

TAB A-9

Cisco's Log of Documents Not Produced in *Albritton v. Cisco*

Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
1a	CISCO PRIVILEGED. 000029	CISCO PRIVILEGED. 000029	31-Oct-2007 5:51 PM	Sam Baxter ¹ (McKool Smith)	Marta Beckwith		RE: ESN	Email with attorney regarding discussions with ESN	Attorney/Client Work Product (ordinary)
1b			31-Oct-2007 3:22 PM	Marta Beckwith	Sam Baxter (McKool Smith)		RE: ESN	Email with attorney regarding engaging him and finding counsel for urgent issues in case	Attorney/Client Work Product (ordinary)
1c			31-Oct-2007 1:04 PM	Sam Baxter (McKool Smith)	Marta Beckwith		RE: ESN	Email from attorney regarding phone call to discuss case	Attorney/Client Work Product (ordinary)
1d			31-Oct-2007 1:22 PM (CST)	Marta Beckwith	Sam Baxter (McKool Smith)	Garret Chambers (McKool Smith)	ESN	Email from attorney regarding phone call to discuss case	Email from attorney regarding phone call to discuss case
2a	CISCO PRIVILEGED. 000030	CISCO PRIVILEGED. 000030	24-Oct-2007 1:39 PM	Marta Beckwith	Bart Showalter (Baker Botts)		RE: ESN	Email with attorney regarding representation in ESN litigation.	Attorney/Client Work Product (ordinary)
2b			24-Oct-2007 4:17 AM	Bart Showalter (Baker Botts)	Marta Beckwith		ESN	Email with attorney regarding representation in ESN litigation.	Attorney/Client Work Product (ordinary)
3a	CISCO PRIVILEGED. 000031	CISCO PRIVILEGED. 000031	25-Oct-2007 12:25 PM	Kurt Pancratz (Baker Botts)	Mark Michels Marta Beckwith Michael Ritter Rick Frenkel	Bartt Showalter (Baker Botts) Bryant Boren (Baker Botts) Doug Kubehl (Baker Botts)	FW: Cisco/ESN	Email forwarding email with attorney regarding legal strategy with respect to motion to stay filed in ESN litigation in Connecticut.	Attorney/Client Work Product (ordinary)
3b			25-Oct-2007 2:19 PM	Michael A. Bucci (Day Pitney)	Kurt Pankratz (Baker Botts)	Bart Showalter (Baker Botts)	Cisco/ESN	Email with attorney regarding legal strategy with respect to motion to stay filed in ESN litigation in Connecticut.	Attorney/Client Work Product (ordinary and opinion)
4a	CISCO PRIVILEGED. 000032	CISCO PRIVILEGED. 000032	31-Oct-2007	(logged at 1b)					

¹ Every person listed in the "From" and "To" categories was a Cisco employee unless otherwise indicated.

Cisco's Log of Documents Not Produced in *Albritton v. Cisco*

Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
4b				(logged at 1c)					
4c				(logged at 1d)					
5a	CISCO PRIVILEGED. 000033	CISCO PRIVILEGED. 000033	31-Oct-2007 9:16 PM	Marta Beckwith	Sam Baxter (McKool Smith)		RE: ESN	Email with attorney regarding representation in ESN litigation.	Attorney/Client Work Product (ordinary)
5b				(logged at 1a)					
5c				(logged at 1b)					
5d				(logged at 1c)					
5e				(logged at 1d)					
6a	CISCO PRIVILEGED. 000034	CISCO PRIVILEGED. 000034	17-Oct-2007 1:50 PM	Marta Beckwith	Bucci, Michael A. (Day Pitney) Sicilian, James (Day Pitney)	Michael Ritter	FW: Amended ESN Complaint	Email regarding service of amended complaint in ESN litigation.	Attorney/Client Work Product (ordinary)
6b				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000001)					
7a	CISCO PRIVILEGED. 000035	CISCO PRIVILEGED. 000036	19-Oct-2007 12:49 PM	Marta Beckwith	Charles K Verhoeven (Quinn Emanuel) Victoria Maroulis (Quinn Emanuel)		FW: We were just sued by ESN, LLC	Email forwarding research of ESN for purposes of ESN litigation.	Attorney/Client Work Product (ordinary)
7b			15-Oct-2007 3:25 PM	Rick Frenkel	Rick Frenkel Mallun Yen Marta Beckwith Michael Ritter Mark Michels	Dan Lang	RE: We were just sued by ESN, LLC	Email regarding research of ESN for purposes of ESN litigation.	Attorney/Client Work Product (ordinary)

Cisco's Log of Documents Not Produced in *Albritton v. Cisco*

Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
7c				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000027)					
8a	CISCO PRIVILEGED. 000042	CISCO PRIVILEGED. 000042	19-Oct-2007 1:50 PM	Marta Beckwith	Edward Reines (Weil Gotshal) Matthew Powers (Weil Gotshal)		FW: Amended ESN Complaint	Email forwarding email with attorneys discussing filing of amended petition in ESN litigation.	Attorney/Client Work Product (ordinary)
8b				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000001)					
9	CISCO PRIVILEGED. 000049	CISCO PRIVILEGED. 000049	30-Nov-2007 1:12 PM	Bart Showalter (Baker Botts)	Rick Frenkel	Marta Beckwith	FW: ESN	Email attaching invalidity analysis of ESN patent claims.	Attorney/Client Work Product (ordinary and opinion)
10	CISCO PRIVILEGED. 000050	CISCO PRIVILEGED. 000063	30-Nov-2007					Invalidity analysis of ESN patent claims (attachment to No. 9)	Attorney/Client Work Product (ordinary and opinion)
11	CISCO PRIVILEGED. 000064	CISCO PRIVILEGED. 000072	30-Nov-2007					Invalidity analysis of ESN patent claims (attachment to No. 9)	Attorney/Client Work Product (ordinary and opinion)
12	CISCO PRIVILEGED. 000073	CISCO PRIVILEGED. 000086	30-Nov-2007					Invalidity analysis of ESN patent claims (attachment to No. 9)	Attorney/Client Work Product (ordinary and opinion)

