

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

ERIC M. ALBRITTON

v.

CISCO SYSTEMS, INC.,
RICK FRENKEL, MALLUN YEN &
JOHN NOH

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C. A. NO. 6:08-CV-00089

**DEFENDANTS' OBJECTIONS TO PLAINTIFF'S
TRIAL EXHIBITS**

TO THE HONORABLE COURT:

Defendants Cisco Systems, Inc. ("Cisco"), Richard Frenkel ("Frenkel"), Mallun Yen¹ ("Yen") and John Noh² ("Noh"), submit the attached schedule setting forth their specific objections to Plaintiff's trial exhibits. In addition to these objections, Defendants reserve the right to assert objections to any exhibits offered by Plaintiff based upon the manner in which Plaintiff ultimately seeks to introduce such exhibit at trial.

Defendants further object to the introduction at trial of any exhibits that were not designated by Plaintiff pursuant to the Pretrial Order. Defendants further object to the introduction at trial of any information or documents not timely produced during discovery. In the event the Court permits Plaintiff to use or introduce such exhibits, Defendants reserve the right to assert additional objections to such exhibits and to designate additional exhibits as necessary.

¹ Subject to her Motion to Dismiss for Lack of Personal Jurisdiction, Docket #37.

² Subject to his Motion to Dismiss for Lack of Personal Jurisdiction, Docket #35.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: /s/ Charles L. Babcock

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CERTIFICATE OF SERVICE

This is to certify that on this 25th day of February 2009, a true and correct copy of the foregoing was served via electronic mail upon:

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DEFENDANTS OBJECTIONS TO PLAINTIFF'S EXHIBITS

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
1.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408)	November 1, 2007 letter to Eric Albritton from Garret Chambers memorializing agreement between Cisco Systems, Inc. and Cisco-Linksys, LLC and ESN	EMA 00001-00003
2.	Relevance (FRE 402), Hearsay (FRE 802)	October 18, 2007 cover letter from Amie Mathis to Cisco-Linksys, LLC enclosing Plaintiff's Motion to Enjoin Defendant Cisco and Linksys from Prosecuting later-filed Parallel Litigation in Connecticut	EMA 00004
3.	Relevance (FRE 402), Hearsay (FRE 802)	October 18, 2007 cover letter from Amie Mathis to James Sicilian and Michael Bucci enclosing Plaintiff's Motion to Enjoin Defendant Cisco and Linksys from Prosecuting later-filed Parallel Litigation in Connecticut	EMA 00005
4.	Relevance (FRE 402), Hearsay (FRE 802)	October 19, 2007 cover letter from Amie Mathis to Cisco Systems, Inc. enclosing Plaintiff's Motion to Enjoin Defendant Cisco and Linksys from Prosecuting later-filed Parallel Litigation in Connecticut	EMA 00006
5.	Relevance (FRE 402), Hearsay (FRE 802)	October 19, 2007 cover letter from Amie Mathis to Cisco-Linksys, LLC enclosing Plaintiff's Motion to Enjoin Defendant Cisco and Linksys from Prosecuting later-filed Parallel Litigation in Connecticut	EMA 00007
6.	Relevance (FRE 402), Hearsay (FRE 802)	October 18, 2007 cover letter from Amie Mathis to Cisco Systems, Inc. enclosing Plaintiff's Motion to Enjoin Defendant Cisco and Linksys from Prosecuting later-filed Parallel Litigation in Connecticut	EMA 00008
7.	Relevance (FRE 402), Hearsay (FRE 802)	October 19, 2007 cover letter from Amie Mathis to Director of the US Patent and Trademark Office enclosing the fully executed Report on the Filing or Determination of an Action Regarding a Patent or Trademark	EMA 00009
8.	Relevance (FRE 402), Hearsay (FRE 802)	October 19, 2007 cover letter from Jennifer L. Beebe to Director of the US Patent and Trademark Office enclosing the fully executed Report on the Filing or Determination of an Action Regarding a Patent or Trademark	EMA 00010
9.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), cumulative of Exhibit 1.	November 1, 2007 Correspondence from Garret Chambers to Eric Albritton memorializing agreement between Cisco Systems, Inc. and Cisco Linksys, LLC and ESN, LLC	EMA 00011-00013
10.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 393.	Civil Cover Sheet; Cause No. 5:07cv156; ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC with 10/15/2007 banner	EMA 00014
11.		Complaint for Patent Infringement: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 with 10/15/07 banner	EMA 00015-00088

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
12.	Relevance (FRE 402)	Notice of Appearance of T. John Ward, Jr. in the ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 matter	EMA 00089-00090
13.	Optional completeness missing pleading and incomplete exhibits.	Ex. A, Part 1, (DE #3) in the ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 matter ('519 patent)	EMA 00091-00140
14.	Optional completeness missing pleading and incomplete exhibits.	Ex. B, Parts 1 & 2, (DE #3) in the ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 matter ('404 application)	EMA 00141-00195
15.	Optional completeness missing pleading and incomplete exhibits.	Ex. C, (DE #3) in the ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 matter	EMA 00196-00198
16.	Optional completeness missing pleading and incomplete exhibits.	Ex. D, (DE #3) in the ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 matter	EMA 00199-00208
17.	Optional completeness missing exhibits.	First Amended Complaint (DE #3) filed in the ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 matter	EMA 00209-00215
18.	Optional completeness missing pleading and incomplete exhibits.	DE #4 — Report on the Filing or Determination of an Action Regarding a Patent or Trademark filed in the ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 matter	EMA 00216
19.	Relevance (FRE 402)	Notice of Electronic Filing re: Summons Issued	EMA 00217-00218
20.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	DE #6 — Plaintiff's Motion to Enjoin Defendants Cisco and Linksys From Prosecuting Later-Filed Parallel Litigation in Connecticut filed in the ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 matter	EMA 00219-00339
21.	Relevance (FRE 402)	DE #7 — Pro Hac Application of Thomas J. Wimbiscus of McAndrews, Held & Malloy, Ltd. filed in the ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 matter	EMA 00340-00342
22.	Relevance (FRE 402)	DE #8 — Pro Hac Application of George McAndrews filed in the ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 matter.	EMA 00343-00346
23.	Relevance (FRE 402)	DE #9 — Pro Hac Application of Peter McAndrews filed in the ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 matter	EMA 00347-00349
24.	Relevance (FRE 402)	DE #10 — Pro Hac Application of Gerald C. Willis, Jr. filed in the ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 matter	EMA 00350-00352

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
25.	Relevance (FRE 402)	DE #11 — Pro Hac Application of Paul McAndrews filed in the ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 matter	EMA 00353-00355
26.		DE 412 — Stipulation of Dismissal Without Prejudice filed in the ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 matter	EMA 00356-00359
27.		Order of Dismissal Without Prejudice filed in the ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 matter on November 19, 2007	EMA 00360
28.	Relevance (FRE 402)	10/15/2007 Civil Cover Sheet re: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC	EMA 00361
29.	Optional Completeness, missing pleading and exhibits.	Ex. A re: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156	EMA 00362-00415
30.	Optional Completeness, missing pleading and exhibits.	Ex. B re: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156	EMA 00416-00428
31.	Optional Completeness, missing exhibits.	Complaint for Patent Infringement re: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156	EMA 00429-00489
32.		Notice of Electronic Filing of ESN v. Cisco Systems, Inc. and Cisco Linksys, LLC; EDTX No. 5:07cv156, Complaint entered on 10/16/07 and filed on 10/15/07	EMA 00490-00491
33.	Relevance (FRE 402). Optional completeness.	List of Parties re: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC	EMA 00492
34.	Optional completeness.	Report on the Filing or Determination of an Action Regarding a Patent or Trademark 7,283,519 B2 Patent	EMA 00493
35.		Notice of Electronic Filing of Notice of Filing of Patent/Trademark Form (DE #4) in the ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 matter	EMA 00494
36.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 84.	Draft of First Amended Complaint for Patent Infringement re: the ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC. EDTX No. 5:07cv156 matter	EMA 00495-00501
37.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	First Amended Complaint for Patent Infringement re: the ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 matter	EMA 00502-00636

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
38.	Relevance (FRE 402)	Notice of Electronic Filing of Amended Complaint (DE #3) entered in the ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 matter	EMA 00637-00638
39.	Optional completeness unable to identify what document this was attached to.	Ex. A re: the ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 matter (*519 Patent)	EMA 00639-00687
40.	Optional completeness unable to identify what document this was attached to. Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 92.	Ex. A re: the ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 matter (Complaint for Declaratory Judgment filed in the Cisco Systems, Inc. and Cisco-Linksys LLC v. ESN, LLC; District of Connecticut No. 3:07cv01528 matter)	EMA 00688-00694
41.		Complaint for Patent Infringement filed in the ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 matter with 10/16/2007 banner	EMA 00695-00700
42.	Optional completeness unable to identify what document this was attached to.	Ex. C re: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 (Notice of Electronic Filing of Complaint entered on 10/16/2007 and filed on 10/15/2007)	EMA 00701-00703
43.	Optional completeness unable to identify what document this was attached to.	Ex. D re: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 (Docket Report run on 10/18/2008)	EMA 00704-00707
44.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), optional completeness.	Ex. E re: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 (Plaintiffs Cisco Systems, Inc. and Cisco Technology, Inc. v. Telecordia Technologies, Inc. EDTX Lufkin Division No. 9:06cv160 Complaint)	EMA 00708-00715
45.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), optional completeness.	Ex. F re: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 (Plaintiffs Cisco Systems, Inc. and Cisco Technology, Inc. v. Huawei Technologies, et al; EDTX Marshall Division No. 2:03cv27 Complaint)	EMA 00716-00793
46.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), optional completeness.	Ex. G re: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 (U.S. District Court — Judicial Caseload Profile)	EMA 00794-0796
47.	Relevance (FRE 402)	Plaintiff's Motion to Enjoin Defendants Cisco and Linksys From Prosecuting Later-Filed Parallel Litigation in Connecticut re: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No 5:07cv156	EMA 00797-00810
48.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 26.	Stipulation of Dismissal Without Prejudice re: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156	EMA 00811-00816
49.	Relevance (FRE 402)	Summons (Cisco Systems, Inc.) re: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156	EMA 00817-00818

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
50.	Relevance (FRE 402)	Summons (Cisco-Linksys, LLC) re: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156	EMA 00819-00820
51.	Relevance (FRE 402)	Summons (Cisco Systems, Inc.) re: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 (issued 10/17/07)	EMA 00821-00822
52.	Relevance (FRE 402)	Summons (Cisco-Linksys, LLC) re: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156 (issued 10/17/07)	EMA 00823-00824
53.	Relevance (FRE 402), Hearsay (FRE 802)	December 4, 2007 e-mail from Eric Albritton to Mathis and Ward re: ESN v Cisco — talked to Sam	EMA 00825-0826
54.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	December 13, 2007 e-mail from Eric Albritton to Ward re: ESN v Cisco — draft letter re: settlement discussions	EMA 00827-00828
55.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	December 19, 2007 letter from Victoria Maroulis to Peter McAndrews in response to 12/13/07 letter accusing Cisco of "non-cooperation in recent settlement negotiations." (ESN v. Cisco)	EMA 00829-00830
56.	Relevance (FRE 402)	December 20, 2007 (9:11am) e-mail from Eric Albritton to McAndrews re: ESN v Cisco - writing Cisco request prior art it alleges invalidates the claims	EMA 00831
57.	Relevance (FRE 402)	December 20, 2007 (10:01am) e-mail from Eric Albritton to McAndrews re: ESN v Cisco - writing Cisco request prior art it alleges invalidates the claims	EMA 00832-00833
58.	Relevance (FRE 402), Settlement (FRE 408), Hearsay (FRE 802)	December 20, 2007 letter (draft) from Peter McAndrews to Victoria Maroulis re: settlement discussions (ESN v Cisco)	EMA 00834-00836
59.	Relevance (FRE 402)	December 20, 2007 email from Eric Albritton to McAndrews re: ESN v. Cisco — response to Maroulis	EMA 00837
60.	Relevance (FRE 402)	January 11, 2008 e-mail from Eric Albritton to Phillips re: ESN v Cisco — letter to McAndrews	EMA 00840
61.		January 10, 2008 letter and charts from Victoria Maroulis to Peter McAndrews re: ESN v Cisco — refusal to meet and discuss merits of case and potential settlement	EMA 00841-00846
62.	Optional completeness see exhibit 390, Hearsay (FRE 802)	Docket Sheet re: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156	EMA 00847-00850
63.	Optional completeness see exhibit 390, Hearsay (FRE 802)	Notice of Filing Complaint re: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156	EMA 00851-00852

