

# Exhibit B

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

ESN, LLC,

Plaintiff,

v.

CISCO SYSTEMS, INC. and  
CISCO-LINKSYS, LLC,

Defendants.

CIVIL ACTION NO. 5:08-CV-20-DF

**JURY TRIAL DEMANDED**

**DEFENDANTS' SECOND SET OF INTERROGATORIES TO PLAINTIFF**

PLEASE TAKE NOTICE that, pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Defendants Cisco Systems, Inc. and/or Cisco-Linksys, LLC (collectively "Cisco") hereby requests that Plaintiff ESN, LLC ("Plaintiff" or "ESN") answer under oath the following interrogatory within thirty (30) days after service.

**DEFINITIONS AND INSTRUCTIONS**

A. "Cisco" or "Defendant" shall mean and refer to Defendant Cisco Systems, Inc. and Cisco-Linksys, LLC, and their officers, directors, employees, agents, associates, parents, subsidiaries, affiliates, predecessors, successors, and other persons or entities acting for or on their behalf or at their direction.

B. "ESN," "Plaintiff," "you," or "your" shall mean and refer to Plaintiff ESN, LLC and its officers, directors, employees, agents, attorneys, associates, parents, subsidiaries, affiliates, predecessors, successors, and other persons or entities acting for or on its behalf or at its direction.

C. The terms "person" and "persons" shall mean and refer to any natural person, corporation, company, partnership, association, or any other legal or fictitious entity.

D. The terms "document" and "documents" shall have the same meaning as the term "writing" as defined in Federal Rule of Evidence 1001, and shall include within its meaning, by way of example and not limitation, any and all papers, electronic mail, videotapes or video recordings, audio tapes or audio recordings, photographs, films, x-rays, recordings, memoranda, books, records, accounts, communications, letters, telegrams, correspondence, notes of meetings, notes of conversations, notes of telephone calls, inter-office memoranda, or written communications of any nature, recordings of conversations either in writing or by means of any mechanical or electrical recording devices, notes, papers, reports, analyses, invoices, canceled checks or check stubs, receipts, minutes of meetings, time sheets, diaries, desk calendars, ledgers, schedules, licenses, financial statements, telephone bills, logs, and any differing versions of the foregoing whether denominated formal, informal or otherwise, as well as copies of the foregoing which differ in any way, including handwritten notations or other written or printed matter of any nature from the original. The foregoing specifically includes electronic mail and other information stored in a computer database and capable of being generated in documentary form, whether such documents are presently in documentary form or not.

E. "Communication" shall mean, without limitation, the exchange or transmission of words, ideas, or information from one or more persons to another person or persons, whether accomplished person to person, by telephone, in writing, via facsimile, via electronic mail, or through any other medium, and shall include but is not limited to discussions, conversations, negotiations, conferences, meetings, speeches, memoranda, letters, correspondence, notes, and statements or questions.

F. The terms "any" and "all" shall each mean and include the other; the terms "and" and "or" shall each mean and include the other; and the singular form of any word and the plural form of the word shall each mean and include the other.

G. The " '519 Patent" shall mean and refer to U.S. Patent No. 7,283,519, and all applications, continuations, continuations-in-part, divisionals, reexaminations, or reissues thereof and all foreign applications and patents which claim the same subject matter.

H. The term "including" shall mean including without limitation.

I. The term "identify," when used in an interrogatory requesting that you "identify" or "state the identity" of a person, means to state that person's full name, last known address, and telephone number, and in the case of a natural person, his/her employer, job title, and job description.

J. The term "identify," when used in an interrogatory requesting that you "identify" or "state the identity" of a document, means to provide a description of the document including the type of document, its location, its author and its subject matter.

