

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

Judge David Folsom

ESN LLC	)	
	)	
V.	)	CIVIL NO. 5:08CV20
	)	
CISCO SYSTEMS	)	

ATTORNEY FOR PLAINTIFFS: Peter McAndrews; Gerald Willis; Johnny Ward

ATTORNEY FOR DEFENDANTS: Charles Verhoeven; Michael Jones; Kevin Smith; Victoria Maroulis

LAW CLERK: David Keyzer

COURTROOM DEPUTY: Mel Martin

COURT REPORTER: Libby Crawford

MOTION HEARING  
November 20, 2009 @ 10:00 am

OPEN: 9:58 ADJOURN: 11:27

9:58 ct opens; ct/ motions set; tone in motions;

9:59 Verhoeven/ argues motion to dismiss;

10:14 McAndrews/ responds;

10:17 ct/ planned business model;

10:17 McAndrews/ responds;

10:26 ct/ position that there was oral modification of the contract;

10:26 McAndrews/ mutual understanding;

10:30 ct/ let's go to the motion to disqualify and for sanctions;

10:30 McAndrews/ argues motion to disqualify and for sanctions;

10:31 ct/ facts of this case and U.S. Surgical and don't see any difference;

10:32 McAndrews/ have not read that case; in Ethicon case;

10:32 ct/ same case we are referring to it by different parties;

10:33 McAndrews/ continues with argument;

10:42 Jones/ responds;

10:58 McAndrews/ reply;

11:00 ct/ remaining motions and feel that they might could be decided on the motions, unless ptys have other points they wish to be heard on;

11:01 Willis/ have several points we would like to cover;

11:01 Maroulis/ argues motion to amend invalidity contentions;

11:08 ct/ any serious opposition to this motion; why do you feel they shouldn't be allowed to amend their invalidity contentions;

11:09 Willis/ responds;

11:16 Maroulis/ no reply; 11:17 argues motion to compel;

11:19 Willis/ one more point as to prior motion; 11:20 responds re: motion to compel;

11:24 Maroulis/ reply;

11:25 ct/ are all deposition pages included in the record that relate to the motion to disqualify;

11:26 McAndrews/ you will find a complete record; and if not can we supplement with a complete transcript;

11:26 ct/ will try to have an order out by the end of the year; request to hear additional motions and if motion is not granted we will set those as soon as possible;

11:27 recess;