

EXHIBIT M

Litigation Search Report CRU 3999

Reexam Control No. 95/000,344

TO: ALBERT GAGLIARDI

Location: CRU

Art Unit: 3992

Date: 04/09/08

Case Serial Number: 95/000,344

From: DENISE L. BOYD

Location: CRU 3999

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Search Notes

Litigation was found involving U.S. Patent Number 7,283,519.

Sources:

5:08CV20 – OPEN

3:07CV1528 – CLOSED

5:07CV156 - CLOSED

1) I performed a KeyCite Search in Westlaw, which retrieves all history on the patent including any litigation.

2) I performed a search on the patent in Lexis CourtLink for any open dockets or closed cases.

3) I performed a search in Lexis in the Federal Courts and Administrative Materials databases for any cases found.

4) I performed a search in Lexis in the IP Journal and Periodicals database for any articles on the patent.

5) I performed a search in Lexis in the news databases for any articles about the patent or any articles about litigation on this patent.

KEYCITE

CUS PAT 7283519 DISTRIBUTED EDGE SWITCHING SYSTEM FOR VOICE-OVER-PACKET MULTISERVICE NETWORK, Assignee: ESN, LLC (Oct 16, 2007)

History

- => 1 **DISTRIBUTED EDGE SWITCHING SYSTEM FOR VOICE-OVER-PACKET MULTISERVICE NETWORK, US PAT 7283519, 2007 WL 2998206 (U.S. PTO Utility Oct 16, 2007) (NO. 10/122589)**

Patent Family

- 2 **A DISTRIBUTED EDGE SWITCHING SYSTEM FOR A VOICE-OVER-PACKET MULTISERVICE NETWORK INCLUDES BROADBAND, COMPUTER, VIDEO AND TELEPHONE LINE INTERFACES, AND A CALL PROCESSING APPLICATION OPERATING ACCORDING TO DEFINED PARAMS, DWPL 2003-019910**

Assignments

- 3 **Action: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS). Number of Pages: 004, DATE RECORDED: Jun 14, 2006**

Patent Status Files

- . Certificate of Correction, (OG date: Jan 08, 2008)
- . Patent Suit(See LitAlert Entries),
- . Patent Suit(See LitAlert Entries),

Docket Summaries

- 7 **ESN LLC v. CISCO SYSTEMS, INC. ET AL, 5:08CV00020, (E.D.TEX. Jan 31, 2008), 28 USC 1338 PATENT INFRINGEMENT**
- 8 **CISCO SYS INC ET AL v. ESN LLC, 3:07CV01528, (D.CONN. Oct 16, 2007), 28 USC 2201 DECLARATORY JUDGMENT**

Litigation Alert

- 9 **LitAlert P2008-09-07, (Oct 16, 2007) Action Taken: Stipulation of dismissal without prejudice - it is stipulated and agreed by the parties that the action be dismissed without prejudice**
- 10 **LitAlert P2008-09-14, (Oct 15, 2007) Action Taken: Order of dismissal without prejudice**

Prior Art (Coverage Begins 1976)

