

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

<b>ESN, LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 5:08-CV-20-DF</b>
	)	
<b>CISCO SYSTEMS, INC. and</b>	)	
<b>CISCO-LINKSYS, LLC,</b>	)	
	)	
<b>Defendants.</b>	)	

**PLAINTIFF ESN, LLC’S MOTION FOR LEAVE TO FILE A BRIEF IN EXCESS OF  
THE PAGE LIMITATION SET FORTH IN LOCAL RULE CV-7**

ESN, LLC (“ESN”) respectfully moves for leave of Court to file a brief moving for sanctions against Cisco Systems, Inc. and Cisco-Linksys, LLC (“Cisco”). Local Rule CV-7(a)(2) limits non-dispositive motions to 15 pages. Although ESN perceives this as a dispositive motion (which would be afforded 30 pages under Local Rule CV-7(a)(1)) based on ESN’s request and the Court’s power to dismiss, it is filing this motion in an abundance of caution should the Court deem this a non-dispositive motion. ESN is requesting leave to exceed the page limitation by five pages, for a total of 20 pages.

ESN has used its best efforts to limit the number of pages in its brief, but has been unable to do so. The reason that ESN needs to exceed the 15-page limit is the extensive factual background that gives rise to the Motion for Sanctions for Discovery Misconduct. While ESN made every attempt to avoid having to file such a motion, recent events have left ESN with no further options. It is imperative that the Court understand the totality of circumstances giving rise to ESN’s motion. Consequently, the full background and application of relevant case law necessitates an additional five pages.

For the reasons stated herein, ESN respectfully requests that the Court grant ESN's Motion For Leave to Exceed the Page Limitation Set Forth in Local Rule CV-7 by five pages, for a total of 20 pages.

Respectfully submitted,

FOR PLAINTIFF, ESN, LLC:

Dated: October 5, 2009

/s/ Heather Bjella

George P. McAndrews  
Thomas J. Wimbiscus  
Peter J. McAndrews  
Gerald C. Willis  
Paul W. McAndrews  
Heather A. Bjella  
Matthew N. Allison  
McAndrews, Held & Malloy, Ltd.  
500 W. Madison Street, 34<sup>th</sup> Floor  
Chicago, Illinois 60661  
Telephone (312) 775-8000  
Facsimile (312) 775-8100  
pmcandrews@mcandrews-ip.com

Eric M. Albritton  
Lead Attorney  
Texas State Bar No. 00790215  
ALBRITTON LAW FIRM  
P.O. Box 2649  
Longview, Texas 75606  
Telephone (903) 757-8449  
Facsimile (903) 758-7397  
ema@emafirm.com

T. John Ward Jr.  
Texas State Bar No. 00794818  
Ward & Smith Law Firm  
111 W. Tyler St.  
Longview, Texas 75601  
Telephone (903) 757-6400  
Facsimile (903) 757-2323  
jw@jwfirm.com

**CERTIFICATE OF SERVICE**

I hereby certify that on the date this proof of service is signed below, I served the foregoing:

**PLAINTIFF ESN, LLC'S MOTION TO IMPOSE SANCTIONS ON CISCO  
FOR DISCOVERY MISCONDUCT**

by email to:

Charles K. Verhoeven  
Quinn Emanuel Urquhart Oliver & Hedges, LLP  
50 California St., 22<sup>nd</sup> Floor  
San Francisco, CA 94111  
[charlesverhoeven@quinnemanuel.com](mailto:charlesverhoeven@quinnemanuel.com)

Victoria F. Maroulis  
Quinn Emanuel Urquhart Oliver & Hedges, LLP  
555 Twin Dolphin Dr., Suite 560  
Redwood Shores, CA 94065  
[victoriamaroulis@quinnemanuel.com](mailto:victoriamaroulis@quinnemanuel.com)

Michael E. Jones  
Potter Minton  
110 N. College  
Suite 500  
Tyler, TX 75702  
[mike.jones@potterminton.com](mailto:mike.jones@potterminton.com)

Date: October 5, 2009

/s/ Holly K. Mack  
Holly K. Mack  
Litigation Paralegal