

Ex. A

PLAINTIFF'S OBJECTIONS TO DEFENDANTS' TRIAL EXHIBIT LIST

NO.	DESCRIPTION	OFFER	OBJECTIONS	DATE ADMIT	DATE N/ADM
1	10/17/2007 Patent Troll Tracker Article (MSJ Exhibit No. F)		FRE 106, 403, 1001		
2	4/2004 Electronic Case Files CM/ECF User Manual for the Eastern District of Texas (Revised April, 204) Bates Nos. JW2.000001 — 000058		FRE 401, 402, 403		
3	(A. Mathis Deposition Exhibit No. 2) 01/11/2008 The Attorney's "How To" Guide for Civil Case Opening —Texas Eastern District Court Bates Nos. JW2.000059 — 000078		FRE 401, 402, 403		
5	(A. Mathis Deposition Exhibit No. 3) 10/12/2007 Email from Eric M. Albritton to Amie J. Mathis Bates No. EMA 0862		None		
6	(Mathis Deposition Exhibit No. 5) 10/15/2007 Email from Rhonda Lafitte to Amie J. Mathis Bates Nos. EMA 1492— 1493 (Mathis Deposition Exhibit No. 6)		None		

7	10/15/2007 Email from Amie J Mathis to PMCCANDREWS@Mcandrews-ip.com Bates No. EMA 1408		None		
8	(Mathis Deposition Exhibit No. 7) 10/15/2007 Email from Amie Mathis to newcasetxk@txed.uscourts.gov Bates No. EMA 1407		None		
9	(Mathis Deposition Exhibit No. 8) 10/18/2007 Patent Troll Tracker Article		FRE 106, 403, 1001		
10	10/16/2007 Email from paygovadmin@mail.doc.twai.gov to Amie J. Mathis Bates No. EMA 1564		None		
11	(Mathis Deposition Exhibit No. 10) 02/23/2008 Patent Troll Tracker Article "Blogger, Revealed" Bates Nos. FRENKEL.000062 -000064		FRE 403, 802		
12	03/14/2008 Memorandum from David Maland to Ann K. McMillan, Managing Editor, Texas Lawyer and Brenda Jeffeys, Senior Reporter, Texas Lawyer Bates Nos. EMA 0838 — 0855 (Mathis Deposition Exhibit No. 12)		EMA 0838 – 0839 Objection FRE 802 _____ EMA 0847 – EMA 0855 None		

13	10/16/2007 Email from Amie J Mathis to <u>PMCANDREWS@mcandrews-ip.com</u> Bates Nos. EMA 1409 – 1411 (Mathis Deposition Exhibit No. 13)		None		
14	03/14/2008 Email from Eric M. Albritton to Amie J. Mathis Bates Nos. EMA 0857 — 0858 (Mathis Deposition Exhibit No. 14)		FRE 802		
15	10/17/2007 First Amended Complaint for Patent Infringement in ESN, LLC v. Cisco Systems, Inc., et al, C.A. No. 5:07-cv-156-DF-CMC Bates Nos. CISCO.000244 -000250		FRE 106		
16	10/17/1007 Email from <u>PMCANDREWS@mcandrews-ip.com</u> to Eric M. Albritton Bates Nos. EMA 1008 – 1009		FRE 802		
17	(Mathis Deposition Exhibit No. 16) 01/30/2008 Email from Amie J. Mathis to Eric M. Albritton Bates Nos. EMA 1222		None		
18	(Mathis Deposition Exhibit No. 17) 01/31/2008 Email from Amie J. Mathis to <u>Shelley_Moore@txed.uscourts.gov</u>		FRE 401, 402, 403, 802		

	Bates Nos. EMA 1433 — 1434				
19	(Mathis Deposition Exhibit No. 1 8) 10/15/2007 Civil Cover Sheet from ESN, LLC v. Cisco Systems, Inc. and Cisco LinkSys, LLC Bates No. EMA 0014		None if a more legible copy is used. Otherwise, FRE 106, 1001		
20	(Mathis Deposition Exhibit No. 1 9) Number not used				
21	10/15/2007 Notice of Electronic Filing Bates Nos. CISCO.000088 — 89 (Mathis Deposition Exhibit No. 21)		None		
21 A	10/15/2007 Civil Cover Sheet in ESN, LLC v. Cisco Systems, Inc. et al Bates No. CISCO.000090		None if a more legible copy is used. Otherwise, FRE 106, 1001		
21 B	(Mathis Deposition Exhibit No. 21) 10/15/1007 Complaint for Patent Infringement in ESN, LLC v. Cisco Systems, Inc., et al Bates Nos. CISCO.000091 —000164		None		
21 C	(Mathis Deposition Exhibit No. 21) 10/15/2007 Civil Docket for Case #5:07-cv-001 56-DF-CMC Bates Nos. CISCO.000240 —000241 (Mathis Deposition Exhibit No. 21)		None		