- C 11 US PAT 7139838 APPARATUS AND METHOD OF DISTRIBUTING ROUTING INFORMA-**

- TION, Assignee: Nortel Networks Limited, (U.S. PTO Utility 2006)
- C** 12 US PAT 7120139 BROADBAND CABLE TELEPHONY NETWORK ARCHITECTURE IP ITN NETWORK ARCHITECTURE REFERENCE MODEL, Assignee: AT&T Corp., (U.S. PTO Utility 2006)
 - C** 13 US PAT 6061363 COMMUNICATIONS SYSTEM WITH LOAD SHARING COMMUNICATIONS INTERFACE, Assignee: Nortel Networks Corporation, (U.S. PTO Utility 2000)
 - C** 14 US PAT 7123700 CONFIGURING USER INTERFACES OF CALL DEVICES, Assignee: Nortel Networks Limited, (U.S. PTO Utility 2006)
 - C** 15 US PAT 6567399 HI-FIDELITY LINE CARD, Assignee: 3Com Corporation, (U.S. PTO Utility 2003)
 - C** 16 US PAT 7012888 HIGH AVAILABILITY VOIP SUBSYSTEM, Assignee: Nuasis Corporation, (U.S. PTO Utility 2006)
 - C** 17 US PAT 6408061 INTERFACING A COMMUNICATION SWITCH TO A NON-EMBEDDED DEVICE DRIVER VIA A VIRTUAL DEVICE INTERFACE, Assignee: Nortel Networks Limited, (U.S. PTO Utility 2002)
 - C** 18 US PAT 6938080 METHOD AND COMPUTER SYSTEM FOR MANAGING DATA EXCHANGES AMONG A PLURALITY OF NETWORK NODES IN A MANAGED PACKET NETWORK, Assignee: Nortel Networks Limited, (U.S. PTO Utility 2005)
 - C** 19 US PAT 6005865 OPTICAL NETWORK UNIT FOR COMMUNICATING TELEPHONY AND VIDEO INFORMATION, Assignee: Alcatel USA Sourcing, L.P., (U.S. PTO Utility 1999)
 - C** 20 US PAT 7072303 SYSTEM AND METHOD FOR ASSISTING IN CONTROLLING REAL-TIME TRANSPORT PROTOCOL FLOW THROUGH MULTIPLE NETWORKS, Assignee: Acme Packet, Inc., (U.S. PTO Utility 2006)
 - C** 21 US PAT 6667968 SYSTEM AND METHOD FOR PROVIDING MULTIPLE ENDPOINTS IN A DEVICE DISPOSED IN A PACKET-SWITCHED NETWORK, Assignee: Telefonaktiebolaget L M Ericsson (publ), (U.S. PTO Utility 2003)
 - C** 22 US PAT 7089285 VIDEOCONFERENCING APPARATUS HAVING INTEGRATED MULTI-POINT CONFERENCE CAPABILITIES, Assignee: Polycom, Inc., (U.S. PTO Utility 2006)
 - C** 23 US PAT 6195364 VSDL MULTIPLE SERVICE PROVIDER INTERFACE, Assignee: Qwest Communications International Inc., (U.S. PTO Utility 2001)

Source: [Command Searching > News, All \(English, Full Text\)](#) Terms: **7283519** or **7,283,519** ([Edit Search](#) | [Suggest Terms for My Search](#)) Select for FOCUS™ or Delivery

- 1. [Patently-O: Patent Law Blog](#), March 12, 2008 Wednesday 10:45 PM EST, , 915 words, Troll Tracker, Defamation, and Splitting the Bar, Dennis Crouch
... infringing Patent No. **7,283,519**. Unfortunately, the patent did not ...
- 2. [Patently-O: Patent Law Blog](#), March 12, 2008 Wednesday 2:45 AM EST, , 749 words, Troll Tracker, Defamation, and Splitting the Bar, Dennis Crouch
... infringing Patent No. **7,283,519**. Unfortunately, the patent did not ...
- 3. [Patently-O: Patent Law Blog](#), March 11, 2008 Tuesday 9:45 PM EST, , 749 words, Troll Tracker, Defamation, and Splitting the Bar, Dennis Crouch
... infringing Patent No. **7,283,519**. Unfortunately, the patent did not ...
- 4. [Patently-O: Patent Law Blog](#), October 16, 2007 Tuesday 3:00 PM EST, , 268 words, Patent Office Has Stopped Examining Patents with 25+ Claims, Dennis Crouch
... infringing Patent No. **7,283,519**. Unfortunately, the patent did not ...

Source: [Command Searching > News, All \(English, Full Text\)](#) Terms: **7283519** or **7,283,519** ([Edit Search](#) | [Suggest Terms for My Search](#))

View: Cite

Date/Time: Wednesday, April 9, 2008 - 1:11 PM EDT



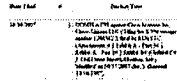
Mar 12, 2008

Troll Tracker, Defamation, and Splitting the Bar

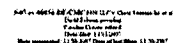
Rick Frenkel – who until recently was known only as the *Patent Troll Tracker* – has now been sued for defamation by two Eastern District of Texas lawyers: [Johnny Ward, Jr.](#) and [Eric Albritton](#). Frenkel recently revealed himself as an IP Director at Cisco Systems. Cisco is also a named defendant in the lawsuit. Ward has represented many plaintiffs in E.D. Texas patent cases and is the son of Federal Judge John Ward of the Eastern District of Texas.