Cisco's Log of Documents Not Produced in *Albritton v. Cisco*

Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
13a	CISCO PRIVILEGED. 000088	CISCO PRIVILEGED. 000088	19-Oct-2007 12:48 PM	Marta Beckwith	Charles K Verhoeven (Quinn Emanuel) Victoria Maroulis (Quinn Emanuel)		FW: We were just sued by ESN, LLC	Email forwarding among attorneys discussing ESN filing, declaratory judgment action in Connecticut and strategy relating to same.	Attorney/Client Work Product (ordinary)
13b				(logged at 7)					
14a	CISCO PRIVILEGED. 000090	CISCO PRIVILEGED. 000090	31-Oct-2007 1:48 PM	Sam Baxter (McKool Smith)	Marta Beckwith		RE: ESN	Email with attorney regarding representation in ESN litigation.	Attorney/Client Work Product (ordinary)
14b				(logged at 1b)					
14c				(logged at 1c)					
14d				(logged at 1d)					
15a	CISCO PRIVILEGED. 000091	CISCO PRIVILEGED. 000092	19-Oct-2007 12:50 PM	Marta Beckwith	Charles K Verhoeven (Quinn Emanuel) Victoria Maroulis (Quinn Emanuel)		FW: Urgent – please read- ESN	Email forwarding email regarding subject-matter jurisdiction in ESN litigation and legal opinions regarding same.	Attorney/Client Work Product (ordinary)
15b				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000019)			\		
16a	CISCO PRIVILEGED. 000093	CISCO PRIVILEGED. 000093	19-Oct-2007 12:50 PM	Marta Beckwith	Charles K Verhoeven (Quinn Emanuel) Victoria Maroulis (Quinn Emanuel)		FW: Amended ESN Complaint	Email forwarding email regarding amended complaint in ESN litigation.	Attorney/Client Work Product (ordinary)
16b				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000001)					

Cisco's Log of Documents Not Produced in *Albritton v. Cisco*

Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
17a	CISCO PRIVILEGED. 000095	CISCO PRIVILEGED. 000097	16-Oct-2007 1:49 PM	Paul Devinsky (McDermott Will & Emery)	Mark Michels Marta Beckwith		Re: Cisco – McDermott Will & Emery IP Teleconference	Email discussing legal analysis of claims made by ESN	Attorney/Client Work Product (ordinary and opinion)
17b			16-Oct-2007 3:58 PM	Paul Devinsky (McDermott Will & Emery)	Mark Michels	Marta Beckwith	Re: Cisco – McDermott Will & Emery IP Teleconference	Email forwarding basic information about the ESN lawsuit	Attorney/Client Work Product (ordinary)
18a	CISCO PRIVILEGED. 000098	CISCO PRIVILEGED. 000098	17-Oct-2007 4:45 PM	(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000002)					
18b				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000002)					
19a	CISCO PRIVILEGED. 000099	CISCO PRIVILEGED. 000100	17-Oct-2007 2:41 PM	Rick Frenkel	Mark Michels Marta Beckwith Michael Ritter	John Corcoran	FW: Amended ESN Complaint	Email analyzing issue with ESN's claims in ESN litigation.	Attorney/Client Work Product (ordinary and opinion)
19b			17-Oct-2007 1:59 PM	John Corcoran	Rick Frenkel	John Corcoran	RE: Amended ESN Complaint	Email analyzing issue with ESN's claims in ESN litigation.	Attorney/Client Work Product (ordinary and opinion)
19c				(this email was produced in the Albritton case and					

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Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
				has already been logged—Cisco Privileged.000001)					
20a	CISCO PRIVILEGED. 000101	CISCO PRIVILEGED. 000101	15-Oct-2007 4:01 PM	Marta Beckwith	John Noh		FW: We were just sued by ESN, LLC	Email regarding potentially filing declaratory judgment action in Connecticut.	Attorney/Client Work Product (ordinary)
20b				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000027)					
21	CISCO PRIVILEGED. 000102	CISCO PRIVILEGED. 000102	26-Oct-2007 5:38 PM	Mallun Yen	Marta Beckwith Michael Ritter Rick Frenkel		ESN	Email regarding case strategy and determination of representation for ESN lawsuit.	Attorney/Client Work Product (ordinary and opinion)
22a	CISCO PRIVILEGED. 000106	CISCO PRIVILEGED. 000107	18-Oct-2007 7:26 AM	Marta Beckwith	Mallun Yen Mark Michels Michael Ritter Rick Frenkel		RE: Amended ESN Complaint	Email regarding hiring of local counsel.	Attorney/Client Work Product (ordinary)
22b			17-Oct-2007 10:03 PM	Mark Michels	Mallun Yen Marta Beckwith Michael Ritter Rick Frenkel		RE: Amended ESN Complaint	Email regarding hiring of local counsel.	Attorney/Client Work Product (ordinary)
22c			17-Oct-2007 9:32 PM	Mallun Yen	Marta Beckwith Michael Ritter Rick Frenkel Mark Michels		FW: Amended ESN Complaint	Email regarding strategy with respect to hiring local counsel	Attorney/Client Work Product (ordinary and opinion)
22d			17-Oct-2007 2:41 PM	Mark Chandler	Mallun Yen		RE: Amended ESN Complaint	Email regarding strategy with respect to hiring local counsel	Attorney/Client Work Product (ordinary and opinion)
22e			17-Oct-2007 2:32 PM	Mallun Yen	Mark Chandler		FW: Amended ESN Complaint	Email forwarding email regarding ESN filing an amended complaint	Attorney/Client Work Product (ordinary)

