amended complaint by ESN
CISCO PRIVILEGED.000285	CISCO PRIVILEGED.000286	Mallun Yen, Cisco	Mark Chandler, Cisco		15-Oct-2007	E-Mail		Email regarding topics for meeting

CISCO PRIVILEGED.000288 ⁴	CISCO PRIVILEGED.000323							Chart of patent lawsuits
CISCO PRIVILEGED.000325	CISCO PRIVILEGED.000326	Rick Frenkel, Cisco Michael Ritter, Cisco Marta Beckwith, Cisco Mark Michels, Cisco Mallun Yen, Cisco	Rick Frenkel, Cisco	Dan Lang, Cisco	15-Oct-2007	E-Mail		Email discussing facts about ESN

Documents not produced in the Albritton v. Cisco litigation in the Eastern District of Texas but that Plaintiff believes may contain information that falls within the subject-matter waiver of this Court's March 30, 2007 Order.⁵

Begin Bates No	End Bates No.	People - To	People - From	People - CC	Date	Type	Title	Description
CISCO PRIVILEGED.000029	CISCO PRIVILEGED.000029	Marta Beckwith, Cisco	S. Baxter, McKool Smith		31-Oct-2007	E-Mail		Email with attorney regarding representation in ESN litigation.
CISCO PRIVILEGED.000032	CISCO PRIVILEGED.000032	Marta Beckwith, Cisco	S. Baxter, McKool Smith		31-Oct-2007	E-Mail		Email with attorney regarding representation in ESN litigation.
CISCO PRIVILEGED.000033	CISCO PRIVILEGED.000033	Marta Beckwith, Cisco	S. Baxter, McKool Smith		31-Oct-2007	E-Mail		Email with attorney regarding representation in ESN litigation.
CISCO PRIVILEGED.000049	CISCO PRIVILEGED.000049	Rick Frenkel, Cisco	Bart Showalter, Baker Botts	Marta Beckwith, Cisco	30-Nov-2007	E-Mail		Email attaching analysis of ESN patent claims
CISCO PRIVILEGED.000050	CISCO PRIVILEGED.000063	Not included on Cisco's privilege log	Not included on Cisco's privilege log	Not included on Cisco's privilege log	30-Nov-2007	Not included on Cisco's privilege log		Analysis of ENS patent claims
CISCO PRIVILEGED.000064	CISCO PRIVILEGED.000072	Not included on Cisco's privilege log	Not included on Cisco's privilege log	Not included on Cisco's privilege log	30-Nov-2007	Not included on Cisco's privilege log		Analysis of ENS patent claims
CISCO PRIVILEGED.000073	CISCO PRIVILEGED.000086	Not included on Cisco's privilege log	Not included on Cisco's privilege log	Not included on Cisco's privilege log	30-Nov-2007	Not included on Cisco's privilege log		Analysis of ENS patent claims

⁴ This document is included because Cisco's privilege log does not include sufficient information for Plaintiff to evaluate the document.

⁵ To the extent that these documents include information concerning the filing of the ESN Complaint, the Amended Complaint, subject-matter jurisdiction in the ESN v. Cisco litigation, the truth or falsity of any of the statements contained in the accused Troll Tracker posts, Cisco and Frenkel's negligence, knowledge of falsity, or recklessness in libeling Ward, or motive for libeling Ward they should be produced. Many of the issues in the ESN case, including subject-matter jurisdiction and venue, have long been resolved and there is little to no harm to Cisco if documents regarding those topics are produced. However, some of these documents may contain legal analysis concerning the patent infringement issues in the underlying ESN v. Cisco litigation; an ongoing issue in that case. The Court should permit Cisco to redact these documents to ensure that its infringement analysis in the ESN v. Cisco litigation is not disclosed.