The whole case seemingly stems from a [Patently-O posting on October 16, 2007](#). That post, titled "[Patent Office Has Stopped Examining Patents with 25+ Claims](#)," included a short blurb about a seeming "preemptive strike" by the patent holder ESN:

From *Patently-O*: In another preemptive strike, on October 15th, ESN sued Cisco for infringing Patent No. 7,283,519. Unfortunately, the patent did not issue until the 16th of October. [\[Link\]](#)



Of course, a patentee has no standing to sue until after the patent issues, even if you know that the patent will issue the next day. The *Patently-O* post included a link to ESN's complaint that had an October 15 electronic time-stamp and a civil cover sheet dated October 15. Ward and Albritton were involved in this case, apparently serving as local counsel for the McAndrews firm.



By October 18, the PACER filing information still reflected that the case had been originally filed on the 15th, but the PACER complaint filing date now indicated October 16. (See thumbnail screenshots.) This date became potentially important because, in the meantime, Cisco had filed a declaratory judgment action against ESN in Connecticut. (First-to-file with standing usually wins venue.)

On October 18, the Troll Tracker posted what are seemingly his most pointed comments about the case:

"I got a couple of anonymous emails this morning, pointing out that the docket in ESN v. Cisco . . . had been altered. One email suggested that ESN's local counsel called the EDTX court clerk and convinced him/her to change the docket to reflect an October 16 filing date, rather than the October 15 filing date. I checked, and sure enough, that's exactly what happened – the docket was altered to reflect an October 16 filing date and the complaint was altered to change the filing date stamp from October 15 to October 16. Only the EDTX Court Clerk could have made such changes. . . . This is yet another example of the abusive nature of litigating patent cases in the Banana Republic of East Texas."

In a different post, PTT mentioned that Ward and Albritton represented ESN and that they might not "play well" in a Connecticut court.

Moot Point?: Since then, *ESN v. Cisco* has been dismissed by agreement of the parties, and the original filing dates have become meaningless and moot. However, Ward and Albritton remembered Frenkel's comments. Within three days of Frenkel's "outing" a defamation lawsuit had been filed in Texas state court. At this point, none of the parties are discussing either case in public except that Cisco "continue[s] to have high regard for the judiciary of the Eastern District of Texas and confidence in the integrity of its judges."

Seeing an opportunity, the Howrey firm has now declared that it "[absolutely won't represent trolls](#)." Is the patent bar in the midst of a split? [\[Joe Mullin has the Howrey Advert\]](#)

Documents:

- [File Attachment: Defamation Complaint filed by WARD \(383 KB\)](#)
- [File Attachment: Defamation Complaint filed by ALBRITTON \(452 KB\)](#)
- [Original ESN v. CISCO complaint](#)

Notes:

- Although I have not always agreed with Frenkel's opinions, he has been a great addition to the public debate over patents and patent reforms. His analysis has always been fresh. On several occasions, I double-checked the factual basis of his reports, and each time found them spot-on. I do hope that he'll be back with more caustic analysis. I've been sitting on this story for a while now. Although not a named party, my name appears in the filings. Craig Anderson (DailyJournal) apparently broke the story in a hardcopy version.
- This case may serve as a caution to Patently-O "anonymous" commentors. A defamed individual may have ways to figure out your identity.
- ESN has explained that it actually filed the complaint at 12:01 am on October 16.
- A couple of days after posting the comment above, PTT deleted the above quoted material and replaced it with the following: "You can't change history, and it's outrageous that the Eastern District of Texas may have, wittingly or unwittingly, helped a non-practicing entity to try to manufacture subject matter jurisdiction. *Even if this was a "mistake," which I can't see how it could be, given that someone emailed me a printout of the docket from Monday showing the case, the proper course of action should be a motion to correct the docket.* (n.b.: don't be surprised if the docket changes back once the higher-ups in the Court get wind of this, making this post completely irrelevant). *EDIT: You can't change history, but you can change a blog entry based on information emailed to you from a helpful reader.*" [\[Mullin\]](#)
- Reporter, Joe Mullin has more background — According to his report, Ward filed the complaint in November and had been in the process of unmasking the troll.
- [Joe Mullin Reports on the Case](#)
- [Legal Blog Watch](#)
- [Legal Pad reports on the Case](#)
- [Forbes has a quite flippant view](#)
- [Zura Reports](#)
- [Mark Randazza](#)
- [Robert Ambrogi](#)