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Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
22f				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000027)					
23a	CISCO PRIVILEGED. 000108	CISCO PRIVILEGED. 000108	17-Oct-2007	(logged at 22d)					
23b				(logged at 22e)					
23c				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000027)					
24a	CISCO PRIVILEGED. 000119	CISCO PRIVILEGED. 000121	19-Oct-2007 12:30 PM	Mark Chandler	Matthew Tanielian		RE: Fair Comparison of Patent Litigation Statistics, 1990 v. 2006 v. 2007	Email regarding patent statistics.	Attorney/Client
24b				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000154)					
24c			18-Oct-2007 9:47 PM EST	Rick Frenkel	Mark Chandler Matthew Tanielian	Mallun Yen Dan Lang	Fair Comparison of Patent Litigation Statistics, 1990 v. 2006 v. 2007		

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Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
25a	CISCO PRIVILEGED. 000127	CISCO PRIVILEGED. 000130	27-Oct-2007 11:27 AM	Rick Frenkel	Victoria Maroulis (Quinn Emanuel) Marta Beckwith	Katherine Bennett (Quinn Emanuel) Kevin Smith (Quinn Emanuel) Sayuri Sharper (Quinn Emanuel) Mark Michels Michael Ritter	Re: ESN v. Cisco update and important new date in CT case	Email concerning strategy with respect to venue.	Attorney/Client Work Product (ordinary and opinion)
25b			27-Oct-2007 10:21 AM PST	Victoria Maroulis (Quinn Emanuel)	Rick Frenkel Marta Beckwith	Michael Ritter Mark Michels Sayuri Sharper Kevin Smith Katherine Bennett	Re: ESN v. Cisco update and important new date in CT case	Email concerning strategy with respect to venue.	Attorney/Client Work Product (ordinary and opinion)
25c			27-Oct-2007 10:00 AM	Rick Frenkel	Victoria Maroulis (Quinn Emanuel) Marta Beckwith	Michael Ritter Mark Michels Sayuri Sharper Kevin Smith Katherine Bennett	Re: ESN v. Cisco update and important new date in CT case	Email concerning strategy with respect to venue and communications with counsel.	Attorney/Client Work Product (ordinary and opinion)
25d			27-Oct-2007 6:54 AM	Victoria Maroulis (Quinn Emanuel)	Marta Beckwith	Michael Ritter Rick Frenkel Mark Michels Sayuri Sharper Kevin Smith Katherine Bennett	Re: ESN v. Cisco update and important new date in CT case	Email concerning case strategy and legal opinions	Attorney/Client Work Product (ordinary and opinion)
26a	CISCO PRIVILEGED. 000131	CISCO PRIVILEGED. 000133	12-Nov-2007 4:35 PM	Rick Frenkel	Mark Michels Rick Frenkel		RE: IP Team Monthly Report Please Respond by 11/16	IP team monthly report with case summaries and legal opinions regarding various litigation (redacting all parts not related to ESN lawsuit)	Attorney/Client Work Product (ordinary and opinion)
26b			12-Nov-2007 11:44	Rick Frenkel	Mark Michels	Rick Frenkel	RE: IP Team Monthly Report Please Respond by 11/16	Email correspondence regarding writing a summary of the ESN lawsuit	Attorney/Client Work Product (ordinary)
26c			12-Nov-2007 11:30 AM	Mark Michels	Rick Frenkel		RE: IP Team Monthly Report Please Respond by 11/16	Email correspondence regarding writing a summary of the ESN lawsuit and regarding	Attorney/Client Work Product (ordinary)

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Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
								making sure the summary is privileged	
26d			12-Nov-2007 11:28 AM	Rick Frenkel	Mark Michels		RE: IP Team Monthly Report Please Respond by 11/16	Email correspondence regarding writing a summary of the ESN lawsuit and regarding making sure the summary is privileged	Attorney/Client Work Product (ordinary)
26e			11-Nov-2007 7:11 PM	Mark Michels	ip-team(mailer list of Cisco's intellectual property and legal team)		IP Team Monthly Report Please Respond by 11/16	Email correspondence regarding writing a summary of the ESN lawsuit	Attorney/Client Work Product (ordinary)
27a	CISCO PRIVILEGED. 000145	CISCO PRIVILEGED. 000145	18-Oct-2007 12:31 PM	Kurt Pankratz (Baker Botts)	Rick Frenkel		RE: Re: Hertz/TSD Motion to Correct Docket	Email attaching exhibit to email regarding similar case where filing party filed a motion to correct the docket.	Attorney/Client Work Product (ordinary)
27b				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000212)					
28a	CISCO PRIVILEGED. 000150	CISCO PRIVILEGED. 000151	15-Oct-2007 3:04 PM	Rick Frenkel	Marnie Willhoft		FW: We were just sued by ESN, LLC	Email regarding informing Cisco employee of ESN lawsuit.	Attorney/Client Work Product (ordinary)
28b				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000027)					
29a	CISCO PRIVILEGED. 000152	CISCO PRIVILEGED. 000153	2-Nov-2007 3:22 PM	John Corcoran	Rick Frenkel		RE: ESN	Response to legal evaluation of potential agreement to dismiss declaratory judgment action and potential stay agreement.	Attorney/Client Work Product (ordinary)