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64.	Optional completeness see exhibit 390, Hearsay (FRE 802)	System Transactions 1/1/1980-3/13/2008 re: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156	EMA 00853-00856
65.		October 11, 2007 e-mail from Paul McAndrews to Eric Albritton re: draft of complaint	EMA 00859
66.	Relevance (FRE 402), Hearsay (FRE 802)	October 12, 2007 e-mail from Amie Mathis to Hollander, Albritton and McAndrews re: 2007-10-12 contract	EMA 00860-00861
67.		October 12, 2007 e-mail from Eric Albritton to Mathis re: calendar filing at 12:01 am	EMA 00862
68.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 466.	October 15, 2007 e-mail from Pete McAndrews to Albritton, et al re: draft of complaint	EMA 00863-00864
69.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 467.	October 15, 2007 e-mail from McAndrews to Albritton re: ESN v Cisco final complaint	EMA 00865
70.	Relevance (FRE 402), Hearsay (FRE 802)	August 11, 2006 e-mail from Hollander (member of ESN) to legal@cisco.com re: Cisco interest in business transaction	EMA 00866
71.	Relevance (FRE 402), Hearsay (FRE 802)	August 11, 2006 e-mail from Hollander (member of ESN) to Proctor re: Cisco interest in business transaction	EMA 00867
72.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702), Hearsay (FRE 802)	June 8, 2007 letter from Peter McAndrews to Kurt Pankratz re: discussion efforts to avoid litigation	EMA 00868-00876
73.		October 15, 2007 e-mail from McAndrews to Albritton re ESN v Cisco complaint exhibits B and C	EMA 00877
74.	Relevance (FRE 402)	November 28, 2002 - Patent No. US 2002/0176404 A1	EMA 00878-00930
75.		October 15, 2007 e-mail from McAndrews to Albritton re: ESN v Cisco complaint exhibit A	EMA 00931
76.	Hearsay (FRE 802)	October 15, 2007 e-mail from Mathis to McAndrews re: pro hac application and sending copy of complaint after it is filed at 12:01	EMA 00932
77.		Notice of Filing Complaint re: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156	EMA 00933-00934
78.		October 16, 2007 e-mail from Mathis to McAndrews re: Notice of Filing Complaint re: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156	EMA 00935-00937

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
79.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 468.	October 15, 2007 e-mail from McAndrews to Mathis re: Notice of Filing Complaint re: ESN v. Cisco Systems, Inc. and Cisco-Linksys, LLC; EDTX No. 5:07cv156	EMA 00938-00940
80.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 460.	October 16, 2007 e-mail from McAndrews to Mathis, et al re: '519 Patent	EMA 00941
81.	Relevance (FRE 402)	October 16, 2007 — Patent No. 7,283,519 B2	EMA 00942-00989
82.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 380.	October 16, 2007 e-mail from Albritton to Ward re. whether to file amended complaint attaching patent	EMA 00990
83.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 381.	October 17, 2007 e-mail from Ward to Albritton re: whether to file amended complaint attaching patent	EMA 00991-00992
84.		First Amended Complaint for Patent Infringement (draft)	EMA 0993-0999
85.		October 17, 2007 e-mail from Mathis to McAndrews re: amended complaint (draft)	EMA 01000
86.	Relevance (FRE 402)	October 17, 2007 e-mail from Mathis to McAndrews re: amended complaint signature block	EMA 01001-01002
87.	Relevance (FRE 402)	October 17, 2007 e-mail from McAndrews to Mathis re: amended complaint signature block	EMA 01003-01004
88.	Relevance (FRE 402)	October 18, 2007 e-mail from McAndrews to Albritton and Mathis re: Cisco's DJ Complaint	EMA 01027-01029
89.	Relevance (FRE 402), Hearsay (FRE 802)	October 18, 2007 e-mail from McAndrews to Albritton and Mathis re: new draft of Motion to Enjoin Connecticut Case	EMA 01030
90.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 386.	October 18, 2007 e-mail from Saunders to Albritton re: ESN Convinces EDTX Court Clerk to Alter Documents to Try to Manufacture Subject Matter Jurisdiction Where None Existed	EMA 01035
91.	Relevance (FRE 402)	October 18, 2007 e-mail from McAndrews to Albritton and Saunders re: exhibits A-G	EMA 01036
92.		October 16, 2007 — Complaint for Declaratory Judgment re: Cisco, et al v. ESN, LLC; USDC Connecticut; No. 307CV01528	EMA 01037-01041
93.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	October 16, 2007 — Complaint for Patent Infringement (with Notice of Filing) re: ESN v. Cisco; USDC Texas; No. 5:07-CV-156	EMA 01042-01049

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
94.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403).	October 18, 2007 - Docket Sheet re: ESN v. Cisco; USDC Texas, No. 5:07-CV-156	EMA 01050-01051
95.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	July 31, 2007 — Plaintiff Cisco Systems, Inc. and Cisco Technology, Inc.'s Complaint for Patent Infringement and Demand for Jury Trial re: Cisco, et al v. Telcordia; USDC Texas; No. 9:06CV160	EMA 01052-01059
96.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	January 22, 2003 — Complaint and Jury Demand re: Cisco, et al v. Huawei Technologies, et al; USDC Texas; No. 2-03CV-027	EMA 01060-01136
97.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	October 18, 2007 — U.S. District Court — Judicial Caseload Profile (Texas and Connecticut)	EMA 01137-01138
98.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 92.	October 16, 2007 — Complaint for Declaratory Judgment re: Cisco, et al v. ESN, LLC; USDC Connecticut; No. 307CV01528	EMA 01139-01141
99.	Relevance (FRE 402)	October 18, 2007 e-mail from McAndrews to Albritton, et al re: motion enjoin Connecticut case	EMA 01144
100.		October 18, 2007 e-mail from McAndrews to Albritton, et al re: exhibit A-G	EMA 01145
101.	Relevance (FRE 402)	October 18, 2007 e-mail from Saunders to McAndrews, et al re: red line edits	EMA 01146
102.	Relevance (FRE 402)	October 18, 2007 e-mail from Saunders to McAndrews re: edits to motion to enjoin	EMA 01147-01148
103.	Relevance (FRE 402)	October 18, 2007 e-mail from McAndrews to Albritton, et al re: minor edits to motion to enjoin	EMA 01149
104.	Relevance (FRE 402), Hearsay (FRE 802)	October 26, 2007 e-mail from Maroulis to Albritton re: request for extension of time to respond to motion for injunction and complaint	EMA 01152
105.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	October 29, 2007 e-mail from McAndrews to Albritton re: telephonic hearing in Connecticut case, pro hac vice applications and extensions of time	EMA 01153-01155
106.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	October 29, 2007 e-mail from Eric Albritton to PMC Andrews re: request for extension of time	EMA 01156- 01158
107.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	October 29, 2007 email from Victoria Maroulis to Eric Albritton re: request for extension of time	EMA 01159-01161

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
108.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	October 30, 2007 email from Eric Albritton to Peter J. McAndrews, T. John Ward, and Eric Albritton re: request for extension of time	EMA 01162
109.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	October 30, 2007 email from PMC Andrews to Eric Albritton and John T. Ward re: request for extension of time	EMA 01163-01165
110.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	November 1, 2007 email from PMC Andrews to Eric Albritton re: Stipulation of Dismissal w/attachment- Stipulation and Order of Dismissal Without Prejudice	EMA 01166-01171
111.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	November 1, 2007 email from PMC Andrews to Eric Albritton, GMC Andrews, TWIMBISCUS re: stipulation of dismissal	EMA 01172
112.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	November 1, 2007 email from PMC Andrews to Eric Albritton re: stipulation of dismissal	EMA 01173-01174
113.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	November 1, 2007 email from PMC Andrews to Eric Albritton re: stipulation of dismissal	EMA 01175-01177
114.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	November 1, 2007 email from gchambers to Eric Albritton, GMC Andrews, and TWIMBISCUS re: stipulation of dismissal	EMA 01178-01179
115.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	November 1, 2007 email from PMC Andrews to Eric Albritton re: stipulation of dismissal	EMA 01180-01183
116.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	November 1, 2007 email from PMC Andrews to Eric Albritton re: stipulation of dismissal	EMA 01184-01187
117.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	November 1, 2007 email from gchambers to Eric Albritton, PMC Andrews re: revised drafts	EMA 01188
118.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	November 1, 2007 email from Eric Albritton to gchambers and PMC Andrews re: Revised drafts	EMA 01189-01190

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
119.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	November 1, 2007 email from PMC Andrews to Eric Albritton and gchambers re: Revised Drafts	EMA 01191-01192
120.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	November 1, 2007 email from gchambers to Eric Albritton and PMC Andrews re: Revised Drafts	EMA 01193-01194
121.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	November 2, 2007 email from PMC Andrews to gchambers re: Revised Drafts	EMA 01195-01196
122.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	November 2, 2007 email from gchambers to Eric Albritton re: attachments Stipulation of Texas dismissal, Proposed Order, Stipulation of Conn dismissal, and Proposed Order	EMA 01197
123.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	November 2, 2007 email from PMC Andrews to Eric Albritton re: stipulation of dismissal	EMA 01198-01199
124.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	November 2, 2007 email from Amie J. Mathis to gchambers re: ESN v. Cisco letter to Eric Albritton from Garret Chambers	EMA 01200
125.		November 2, 2007 email from Garret Chambers to Eric Albritton re: filing dismissal	EMA 01201
126.		November 2, 2007 email from Garret Chambers to Eric Albritton re: stipulation of dismissal	EMA 01202
127.		November 2, 2007 email from PMC Andrews to Eric Albritton re: stipulation of dismissal	EMA 01203-01204
128.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	November 2, 2007 email from Garret Chambers to Eric Albritton re: MTD in Conn	EMA 01205
129.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	November 2, 2007 email from Amie J. Mathis to Garret Chambers re: stipulation of dismissal and text of proposed order	EMA 01206
130.		November 7, 2007 email from PMC Andrews to Eric Albritton re: any contact with McKool re Cisco case	EMA 01207

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
131.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	December 19, 2007 email from Katherine Bennett to pmcandrews, gmcandrews and Eric Albritton re: ESN v. Cisco w/attachment- Letter to McAndrews	EMA 01208
132.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802)	December 20, 2007 email from PMC Andrews to Eric Albritton re: ESN v. Cisco	EMA 01209-01210
133.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	December 20, 2007 email from PMC Andrews to Eric Albritton re: Response to Maroulis	EMA 01211
134.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	December 20, 2007 email from PMC Andrews to Eric Albritton re: Response to Maroulis	EMA 01212-01213
135.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	December 20, 2007 email from Johnny Ward to Eric Albritton and PMC Andrews re: Response to Maroulis	EMA 01214-01215
136.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	December 20, 2007 email from PMC Andrews to Victoria Maroulis and Eric Albritton re: letter from Victoria Maroulis to McAndrews	EMA 01216
137.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	December 21, 2007 email from Katherine Bennett to Peter McAndrews, G McAndrews and Eric Albritton re: Letter to McAndrews	EMA 01218
138.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	December 21, 2007 email from Katherine Bennett to Peter McAndrews, G McAndrews and Eric Albritton re: Corrected Version of letter	EMA 01219
139.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	January 10, 2008 email from Sayuri Sharper to Peter McAndrews, G McAndrews, and Eric Albritton re: Letter to McAndrews	EMA 01220
140.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	January 28, 2008 email from Sayuri Sharper to Peter McAndrews, G McAndrews and Eric Albritton re: Letter to McAndrews	EMA 01221
141.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	January 31, 2008 email from Peter McAndrews to Eric Albritton and Amie J. Mathis re: Complaint	EMA 01223
142.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	January 31, 2008 email from Amie J. Mathis to Peter McAndrews and Eric Albritton re: Complaint	EMA 01224-01225

