

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

ESN, LLC,

Plaintiffs,

vs.

CISCO SYSTEMS, INC. and CISCO-
LINKSYS LLC,

Defendants.

CASE NO. 5:08-CV-20-DF

JURY TRIAL DEMANDED

**DECLARATION OF KEVIN A. SMITH IN
SUPPORT OF DEFENDANTS' MOTION TO STAY**

I, Kevin A. Smith, hereby declare as follows:

1. I am an associate in the law firm of Quinn Emanuel Urquhart Oliver & Hedges, LLP, counsel for Cisco-Systems, Inc. and Cisco-Linksys, LLC (collectively "Cisco"). I have personal knowledge of the facts set forth in this declaration and, if called upon as a witness, I could and would testify to such facts under oath.

2. Attached hereto as Exhibit 1 is a true and correct copy of the United States Patent and Trademark Office's June 13, 2008 Office Action in Inter Partes Reexamination with respect to United States Patent No. 7,283,519.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct. Executed this 30th day of June 2008 in San Francisco, California.

Dated: June 30, 2008

/s/ Kevin A. Smith

Kevin A. Smith