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Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
29b			02-Nov-2007 3:22 PM	Rick Frenkel	John Corcoran		FW: ESN	Legal evaluation of potential agreement to dismiss declaratory judgment action and potential stay agreement.	Attorney/Client Work Product (ordinary and opinion)
29c			2-Nov-2007 8:34 AM	Marta Beckwith	John Noh	Mark Michels	ESN	Legal evaluation of potential agreement to dismiss declaratory judgment action and potential stay agreement.	Attorney/Client Work Product (ordinary and opinion)
30a	CISCO PRIVILEGED. 000157	CISCO PRIVILEGED. 000158	19-Oct-2007 9:57 AM	(This email was produced in the Albritton case and has already been logged—Cisco Privileged.000227)					
30b				(This email was produced in the Albritton case and has already been logged—Cisco Privileged.000227)					
30c				(This email was produced in the Albritton case and has already been logged—Cisco Privileged.000227)					
30d				(This email was produced in the Albritton case and has already been logged—Cisco					

Cisco's Log of Documents Not Produced in *Albritton v. Cisco*

Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
				Privileged.000027)					
30e				(This email was produced in the Albritton case and has already been logged—Cisco Privileged.000027)					
31a	CISCO PRIVILEGED. 000159	CISCO PRIVILEGED. 000160	19-Oct-2007 1:16 PM	Victoria Maroulis	Charles K Verhoeven (Quinn Emanuel) Marta Beckwith	Mark Michels Michael Ritter Rick Frenkel	RE: ESN	Email regarding beginning work on ESN matter	Attorney/Client Work Product (ordinary)
31b			19-Oct-2007 12:48 PM	Marta Beckwith	Victoria Maroulis Charles K Verhoeven	Michael Ritter Mark Michels Rick Frenkel	ESN	Email regarding legal strategy with respect to declaratory judgment action.	Attorney/Client Work Product (ordinary and opinion)
32a	CISCO PRIVILEGED. 000161	CISCO PRIVILEGED. 000163	12-Nov-2007 4:36 PM	Mark Michels	Rick Frenkel		RE: IP Team Monthly Report Please Respond by 11/16	Email responding to status of various Cisco lawsuits.	Attorney/Client Work Product (ordinary)
32b				(logged at 26a)					
32c				(logged at 26b)					
32d				(logged at 26c)					
32e				(logged at 26d)					
32f				(logged at 26e)					
33a	CISCO PRIVILEGED. 000164	CISCO PRIVILEGED. 000166	28-Oct-2007 7:55 PM	Mark Michels	Rick Frenkel		Re: ESN v. Cisco update and important new date in CT case	Email responding to scheduling call regarding case strategy.	Attorney/Client Work Product (ordinary)

Cisco's Log of Documents Not Produced in *Albritton v. Cisco*

Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
33b				(logged at 25a)					
33c				(logged at 25b)					
33d				(logged at 25c)					
33e				(logged at 25d)					
34	CISCO PRIVILEGED. 000170	CISCO PRIVILEGED. 000170	18-Oct-2007 11:30 PM	(This email was produced in the Albritton case and has already been logged— Cisco Privileged.000228)					
35	CISCO PRIVILEGED. 000171	CISCO PRIVILEGED. 000171	2-Nov-2007 8:34 AM	Marta Beckwith	John Noh	Mark Michels Michael Ritter Rick Frenkel	ESN	Email regarding potential agreed motion to dismiss and cooling off period.	Attorney/Client Work Product (ordinary and opinion)
36a	CISCO PRIVILEGED. 000172	CISCO PRIVILEGED. 000174	27-Oct-2007 12:14 PM	Victoria Maroulis (Quinn Emanuel)	Marta Beckwith Rick Frenkel	Katherine Bennett (Quinn Emanuel) Kevin Smith (Quinn Emanuel) Mark Michels Michael Ritter Sayuri Sharper (Quinn Emanuel)	Re: ESN v. Cisco update and important new date in CT case	Email regarding new venue case and how it relates to case strategy.	Attorney/Client Work Product (ordinary and opinion)
36b				(logged at 25a)					
36c				(logged at 25b)					
36d				(logged at 25c)					

Cisco's Log of Documents Not Produced in *Albritton v. Cisco*

Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
36e				(logged at 25d)					
37a	CISCO PRIVILEGED. 000175	CISCO PRIVILEGED. 000175	19-Oct-2007 8:10 AM	Mallun Yen	Marta Beckwith Michael Ritter Rick Frenkel	Mark Michels	RE:	Email responding to email regarding selection of local counsel and strategy for filing declaratory judgment action.	Attorney/Client Work Product (ordinary and opinion)
37b			19-Oct-2007 7:19 AM	Marta Beckwith	Rick Frenkel Mallun Yen Michael Ritter	Mark Michels	RE:	Email regarding selection of local counsel and strategy for filing declaratory judgment action.	Attorney/Client Work Product (ordinary and opinion)
37c			18-Oct-2007 11:51 PM	Rick Frenkel	Marta Beckwith Mallun Yen Michael Ritter	Mark Michels		Email regarding strategy for filing declaratory judgment action.	Attorney/Client Work Product (ordinary and opinion)
38a	CISCO PRIVILEGED. 000176	CISCO PRIVILEGED. 000176	29-Oct-2007 8:16 PM	Rick Frenkel	Marta Beckwith	Mark Michels Michael Ritter	RE: Otis	Email regarding selection of local counsel	Attorney/Client Work Product (ordinary)
38b			29-Oct-2007 7:53 PM	Marta Beckwith	Rick Frenkel	Michael Ritter Mark Michels	Otis	Email regarding selection of local counsel and case strategy	Attorney/Client Work Product (ordinary and opinion)
39	CISCO PRIVILEGED. 000177	CISCO PRIVILEGED. 000177	28-Nov-2007 1:30 PM	Rick Frenkel	Mark Michels Marta Beckwith Victoria Maroulis (Quinn Emanuel)		ESN	Email regarding strategy with respect to discussing revenue numbers with ESN.	Attorney/Client Work Product (ordinary and opinion)
40a	CISCO PRIVILEGED. 000178	CISCO PRIVILEGED. 000180	17-Oct-2007 9:50 PM	Rick Frenkel	Mallun Yen Mark Michels Marta Beckwith Michael Ritter		RE: Amended ESN Complaint	Email regarding selection of counsel for ESN litigation.	Attorney/Client Work Product (ordinary)