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
143.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	January 31, 2008 email from Peter McAndrews to Amie J. Mathis and Eric Albritton re: Complaint	EMA 01226-01227
144.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	January 31, 2008 File Marked copy of Complaint	EMA 01228-01358
145.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	January 31, 2008 email from Amie J. Mathis to Peter McAndrews re: Complaint	EMA 01359-01362
146.	Relevance (FRE 402), Hearsay (FRE 802)	March 14, 2008 email from IP Law360 to Eric Albritton re: IP Law360; Litigation, Policy & People News	EMA 01368-01370
147.	Relevance (FRE 402), Hearsay (FRE 802)	March 17, 2008 email from Texas Lawyer to Eric Albritton re: Daily News and Case Alert: March 17, 2008	EMA 01373-01375
148.	Relevance (FRE 402), Hearsay (FRE 802)	March 28, 2008 email from Johnny Ward to Eric Albritton re: Business Week Article	EMA 01376
149.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702), Hearsay (FRE 802)	April 7, 2008 Letter to Mark Chandler from George McAndrews	EMA 01386-01395
150.		April 11, 2008 Letter to George McAndrews from Charles Babcock	EMA 01403
151.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 454.	October 15, 2007 email from Amie J. Mathis to newcasetx@txedcourts.gov re: List of Parties and Civil Coversheet	EMA 01407
152.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 453.	October 15, 2007 email from Amie J. Mathis to Peter McAndrews re: Application for Pro Hac Vice	EMA 01408
153.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 456.	October 16, 2007 email from Amie J. Mathis to Peter McAndrews re: Complaint	EMA 01409-01411
154.	Relevance (FRE 402)	October 17, 2007 email from Amie J. Mathis to Peter McAndrews re: Amended Complaint	EMA 01412
155.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	October 17, 2007 email from Amie J. Mathis to Amie J. Mathis and Peter McAndrews re: signature block	EMA 01413-01414
156.	Relevance (FRE 402)	October 17, 2007 email from Amie J. Mathis to Peter McAndrews re: Pro Hac Vice	EMA 01415-01417
157.	Relevance (FRE 402)	October 17, 2007 email from Amie J. Mathis to Rhonda Lafitte re: Summons for Cisco	EMA 01418-01420

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
158.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	November 2, 2(X17 email from Amie J. Mathis to Garret Chambers re: Letter to Eric Albritton from Garret Chambers	EMA 01425
159.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	November 2, 2007 email from Amie J. Mathis to Garret Chambers re: Stipulation of Dismissal Without Prejudice and Text of Proposed Order	EMA 01426
160.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802)	January 31, 2008 email from Amie J. Mathis to Peter McAndrews re: Complaint	EMA 01427-01428
161.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802)	January 31, 2008 email from Amie J. Mathis to newcasetxk@txed.uscourts.gov re: summons	EMA 01429
162.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802)	January 31, 2008 email from Amie J. Mathis to Peter McAndrews re: Complaint	EMA 01430-01432
163.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403). Cumulative of Exhibit 392	January 31, 2008 email from Amie J. Mathis to Shelley Moore re: summons	EMA 01433-01434
164.	Relevance (FRE 402), Hearsay (FRE 802)	March 9, 2008 email from Amie J. Mathis to T. John Ward, Jr. re: Notice of electronic filing	EMA 01435
165.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	December 20, 2007 email from Eric Albritton to Peter McAndrews re: 12.19.07 Letter to McAndrews	EMA 01436
166.	Relevance (FRE 402), Settlement (FRE 408), Hearsay (FRE 802)	December 20, 2008 email from Peter McAndrews to Eric Albritton re: ESN v. Cisco	EMA 01437-01438
167.	Relevance (FRE 402), Settlement (FRE 408), Hearsay (FRE 802)	December 20, 2007 email from Eric Albritton to Peter McAndrews re: ESN v. Cisco	EMA 01439-01440
168.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	December 20, 2007 email from Eric Albritton to Peter McAndrews re: Response to Maroulis	EMA 01441
169.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	December 20, 2007 email from Peter McAndrews to Eric Albritton re: Response to Maroulis	EMA 01442-01443
170.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	December 20, 2007 email from Johnny Ward to Eric Albritton and Peter McAndrews re: Response to Maroulis	EMA 01444-01445

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
171.	Relevance (FRE 402), Hearsay (FRE 802)	January 31, 2008 email from Peter McAndrews to Eric Albritton and Amie J. Mathis re: Complaint	EMA 01446-01447
172.	Relevance (FRE 402), Hearsay (FRE 802)	January 31, 2008 email from Peter McAndrews to Amie J. Mathis and Eric Albritton re: Complaint	EMA 01448-01449
173.	Relevance (FRE 402), Hearsay (FRE 802)	January 31, 2008 Notice of Electronic Filing	EMA 01450-01451
174.	Relevance (FRE 402), Hearsay (FRE 802)	January 31, 2008 email from txedCM@txed.uscourts.gov Notice of Electronic Filing	EMA 01452
175.	Relevance (FRE 402), Hearsay (FRE 802)	January 31, 2008 email from Peter McAndrews to Amie J. Mathis re: Complaint and Notice of Electronic Filing	EMA 01453-01458
176.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	March 3, 2008 file marked copy of Plaintiff's Original Complaint	EMA 01460-01468
177.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702), Hearsay (FRE 802)	April 7, 2008 Letter to Mark Chandler from George McAndrews	EMA 01469-01478
178.	Relevance (FRE 402)	October 12, 2007 e-mail from Eric Albritton to Amie J. Mathis	EMA 01490
179.		October 15, 2007 email from Eric Albritton to Amie J. Mathis re: Complaint final	EMA 01491
180.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 452.	October 15, 2007 email from Rhonda Lafitte to Amie J. Mathis re: List of Parties and Civil Coversheet	EMA 01492-01493
181.		October 15, 2007 email from Eric Albritton to Amie J. Mathis re: Complaint exhibit b and exhibit c	EMA 01494-01495
182.		October 15, 2007 email from Albritton to Amie J. Mathis re: Complaint Exhibit A	EMA 01496-01497
183.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	October 16, 2007 email from txedCM@txed.uscourts.gov Notice of Electronic Filing Complaint	EMA 01498-01499
184.		October 16, 2007 email from P McAndrews to Amie J. Mathis re: Complaint	EMA 01500-01502
185.	Relevance (FRE 402), Hearsay (FRE 802)	October 16, 2007 email from Albritton to Mathis re: Complaint	EMA 01503
186.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	October 16, 2007 Notice of Electronic filing Notice of Attorney Appearance	EMA 01504

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
187.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	October 17, 2007 email from Mathis to Peter McAndrews	EMA 01505-01506
188.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	October 17, 2007 email from P McAndrews to Mathis re: Amended Complaint_v I	EMA 01507-01508
189.	Relevance (FRE 402)	October 17, 2007 Notice of Electronic filing Amended Complaint	EMA 01509-01510
190.	Relevance (FRE 402)	October 17, 2007 Notice of Electronic Filing Notice of Filing Patent/Trademark Form	EMA 01511
191.	Relevance (FRE 402)	October 17, 2007 Notice of Electronic Filing Summons Issued	EMA 01512
192.	Relevance (FRE 402)	October 17, 2007 email from Rhonda Lafitte to Mathis re: Summons	EMA 01513
193.	Relevance (FRE 402)	October 18, 2007 email from Peter McAndrews to Albritton and Mathis re: Motion to Enjoin Connecticut case	EMA 01520
194.		October 18, 2007 email from Peter McAndrews to Albritton, Jason Saunders re: Exhibit A	EMA 01525
195.	Relevance (FRE 402)	October 18, 2007 email from Jason Saunders to Peter McAndrews and Albritton re: Exhibits A-G	EMA 01526
196.	Relevance (FRE 402)	October 18, 2007 email from Jason A. Saunders to Peter McAndrews, Albritton re: Motion to Enjoin Connecticut case	EMA 01527-01528
197.	Relevance (FRE 402)	October 18, 2007 Notice of Electronic filing Motion for Miscellaneous Relief	EMA 01529-01530
198.	Relevance (FRE 402)	October 18, 2007 Notice of Electronic Filing Order Referring Case to Magistrate Judge	EMA 01531
199.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802)	October 26, 2007 email from Victoria Maroulis to Albritton re: request for extension of time	EMA 01532
200.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802) (cumulative)	October 26, 2007 email from Albritton to Maroulis re: request for extension of time	EMA 01533-01534
201.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802) (cumulative)	October 29, 2007 email from Maroulis to Albritton re: request for extension of time	EMA 01535-01537

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
202.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802) (cumulative)	October 30, 2007 email from Albritton to Maroulis re: request for extension of time	EMA 01538-01540
203.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802) (cumulative)	November 1 2007 email from Albritton to Peter McAndrews re: stipulation of dismissal	EMA 01541-01542
204.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Settlement (FRE 408), Hearsay (FRE 802)	November 1, 2007 email from Albritton to Peter McAndrews re: stipulation of dismissal	EMA 01543-01545
205.	Relevance (FRE 402)	November 2, 2007 Notice of Electronic filing Stipulation of Dismissal DE#12	EMA 01546-01547
206.	Relevance (FRE 402)	November 20, 2007 Notice of Electronic filing Order Dismissing Case DE#13	EMA 01548-01549
207.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), optional completeness missing the Maland memo.	ESN LLC v. Cisco Systems, Inc. Docket Report	EMA 01552-01560
208.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 416.	October 16, 2007 e-mail from paygovadmin@mail.doc.twai.gov confirming payment of filing fee	EMA 01564
209.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	2007 Transaction log of Eric M. Albritton indicating 10/16/07 filing fees	EMA 01565
210.	Relevance (FRE 402)	December 5, 2006 Correspondence from Robert M. Parker to Eric Albritton acknowledging Eric' s contribution for the Law School Foundation set up in Robert Parker's name and praising Eric in general	EMA 01566
211.	Relevance (FRE 402), Hearsay (FRE 802)	February 25, 2008 e-mail from Ed Goldstein to T. John Ward, Jr., Goldstein, Faucett & Preberg, Melissa Smith, Edwin Wong, Ernest Bodner and Gabe Wong re: meeting Frenkel at a seminar and continuation of e-mail thread re: unmasking of Frenkel	EMA 01567-01569
212.	Relevance (FRE 402), Hearsay (FRE 802)	February 25, 2008 e-mail from akbruster@nixlawfirm to Eric Albritton and T. John Ward, Jr. alerting that the Troll Tracker had identified himself.	EMA 01570
213.	Relevance (FRE 402), Hearsay (FRE 802)	Legal Pad 12/8/08 Post - Cisco: Troll Tracker Had It Right	EMA 01574 - 01575
214.	Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial.	Original October 18, 2007 blog "ESN Convinces EDTX Court Clerk to Alter Documents to Try to Manufacture Subject Matter Jurisdiction Where None Existed"	EMA 01576

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
215.	Relevance (FRE 402), Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702), Hearsay (FRE 802), Object to any use of report in Plaintiff's case in chief as Silver was not designated as an expert for the plaintiff other than as a rebuttal to Defendant's properly designated expert. Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial.	Expert Report of Professor Charles Silver	EMA 01577 - 01600
216.	Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial.	Eastern District of Texas Local Rules as of February 12, 2007	EMA 01601 - 01632
217.	Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial.	Federal Rule of Civil Procedure 4	EMA 01633 - 01639
218.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Privileged subject to Protective Order (FRE 501)	Cisco Privilege Log	EMA 01640 - 01660
219.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	Plaintiff's Subpoena Served on Kurt Pankratz, Baker Botts, LLP, 2001 Ross Avenue, Dallas, Texas	EMA 01661 - 01662
220.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	Plaintiff's Subpoena Served on Bart Showalter, Baker Botts, LLP, 2001 Ross Avenue, Dallas, Texas	EMA 01663 - 01664
221.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	Plaintiff's Subpoena Served on Kevin Meeks, Baker Botts, LLP, 2001 Ross Avenue, Dallas, Texas	EMA 01665 - 01666
222.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	Plaintiff's Subpoena Served on Jillian Powell, Baker Botts, LLP, 2001 Ross Avenue, Dallas, Texas	EMA 01667 - 01668
223.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	Plaintiff's Subpoena Served on Douglas Kubehl, Baker Botts, LLP, 2001 Ross Avenue, Dallas, Texas	EMA 01669 - 01670
224.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial.	Docket of the <i>EchoStar Technologies Corporation v. TiVo Inc., et al.</i> EDTX No. 5:05cv81 matter	EMA 01671 - 01691
225.	Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial.	Motion to Correct Docket MA filing 1:07cv11793 (Ex. 34 to Plaintiff's Corrected Response to Defendants' Motion for Summary Judgment)	EMA 01693 - 01702
226.	Relevance (FRE 402), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Texas Penal Code (Ex. 37 to Pltf's Corrected Response to Defendants' Motion for Summary Judgment)	EMA 01703 - 01704