K. If you contend that you are not required to provide certain communications or other information called for by these interrogatories on the grounds of a privilege or protection that you are not prepared to waive, pursuant to Federal Rule of Civil Procedure 26(b)(5), provide and identify the following:

- (i) all persons making or receiving the privileged or protected communication, document or other information;
- (ii) the steps taken to ensure the confidentiality of the communication, including affirmation that no unauthorized persons have received the communication, document or other information;
- (iii) the date of the communication, document or other information; and
- (iv) the subject matter of the communication, document or other information.

L. When an interrogatory requests that you provide information, you are required to supply all information known by or available to you or your officers, directors, employees, agents, attorneys, associates, parents, subsidiaries, affiliates, predecessors, successors, and other persons or entities acting for or on your behalf or at your direction. If you cannot completely answer the interrogatory after making diligent efforts to do so, please so state. Then describe in detail all efforts made to answer the interrogatory; identify every person involved in such efforts; and state the additional information you need, if any, to respond completely to the interrogatory.

M. You shall be obligated to supplement your responses to the requests for

production below at such times and to the extent required by Federal Rule of Civil Procedure 26(e).

**INTERROGATORIES**

**INTERROGATORY NO. 7:**

State and describe in detail how the written description and any drawing(s) of ESN's Provisional Application No. 60/283,888 support the subject matter claimed in the '519 Patent, including: (i) the specific identification of any and all disclosures(s) in the provisional application for each element of each claim in the '519 Patent; and (ii) the specific identification of any and all disclosures(s) in the provisional application that enable a person skilled in the art to which the invention pertains to make and use the invention.

Dated: June 10, 2008

Respectfully submitted,

By:         /s/ Kevin A. Smith        

MCKOOL SMITH P.C.

SAM BAXTER  
Texas Bar No. 01938000  
sbaxter@mckoolsmith.com  
104 E. Houston St., Suite 300  
P.O. Box 0  
Marshall, Texas 75670  
Telephone : (903) 923-9000  
Facsimile : (903) 923-9099

GARRET W. CHAMBERS  
Texas State Bar No. 00792160  
gchambers@mckoolsmith.com  
300 Crescent Court, Suite 1500  
Dallas, Texas 75201  
Telephone : (214) 978-4000  
Facsimile : (214) 978-4044

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

CHARLES K. VERHOEVEN  
LEAD COUNSEL

Cal. Bar No. 170151

charlesverhoeven@quinnemanuel.com

KATHERINE H. BENNETT

katherinebennett@quinnemanuel.com

Cal Bar. No. 250175

KEVIN A. SMITH

Cal. Bar No. 250814

kevinsmith@quinnemanuel.com

50 California St., 22nd Floor

San Francisco, CA 94111

Telephone: (415) 875.6600

Facsimile: (415) 875.6700

VICTORIA F. MAROULIS

Cal. Bar No. 202603 (admitted in E.D. Tex.)

victoriamaroulis@quinnemanuel.com

SAYURI K. SHARPER

Cal. Bar No. 232331

sayurisharper@quinnemanuel.com

555 Twin Dolphin Dr., Suite 560

Redwood Shores, California 94065

Telephone: (650) 801-5000

Facsimile: (650) 801-5100

Attorneys for Defendants

Cisco Systems, Inc. and Cisco-Linksys, LLC

**CERTIFICATE OF SERVICE**

I hereby certify that on the date this proof of service is signed below, I served the foregoing:

**DEFENDANTS' SECOND SET OF INTERROGATORIES TO PLAINTIFF**

by email and U.S. Mail, addressed as follows:

George P McAndrews  
Gerald C Willis, Jr  
Peter J McAndrews  
Paul McAndrews  
Thomas J Wimbiscus  
Matthew N Allison  
McAndrews Held & Malloy  
500 W Madison Street  
Suite 3400  
Chicago, IL 60661

Eric M. Albritton  
Attorney at Law  
PO Box 2649  
Longview, TX 75606

Thomas John Ward, Jr  
Ward & Smith Law Firm  
P O Box 1231  
Longview, TX 75606-1231

DATED: June 10, 2008

/s/ Matthew D. Cannon  
\_\_\_\_\_  
Matthew D. Cannon