Cisco's Log of Documents Not Produced in *Albritton v. Cisco*

Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
40b			17-Oct-2007 9:31 PM (PST)	(logged at 22c)					
40c			17-Oct-2007 2:41 PM	(logged at 22d)	Mallun Yen		RE: Amended ESN Complaint		
40d				(logged at 22e)					
40e				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000027)					
41a	CISCO PRIVILEGED. 000181	CISCO PRIVILEGED. 000182	25-Oct-2007 12:28 PM	Rick Frenkel	Victoria Maroulis (Quinn Emanuel)	Mark Michels Marta Beckwith Michael Ritter	FW: Cisco/ESN	Email regarding requirements to file motion in Connecticut.	Attorney/Client Work Product (ordinary)
41b			25-Oct-2007 12:25 PM	Kurt Pankratz (Baker Botts)	Marta Beckwith Rick Frenkel Michael Ritter Mark Michels	Bart Showalter (Baker Botts) Doug Kubehl (Baker Botts) Bryant. Boren (Baker Botts)	FW: Cisco/ESN	Emailin forwarding email regarding analysis of pleadings filed in Connecticut action	Attorney/Client Work Product (ordinary)
41c			25-Oct-2007	Michael A. Bucci (Day Pitney)	Kurt Pankratz (Baker Botts)	Bart Showalter (Baker Botts)	Cisco/ESN	Email regarding analysis of pleadings filed in Connecticut action	Attorney/Client Work Product (ordinary)
42a	CISCO PRIVILEGED. 000183	CISCO PRIVILEGED. 000185	18-Oct-2007 8:09 AM	Rick Frenkel	Mallun Yen Mark Michels Marta Beckwith Michael Ritter		RE: Amended ESN Complaint	Email regarding selection of counsel.	Attorney/Client Work Product (ordinary and opinion)

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Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
42b				(logged at 22a)					
42c				(logged at 22b)					
42d				(logged at 22c)					
42e				(logged at 22d)					
42f				(logged at 22e)					
42g				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000027)					
43a	CISCO PRIVILEGED. 000186	CISCO PRIVILEGED. 000187	17-Oct-2007 10:03 PM	(logged at 22b)	Mallun Yen Marta Beckwith Michael Ritter Rick Frenkel		RE: Amended ESN Complaint	Email regarding selection of counsel.	Attorney/Client Work Product (ordinary)
43b				(logged at 22c)					
43c				(logged at 22d)					
43d				(logged at 22e)					

Cisco's Log of Documents Not Produced in *Albritton v. Cisco*

Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
43e				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000027)					
44	CISCO PRIVILEGED. 000188	CISCO PRIVILEGED. 000188	15-Oct-2007 8:31 PM	Marta Beckwith	Mallun Yen	John Noh	ESN Complaint	Email regarding mechanics and strategy fro filing declaratory judgment action.	Attorney/Client Work Product (ordinary)
45a	CISCO PRIVILEGED. 000189	CISCO PRIVILEGED. 000189	15-Oct-2007 4:02 PM	John Noh	Marta Beckwith		RE: We were just sued by ESN, LLC	Email responding to email regarding strategy for filing declaratory judgment action.	Attorney/Client Work Product (ordinary)
45b			15-Oct-2007 4:01 PM	Marta Beckwith	John Noh		FW: We were just sued by ESN, LLC	Email responding to email regarding strategy for filing declaratory judgment action.	Attorney/Client Work Product (ordinary)
45c				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000027)					
46a	CISCO PRIVILEGED. 000190	CISCO PRIVILEGED. 000191	18-Oct-2007 9:57 AM	Neal Rubin	John Noh Mallun Yen Mark Chandler Matthew Tanielian		RE: ESN	Email regarding local counsel in another case	Attorney/Client Work Product (ordinary)
46b				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000011)			FW: ESN		
46c				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000011)					

Cisco's Log of Documents Not Produced in *Albritton v. Cisco*

Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
46d				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000011)					
47a	CISCO PRIVILEGED. 000195	CISCO PRIVILEGED 000197	16-Oct-2007 9:14 PM	Kurt. Pankratz (Baker Botts)	Mallun Yen Marta Beckwith	Bart Showalter (Baker Botts) Michael Ritter Rick Frenkel	Re: Complaint for Declaratory Judgment	Email regarding status of filings in the ESN case	Attorney/Client Work Product (ordinary)
47b			16-Oct-2007 10:43 PM	Mallun Yen	Marta Beckwith	Bart Showalter (Baker Botts) Rick Frenkel Michael Ritter	Re: Complaint for Declaratory Judgment	Email regarding status of filings in the ESN case	Attorney/Client Work Product (ordinary)
47c			16-Oct-2007 1:39 PM	Marta Beckwith	Michael A Bucci (Day Pitney) Kurt Pankratz (Baker Botts) James Sicilian (Day Pitney)	Bart Showalter (Baker Botts) Mallun Yen	Re: Complaint for Declaratory Judgment	Response to update regarding service of papers in Connecticut lawsuit	Attorney/Client Work Product (ordinary)
47d			16-Oct-2007 12:39 PM	Michael A Bucci (Day Pitney)	Marta Beckwith Kurt Pankratz (Baker Botts)	Bart Showalter (Baker Botts)	Re: Complaint for Declaratory Judgment	Update regarding service of papers in Connecticut lawsuit	Attorney/Client Work Product (ordinary)
47e			16-Oct-2007 12:29 PM	Marta Beckwith	Michael A Bucci (Day Pitney) Kurt. Pankratz (Baker Botts) James Sicilian (Day Pitney)	Bart Showalter (Baker Botts)	Re: Complaint for Declaratory Judgment	Email asking about filing and service of papers in Connecticut lawsuit	Attorney/Client Work Product (ordinary)