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
227.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial.	Complaint filed in <i>Cisco Systems, Inc. et al v. Huawei Technologies, et al.</i> , EDTX Cause No. 2:03cv27	EMA 01705 -01729
228.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial.	Complaint filed in <i>Cisco Systems, Inc. et al v. Alcatel USA Inc.</i> , EDTX Cause No. 4:03cv176	EMA 01730 - 01786
229.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial.	Complaint filed <i>Cisco Systems, Inc. et al v. Telcoria Technologies, Inc.</i> , EDTX Cause No. 9:06cv160	EMA 01787 -01794
230.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Other Wrongs or Acts (FRE 404(b)), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial.	Cover letter, Summons and Complaint — <i>Advanced Scientific Applications, Inc. v. Cisco Systems, Inc.</i> , OCSC Case No. 30-2008-00111935	EMA 01795 -01824
231.	Relevance (FRE 402) Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Other Wrongs or Acts (FRE 404(b)), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial.	Summons and Complaint — <i>Anoop Rajkumar v. Cisco Systems, Inc.</i> , USDC, Northern District of California No. C:08 01600	EMA 01825 -01845
232.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Other Wrongs or Acts (FRE 404(b)), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial.	Summons and Complaint — <i>Twelve Inches Around Corp. v. Cisco Systems, Inc., et al</i> ; USDC Southern District of New York, No. 08cv6896	EMA 01846 - 01864
233.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial.	Richard Frenkel's Application to Appear Pro Hac Vice in <i>EchoStar Technologies Corporation v. Tato Inc.</i> , et al; EDTX No. 5:05cv81	EMA 01865 - 01866
234.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Privileged subject to Protective Order (FRE 501), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 3 (Baker Botts Privilege Log) to Douglas Kubehl's November 11, 2008 deposition	EMA 01867 - 01868

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
235.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403). Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial.	Notice of Electronic Filing — Defendant's Motion for Entry of Non-Waiver Order	EMA 01869 - 01870
236.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403). Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial.	Homepage for the Eastern District of Texas, http://www.txed.uscourts.gov/default.htm	EMA 01871 - 01872
237.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702), Hearsay (FRE 802)	Electronic Frontier Foundation -Legal Guide for Bloggers	01567 - 01604
238.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	United States Securities and Exchange Commission Form 10-Q for the quarterly period ending October 27, 2007	CISCOFIN 001-092
239.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	United States Securities and Exchange Commission Form 10-Q for the quarterly period ending January 26, 2008	CISCOFIN 093-193
240.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	United States Securities and Exchange Commission Form 10-Q for the quarterly period ending April 26, 2008	CISCOFIN 194-291
241.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	United States Securities and Exchange Commission Form 10-Q for the quarterly period ending October 25, 2008	CISCOFIN 292-397
242.	Privileged pursuant to Protective Order (FRE 501), Hearsay (FRE 802)	October 22, 2007 e-mail from Kurt Pankratz to Jillian Powell re ESN original complaint	BB 0001-0006 Privileged (HC)
243.	Privileged pursuant to Protective Order (FRE 501), Hearsay (FRE 802)	October 22, 2007 e-mail from Jillian Powell to Steve Schortgen re conversation with QC Clerk at USDC Tx	BB 0007-0009 Privileged (HC)
244.	Privileged pursuant to Protective Order (FRE 501), Hearsay (FRE 802)	October 22, 2007 email from Kurt Pankratz to Jillian Powell and Steve Schortgen re Kevin Meek with Johnny Ward at time of call	BB 0010-0012 Privileged (HC)
245.	Privileged pursuant to Protective Order (FRE 501), Hearsay (FRE 802)	October 17, 2007 e-mail from Rick Frenkel to Beckwith, Yen, Ritter, Michels, Showalter, Pankratz and Corcoran	BB 0013-0016 Privileged (HC)
246.	Privileged pursuant to Protective Order (FRE 501), Hearsay (FRE 802)	October 18, 2007 e-mail from Pankratz to Frenkel, Showalter, Beckwith, Michels, Yen and Ritter	BB 0017 Privileged (HC)
247.	Privileged pursuant to Protective Order (FRE 501), Hearsay (FRE 802)	October 18, 2007 e-mail from Pankratz to Frenkel, Showalter, Beckwith, Michels, Yen and Ritter	BB 0018-0023 Privileged (HC)
248.	Privileged pursuant to Protective Order (FRE 501), Hearsay (FRE 802)	October 16, 2007 e-mail from Bart Showalter to Frenkel, Pankratz, Beckwith, Ritter and Yen re I 54(d)	BB 0024-0026

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
249.	Privileged pursuant to Protective Order (FRE 501), Hearsay (FRE 802)	October 18, 2007 e-mail from Kurt Pankratz to Frenkel, Showalter, Beckwith, Michels, Yen and Ritter re original complaint - version 2	BB 0027-0028
250.	Hearsay (FRE 802)	October 18, 2007 e-mail from Rick Frenkel to John Noh and Mallun Yen	CISCO.000001
251.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 382.	Original October 18, 2007 blog "ESN Convinces EDTX Court Clerk to Alter Documents to Try to Manufacture Subject Matter Jurisdiction Where None Existed."	CISCO.000001.1 - CISCO.000001.2
252.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 448.	Notice of Electronic Filing of Complaint in the matter of ESN v. Cisco Systems, Inc.; EDTX Cause No. 5:07cv156	CISCO.000088 - CISCO.000089
253.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 448.	Civil Cover Sheet in the matter of ESN v. Cisco Systems, Inc.; EDTX Cause No. 5:07cv156	CISCO.000090
254.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 449.	Complaint for Patent Infringement and Civil Cover Sheet in the matter of ESN v. Cisco Systems, Inc.; EDTX Cause No. 5:07cv156	CISCO.000165 - CISCO.000239
255.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 449.	Docket Report for the ESN v. Cisco Systems, Inc., EDTX Cause No 5:07cv156 matter	CISCO.000240 - CISCO000243
256.		First Amended Complaint in the matter of ESN v. Cisco Systems, Inc.; EDTX Cause No. 5:07cv156	CISCO.000244 - CISCO.000250
257.	Relevance (FRE 402)	EDTexweblog.com Post - "They did WHAT with my filing?"	CISCO.000251 - CISCO.000252
258.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 486. Hearsay (FRE 802)	August 26, 2007 e-mail from Patent Troll to John Noh and Mallun Yen	CISCO.000253
259.	Relevance (FRE 402)	December 11, 2007 e-mail from Rick Frenkel to John Noh	CISCO.000254 - CISCO.000258
260.	Relevance (FRE 402), Hearsay (FRE 802)	December 10, 2007 e-mail from Rick Frenkel to John Noh	CISCO.000259 CISCO.000264
261.	Relevance (FRE 402), Hearsay (FRE 802)	January 25, 2008 e-mail from Rick Frenkel to Mallun Yen	CISCO.000265 - CISCO.000271
262.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 383.	Memorandum in Support of Defendant's Motion to Stay in the matter of Cisco Systems, et al v. ESN, LLC; United States District Court for the Court of Connecticut; No. 3:07cv1528	CISCO.000272 - CISCO.000277
263.	Relevance (FRE 402)	Plaintiff's Motion to Enjoin Defendants Cisco and Linksys From Prosecuting Later-Filed Parallel Litigation in Connecticut in the matter of ESN v. Cisco Systems, Inc.; EDTX Cause No. 5:07cv156	CISCO.000278 -CISCO.000288

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
264.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 92.	Complaint for Declaratory Judgment in the matter of Cisco Systems, et al. v. ESN, LLC; United States District Court for the Court of Connecticut; No. 3:07cv528	CISCO.000289 -CISCO.000293
265.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403).	Complaint for Patent Infringement in the matter of ESN v. Cisco Systems, Inc.; EDTX Cause No. 5:07cv156	CISCO.000294 - CISC0.000299
266.	Hearsay (FRE 802)	February 25, 2008 e-mail from Rick Frenkel to Mallun Yen, ip-team	CISCO.000374 - CISC0.000379
267.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit	EDTex-weblog.com Post - "TrollTracker defamation case"	CISCO.000380 - CISC0.000381
268.	Relevance (FRE 402), Subsequent Remedial Measures (FRE 407)	The Platform Blog Post - "Lessons Learned... Cisco Updates Policy on Employee Blogging	CISCO.000382 - CISC0.000386
269.	Relevance (FRE 402), Subsequent Remedial Measures (FRE 407)	The Platform Blog Post - "Cisco's Internet Postings Policy"	CISCO.000387 - CISC0.000389
270.	Hearsay (FRE 802)	March 4, 2008 e-mail from Rick Frenkel to Mallun Yen	CISCO.000390 - CISC0.000391
271.	Relevance (FRE 402), Hearsay (FRE 802)	Motion to Correct Docket in the matter of <i>The Hertz Corporation and TSD Rental, LLC v. Enterprise Rent-A-Car Company and The Crawford Group, Inc.</i> ; USDC, District of MA, No. 1:07cv11793	CISCO2.00001 - CISC02.000131
272.	Relevance (FRE 402), Hearsay (FRE 802)	August 26, 2007 e-mail from Patent Troll to John Noh and Mallun Yen	CISCO2.000135
273.	Hearsay (FRE 802)	October 18, 2007 e-mail from Mallun Yen to Matthew Tanielian	CISCO2.000137
274.	Relevance (FRE 402)	Cisco Systems, Inc. Internet Postings Policy (Created March 2007) (Ex. 27 to Mark Chandler Deposition)	CISCO3.000001 - CISC03.000009
275.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Other Wrongs or Acts (FRE 404(b))	September 24, 2008 Advanced Scientific Applications Inc. v. Cisco Systems, Inc. 30-2008-00111935 (defamation suit against Cisco)	CISCO3.000001 - CISC03.000030
276.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Other Wrongs or Acts (FRE 404(b))	August 1, 2008 Twelve Inches Around Corp. v. Cisco Systems, Inc. 08cv6896 (defamation suit against Cisco)	CISCO3.000031 - CISC03.000049
277.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Other Wrongs or Acts (FRE 404(b))	March 24, 2008 Anoop Rajkumar v. Cisco Systems, Inc. C08-01600 (defamation suit against Cisco)	CISCO3.000050 - CISC03.000070
278.	Privileged pursuant to Protective Order (FRE 501), Hearsay (FRE 802)	October 17, 2007 e-mail from Rick Frenkel to Beckwith, Yen, Ritter, Michels, Showalter, Panktraz and Corcoran re amended ESN complaint	Cisco Privileged.000001 (HC)
279.	Privileged pursuant to Protective Order (FRE 501), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 397.	October 17, 2007 e-mail from Marta Beckwith to Frenkel, Panktraz, Ritter, Michels and Showalter re lying to patent office	Cisco Privileged.000002 - 000003 (HC)

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
280.	Privileged subject to Protective Order (FRE 501)	October 18, 2007 e-mail from Rick Frenkel to Showalter, Pankratz, Beckwith, Michels, Yen and Ritter re: court clerk changed docket to reflect 10/16 filing date	Cisco Privileged.000004 (HC)
281.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 531	October 18, 2007 e-mail from Kurt Pankratz to Frenkel, Showalter, Beckwith, Michels, Yen and Ritter re: Albritton claims the filing date was an error	Cisco Privileged.000005-00005.2 (HC)
282.	Privileged subject to Protective Order (FRE 501)	October 18, 2007 e-mail from Kurt Pankratz to Frenkel, Showalter, Beckwith, Michels, Yen and Ritter re: complaint with revised banner	Cisco Privileged.000006 (HC)
283.	Privileged subject to Protective Order (FRE 501)	October 22, 2007 e-mail from Kurt Pankratz to Powell re ESN original complaint (with 10/15 banner)	Cisco Privileged.000007-000008 (HC)
284.	Relevance (FRE 402), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 22, 2007 e-mail from Jillian Powell to Schortgen re QC Clerk at the USDC Tx	Cisco Privileged.000009 (HC)
285.	Relevance (FRE 402), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 22, 2007 e-mail from Kurt Pankratz to Powell and Schortgen re Kevin Meeks with Johnny Ward when he was making call	Cisco Privileged.000010 (HC)
286.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 423, Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 18, 2008 e-mail from Rick Frenkel to Noh and Yen re lawsuit filed before patent issued	Cisco Privileged.000014-000016 (HC)
287.	Privileged subject to Protective Order (FRE 501)	October 15, 2007 e-mail from Rick Frenkel to Pankratz, Showalter, Beckwith, Ritter and Yen re Complaint just put online	Cisco Privileged.000019-000026 (HC)
288.	Privileged subject to Protective Order (FRE 501)	October 15, 2007 e-mail from Rick Frenkel to Yen, Beckwith, Ritter and Michels re we were just sued by ESN, LLC	Cisco Privileged.000027-000028 (HC)
289.	Relevance (FRE 402), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 22, 2007 e-mail from Marta Beckwith to Reines, Powers, Maroulis, et al re in case you haven't seen this about your DJ case in ESN	Cisco Privileged.000037-000041 (HC)
290.	Relevance (FRE 402), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	February 25, 2008 e-mail from Marta Beckwith to Maroulis re Frenkel unmasked as the blogger known as trolltracker	Cisco Privileged.000043 (HC)
291.	Relevance (FRE 402), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 27, 2007 e-mail from Bart Showalter to Beckwith re Michael in cahoots with Johnny and Eric and was asked to post	Cisco Privileged.000044-000048.3 (HC)
292.	Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	February 25, 2008 e-mail from Marta Beckwith to Bhavsar re Rick still handling his responsibilities at Cisco	Cisco Privileged.000087 (HC)

