

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

ESN, LLC,)	
)	
Plaintiff,)	
)	
v.)	
)	
CISCO SYSTEMS, INC., and)	Civil Action No. 5:08-cv-20-DF
CISCO-LINKSYS, LLC,)	
)	
Defendants.)	

**JOINT MOTION FOR LEAVE TO SUPPLEMENT PLAINTIFF’S P.R. 3-1
CONTENTIONS AND DEFENDANTS’ P.R. 3-3 CONTENTIONS**

Plaintiff ESN, LLC (“ESN”) and Defendants Cisco Systems, Inc. and Cisco-Linksys, LLC (collectively “Cisco”) hereby file this Joint Motion for Leave to Supplement Plaintiff’s P.R. 3-1 Contentions and Defendants’ P.R. 3-3 Contentions.

I. BACKGROUND AND SUMMARY

ESN served its original P.R. 3-1 contentions on April 18, 2008 in accordance with this Court’s Docket Control Order. Similarly, Cisco timely served its original P.R. 3-3 contentions on June 2, 2008. Since that time, Cisco supplemented its P.R. 3-3 contentions, and ESN supplemented its P.R. 3-1 contentions. Pursuant to P.R. 3-6(b), the parties jointly request that this Court grant them leave to supplement their respective P.R. 3-3 and 3-1 contentions as served.

II. MOTION

Following service of the parties’ original P.R. 3-1 and P.R. 3-3 contentions, each party asked the other party for clarifications. Subsequently, the parties supplemented their contentions

to provide more details to their original contentions.

The clarification provided by ESN's supplemental P.R. 3-1 contentions and Cisco's supplemental P.R. 3-3 contentions will allow the parties to more efficiently litigate this dispute. Accordingly, ESN and Cisco have good cause to supplement their P.R. 3-1 and P.R. 3-3 contentions. Because this case is still in the early stages of discovery, no prejudice or delay will result from the parties' supplemental P.R. 3-1 and P.R. 3-3 contentions as served.

III. REQUEST FOR RELIEF

In view of the foregoing, Plaintiff and Cisco jointly request that this Court grant the parties leave to supplement their contentions under P.R. 3-1 and P.R. 3-3 as served on November 5, 2008 and October 15, 2008.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email on this the 10th day of December, 2008.

/s/ John Ward, Jr.
T. John Ward, Jr.