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Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
47f			16-Oct-2007 7:35 AM	Michael A Bucci (Day Pitney)	Marta Beckwith Kurt Pancratz (Baker Botts) James Sicilian (Day Pitney)	Bart Showalter (Baker Botts)	Re: Complaint for Declaratory Judgment	Email discussing complaint and summons for declaratory judgment in Connecticut	Attorney/Client Work Product (ordinary and opinion)
47g			16-Oct-2007 10:26 AM	Marta Beckwith	Michael A Bucci (Day Pitney) Kurt Pancratz (Baker Botts) James Sicilian (Day Pitney)	Bart Showalter (Baker Botts)	Re: Complaint for Declaratory Judgment	Email discussing change to complaint and summons for declaratory judgment in Connecticut	Attorney/Client Work Product (ordinary and opinion)
47h			16-Oct-2007 6:53 AM	Michael A Bucci	Kurt Pancratz (Baker Botts) James Sicilian (Day Pitney)	Marta Beckwith Bart Showalter (Baker Botts)	Re: Complaint for Declaratory Judgment	Email discussing complaint and summons for declaratory judgment in Connecticut	Attorney/Client Work Product (ordinary and opinion)
47i			16-Oct-2007 8:59 AM	'kurt.pankratsz@bakerb otts.com'	James Sicilian (Day Pitney) Michael A Bucci (Day Pitney)	Marta Beckwith Bart Showalter (Baker Botts)	Complaint for Declaratory Judgment	Email discussing complaint and summons for declaratory judgment in Connecticut	Attorney/Client Work Product (ordinary and opinion)
48a	CISCO PRIVILEGED. 000198	CISCO PRIVILEGED. 000199	19-Oct-2007 8:59 AM	(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000227)					

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Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
48b			19-Oct-2007 10:56 AM	(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000227)					
48c				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000227)					
48d				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000227)					
49a	CISCO PRIVILEGED. 000200	CISCO PRIVILEGED. 000201	16-Oct-2007 4:43 AM	Kurt Pankratz (Baker Botts)	Bart Showalter (Baker Botts) Mallun Yen Marta Beckwith Michael Ritter Rick Frenkel	Dan Lang	Re: Urgent – please read – ESN	Email regarding timing of filing of complaint in the Connecticut lawsuit	Attorney/Client Work Product (ordinary)
49b			16-Oct-2007 1:34 AM	(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000008)					
50a	CISCO PRIVILEGED. 000202	CISCO PRIVILEGED. 000203	15-Oct-2007 8:08 PM	Rick Frenkel	O'Shaughnessy, William (McCarter)	Bright, William (McCarter) Giarratana, Mark (McCarter) Marta Beckwith Michael Ritter	RE: Conflict Check	Email regarding possible representation in Connecticut.	Attorney/Client Work Product (ordinary)

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Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
50b			15-Oct-2007 6:47 PM	William O'Shaughnessy (McCarter)	Rick Frenkel	William Bright (McCarter) Mark Giarratana (McCarter)	RE: Conflict Check	Email regarding possible representation in Connecticut.	Attorney/Client Work Product (ordinary)
50c			15-Oct-2007 7:40 PM	Rick Frenkel	William O'Shaughnessy (McCarter)		Conflict Check	Email regarding possible representation in Connecticut.	Attorney/Client Work Product (ordinary)
51a	CISCO PRIVILEGED. 000205	CISCO PRIVILEGED. 000207	27-Oct-2007 10:21 AM	(logged at 25b)		Katherine Bennett (Quinn Emanuel) Kevin Smith (Quinn Emanuel) Mark Michels Michael Ritter Sayuri Sharper (Quinn Emanuel)	Re: ESN v. Cisco: update and important new date in CT case	Email regarding legal strategy in dealing with venue issues.	Attorney/Client Work Product (ordinary and opinion)
51b			27-Oct-2007 10:00 AM	(logged at 25c)					
51c			27-Oct-2007 6:54 AM PST	(logged at 25d)					
52a	CISCO PRIVILEGED. 000208	CISCO PRIVILEGED. 000211	27-Oct-2007 6:49 PM	Marta Beckwith	Victoria Maroulis (Quinn Emanuel) Rick Frenkel	Katherine Bennett (Quinn Emanuel) Kevin Smith (Quinn Emanuel) Sayuri Sharper (Quinn Emanuel) Mark Michels Michael Ritter	Re: ESN v. Cisco: update and important new date in CT case	Email regarding legal advice from regarding case strategy	Attorney/Client Work Product (ordinary and opinion)