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
293.	Relevance (FRE 402), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	February 25, 2008 e-mail from Marta Beckwith to Showalter re Frenkel unmasked as the blogger known as the trolltracker	Cisco Privileged.000089 (HC)
294.	Relevance (FRE 402), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	November 25, 2007 e-mail from Marta Beckwith to Chambers re EDTx amending local rules	Cisco Privileged.000094 (HC)
295.	Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 18, 2007 e-mail from Marta Beckwith to Yen, Ritter and Frenkel re ask Tony for docs and who is best local counsel for Texarkana	Cisco Privileged.000103-000105.1 (HC)
296.	Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	February 25, 2008 e-mail from Mark Chandler to Yen re ESN and blog	Cisco Privileged.000109-000111 HC
297.	Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	February 25, 2008 e-mail from Mark Chandler to Yen re wasn't on this thread	Cisco Privileged.000112-000115 (HC)
298.	Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	February 25, 2008 e-mail from Mallun Yen to Chandler re closest we came to talking about a topic before it was actually posted	Cisco Privileged.000116-000118.1 (HC)
299.	Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	February 25, 2008 e-mail from Mallun Yen to Chandler re want you to be aware of the full facts	Cisco Privileged.000122-000125.1 (HC)
300.	Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 18, 2007 e-mail from Mark Chandler to Tanielian re Yen calling Dan Webb	Cisco Privileged.000126 (HC)
301.	Relevance (FRE 402), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 17, 2007 e-mail from John Corcoran to Frenkel re having way too much fun	Cisco Privileged.000134-000135.1 (HC)
302.	Relevance (FRE 402), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 17, 2007 e-mail from Rick Frenkel to Corcoran re trolls are driving me batty	Cisco Privileged.000136-000137 (HC)
303.	Relevance (FRE 402), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 19, 2007 e-mail from Rick Frenkel to Tanielian re fair comparison of patent litigation statistics	Cisco Privileged.000138-000140 (HC)
304.	Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	February 25, 2008 e-mail from Mallun Yen to Frenkel re content of post was all Frenkel	Cisco Privileged.000141-000144.1 (HC)
305.	Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	February 25, 2008 e-mail from Rick Frenkel to Yen re content of post all mine	Cisco Privileged.000146-000149 (HC)
306.	Relevance (FRE 402), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 19, 2007 e-mail from Matthew Tanielian to Frenkel and Chandler re fair comparison of patent litigation statistics	Cisco Privileged.000154-000156.1 (HC)
307.	Relevance (FRE 402), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 18, 2007 e-mail from Mallun Yen to Frenkel, Pankratz, et al re this happened in Enterprise case	Cisco Privileged.000167-000168.1 (HC)

Ptlf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
308.	Privileged subject to Protective Order (FRE 501)	October 18, 2007 e-mail from Pankratz to Frenkel, Pankratz, et al re new version of complaint with revised banner showing 10/16	Cisco Privileged.000169-000169.3 (HC)
309.	Relevance (FRE 402), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 18, 2007 e-mail from Michael Ritter to Yen, Beckwith, et al re should talk to local counsel in EDTx to get their views	Cisco Privileged.000192-000194 (HC)
310.	Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 17, 2007 e-mail from Gail Zahner to Pankratz, Beckwith, et al re papers served on ESN LLC	Cisco Privileged.000204-000204.2 (HC)
311.	Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 18, 2007 e-mail from Marta Beckwith to Yen, Ritter, et al re motion to correct docket	Cisco Privileged.000212-000212.1 (HC)
312.	Relevance (FRE 402), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 19, 2007 e-mail from Rich Renfree to Michels, Kubehl, et al re ESN's amended complaint	Cisco Privileged.000227-000228.1 (HC)
313.	Relevance (FRE 402), Settlement (FRE 408), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	November 1, 2007 e-mail from Michael Ritter to Maroulis re response to ESN's motion	Cisco Privileged.000231-000233 (HC)
314.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 18, 2007 e-mail from Marta Beckwith to Yen, Frenkel, et al re Enterprise case hearing where judge expressed significant doubt as to Goodwin's position and they anticipate losing	Cisco Privileged.000234-000237.1 (HC)
315.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 18, 2007 e-mail from Mallun Yen to Becicwith, Frenkel, et al re Enterprise case	Cisco Privileged.000250-000251 (HC)
316.	Relevance (FRE 402), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 19, 2007 e-mail from Mallun Yen to Beckwith, Frenkel, et al re finalize counsel	Cisco Privileged.000254-000254.1 (HC)
317.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	November 25, 2007 e-mail from Marta Beckwith to ip-disputes-team re amending local rules according to Smith's blog	Cisco Privileged.000255-000255.2 (HC)
318.	Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 18, 2007 e-mail from Mallun Yen to Chandler and Noh re clerk changed the docket and all documents to reflect 10/16	Cisco Privileged.000256 (HC)
319.	Relevance (FRE 402), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 18, 2007 e-mail from Rick Frenkel to Beckwith, Yen, et al re Hertz-Enterprise Mistake Motion	Cisco Privileged.000257-000260.1 (HC)
320.	Relevance (FRE 402), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 17, 2007 e-mail from Kurt Pankratz to Frenkel, Beckwith, et al re ESN amended complaint and patent trademark form	Cisco Privileged.000261-000261.3 (HC)
321.	Privileged subject to Protective Order (FRE 501)	October 18, 2007 e-mail from Mallun Yen to Chandler, Tanielian, et al re court clerk persuaded to change filing date	Cisco Privileged.000264-000265 (HC)

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
322.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 18, 2007 e-mail from Mallun Yen to Frenkel, Beckwith, et al re Enterprise case more of making the other side jump through hoops and spend money	Cisco Privileged.000269-000272 (HC)
323.	Privileged subject to Protective Order (FRE 501)	October 16, 2007 e-mail from Bart Showalter to Frenkel, Pankratz, et al re 154(d), filing complaint before patent issues	Cisco Privileged.000276-000277.3 (HC)
324.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 18, 2007 e-mail from Mallun Yen to Beckwith, Frenkel, et al re Enterprise may not oppose on these grounds	Cisco Privileged.000278-000281 (HC)
325.	Privileged subject to Protective Order (FRE 501)	October 18, 2007 e-mail from Mallun Yen to Noh re new version of complaint with revised banner	Cisco Privileged.000287 (HC)
326.	Relevance (FRE 402), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 17, 2007 e-mail from Mallun Yen to Noh re amended complaint	Cisco Privileged.000324 (HC)
327.	Relevance (FRE 402), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	October 18, 2007 e-mail from Rick Frenkel to Yen, Beckwith, et al re if venue reform passes, the case shall be transferred out of Texas anyway	Cisco Privileged.000327-000331 (HC)
327 A	Relevance (FRE 402), Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702), Hearsay (FRE 802)	October 19, 2007- e-mail to Rick Frenkel from Michael Smith re: Patent wins at trial stats	FRENKEL.0000003-FRENKEL.0000004
328.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 486, Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702),	October 19, 2007 - Blog posted Michael Smith re: Eastern District of Texas Federal Court Practice, They did WHAT with my filing?	FRENKEL.0000007-FRENKEL.0000008
329.	Relevance (FRE 402), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403) optional completeness.	Graph stating visits and page visits from Mar07- Mar08 to Trolltracker	FRENKEL.0000009
330.	Hearsay (FRE 802)	October 19, 2007- Email to Rick Frenkel and Dennis Crouch from Michael Barclay re: Docket alteration in ESN v. Cisco	FRENKEL.0000010
331.	Hearsay (FRE 802)	October 19, 2007- Email to Rick Frenkel from Michael Barclay re: Docket alteration in ESN v. Cisco	FRENKEL.0000011
332.		October 18, 2007- Entail to Rick Frenkel from Michael Barclay re: Docket alteration in ESN v. Cisco	FRENKEL.0000012
333.	Hearsay (FRE 802)	October 18, 2007- Email to Rick Frenkel from Michael Barclay re: Docket alteration in ESN v. Cisco	FRENKEL.0000040
334.	Optional completeness, Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403) misleading.	Google search- Eric Albritton	FRENKEL.0000050-FRENKEL.0000052

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
335.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403). Cumulative of Exhibit 519	Revised October 18, 2007 Post	FRENKEL.0000053- FRENKEL.0000054
336.		February 23, 2008- Patent Troll Tracker: Blogger Revealed	FRENKEL.0000062- FRENKEL.0000064
337.	Hearsay (FRE 802)	October 19, 2007 e-mail from Patent Troll to Michael Smith	FRENKEL.2.000004
338.	Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702), Hearsay (FRE 802)	October 19, 2007- Email to Rick Frenkel from Michael Smith re: Patent win at trial stats	FRENKEL.2.000005- FRENKEL.2.000006
339.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403).	October 18, 2007- CM/ECF LIVE- U.S. District Court: txed- Docket Report for Case #: 5:07-cv-00156-DF-CMC ESN LLC v. Cisco	FRENKEL.2.000032- FRENKEL.2.000035
340.	Optional completeness and Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403).	October 18, 2007- Exhibit A to Document 6-3 (ESN v. Cisco 5:07-cv-00156)	FRENKEL.2.000036- FRENKEL.2.000041
341.	Optional completeness and Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403).	October 18, 2007- Exhibit C to Document 6-3 (ESN v. Cisco 5:07-cv-00156)	FRENKEL.2.000042- FRENKEL.2.000044
342.	Optional completeness and Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702)	October 18, 2007- Plaintiff's Motion to Enjoin Defendants Cisco and Linsys From Prosecuting Later-Filed Parallel Litigation in Connecticut (ESN v. Cisco, 5:07-cv-00156) Document 6-1	FRENKEL.2.000045- FRENKFL.2.000055
343.	Relevance (FRE 402), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Optional completeness.	October 13, 2008 (sitemeter) Troll Tracker- Last Year's Visits by Month	FRENKEL.2.000059
344.	Relevance (FRE 402), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Optional completeness.	October 13, 2008 (sitemeter) Troll Tracker- Last Year's Visits and Page Views by Month	FRENKEL.2.000061
345.	Relevance (FRE 402), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403).	February 19, 2008 Patent Troll Tracker Blog Post	FRENKEL.2.000077- FRENKEL.2.000078
346.	Relevance (FRE 402), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403).	February 13, 2008 Patent Troll Tracker Blog Post	FRENKEL.2.000091- FRENKEL.2.000092
347.	Relevance (FRE 402), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Optional completeness	January 31, 2008 Patent Troll Tracker Blog Post	FRENKEL.2.000115
348.	Relevance (FRE 402), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Optional completeness.	January 30, 2008 Patent Troll Tracker Blog Post	FRENKEL.2.000116
349.	Relevance (FRE 402), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Optional completeness.	Patent Troll Tracker Blog Post	FRENKEL.2.000120