CISCO PRIVILEGED.000090	CISCO PRIVILEGED.000090	Marta Beckwith, Cisco	S. Baxter, McKool Smith		31-Oct-2007	E-Mail		Email with attorney regarding representation in ESN litigation.
CISCO PRIVILEGED.000102	CISCO PRIVILEGED.000102	Rick Frenkel, Cisco Michael Ritter, Cisco Marta Beckwith, Cisco	Mallun Yen, Cisco		26-Oct-2007	E-Mail		Email regarding case strategy and determination of representation for ESN lawsuit.
CISCO PRIVILEGED.000127	CISCO PRIVILEGED.000130	Victoria Maroulis, Quinn Emanuel Marta Beckwith, Cisco	Rick Frenkel, Cisco	Katherine Bennett, Kevin Smith, and Sayuri Sharper, Quinn Emanuel Mark Michels, Cisco Michael Ritter, Cisco	27-Oct-2007	Email		Email regarding strategy with respect to subject matter jurisdiction arguments
CISCO PRIVILEGED.000131	CISCO PRIVILEGED.000133	Rick Frenkel, Cisco Mark Michels, Cisco	Rick Frenkel, Cisco		12-Nov-2007			IP team monthly report with case summaries.
CISCO PRIVILEGED.000152	CISCO PRIVILEGED.000153	Rick Frenkel, Cisco	John Corcoran, Cisco		2-Nov-2007			Legal evaluation of potential agreement to dismiss declaratory judgment action and potential stay agreement
CISCO PRIVILEGED.000161	CISCO PRIVILEGED.000163	Mark Michels, Cisco	Rick Frenkel, Cisco		12-Nov-2007	E-Mail		Email regarding case status of various Cisco lawsuits
CISCO PRIVILEGED.000164	CISCO PRIVILEGED.000166	Mark Michels, Cisco	Rick Frenkel, Cisco		28-Oct-2007	E-Mail		Email regarding case status and case strategy in the ESN litigation
CISCO PRIVILEGED.000172	CISCO PRIVILEGED.000174	Rick Frenkel, Cisco Marta Beckwith, Cisco	Victoria Maroulis, Quinn Emanuel	Katherine Bennett, Kevin Smith, and Sayuri Sharper, Quinn Emanuel Mark Michels, Cisco Michael Ritter, Cisco	27-Oct-2007	E-Mail		Email regarding new venue case and how it relates to case strategy
CISCO PRIVILEGED.000176	CISCO PRIVILEGED.000176	Marta Beckwith, Cisco	Rick Frenkel, Cisco	Mark Michels, Cisco Michael Ritter, Cisco	29-Oct-2007	E-Mail		Email regarding selection of local counsel
CISCO PRIVILEGED.000177	CISCO PRIVILEGED.000177	Mark Michels, Cisco Marta Beckwith, Cisco Victoria Maroulis, Quinn Emanuel	Rick Frenkel, Cisco		28-Nov-2007	E-Mail		Email regarding discussing revenue numbers with ESN.
CISCO PRIVILEGED.000181	CISCO PRIVILEGED.000182	Victoria Maroulis, Quinn Emanuel	Rick Frenkel, Cisco	Mark Michels, Cisco Marta Beckwith, Cisco Michael Ritter, Cisco	25-Oct-2007	E-Mail		Email regarding requirements to file declaratory judgment action in Connecticut.
CISCO PRIVILEGED.000218	CISCO PRIVILEGED.000220	Victoria Maroulis, Quinn Emanuel Marta Beckwith, Cisco	Rick Frenkel, Cisco	Katherine Bennett, Kevin Smith, and Sayuri Sharper, Quinn Emanuel Mark Michels, Cisco Michael Ritter, Cisco	27-Oct-2007	E-Mail		Email regarding status of declaratory judgment action and local counsel

CISCO PRIVILEGED.000221	CISCO PRIVILEGED.000224	Victoria Maroulis, Quinn Emanuel Marta Beckwith, Cisco	Rick Frenkel, Cisco	Katherine Bennett, Kevin Smith, and Sayuri Sharper, Quinn Emanuel Mark Michels, Cisco Michael Ritter, Cisco	27-Oct-2007	E-Mail		Email regarding case law on venue.
CISCO PRIVILEGED.000239	CISCO PRIVILEGED.000241	Michael Ritter, Cisco	Victoria Maroulis, Quinn Emanuel		31-Oct-2007	E-Mail		Email regarding status of motion to transfer venue
CISCO PRIVILEGED.000245	CISCO PRIVILEGED.000249	Rick Frenkel, Cisco Marta Beckwith, Cisco	Victoria Maroulis, Quinn Emanuel	Katherine Bennett, Kevin Smith, and Sayuri Sharper, Quinn Emanuel Mark Michels, Cisco Michael Ritter, Cisco	27-Oct-2007	E-Mail		Email regarding conference call and evaluation of ESN's connections with Texas.

Exhibits:

Plaintiff believes the following Exhibits will be helpful to the Court in examining the documents contained on this submission log:

Exhibit 1—October 17, 2007 Troll Tracker Blog Post

Exhibit 2—October 18, 2007 Troll Tracker Blog Post

Exhibit 3—October 18, 2007 Troll Tracker Blog Post after it was edited by Rick Frenkel on October 19, 2007

Exhibit 4—The internal correspondence among Cisco employees and agents that Cisco has produced in this case, totaling 22 pages.