

1 Howard Holderness, CA Bar No. 169814
 2 MORGAN, LEWIS & BOCKIUS LLP
 3 1 Market Street, Spear Tower, 25th Floor
 4 San Francisco, CA 94105
 (415) 442-1000 (Telephone)
 (415) 442-1001 (Facsimile)

5 Charles L. Babcock, IV, TX Bar No. 01479500
 6 JACKSON WALKER L.L.P.
 7 1401 McKinney, Suite 1900
 8 Houston, Texas 77010
 Admitted Pro Hac Vice
 (713) 752-4200 (Telephone)
 (713) 752-4221 (Facsimile)

9 George L. McWilliams
 10 LAW OFFICE OF GEORGE L. MCWILLIAMS, P.C.
 11 TX Bar No. 13877000; AR Bar No. 68078
 12 406 Walnut, P.O. Box 58
 13 Texarkana, ARK-TX 75504-0058
 Admitted Pro Hac Vice
 (903) 277-0098 (Telephone)
 (870) 773-2967 (Facsimile)

14 Attorneys for Movant
 15 RICHARD FRENKEL

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA

18 ILLINOIS COMPUTER RESEARCH, LLC,
 19 Plaintiff and Counterclaim Defendant,

20 vs.

21 FISH & RICHARDSON P.C.,
 22 Defendant, Counterclaimant and Third
 23 Party Plaintiff,

24 vs.

25 SCOTT C. HARRIS,
 26 Third-Party Defendant and
 27 Counterclaimant

28 vs.

FISH & RICHARDSON P.C.,
 Defendant, Counterclaimant, Third
 Party Plaintiff and Counterclaim
 Defendant

Miscellaneous Action No.
 CV 5:08-mc-80075-JF (HRL)

**DECLARATION OF HOWARD
 HOLDERNESS IN SUPPORT OF
 RICHARD FRENKEL'S AND CISCO
 SYSTEMS, INC.'S NOTICES OF
 WITHDRAWAL OF ALL PENDING
 MOTIONS**

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I, HOWARD HOLDERNESS, declare and state as follows:

1. I am a partner with the law firm of Morgan, Lewis, and Bockius L.L.P. I am counsel for Richard Frenkel and Cisco Systems, Inc. in the above-referenced matter.

2. Attached as "Exhibit A" is a true and correct copy of the letter dated May 5, 2008 from Paul K. Vickery to Howard Holderness, Charles L. Babcock, and George L. McWilliams notifying counsel that Illinois Computer Research LLC and Scott C. Harris have withdrawn the subpoena they issued to Richard Frenkel.

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

Executed on May 7, 2008.



HOWARD HOLDERNESS

EXHIBIT A

NIRO, SCAVONE, HALLER & NIRO

RAYMOND P. NIRO
TIMOTHY J. HALLER
WILLIAM L. NIRO
JOSEPH N. HOSTENY, III
ROBERT A. VITALE, JR.
JOHN C. JANKA
PAUL K. VICKREY
DEAN D. NIRO
RAYMOND P. NIRO, JR.
PATRICK F. SOLON
ARTHUR A. GASEY
CHRISTOPHER J. LEE
DAVID J. SHEIKH
VASILIOS D. DOSSAS
SALLY WIGGINS
RICHARD B. MEGLEY, JR.
MATTHEW G. McANDREWS

181 WEST MADISON STREET-SUITE 4600
CHICAGO, ILLINOIS 60602-4635

TELEPHONE (312) 236-0733

FACSIMILE (312) 236-3137

May 5, 2008

LEE F. GROSSMAN
PAUL C. GIBBONS
BRADY J. FULTON
GREGORY P. CASIMER
DOUGLAS M. HALL
DINA M. HAYES
FREDERICK C. LANEY
DAVID J. MAHALEK
KARA L. SZPONDOWSKI
ROBERT A. CONLEY
ERIC J. MERSMANN
NICHOLAS M. DUDZIAK
KAREN L. BLOUIN
LAURA A. KENNEALLY
TAHITI ARSULOWICZ
OF COUNSEL:
THOMAS G. SCAVONE

Via Electronic Mail

Howard Holderness
Morgan Lewis
One Market
Spear Street Tower
San Francisco, CA 94105

Via Electronic Mail

Charles L. Babcock
Jackson Walker L.L.P.
1401 McKinney
Houston, Texas 77010

Via Electronic Mail

George L. McWilliams
Patton, Roberts, McWilliams & Capshaw, L.L.P.
Century Plaza
Suite 400
2900 St. Michael Drive
Texarkana, Texas 75505-6128

Dear Counsel:

In light of Mr. Frenkel's April 19, 2008 Declaration in which he swore under oath that he had no communications with anybody at Fish & Richardson concerning the underlying litigation and the related parties, ICR and Scott Harris are withdrawing their subpoena. Kindly advise the Court that you are withdrawing your Motion to Quash and thus obviating the necessity of the May 13 hearing.

Very truly yours,


Paul K. Vickrey

PKV/kan

cc: David Bradford
Mark V. Isola