

30(b)(6) Deposition of Richard G. Frenkel 11/18/2008  
CONFIDENTIAL - Subject to the Protective Order

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IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

ERIC M. ALBRITTON,  
Plaintiff,

vs.

No. 6:08-CV-00089

(1) CISCO SYSTEMS, INC.,  
(2) RICHARD FRENKEL, (3) MALLUN  
YEN and (4) JOHN NOH,

Defendants.

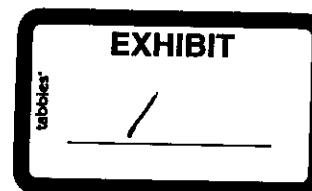
CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

DEPOSITION OF RICHARD G. FRENKEL

Tuesday, November 18, 2008

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CRS-100282-023



1 correct?

2 A. Not necessarily.

3 Q. Some venue changes?

4 A. I was analyzing some of the proposals that  
5 people were making regarding venue laws that could  
6 have affected venue after -- if those laws were  
7 passed.

8 Q. What about your employer, Cisco? Did they  
9 want some venue reform?

10 A. I don't know if I can speak for what Cisco  
11 wanted.

12 Q. Well, you ought to have some personal  
13 knowledge of what went on out there, shouldn't you?

14 A. Yes.

15 Q. Okay. Well, that's what I'm asking you.  
16 Did the hierarchy in Cisco want some venue reform?

17 MR. McWILLIAMS: Objection. Form.

18 MR. BABCOCK: Same objection.

19 THE WITNESS: I don't know for sure what  
20 Cisco wanted in terms of venue reform. It was my  
21 belief at the time that they did.

22 BY MR. PATTON:

23 Q. What's a Banana Republic?

24 A. I don't know.

25 Q. I gather, then, that you felt free to post

1 something you don't even know what the implication  
2 or the meaning of it was?

3 MR. McWILLIAMS: Objection. Form.

4 MR. BABCOCK: Same objection.

5 THE WITNESS: I don't remember why I chose  
6 that phrase, Mr. Patton.

7 BY MR. PATTON:

8 Q. It wasn't a compliment, was it?

9 A. No. And I'm sorry for that.

10 Q. You're apologizing for calling the Eastern  
11 District of Texas a Banana Republic?

12 A. Yes.

13 Q. Okay. And when did you become sorry about  
14 that?

15 A. As soon as I was informed from the  
16 complaint that I had actually done it because I  
17 hadn't remembered doing it.

18 Q. You didn't remember using that phrase in  
19 your blog?

20 A. No, I did not.

21 Q. What, did you just write it in a hurry or  
22 something? You weren't thinking? What?

23 A. I don't know.

24 Q. The other uncomplimentary remarks you made  
25 about the Eastern District of Texas, do you remember

1 Q. The 17th and 18th; right?

2 A. Yes.

3 Q. All right. Between that time period and  
4 when this lawsuit was filed in early March of 2008,  
5 did those -- either of those two articles generate  
6 any publicity?

7 A. No.

8 Q. Okay. Now, the lawsuits that were filed  
9 by Messrs. Albritton and Mr. Ward, did they attach  
10 the Patent Troll Tracker of October 17th and  
11 October 18th to the lawsuits that the plaintiffs  
12 filed?

13 A. Yes.

14 Q. All right. And following that, was there  
15 publicity in the public media about the Patent Troll  
16 Tracker and about their allegations?

17 A. Yes. There was a tremendous amount of  
18 publicity after they filed their lawsuit.

19 Q. All right. And did you see Mr. Patton  
20 himself quoted in some of these articles?

21 A. Oh, yes.

22 Q. All right. The matter that you were  
23 writing about in the October 17th and the  
24 October 18th Patent Troll Trackers, did you consider  
25 those subjects to be matters of public concern?