

EXHIBIT O

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

ESN, LLC,

Plaintiff,

Case No. 5:08-cv-20-DF

v.

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

Defendants.

**CISCO SYSTEMS, INC.'S AND CISCO-LINKSYS, LLC'S PATENT L.R. 4-2
PRELIMINARY CLAIM CONSTRUCTIONS AND EXTRINSIC EVIDENCE**

Pursuant to Patent L.R. 4-2, Cisco Systems, Inc. and Cisco-Linksys, LLC (collectively "Cisco") provide, as set forth in the claim chart attached hereto as Exhibit A, their preliminary claim construction and preliminary identification of extrinsic evidence of terms, phrases, or clauses for U.S. Patent No. 7,283,519 ("the '519 patent"). Nothing in these proposed constructions should suggest that a particular limitation or claim of the '519 patent is accurately described, enabled, or definite within the meaning of 35 U.S.C. 112 ¶¶ 1-2.

Cisco believes that claims should be construed using the intrinsic evidence where possible, including the claims, specification, and prosecution history of the asserted and related patents (including the cited references). Additionally, Cisco may rely upon dictionaries, learned treatises, prior art, testimony of experts and percipient witnesses, and other extrinsic evidence.

The sources of extrinsic evidence referenced in the claim chart are attached as follows:

Exhibit B *The IEEE Standard Dictionary of Electrical and Electronics Terms* (6th ed. 1996)

Exhibit C *Newton's Telecom Dictionary* (24th ed. 2008)

Exhibit D *The American Heritage Dictionary* (4th ed. 2001)

Exhibit E *SIP: Session Initiation Protocol, IETF RFC 2543* (1999)

Further, pursuant to Patent L.R. 4-2(b), Cisco states that it may rely on the testimony of Dr. Eric Burger to support its claim constructions. If called, this witness may offer testimony regarding (1) his background and experience, (2) the technology background relating to the '519 patent, (3) the prior art, and (4) the construction of the asserted claims from the viewpoint of a person of ordinary skill in the art in light of the intrinsic and extrinsic evidence.

The constructions and extrinsic evidence set out in the attached exhibits are preliminary in nature and are based on Cisco's current knowledge and understanding of the patent in suit and its prosecution file history. Cisco's investigation is ongoing. Accordingly, Cisco reserves the right to revise, supplement, and/or amend the proposed constructions and/or the identified extrinsic evidence. Cisco further reserves its right to offer additional extrinsic evidence to refute ESN's claim construction positions and to amend and/or supplement this disclosure in view of the positions ESN may take in this litigation.

Cisco's Preliminary Proposed Construction of Terms for U.S. Pat. No. 7,283,519

Claim Terms	Proposed Construction	Extrinsic Support for Construction
network device (claims 9, 10, 12, 16)	A single piece of equipment that transmits and receives data over the broadband network.	definition of "device": "10. In networking, a unit that provides a means for inputting and outputting data over the transmission medium 11. A mechanism or piece of equipment designed to serve a purpose or perform a function." <i>The IEEE Standard Dictionary of Electrical and Electronics Terms</i> , 279 (6th. ed. 1996).
comprising (claims 9, 16)	Including.	definition of "comprise": "To include." <i>The American Heritage Dictionary</i> , 183 (4th ed. 2001).
broadband network interface (claims 9, 16)	Hardware subcomponent of the network device that physically connects it to the BROADBAND ACCESS NETWORK as defined in the specification (60:25-32).	
telephone line interface; (claims 9, 16)	Hardware subcomponent of the network device that is used to connect telephone stations that do not support IP protocols.	
computer data interface (claims 9, 10, 16)	Hardware subcomponent of the network device that is used to plug in one or more COMPUTER WORKSTATIONS as defined in the specification (59:51-59).	
SIP (claims 9, 16)	Session Initiation Protocol as set forth in IETF RFC 2543	SIP: <i>Session Initiation Protocol</i> , IETF RFC 2543 (1999).

Claim Terms	Proposed Construction	Extrinsic Support for Construction
<p>SIP proxy server that mediates all SIP communications over the broadband network interface involving the non-SIP telephone (claim 9)</p>	<p>"SIP", "SIP Proxy Server", "mediates", "broadband network interface", and "non-SIP telephone" as construed above; ordinary meaning for rest of phrase.</p>	
<p>IP data (claim 10)</p>	<p>Internet Protocol data</p>	<p>definition of "IP": "The Internet Protocol." <i>Newton's Telecom Dictionary</i>, 511 (24th ed. 2008).</p>
<p>voice-over-packet (claim 16)</p>	<p>Voice communication sent over packet-switched network, such as Frame Relay, Internet Protocol and ATM.</p>	<p>definition of "VoFR": "Voice over Frame Relay is the transmission of voice over a Frame Relay network.] VoFR is one of a family of 'Voice over Packet' technologies that includes VoATM (Voice over ATM) and VoIP (Voice over Internet Protocol)." <i>Newton's Telecom Dictionary</i>, 996 (24th ed. 2008).</p> <p>definition of "packet switching": "(1) A data transmission process, utilizing addressed packets, whereby a channel is occupied only for the duration of transmission of the packet." <i>The IEEE Standard Dictionary of Electrical and Electronics Terms</i>, 741 (6th. ed. 1996).</p>
<p>system management platform (claim 16)</p>	<p>Platform, installed in a carrier central office or equivalent, that provides provisioning, configuration, management and active monitoring of network devices</p>	