

# Exhibit R

**Kevin Smith**

**From:** Sayuri Sharper  
**Sent:** Thursday, January 29, 2009 3:30 PM  
**To:** 'PMCANDREWS@mcandrews-ip.com'; 'JWILLIS@mcandrews-ip.com'  
**Cc:** Victoria Maroulis  
**Subject:** ESN v. Cisco: claim construction

Dear Pete and Jerry:

This email summarizes our telephone conversation yesterday with regard to the parties' preliminary claim construction.

ESN and Cisco agree to the constructions of the following terms:

Claim Terms	Agreed Construction
comprising (claims 9, 16)	Including. This term is inclusive or open-ended and does not exclude additional unrecited elements.
IP data (claim 10)	Data that is formatted for routing in accordance with the Internet Protocol.
Voice-over-packet (claim 16)	Voice communication sent over a packet-switched network, such as Frame Relay, Internet Protocol and ATM

ESN and Cisco dispute the constructions of the following terms:

Claim Terms
network device (claims 9, 10, 12, 16)
SIP (claims 9, 16)
SIP agents (claim 9)
the instructions causing the network device to provide a SIP user agent to represent a non-SIP telephone that uses the telephone line interface (claim 9)
SIP proxy server that mediates all SIP communications over the broadband network interface involving the non-SIP telephone (claim 9)
system management platform (claim 16)
shared packet network (claim 16)
route telephone calls in a peer-to-peer fashion over the shared packet network (claim 16)
SIP proxy server for devices using the telephone line interface and for devices using the computer data interface (claim 16)

ESN will consider Cisco's proposed construction of the following terms, and may accept or propose alternative constructions to Cisco:

Claim Terms	Cisco's Proposed Construction
mediates (claim 9)	Acts as an intermediary

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.
non-SIP telephone (claims 9)	Telephone station, i.e., terminal device that is used for voice communications that does not support IP protocol.

Cisco will consider ESN's proposed construction of "call log data", and may propose an alternative construction to ESN.

ESN will consider Cisco's revised proposed construction for the following terms:

Claim Terms	Revised Proposed Construction
broadband network interface (claims 9)	Hardware subcomponent of the network device that physically connects it to the BROADBAND ACCESS NETWORK. The BROADBAND ACCESS NETWORK is the segment of an IP Carrier Network that bridges the "last mile" between the central office and the subscriber premise. It is designed to provide a relatively high-bitrate IP data path to the subscriber premise, with a minimum bit transfer rate of 128 Kbit/second for both directions. Examples of broadband network access technologies include Digital Subscriber Line (DSL), coaxial cable, T1 and Passive Optical Network (PON).
computer data interface (claims 9, 10, 16)	Hardware subcomponent of the network device that is used to connect one or more terminal devices to support bidirectional IP data communication between the network device and the terminal devices.
SIP user agent (claim 9)	An application which contains both a user agent client and user agent server that operates in accordance with IETF RFC 2543. A user agent client is a client application that initiates the SIP request. A user agent server is a server application that contacts the user when a SIP request is received and returns a response on behalf of the user. The response accepts, rejects or redirects the request.
SIP proxy server (claim 9, 16)	An intermediary program that acts as both a server and a client for the purpose of making SIP requests on behalf of other SIP clients in accordance with IETF RFC 2543. SIP requests are serviced internally or by passing them on, possibly after translation, to other servers. A SIP proxy server interprets, and, if necessary, rewrites a SIP request message before forwarding it. The forwarded SIP request message contains exactly the same "To", "From", "Call-ID" and "Contact" tags as the original SIP request received by the SIP proxy server.  <i>Note: the last line of this proposed construction is from para. 12.3.1 (page 98) of RFC 2543.</i>

Please let me know if you have any questions, and when you would like to schedule a follow-up telephone call.

Regards,

Sayuri

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