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Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
52b			27-Oct-2007 12:54 PM	Rick Frenkel	Victoria Maroulis (Quinn Emanuel)	Michael Ritter Mark Michels Sayuri Sharper (Quinn Emanuel) Kevin Smith (Quinn Emanuel) Katherine Bennett (Quinn Emanuel)	Re: ESN v. Cisco: update and important new date in CT case	Email regarding ESN's lack of contacts with the Eastern District of Texas	Attorney/Client Work Product (ordinary and opinion)
52c			27-Oct-2007 12:14 PM PST	Victoria Maroulis (Quinn Emanuel)	Rick Frenkel Marta Beckwith	Michael Ritter Mark Michels Sayuri Sharper (Quinn Emanuel) Kevin Smith (Quinn Emanuel) Katherine Bennett (Quinn Emanuel)	Re: ESN v. Cisco: update and important new date in CT case	Email regarding new case law regarding venue	Attorney/Client Work Product (ordinary and opinion)
52d			27-Oct-2007 11:26 AM	Rick Frenkel	Victoria Maroulis (Quinn Emanuel) Marta Beckwith	Michael Ritter Mark Michels Sayuri Sharper (Quinn Emanuel) Kevin Smith (Quinn Emanuel) Katherine Bennett (Quinn Emanuel)	Re: ESN v. Cisco: update and important new date in CT case	Email regarding call and new case law regarding venue.	Attorney/Client Work Product (ordinary and opinion)
52e				(logged at 25b)					
52f				(logged at 25c)					
52g				(logged at 25d)					
53a	CISCO PRIVILEGED. 000213	CISCO PRIVILEGED. 000214	18-Oct-2007 9:08 PM	Mallun Yen	Marta Beckwith Michael Ritter Rick Frenkel		RE: Nuance	Email regarding the proper way to handle a problem with a filing	Attorney/Client Work Product (ordinary and opinion)
53b			18-Oct-2007 6:01 PM	Rick Frenkel	Marta Beckwith Mallun Yen Michael Ritter		RE: Nuance	Email regarding research and analysis regarding ESN litigation	Attorney/Client Work Product (ordinary and

Cisco's Log of Documents Not Produced in *Albritton v. Cisco*

Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
									opinion)
53c			18-Oct-2007 5:53 PM	Marta Beckwith	Mallun Yen Rick Frenkel Michael Ritter		Nuance	Email analysis regarding ESN litigation and possible local counsel	Attorney/Client Work Product (ordinary and opinion)
54a	CISCO PRIVILEGED. 000215	CISCO PRIVILEGED. 000217	15-Oct-2007 8:48 PM	Marta Beckwith	Rick Frenkel	Michael Ritter	RE: Conflict Check	Email regarding selection of counsel and filing of declaratory judgment action.	Attorney/Client Work Product (ordinary and opinion)
54b			15-Oct-2007 8:45 PM	Rick Frenkel	Marta Beckwith	Michael Ritter	RE: Conflict Check	Email regarding suspicions regarding filing of complaint and legal strategy and opinion regarding same.	Attorney/Client Work Product (ordinary and opinion)
54c			15-Oct-2007 8:13 PM	Marta Beckwith	Rick Frenkel	Michael Ritter	RE: Conflict Check	Email regarding selection of counsel and filing of declaratory judgment action.	Attorney/Client Work Product (ordinary)
54d				(logged at 50a)					
54e				(logged at 50b)					
54f				(logged at 50c)					
55a	CISCO PRIVILEGED. 000218	CISCO PRIVILEGED. 000220	27-Oct-2007 10:10 AM	(logged at 25c)	Victoria Maroulis (Quinn Emanuel) Marta Beckwith	Katherine Bennett' (Quinn Emanuel) Kevin Smith (Quinn Emanuel) Sayuri Sharper (Quinn Emanuel) Mark Michels Michael Ritter	Re: ESN v. Cisco: update and important new date in CT case	Email regarding status of declaratory judgment action and local counsel.	Attorney/Client Work Product (ordinary and opinion)
55b				(logged at 25d)					

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Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
56a	CISCO PRIVILEGED. 000221	CISCO PRIVILEGED. 000224	27-Oct-2007 12:54 PM	(logged at 52b)					
56b				(logged at 52c)					
56c				(logged at 52d)					
56d				(logged at 25b)					
56e				(logged at 25c)					
56f				(logged at 25d)					
57a	CISCO PRIVILEGED. 000225	CISCO PRIVILEGED. 000226	16-Oct-2007 8:33 PM	Mark Michels	Mallun Yen Marta Beckwith Michael Ritter Rick Frenkel	Dan Lang	RE: We were just sued by ESN, LLC	Email regarding opinions regarding Girard in another case	Attorney/Client Work Product (ordinary and opinion)
57b				(logged at 7b)					
57c				(logged at 7c)					
58a	CISCO PRIVILEGED. 000229	CISCO PRIVILEGED. 000230	18-Oct-2007 11:33 AM	(this email was produced in the Albritton case and has already been logged—Cisco Privileged.0000105)					

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Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
58b			18-Oct-2007 11:27 AM	(this email was produced in the Albritton case and has already been logged—Cisco Privileged.0000105)					
58c				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.0000105)					
59a	CISCO PRIVILEGED. 000238	CISCO PRIVILEGED. 000238	19-Oct-2007 8:56 AM	(This email was produced in the Albritton case and has already been logged—Cisco Privileged.000227)					
59b				(This email was produced in the Albritton case and has already been logged—Cisco Privileged.000227)					
59c				(This email was produced in the Albritton case and has already been logged—Cisco Privileged.000227)					
60a	CISCO PRIVILEGED. 000239	CISCO PRIVILEGED. 000241	31-Oct-2007 6:47 PM	(This email was produced in the Albritton case and has already been logged—					

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Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
60b			31-Oct-2007 5:04 PM	Cisco Privileged.000231) (This email was produced in the Albritton case and has already been logged— Cisco Privileged.000231)					
60c			30-Oct-2007 3:24 PM	Cisco Privileged.000231) (This email was produced in the Albritton case and has already been logged— Cisco Privileged.000231)					
60d			30-Oct-2007 2:38 PM	Cisco Privileged.000231) (This email was produced in the Albritton case and has already been logged— Cisco Privileged.000231)					
60e			30-Oct-2007 11:06 AM	Cisco Privileged.000227) (This email was produced in the Albritton case and has already been logged— Cisco Privileged.000227)					
61a	CISCO PRIVILEGED 000242	CISCO PRIVILEGED. 000243	17-Oct-2007	(logged at 22c)					
61b				(logged at 22d)					
61c				(logged at 22e)					
61d				(this email was produced in the Albritton case and					