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
350.	Relevance (FRE 402), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Optional completeness.	January 22, 2008 Patent Troll Tracker Blog Post	FRENKEL.2.000134- FRENKEL.2.000135
351.	Relevance (FRE 402), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Optional completeness.	Patent Troll Tracker Blog Post	FRENKEL.2.000142- FRENKEL.2.000143
352.	Relevance (FRE 402), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Optional completeness.	December 18, 2007 Patent Troll Tracker Blog	FRENKEL.2.000204
353.	Relevance (FRE 402), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Optional completeness.	Patent Troll Tracker Blog Post	FRENKEL.2.000225
354.	Relevance (FRE 402), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Optional completeness.	Troll Tracker Blog Post	FRENKEL.2.000254
355.	Relevance (FRE 402), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Optional completeness.	Troll Tracker Blog Post	FRENKEL.2.000259
356.	Relevance (FRE 402), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Optional completeness.	Saturday, October 20, 2007 Troll Tracker Blog Post	FRENKEL.2.000282
357.	Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Optional completeness.	Thursday, October 18, 2007 Troll Tracker Blog Post	FRENKEL.2.000286- FRENKEL.2.000287
358.	Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Optional completeness.	Wednesday, October 17, 2007 Troll Tracker Blog Post	FRENKEL.2.000287- FRENKEL.2.000288
359.	Relevance (FRE 402), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Optional completeness..	Saturday, October 20, 2007 Troll Tracker Blog Post	FRENKEL.2.000294
360.	Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Optional completeness.	Thursday, October 18, 2007 Troll Tracker Blog Post	FRENKEL.2.000298- FRENKEL.2.000299
361.	Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Optional completeness.	Wednesday, October 17, 2007 Troll Tracker Blog Post	FRENKEL.2.000299- FRENKEL.2.000300
362.	Relevance (FRE 402), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Optional completeness.	Troll Tracker Blog Post	FRENKEL.2.000320
363.	Relevance (FRE 402), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Optional completeness..	Troll Tracker Blog Post	FRENKEL.2.000329
364.	Relevance (FRE 402), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Optional completeness.	Troll Tracker Blog Post	FRENKEL.2.000354

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
365.	Relevance (FRE 402), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Optional completeness.	Troll Tracker Blog Post	FRENKEL.2.000370
366.	Relevance (FRE 402), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Optional completeness.	Troll Tracker Blog Post	FRENKEL.2.000390
367.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 379.	Law 360- Cisco, Linksys Sued Over VoIP Patent	FRENKEL.2.000452- FRENKEL.2.000456
368.		March 11, 2008—Article on Legal Pad “Cisco: Nothin’ to Say. Except, Don’t Blame Us.	JW.000065
369.		March 11, 2008- Article on Forbes.com “Shut up Already!”	JW.000066-000068
370.		trolltracker.blogspot.com invitation page from website	JW.000234
371.		Electronic Case Files CM/ECF User Manual Eastern District of Texas	JW.2.000001-000058
372.	Relevance (FRE 402)	January 22, 2008- Article on ABA Journal.com “Partner Offers \$10K Bounty for Blogger’s Identity”	JW.2.000171-000172
373.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	September 30, 2008- Civil Docket Sheet for Case #5:08cv00020 ESN, LLC v. Cisco Systems Inc. (DE#1-DE#43)	JW.2.000637-000645
374.		September 30, 2008- Civil Docket Sheet for Case 5:07cv00156 ESN, LLC v. Cisco Systems, Inc. and Cisco-Linksys, LLC (DE#1-13)	JW.2.000751-000754
375.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403).	First Amended Complaint for Patent Infringement- ESN v. Cisco, at al No. 5:07cv156	JW.2.000755-000761
376.	Exhibit produced does not match document description. Defendants reserve objections until the described document is produced.	October 13, 2008- MassLawBlog.com “Ray Niro Offers \$5,000 for Identity of Author of “Troll Tracker” Blog	JW.2.001259-001260
377.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403). Document was not previously produced with bates number as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 21A (Notice of deposition) to Eric Albritton’s October 27, 2008 deposition	EMA 2390 – EMA 2391
378.		Ex 22 (Patently-O; Patent Law Blog) to Eric Albritton’s October 27, 2008 deposition	CISCO.000002 - 000087
379.		Ex 23 (Law 360 the newswire for business lawyers) to Eric Albritton’s October 27, 2008 deposition	FRENKEL.2.000452- FRENKEL.2.000456

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
380.		Ex 26 (E-mail from Mr. Albritton to John Ward, dated 10/16/07) to Eric Albritton's October 27, 2008 deposition	EMA 00990
381.		Ex 28 (Series of E-mails between Johnny Ward and Mr. Albritton dated 10/17/07) to Eric Albritton's October 27, 2008 deposition	EMA 00991-00992
382.		Ex 31 (Two articles that are the subject of the lawsuit) to Eric Albritton's October 27, 2008 deposition	CISCO.000001.1-1.2
383.		Ex 32 (Memorandum in Support of Defendant's Motion to Stay) to Eric Albritton's October 27, 2008 deposition	CISCO.000272-293
384.		Ex 36 (Draft of this plaintiff's motion to enjoin sent to Mr. Albritton by Mr. McAndrews on October 17th at 8:01) to Eric Albritton's October 27, 2008 deposition	EMA 01012 - 01019
385.		Ex 39 (E-mail from Peter McAndrews to Mr. Albritton and John Ward) to Eric Albritton's October 27, 2008 deposition	EMA 01365
386.	Hearsay (FRE 802)	Ex 47 (Letter to Mr. Albritton from Jason Saunders dated 10/18/07) to Eric Albritton's October 27, 2008 deposition	EMA 01035
387.		Ex 49 (E-mail from Jamie Holmes to Michael Smith dated 3/14/08) to Eric Albritton's October 27, 2008 deposition	EMA 01572
388.		Ex 62 (Printout of the Albritton Law Firm Web site in 2007) to Eric Albritton's October 27, 2008 deposition	JW.000129-000135
389.		Ex 63 (Printout from lawyers.com) to Eric Albritton's October 27, 2008 deposition	JW.000136-000137
390.	Exhibit not as described. No objection as produced.	Ex 12 (pages 3 — 11) (David Maland's memo) to Eric Albritton's October 27, 2008 deposition (previously marked exhibit)	EMA 00848 - 00855
391.		Ex 14 (Three E-mails between Mr. Mathis and Mr. Albritton on March 14th of 2008) to Eric Albritton's October 27, 2008 deposition (previously marked exhibit)	EMA 00857 - 00858
392.		Ex. 18 E-mails, 1/31/2008, Amic J. Mathis and Shelley Moore	EMA 01433 - 01434
393.		Ex 19 (Civil cover sheet on the ESN vs. Cisco Case) to Eric Albritton's October 27, 2008 deposition (previously marked exhibit)	EMA 00014

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
394.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 322.	Ex 1 (E-mail string, most recent date being October 18, 2007, Cisco Privileged 000269 through 000272, 4 pages) to Marta Beckwith's November 19, 2008 deposition	Cisco Privileged.000269-000272 (HC)
395.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 288. Privileged subject to Protective Order (FRE 501)	Ex 2 (E-mail to Mallun Yen, et al., from Rich Fenner, dated October 15, 2007, Cisco Privileged 000027, 1 page) to Marta Beckwith's November 19, 2008 deposition	Cisco Privileged.000027 (HC)
396.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 287. Privileged subject to Protective Order (FRE 501)	Ex 3 (E-mail to Kurt Pankratz, et al., from Rick Frenkel, dated October 15, 2007, Cisco Privileged 000019 through 000020, 2 pages) to Marta Beckwith's November 19, 2008 deposition	Cisco Privileged.000019-000020 (HC)
397.	Privileged pursuant to Protective Order (FRE 501), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403) misleading.	Ex 4 (E-mail to Marta Beckwith, et al., from Rick Frenkel, dated October 17, 2007, and attached E-mail string, Cisco Privileged 000001 through 000003, 3 pages) to Marta Beckwith's November 19, 2008 deposition	Cisco Privileged.000001-000003 (HC)
398.	Relevance (FRE 402), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 289, Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702)	Ex 5 (E-mail and attachment, dated October 22, 2007 from Marta Beckwith, Cisco Privileged 000037 through 000041, 5 pages) to Marta Beckwith's November 19, 2008 deposition	Cisco Privileged.000037 - 000041 (HC)
399.	Relevance (FRE 402), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 294.	Ex 6 (E-mail to Garret Chambers from Marta Beckwith, dated November 25, 2007, Cisco Privileged 000094, 1 page) to Marta Beckwith's November 19, 2008 deposition	Cisco Privileged.000094 (HC)
400.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802)	Ex 7 (E-mail string, most recent date being December 11, 2007, Cisco 000254 through 000258, 5 pages) to Marta Beckwith's November 19, 2008 deposition	CISCO.000254-258
401.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 1 (Patent Troll Tracker blog; 2 pages) to Mark Chandler's November 18, 2008 deposition	EMA 01873 - 01874
402.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 2 (U.S. District Court for the Eastern District of Texas Local Rules and Appendixes Table of Contents; 5 pages) to Mark Chandler's November 18, 2008 deposition	EMA 01875 - 01879

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
403.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 458.	Ex. 3 ("Complaints and Other Initiating Documents" ESN LLC v. Cisco Systems; Nos. CISCO.000088-90) to Mark Chandler's November 18, 2008 deposition	CISCO.000088-90
404.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403). Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 4 (Federal Rules of Civil Procedure Commencement of Action; 1 page) to Mark Chandler's November 18, 2008 deposition	EMA 01880
405.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 268, Subsequent Remedial Measures (FRE 407)	Ex 5 ("The Platform Opinions and Insights from Cisco"; Nos. CISC0.000382-386) to Mark Chandler's November 18, 2008 deposition	CISCO.000382-386
406.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403). Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 6 (BusinessWeek article "Busting a Rogue Blogger"; 2 pages) to Mark Chandler's November 18, 2008 deposition	EMA 01881 - 01882
407.	Subsequent Remedial Measures (FRE 407). Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 274.	Ex 7 (Document "Cisco Systems, Inc., Internet Posting Policy Created March 2007"; Nos. CISCO3.000001-08) to Mark Chandler's November 18, 2008 deposition	CISCO3.000001 – CISCO.3000008
408.	Relevance (FRE 402), Hearsay (FRE 802)	Ex 8 (E-mail thread dated 12/10/07 from Rick Frenkel; Nos. CISC0.000259-261) to Mark Chandler's November 18, 2008 deposition	CISCO.000259-261
409.	Privileged subject to Protective Order (FRE 501), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 299, Hearsay (FRE 802)	Ex 9 (E-mail thread dated 2/25/08 from Mallun Yen; Nos. CISCO PRIVILEGED 000122-125) to Mark Chandler's November 18, 2008 deposition	Cisco Privileged.000122-125 (HC)
410.	Privileged subject to Protective Order (FRE 501), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 300, Hearsay (FRE 802)	Ex 10 (E-mail thread dated 10/18/07 from Mark Chandler, NO. CISCO PRIVILEGED 000126) to Mark Chandler's November 18, 2008 deposition	Cisco Privileged.000126 (HC)
411.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Authentication (FRE 901). Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 11 (Article "Cisco Systems Opens Government-Affairs Office in Washington"; 2 pages) to Mark Chandler's November 18, 2008 deposition	EMA 01883 - 01884

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
412.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Authentication (FRE 901), Hearsay (FRE 802). Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 12 (Article "Cisco digs Deep to Sway Lawmakers": 2 pages) to Mark Chandler's November 18, 2008 deposition	EMA 01885-01886
413.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Improper use of Deposition testimony, Hearsay (FRE 802), Lack of Personal Knowledge (FRE 602), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 13 (Excerpt of Deposition of Peter McAndrews; 7 pages) to Mark Chandler's November 18, 2008 deposition	EMA 01887 - 01893
414.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403) misleading and optional completeness, Privileged pursuant to Protective Order (FRE 501)	Ex 1 (Compilation of documents) to Douglas Kubehl's November 11, 2008 deposition	Cisco Privileged 000033-000331 & FRENKEL2.00059 - 00062
415.	Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 114 (E-mails, 10/15/2007, Amie J. Mathis and Rhonda Lafitte, attached List of Parties and Civil Cover Sheet) to Rhonda Latitte's November 3, 2008 deposition	EMA 01894 - 01897
416.		Ex 10 (E-mail, 10/16/2007, From pay.gov to Amie Mathis) to Rhonda Lafitte's November 3, 2008 deposition (previously marked exhibit)	EMA 01564
417.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 75 (Cisco Systems, Inc.'s Notice of Amended Subpoena of Rhonda Leine) to Rhonda Latitte's November 3, 2008 deposition (previously marked exhibit)	EMA 01898 - 01903
418.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 519, misleading, and optional completeness	Ex 1 (Patent Troll Tracker blog; Nos. FRENKEL.000053-54) to Richard G. Frenkel's November 18, 2008 deposition	FRENKEL.0000053- FRENKEL.0000054
419.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 2 (Patent Troll Tracker blog; 2 pages)) to Richard G. Frenkel's November 18, 2008 deposition	EMA 01904-01905

