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UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

* * * * *	* Civil Docket
	* No. 3:07CV1528 (MRK)
CISCO SYSTEMS INC, ET AL,	*
Plaintiffs	*
	* November 2, 2007
vs.	* 10:04 o'clock a.m.
	*
ESN LLC,	*
Defendant	*
	*
* * * * *	* New Haven, Connecticut

TELEPHONIC STATUS CONFERENCE

BEFORE THE HONORABLE MARK R. KRAVITZ  
UNITED STATES DISTRICT JUDGE

Appearances:

For the Plaintiffs:

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For the Defendant:

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Court Reporter:

Thea Finkelstein RMR, CRR  
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New Haven, CT 06510

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produced by computer.

1 THE COURT: Hi, this is Mark Kravitz. I have my  
2 court reporter here. We are here in Cisco Systems Inc versus  
3 ESN LLC, 07CV1525. Could I get the appearances of counsel for  
4 the record?

5 MR. BUCCI: Yes, your Honor, this is Mike Bucci at  
6 Day Pitney for Cisco. On the phone with me, your Honor, is  
7 Charlie Verhoeven and Kevin Smith from the Quinn Emanuel firm,  
8 also representing Cisco.

9 We have pro hac motions filed for them but have not  
10 been granted, and I would ask if it's okay with your Honor  
11 that they be able to appear today on this call.

12 THE COURT: Absolutely. Absolutely. The clerk in  
13 due course will grant those and welcome, I look forward to --  
14 well, maybe I don't look forward to spending too much time  
15 with you, that's one of the things we are going to talk about.

16 How about ESN, who do we have?

17 MR. ROBINSON: I'm Richard Robinson of Pullman &  
18 Comley, Richard Robinson for ESN, and pro hac vice  
19 applications have been filed on behalf of Peter McAndrews and  
20 others from the McAndrews firm in Chicago, and Peter is with  
21 us today.

22 THE COURT: Great. Okay. Welcome, everyone.  
23 Please just identify yourself when you speak for the benefit  
24 of my court reporter so we don't drive her crazy.

25 I just wanted to talk to you about this motion to

1 stay. I know it's not been fully briefed and the Cisco people  
2 may have something to say about it, but rather than sort of  
3 proliferating pleadings, I thought I would maybe get you guys  
4 on the phone and see if everybody agrees that it does make  
5 sense for the Eastern District of Texas to take a crack at  
6 figuring out where this case should proceed, or whether people  
7 take a different view of that.

8           So maybe, Mr. Bucci and your compatriots, I would  
9 turn it over to you because I kind of know where Mr. Robinson  
10 is.

11           MR. BUCCI: Okay. Charlie, do you want to go ahead  
12 with that?

13           MR. VERHOEVEN: Your Honor, I apologize that we  
14 weren't able to get this news to you before this hearing, but  
15 as of late last night, we have actually reached an agreement  
16 with respect to how to treat this case with respect to venue.

17           THE COURT: Oh, okay.

18           MR. VERHOEVEN: And unfortunately, we weren't able  
19 to get it on file --

20           THE COURT: That's okay.

21           MR. VERHOEVEN: -- today.

22           THE COURT: Who's the lucky judge?

23           MR. VERHOEVEN: So the parties have agreed to a  
24 procedure where we are going to, we have these two competing  
25 filings, we are going to dismiss both without prejudice and

1 have a 90-day stand-down period in which we are going to work  
2 in earnest to settle the dispute.

3 We agree if we are unable to do that and the case  
4 has to proceed, that the case will all proceed in Texarkana,  
5 Texas.

6 THE COURT: Those judges out in Texas have done a  
7 pretty good job of creating a patent court out there, I  
8 gather.

9 MR. VERHOEVEN: Yes, your Honor.

10 THE COURT: Good for the local economy and all that,  
11 so I've heard.

12 Listen, this is happy news, I'm happy to hear it.  
13 When do you think you will file the requisite papers so I can  
14 dismiss without prejudice this case and send you on your way?

15 MR. VERHOEVEN: I would hope we could do that today,  
16 your Honor.

17 THE COURT: That's fine. That's great. I'm not  
18 sure we'll even get your motions for pro hac vice admission  
19 granted by then, though we are more than happy to take your  
20 money.

21 MR. VERHOEVEN: Do I get my \$75 back?

22 THE COURT: I was going to say, we are more than  
23 happy to keep your money. It does go for a good cause, just  
24 so you know, the funds for the pro hac go to support the cases  
25 in which we appoint counsel, pro bono counsel, to take care of

1 pro ses that are here, and it funds their expenses as well as  
2 investigators or things like that. So it's all for a good  
3 cause, guys.

4           Anyway, it's good news. I look forward to getting  
5 your papers, and I will deal with them promptly, okay?

6           (10:09 o'clock a.m.)

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COURT REPORTER'S TRANSCRIPT CERTIFICATE

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I hereby certify that the within  
and foregoing is a true and correct transcript  
taken from the proceedings in the above-entitled  
matter.

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Official Court Reporter

Dated: \_\_\_\_\_