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Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
				has already been logged—Cisco Privileged.000027)					
62	CISCO PRIVILEGED. 000244	CISCO PRIVILEGED. 000244	18-Oct-2007 11:51 PM	(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000254)					
63a	CISCO PRIVILEGED. 000245	CISCO PRIVILEGED. 000249	27-Oct-2007 10:19 PM	Victoria Maroulis (Quinn Emanuel)	Marta Beckwith Rick Frenkel	Katherine Bennett (Quinn Emanuel) Kevin Smith (Quinn Emanuel) Mark Michels Michael Ritter Sayuri Sharper (Quinn Emanuel)	Re: ESN v. Cisco: update and important new date in CT case	Email regarding conference call and evaluation of ESN's connections with Texas.	Attorney/Client Work Product (ordinary and opinion)
63b				(logged at 52a)					
63c				(logged at 52b)					
63d				(logged at 52c)					
63e				(logged at 52d)					
63f				(logged at 25b)					
63g				(logged at 25c)					
63h				(logged at 25d)					
64a	CISCO PRIVILEGED. 000252	CISCO PRIVILEGED. 000252	15-Oct-2007 8:52 PM	Mallun Yen	Marta Beckwith	John Noh Mark Chandler	RE: ESN complaint	Email thanking Marta for the update	Attorney/Client Work Product (ordinary)

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Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
64b				(logged at 44)					
65a	CISCO PRIVILEGED. 000253	CISCO PRIVILEGED. 00253	18-Oct-2007 5:08 PM	Mark Chandler	Mallun Yen		RE: ESN	Email asking about response from potential counsel.	Attorney/Client Work Product (ordinary)
65b			18-Oct-2007 9:26 AM	Mallun Yen	Mark Chandler John Noh		FW: ESN	Email about calling counsel about legal issues.	Attorney/Client Work Product (ordinary)
65c				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000004)					
66a	CISCO PRIVILEGED. 000262	CISCO PRIVILEGED. 000263	18-Oct-2007 9:06 PM	Mallun Yen	John Noh Mark Chandler Matthew Tanielian		FW: Nuance	Email regarding legal analysis and opinion regarding ESN lawsuit	Attorney/Client Work Product (ordinary and opinion)
66b				(logged at 53b)					
66c				(logged at 53c)					
67a	CISCO PRIVILEGED. 000266	CISCO PRIVILEGED. 000268	18-Oct-2007 11:43 AM	(this email was produced in the Albritton case and has already been logged—Cisco Privileged.0000103)					
67b			18-Oct-2007 11:44 AM	(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000103)					
67c			18-Oct-2007 11:40 Am	(this email was produced in the Albritton case and has already been					

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Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
				logged—Cisco Privileged.0000103)					
67d			18-Oct-2007 11:38 AM	(this email was produced in the Albritton case and has already been logged—Cisco Privileged.0000103)		Dan Lang	RE: ESN		
67e			18-Oct-2007 11:33 AM	(this email was produced in the Albritton case and has already been logged—Cisco Privileged.0000103)					
67f			18-Oct-2007 11:27 AM	(this email was produced in the Albritton case and has already been logged—Cisco Privileged.0000103)					
67g			18-Oct-2007 11:23 AM	(this email was produced in the Albritton case and has already been logged—Cisco Privileged.0000103)					
68a	CISCO PRIVILEGED. 000273	CISCO PRIVILEGED. 000274	18-Oct-2007 9:08 PM	Mallun Yen	Mark Chandler		RE: ESN	Email regarding selection of counsel.	Attorney/Client Work Product (ordinary and opinion)
68b				(logged at 65a)					
68c				(logged at 65b)					
68d				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000004)					

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Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
69a	CISCO PRIVILEGED. 000275	CISCO PRIVILEGED. 000275	17-Oct-2007 6:26 PM	Mallun Yen	John Noh Marta Beckwith	Michael Ritter	RE: ESN complaint	Update about status of filings in ESN litigation.	Attorney/Client Work Product (ordinary)
69b			17-Oct-2007 6:11 PM	John Noh	Marta Beckwith Mallun Yen		RE: ESN complaint	Request for update about status of filings in ESN litigation	Attorney/Client Work Product (ordinary)
69c				(logged at 44)					
70a	CISCO PRIVILEGED. 000282	CISCO PRIVILEGED. 000283	15-Oct-2007 4:13 PM	Mallun Yen	Mark Chandler		FW: We were just sued by ESN, LLC	Email regarding summary of claims and strategy in ESN litigation.	Attorney/Client Work Product (ordinary and opinion)
70b				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000027)					
71a	CISCO PRIVILEGED. 000284	CISCO PRIVILEGED. 000284	17-Oct-2007 2:32 PM	(logged at 22e)					
71b				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000027)					
72a	CISCO PRIVILEGED. 000285	CISCO PRIVILEGED. 000286	15-Oct-2007	Mark Chandler	Mallun Yen			Email regarding topics for meeting.	Attorney/Client Work Product (ordinary)
72b				(logged at 70a)					
72c				(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000027)					
73	CISCO PRIVILEGED. 000288	CISCO PRIVILEGED. 000323						Chart of patent lawsuits (redacting parts unrelated to ESN litigation)	Attorney/Client Work Product (ordinary)

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Number	Bates Begin	Bates End	Date	From	To	CC	Title	Description	Privilege Type
74a	CISCO PRIVILEGED. 000325	CISCO PRIVILEGED. 000326	15-Oct-2007 3:25 PM	(logged at 7b)					
74b			15-Oct-2007 3:00 PM	(this email was produced in the Albritton case and has already been logged—Cisco Privileged.000027)					