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
420.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403). Cumulative and optional completeness. Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 3 (U.S. District Court for the Eastern District of Texas Local Rules and Appendixes Table of Contents; 7 pages) to Richard G. Frenkel's November 18, 2008 deposition	EMA 01906 - 01912
421.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 4 (Complaints and Other Initiating Documents; 2 pages) to Richard G. Frenkel's November 18, 2008 deposition	EMA 01913 - 01914
422.	Privileged subject to Protective Order (FRE 501), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 531.	Ex 5(E-mail thread dated 10/18/07 from Kurt Pankratz; No. CISCO PRIVILEGED 000005)) to Richard G. Frenkel's November 18, 2008 deposition	Cisco Privileged.000005
423.	Privileged subject to Protective Order (FRE 501)	Ex 6 (E-mail thread dated 10/18/07 from Rick Frenkel; Nos. CISCO PRIVILEGED 000014-16)) to Richard G. Frenkel's November 18, 2008 deposition	Cisco Privileged.000014-000016
424.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403). Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 74 (Cisco Systems, Inc.'s Notice of Amended Subpoena of David Maland) to David Maland's November 3, 2008 deposition	EMA 01915 - 01920
425.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 75 (Cisco Systems, Inc.'s Notice of Amended Subpoena of Rhonda Lafitte) to David Maland's November 3, 2008 deposition	EMA 01921 - 01926
426.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403). Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 76 (Cisco Systems, Inc.'s Notice of Amended Subpoena of Shelley Moore) to David Maland's November 3, 2008 deposition	EMA 01927 - 01932

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
427.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403). Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 77 (Cisco Systems, Inc.'s Notice of Amended Subpoena of Peggy Thompson) to David Maland's November 3, 2008 deposition	EMA 01933 - 01938
428.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403). Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 78 (Cisco Systems, Inc.'s Notice of Amended Subpoena of David Provines) to David Maland's November 3, 2008 deposition	EMA 01939 - 01944
429.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403). Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 79 (Cisco Systems, Inc.'s Notice of Amended Subpoena of Rachel Wilson) to David Maland's November 3, 2008 deposition	EMA 01945 - 01950
430.		Ex 81 (Texas Lawyer "Patent Attorneys Sue Cisco Systems, Blogger, Alleging Defamation" March 17, 2008) to David Maland's November 3, 2008 deposition	JW.000049-000051
431.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403). Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 85 (E-mails, 10/15/07, Amie J. Mathis and Rhonda Lafitte, attached List of Parties and Civil Cover Sheet) to David Maland's November 3, 2008 deposition	EMA 01951 - 01954
432.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403) optional completeness. Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 87 (Pages 3 - 11) (E-mail, 3/14/2007 From David Maland to Ann McMillan, Brenda Jeffreys, et al. 3 attachments) to David Maland's November 3, 2008 deposition	EMA 02171 - 02179
433.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802). Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 96 (How to Electronically File a New Case in effect 10/07) to David Maland's November 3, 2008 deposition	EMA 02180 - 02182

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
434.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802), Authentication (FRE 901), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 98 (Pay.gov receipt 10/16/2007) to David Maland's November 3, 2008 deposition	EMA 01955 - 01956
435.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403) optional completeness, Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 101 (Local Rule CV-5 (a) (3) Significance of Electronic Filing) to David Maland's November 3, 2008 deposition	EMA 01957 - 01958
436.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403) misleading, Authentication (FRE 901), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 102 (System Transactions Log 10/1/2008' Fed.R.Civ.P 5(d) (2) (A) CM/ECF User Manual on TXED website pages 22-23; How to Electronically File a New Case as of 10/07) to David Maland's November 3, 2008 deposition	EMA 01959 - 01969
437.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 103 (General Order 07/9 entered 11/19/2007) to David Maland's November 3, 2008 deposition	EMA 01970 - 02028
438.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 104 (Eastern District of Texas Local Rules and Appendixes as of May 9, 2008) to David Maland's November 3, 2008 deposition	EMA 02029 - 02064
439.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 105 (The Attorney's "How To" Guide for Civil Case Opening, Texas Eastern District 1/11/2008) to David Maland's November 3, 2008 deposition	EMA 02065 - 02084

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
440.	Relevance (FRE 402), Hearsay (FRE 802), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 106 (Fed.R.Civ.P 5(d) (2) (A) to David Maland's November 3, 2008 deposition	EMA 02183 - 02185
441.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 107 (E-mail, 10/15/2007, from David Maland to Donna Blair, Linda Byrd, et al.) to David Maland's November 3, 2008 deposition	EMA 02085 - 02128
442.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 108 (Photographs, after hours depository) to David Maland's November 3, 2008 deposition	EMA 02129
443.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802), Authentication (FRE 901) Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 109 (Model Local District Court Rules for Electronic Case Filing in Civil Cases Judicial Conference of the United States September 2006) to David Maland's November 3, 2008 deposition	EMA 02130 - 02147
444.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403) optional completeness, Hearsay (FRE 802), Authentication (FRE 901), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 110 (CM/ECF User Manual on TXED website Pages 22-23) to David Maland's November 3, 2008 deposition	EMA 02148 - 02149
445.		Ex 111 (Civil docket for 5:07-cv-00156-DF-CMC ESN LLC v. Cisco Systems Inc. et al Retrieved 10/16/2007) to David Maland's November 3, 2008 deposition	CISCO.000240-241
446.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 416.	Ex 10 (E-mail, 10/16/2007, from pay.gov to Amie Mathis) to David Maland's November 3, 2008 deposition (previously marked exhibit)	EMA 01564
447.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 392	Ex 18 (E-mails, 1/31/2008, Amie J. Mathis and Shelley Moore) to David Maland's November 3, 2008 deposition (previously marked exhibit)	EMA 01433 - 01434

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
448.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802)	Ex 21 (Complaints and Other Initiating Documents for CA# 5:07-cv-00156-DF-CMC) to David Maland's November 3, 2008 deposition (previously marked exhibit)	CISCO.000088- 000241
449.		Ex 24 (Complaint for Patent Infringement CA# 5:07-cv-156-DF-CMC) to David Maland's November 3, 2008 deposition (previously marked exhibit)	CISCO.000165-243
450.		Ex 29 (E-mail, 10/17/2007, from Amie Mathis to Eric M. Albritton) to David Maland's November 3, 2008 deposition (previously marked exhibit)	EMA 01005
451.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 382.	Ex 31 (Patent Troll Tracker blog October 2007) to David Maland's November 3, 2008 deposition (previously marked exhibit)	CISCO.000001.1 - 1.2
452.		Ex 6 (E-mail to Ms. Mathis from Rhonda Lafitte dated October 15 at 4:22)) to Amie Mathis' October 27, 2008 deposition	EMA 01492 - 01493
453.		Ex 7 (E-mail Ms. Mathis sent to P. McAndrews dated October 15, 2007 at 4:54 p.m.) to Amie Mathis' October 27, 2008 deposition	EMA 01408
454.		Ex 8 (E-mail from Ms. Mathis to newcasetxk@txed.uscourts.gov dated Monday October 15, 2007 at 3:39 p.m.)) to Amie Mathis' October 27, 2008 deposition	EMA 01407
455.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 416.	Ex 10 (E-mail to Ms. Mathis received at midnight on October 16, 2007, Pay.Gov Payment Confirmation)) to Amie Mathis' October 27, 2008 deposition	EMA 01564
456.		Ex 13 (E-mail to Mr. McAndrews from Ms. Mathis on October 16 at 12:05 a.m.) to Amie Mathis' October 27, 2008 deposition	EMA 01409 - 01411
457.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 393.	Ex 19 (Civil cover sheet on the ESN vs. Cisco case) to Amie Mathis' October 27, 2008 deposition	EMA 00014
458.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 448.	Ex 21 (Series of documents, which include the civil cover sheet and the complaint for patent infringement) to Arne Mathis' October 27, 2008 deposition	CISCO.000088 - 241
459.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 449.	Ex 24 (Same documents as Exhibit 21, but now bearing the filing date of October 16)) to Amie Mathis' October 27, 2008 deposition	CISCO.000165-243
460.	Optional completeness does not contain pages EMA 942-989	Ex 25 (E-mail from Paul McAndrews to Ms. Mathis and Eric Albritton and some other people, subject: 519 Patent attached, dated October 16, 2007 at 7:30 a.m.) to Amie Mathis' October 27, 2008 deposition	FMA 00941

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
461.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 450.	Ex 29 (E-mail from Ms. Mathis to Eric reporting on a conversation with Peter McAndrews on the ESN case) to Amie Mathis' October 27, 2008 deposition	EMA 01005
462.		Ex 30 (10/17/07 E-mail from pmcandrews to Eric M. Albritton EMA 1006-1007) to Peter J. McAndrews November 7, 2008 deposition (previously marked)	EMA 01006 - 01007
463.		Ex 37(2/25/08 e-mail from pmcandrews to Eric M. Albritton; Subject: Troll Tracker exposed; EMA 1363) to Peter J. McAndrews November 7, 2008 deposition (previously marked)	EMA 01363
464.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 150, Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 122 (4/11/08 letter from Charles E. Babcock to George P. McAndrews, 1 page) to Peter J. McAndrews November 7, 2008 deposition	EMA 02150
465.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802), Improper Lay Opinion (FRE 701), Improper Expert Opinion (702), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 123 (4/7/08 letter from George P. McAndrews to Mark Chandler, 10 pages) to Peter J. McAndrews November 7, 2008 deposition	EMA 02151 - 02160
466.		Ex 124 (E-mail string; subject: Draft of Complaint; EMA 0863-0865) to Peter J. McAndrews November 7, 2008 deposition	EMA 00863 -00864
467.		Ex 125 (10/15/07 e-mail from pmcandrews to Eric M. Albritton; subject: ESN vs. Cisco Complaint; EMA 0865) to Peter J. McAndrews November 7, 2008 deposition	EMA 00865
468.		Ex 126 (E-mail string; subject: activity in ESN v. Cisco; EMA 0938-0940) to Peter J. McAndrews November 7, 2008 deposition	EMA 00938 - 00940
469.		Ex 127 (E-mail string; subject: ESN-Battle of Complaints; EMA 1010-1011) to Peter J. McAndrews November 7, 2008 deposition	EMA 01010-01011
470.		Ex 128 (E-mail string; subject: ESN v. Cisco; EMA 1023-1024) to Peter J. McAndrews November 7, 2008 deposition	EMA 01023 - 01024
471.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 385.	Ex 130 (E-mail string: Lawsuit against Frenkel; EMA 1365) to Peter J. McAndrews November 7, 2008 deposition	EMA 01365

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
472.		Ex 131 (E-mail string; Subject: ENS-Battle of Complaints; EMA 1516-1517) to Peter J. McAndrews November 7, 2008 deposition	EMA 01516--01517
473.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 1 (Law.com article "Troll Tracker tracked to Cisco IP Team; 2 pages) to John Noh's November 17, 2008 deposition	EMA 02161 - 02162
474.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 2 (IPBIZ article "WSJ on Troll Tracker Frenkel"; 3 pages) to John Noh's November 17, 2008 deposition	EMA 02163 - 02165
475.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 3 (Law.com article "Cisco Blogger to Wilson Sonsini"; 2 pages) to John Noh's November 17, 2008 deposition	EMA 02166 - 02167
476.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 4 (Network World article "Cisco execs deny directing Patent Troll Tracker Blog"; 3 pages) to John Noh's November 17, 2008 deposition	EMA 02168 - 02170
477.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403) misleading, Hearsay (FRE 802), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 5 (The Prior Art article "Troll Tracker lays low"; 3 pages) to John Noh's November 17, 2008 deposition	EMA 02186 -0 02188
478.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 6 (ADNct Government article "Intel.Cisco. HP tackle patent reform"; 1 page) to John Noh's November 17, 2008 deposition	EMA 02189

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
479.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 7 (CNET News article "Tech Firms to lobby for Patent Litigation Reform"; 2 pages) to John Noh's November 17, 2008 deposition	EMA 02190 - 02191
480.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 8 (Coalition for Patent Fairness Who We Are; 2 pages) to John Noh's November 17, 2008 deposition	EMA 02192- 02193
481.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 9 (Article "Cisco spent \$300,000 in Q2 lobby gov't on patent reform and other efforts."; 1 page) to John Noh's November 17, 2008 deposition	EMA 02194
482.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 10 (Media Relations Contacts-News@Cisco; 4 pages) to John Noh's November 17, 2008 deposition	EMA 02195 - 02198
483.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 11 (Article "Brocade ex-CEO gets 21 months in prison for stock options scheme"; 3 pages) to John Noh's November 17, 2008 deposition	EMA 02199 - 02201
484.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 12 (Patent Troll Tracker blog; 2 pages) to John Noh's November 17, 2008 deposition	EMA 02202 - 02203

