

line he asked me to create, and because time information on the face of the emails he did provide to me was conflicting and confusing, I was unable to give him a definite time line of events.

5. Mr. Patton asked me to work with Defendant's counsel to obtain the email header information I needed to construct an accurate time line. I contacted Jackson Walker's offices on November 26, 2008 to request that information and received additional header information from Jackson Walker which was obtained by Nicholas H. Patton through e-mail and telephone communications.

6. Around December 13, I was provided with some additional emails that included the imbedded header information. From those emails I was able to determine the time of some of the correspondence, but not all. I was unable to make a definite determination as to the timing of events because although email headers were provided, that information only provides timing information for the last email in an email string. For several of the emails, I needed additional header information for emails drafted earlier in time.

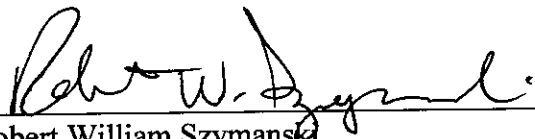
7. I worked with Mr. Patton to request additional email header information from Cisco's counsel. I finally received the information necessary to make a reasonable determination of the timing of the emails set forth in Plaintiff's Opposition Brief on December 18, 2008.

8. On December 18, 2008 at approximately 4:30 p.m. Central, I participated in a lengthy telephone conference with Mr. Patton and his co-counsel to piece together the time line of events from the email headers received. This task required me to review multiple emails and cross reference headers provided by Cisco with headers provided by Baker Botts. I compared email header information recently received by Cisco with the time line set forth in Plaintiff's opposition brief and determined that some of the time zone information did not match the header information received from Cisco.

9. I am reasonably certain that the time line set forth in Plaintiff's corrected opposition brief is correct, but even that time line may have some inaccuracies as I was forced to surmise some events based on the timing of emails before or after the event in question, and not on header information because some of that information still had not been provided by Cisco.

10. I was unable to make a reasonable determination of the timing of events based on header information provided in Cisco's emails until late afternoon on December 18, 2008.

11. At all times I acted in good faith in trying to provide Mr. Patton with prompt and accurate information.



Robert William Szymanski