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
485.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 13 (Legal Pad "Cisco: Nothin' to Say, Except, Don't Blame Us"; 1 page) to John Noh's November 17, 2008 deposition	EMA 02204
486.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802)	Ex 14 (E-mail thred dated 8/26/07 from Patent Troll; No. CISCO.000253) to John Noll' s November 17, 2008 deposition	CISCO.000253
487.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 423. Privileged subject to Protective Order (FRE 501)	Ex 15 (Email thread dated 10/18/07 from Mallun Yen; Nos. CISCO PRIVILEGED 000015 AND 000012) to John Noh's November 17, 2008 deposition	Cisco Privileged.000015 & 000012
488.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 423. Privileged subject to Protective Order (FRE 501)	Ex 16 (Email thread dated 10/18/07 from Rick Frenkel; Nos. CISCO PRIVILEGED 000014-16) to John Noh's November 17, 2008 deposition	Cisco Privileged.000014-000016
489.	Privileged subject to Protective Order (FRE 501)	Ex 17 (Email thread dated 2/25/08 from Mallun Yen; Nos. CISCO PRIVILEGED 000011-13) to John Noh's November 17, 2008 deposition	Cisco Privileged.000011-000013
490.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 270 and misleading, Hearsay (FRE 802)	Ex 18 (Email thread from Rick Frenkel dated 3/4/08; No. CISCO.000390) to John Noh's November 17, 2008 deposition	CISCO.000390
491.	Relevance (FRE 402), Hearsay (FRE 802)	Ex 19 (Email thread from Rick Frenkel dated 12/10/07; Nos. CISCO 000259-264) to John Noh's November 17, 2008 deposition	CISCO.000259-264
492.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), cumulative of Exhibit 400, Hearsay (FRE 802)	Ex 20 (Email thread from Rick Frenkel dated 12/11/07; Nos. CISCO 000254-258) to John Noh's November 17, 2008 deposition	CISCO.000254-258
493.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 416.	Ex 10 (E-mail, 10/16/2007, from pay.gov to Amie Mathis) to Cynthia Paar's November 3, 2008 deposition	EMA 01564
494.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 382.	Ex 31 (Patent Troll Tracker blog October 2007) to Cynthia Paar's November 3, 2008 deposition	CISCO.000001.1 - 1.2
495.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802), Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 1 (Compilation of documents) to Kurt Pankratz's November 24, 2008 deposition	EMA 02205 - 02314

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
496.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 416.	Ex 10 (Email, 10/16/2007, from pay.gov to Amic Mathis) to David Provines' November 3, 2008 deposition (previously marked exhibit)	EMA 01564
497.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403) optional completeness, cumulative, Hearsay (FRE 802), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 101 (Local Rule CV-5(a) (3) Significance of Electronic Filing) to David Provines' November 3, 2008 deposition (previously marked exhibit)	EMA 02315 - 02316
498.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 445.	Ex 111 (Civil docket for 5:07-cv-00156-DF-MC ESN LLC v. Cisco systems Inc. et al; Retrieved 10/16/20(17) to David Provines' November 3, 2008 deposition (previously marked exhibit)	CISCO.000240
499.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 139 (Excerpt from O'Connor's Texas Causes of Action) to Michael Smith's November 24, 2008 deposition	EMA 02317- 02319
500.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 338, Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702), Hearsay (FRE 802)	Ex 143 (10/19/07 email, Mr. Smith to Mr. Frenkel) to Michael Smith's November 24, 2008 deposition	FRENKEL.2.000005-000006
501.		Ex 145 (10/19/07 email, Mr. Smith from Mr. Frankel) to Michael Smith's November 24, 2008 deposition	FRENKEL.2.000001-000002
502.	Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702),	Ex 149 (Blog entitled Troll Tracker Defamation Case) to Michael Smith's November 24, 2008 deposition	CISCO.000380
503.	Document description does not match Exhibit as produced. Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 159 (Documents produced by Mr. Siebman) to Michael Smith's November 24, 2008 deposition	EMA 02320 - 02321
504.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 159A (3/14/08 email, Mr. Holmes to Mr. Smith) to Michael Smith's November 24, 2008 deposition	EMA 02322 - 02331

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
505.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 159B (3/14/08 email, Mr. Smith and Mr. Holmes) to Michael Smith's November 24, 2008 deposition	EMA 02332
506.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 159C (Blog entitled Troll Tracker defamation case to Michael Smith's November 24, 2008 deposition	EMA 02333 - 02334
507.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802), Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702), optional completeness, Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 159D (3/13/08 email, Mr. Smith and Mr. Barclay) to Michael Smith's November 24, 2008 deposition	EMA 02335 - 02338
508.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 159E (3/13/08 email, Mr. Smith and Mr. Barclay) to Michael Smith's November 24, 2008 deposition	EMA 02339 - 02340
509.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802), Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 159F (2/14/08 email, Mr. Smith and Troll Tracker) to Michael Smith's November 24, 2008 deposition	EMA 02341 - 02342
510.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802), Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 159G (3/13/08 email, Mr. Smith and Mr. Barclay) to Michael Smith's November 24, 2008 deposition	EMA 02343 - 02346

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
511.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 159H (3/13/08 email, Mr. Smith and Mr. Ward) to Michael Smith's November 24, 2008 deposition	EMA 02347 - 02348
512.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 159I(3/13/08 email from Mr. Smith to Mr. Maland) to Michael Smith's November 24, 2008 deposition	EMA 02349 - 02351
513.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 159J (3/17/08 email, Mr. Smith and Mr. Maland) to Michael Smith's November 24,2008 deposition	EMA 02352 - 02354
514.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 159K (3/13/08 email, Mr. Smith re: ESN versus Cisco) to Michael Smith's November 24, 2008 deposition	EMA 02355 - 02356
515.	Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 159L (3/13/08 email from Mr. Smith to Mr. Ward) to Michael Smith's November 24, 2008 deposition	EMA 02357 - 02358
516.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 159M (3/14/08 email, Mr. Smith to Mr. Ward) to Michael Smith's November 24, 2008 deposition	EMA 02359 - 02368
517.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 159N (10/12/08 email from Mr. Holmes to Mr. Smith) to Michael Smith's November 24, 2008 deposition	EMA 02369 - 02371

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
518.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403). Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 160 (blog posting) to Michael Smith's November 24, 2008 deposition	EMA 02374
519.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403).	Ex 161 (blog posting) to Michael Smith's November 24, 2008 deposition	FRENKEL.0000053- FRENKEL.0000054
520.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), cumulative of Exhibit 451.	Ex 31 (Patent Troll Tracker blog October 2007) to Faye Thompson's November 3, 2008 deposition	CISCO.000001.1 - 000001.2
521.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), cumulative of Exhibit 416.	Ex 10 (E-mail, 10/16/2007, from pav.gov to Amie Mathis) to Peggy Thompson's November 3, 2008 deposition	EMA 01564
522.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), cumulative of Exhibit 382.	Ex 31 (Patent Troll Tracker blog October 2007) to Peggy Thompson's November 3, 2008 deposition	CISCO.000001.1 - CISCO.000001.2
523.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403). Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 1 (Article titled "Patent Troll Tracker" dated 10/18/2007; 2 pages) to Mallun Yen's November 17, 2008 deposition	EMA 02377 - 02378
524.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), cumulative of Exhibit 458.	Ex 2 (Document titled "Complaints and Other Initiating Documents"; Nos, CISCO.000088-90) to Mallun Yen's November 17, 2008 deposition	CISCO.000088
525.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403) optional completeness, Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 3 (U.S. District Court for the Eastern District of Texas Local Rules and Appendixes as of February 12, 2007 Table of Contents; 5 pages) to Mallun Yen's November 17, 2008 deposition	EMA 02379 - 02383
526.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403). Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 4 (Federal Rules of Civil Procedure II. Commencement of Action; 1 page) to Mallun Yen's November 17, 2008 deposition) to Mallun Yen's November 17, 2008 deposition	EMA 02384
527.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403). Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 5 (United States District Court Eastern District of Texas web page; 1 page) to Mallun Yen's November 17, 2008 deposition	EMA 02385

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
528.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403). Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 6 (LEXSTAT 18 USCS 1512; 3 pages) to Mallun Yen's November 17, 2008 deposition	EMA 02386 - 02388
529.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802)	Ex 7 (Email thread dated 8/26/07 from Patent Troll "Subject: Fwd: Thomas John Ward Jr."; No. CISCO 00025) to Mallun Yen's November 17, 2008 deposition	CISCO.0000253
530.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403). Cumulative of Exhibit 287. Privileged subject to Protective Order (FRE 501)	Ex 8 (Email dated 11/15/07 from Rick Frankel "Subject: Urgent-please read-ESN"; Nos. CISCO PRIVILEGED 000019-20) to Mallun Yen's November 17, 2008 deposition	Cisco Privileged.000019-000020
531.	Privileged subject to Protective Order (FRE 501), Hearsay (FRE 802)	Ex 9 (Email thread dated 10/18/07 from Kurt Pankratz "Subject: Re: ESN"; No. CISCO PRIVILEGED 000005) to Mathin Yen's November 17, 2008 deposition	Cisco Privileged.000005
532.	Privileged subject to Protective Order (FRE 501), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 489.	Ex 10 (Email thread dated 11/18/08 from Mallun Yen "Subject: FW: ESN"; No. CISCO PRIVILEGED 000012) to Mallun Yen's November 17, 2008 deposition	Cisco Privileged.000012
533.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403). Cumulative of Exhibit 423. Privileged subject to Protective Order (FRE 501)	Ex 11 (Email thread dated 10/18/07 from Rick Frenkel "Subject: Re: ESN", CISCO PRIVILEGED 000014-16) to Mallun Yen's November 17, 2008 deposition	Cisco Privileged.000014-000016
534.	Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403)	Ex 12 (Email thread dated 3/4/08 from Rick Frenkel "Subject: FW": Nos. CISCO 000390-91) to Mallun Yen's November 17, 2008 deposition	CISCO.000390-91
535.	Privileged subject to Protective Order (FRE 501), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), cumulative of Exhibit 299.	Ex 13 (Email thread dated 2/25/08) from Mallun Yen "Subject: Re: ESN"; Nos. CISCO PRIVILEGED 000122-125) to Mallun Yen's November 17, 2008 deposition	Cisco Privileged.000122-125 (HC)
536.	Privileged subject to Protective Order (FRE 501), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), cumulative of Exhibit 305.	Ex 14 (Email thread dated 2/25/08 from Rick Frenkel "Subject: Re: ESN"; Nos. CISCO PRIVILEGED 000146-149) to Mallun Yen's November 17, 2008 deposition	Cisco Privileged.000146-000149 (HC)
537.	Privileged subject to Protective Order (FRE 501), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), cumulative of Exhibit 300.	Ex 15 (Email thread dated 10/18/07 from Mark Chandler "Subject: FW: ESN"; No. CISCO PRIVILEGED 000126) to Mallun Yen's November 17, 2008 deposition	Cisco Privileged.000126
538.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802)	Ex 16 (Email thread dated 2/25/08 from Rick Frenkel "Subject: Re: Trolltracker"; No. CISCO 000374-379) to Mallun Yen's November 17, 2008 deposition	CISCO.000374-379

Pltf. No.	Objection(s)	Description of Exhibit	Bates Label(s)
539.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Hearsay (FRE 802), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 17 (Article "Cisco Employees deny directing 'troll' blog; 1 page) to Mallun Yen's November 17, 2008 deposition	EMA 02389
540.	Privileged subject to Protective Order (FRE 501), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Cumulative of Exhibit 394.	Ex 18 (Email thread dated 10/18/07 from Mallun Yen "Subject: Re: ESN"; Nos. CISCO PRIVILEGED 000269-272) to Mallun Yen's November 17, 2008 deposition	Cisco Privileged.000269-272
541.	Privileged pursuant to Protective Order (FRE 501), Hearsay (FRE 802)	October 18, 2007 e-mail from Mallun Yen to Rick Frenkel, Kurt Pankratz, Bart Showalter, Marta Beckwith, Michels, Mark; Ritter, Michael	BB 0029 – BB 0033
542.	Relevance (FRE 402), Unfair prejudice, confusion, waste of time, misleading, cumulative (FRE 403), Improper Lay Opinion (FRE 701), Improper Expert Opinion (FRE 702), Hearsay (FRE 802), Document was not previously produced as required by court order so cannot be used as an exhibit for any purpose at trial. To the extent the document was used as a deposition or summary judgment exhibit it has been altered to include a EMA bates number.	Ex 1590 (3/17/08 e-mail from Mr. Smith to Mr. Barclay) to Michael Smith's November 24, 2008 deposition	EMA 2372 - 2373