22	<p>10/16/2007 Patently 0 Bates Nos. CISCO.000002—000087 (Albritton Deposition Exhibit No. 22)</p>	<p>CISCO.000002 – 000012 FRE 401, 402, 403, 802, 901 CISCO.000013 – 000087 – No objection</p> <p>This exhibit contains two separate documents and has been offered in a manner that is inconsistent with the way the documents originally existed. Plaintiff OBJECTS to Defendant offering as a single exhibit</p>		
23	<p>10/16/2007 IP LAW 360 Bates Nos. FRENKEL2.000452—000456 (Albritton Deposition Exhibit No. 23)</p>	<p>FRE 106, 401, 402, 403, 802, 901</p>		
24	<p>10/16/2007 Complaint for Patent Infringement, Civil Cover Sheet, and Docket Sheet in ESN LLC v. Cisco Systems, Inc., et al Bates Nos. CISCO.0001 65—000239 and CISCO.000242—000243 (Mathis Deposition Exhibit No. 24)</p>	<p>None</p>		
25	<p>10/16/2007 Email from Paul McAndrews to Amie J. Mathis, Eric M. Albritton, Pmcandrews@mcandrewsip.com; twimbiscus@mcandrewsip.com; gmcandrews@mcandresip.com; pwmcandrews@mcandrewsip.com</p>	<p>None</p>		

	Bates Nos. EMA 0941 – 0989				
26	(Mathis Deposition Exhibit No. 25) 10/16/2007 Email from Eric M. Albritton to T. John Ward, Jr. Bates No. EMA 0990		None		
27	(Albritton Deposition Exhibit No. 26) Number not used				
28	10/17/2007 Email from Johnny Ward to Eric M. Albritton Bates No. EMA 0991 – 0992		FRE 802		
28A	(Albritton Deposition Exhibit No. 28) Redlined First Amended Complaint for Patent Infringement in ESN, LLC v. Cisco Systems, Inc., et al, C. A. No. 5:07-cv156-DF-CMC Bates Nos. EMA 0993 - 0999		None		
29	10/17/2007 Email from Amie J. Mathis to Eric M. Albritton Bates No. EMA 1005		FRE 802		
30	(Mathis Deposition Exhibit No. 29) 10/17/2007 Email from Pete McAndrews to Amie J. Mathis Bates Nos. EMA 1006 — 1007 (McAndrews Deposition Exhibit No.30)		FRE 403, 802		

31	10/17/2007 and 10/18/2007 Patent Troll Tracker Articles Bates Nos. CISCO.000001.1 —CISCO.000001.2		None		
32	(Albritton Deposition Exhibit No. 31) 10/24/2007 Memorandum in Support of Defendant's Motion to Stay; 10/18/2007 Plaintiff's Motion to Enjoin Defendants Cisco and Linksys from Prosecuting Later-filed Parallel Litigation in Connecticut; 10/16/2007 Complaint for Declaration Judgment in <i>Cisco Systems, Inc., and Cisco-Linksys, LLC v. eSN, LLC</i> Bates Nos. CISCO.000272-CISCO.000298		None		
33 - 35	Numbers not used				
36	Email from PWMCANDREWS@mcandrews-ip.com to Eric M. Albritton Bates Nos. EMA 1012 – 1019		FRE 401, 402 403, 802		
37	(Albritton Deposition Exhibit No. 36) 02/25/2008 Email from Pete McAndrews to Eric M. Albritton Bates No. EMA 1363		None		
38	(McAndrews Deposition Exhibit No. 37) Number not used				

39	03/09/2008 Email from Pete McAndrews to Eric M. Albritton and T. John Ward, Jr. Bates No. EMA 1365		FRE 106, 401, 402, 403, 802		
40—48	(Albritton Deposition Exhibit No. 39) Numbers not used				
49	03/14/2008 Email from James Holmes to Michael C. Smith Bates No. EMA 1572		FRE 401, 402, 403, 802		
50—61	(Albritton Deposition Exhibit No. 49) Numbers not used				
62	Information from Albritton Law Firm www.emafirm.com Bates Nos. JW.000129 — 000135		None		
63	(Albritton Deposition Exhibit No. 62) Information from lawyers.com regarding Albritton Law Firm		None		
64—80	Bates Nos. JW.000136 — 000137 Numbers not used				
81	03/17/2008 Texas Lawyer article entitled Patent Attorney's Sue Cisco Systems, Blogger, Alleging Defamation Bates Nos. JW.000049 — 000051		FRE 401, 402, 403, 802, 901		
82—83	(Maland Deposition Exhibit No. 81) Numbers not used				

84	File folder entitled Albritton v. Cisco Emails (Maland Deposition Exhibit No. 84)		None		
85	10/15/2007 Email confirming opening shell case to Arnie J. Mathis (Maland Deposition Exhibit No. 85)		None		
86	10/18/2007 Email thread between Shelley Moore and David Maland (Maland Deposition Exhibit No. 86)		FRE 403, 802		
87	03/14/2008 Memorandum from David Maland to Ann K. McMillan, Managing Editor, Texas Lawyer and Brenda Jeffreys, Senior Reporter, Texas Lawyer (Maland Deposition Exhibit No. 87)		This exhibit does not have Bates' numbers – Objections to first two pages: FRE 802		
88	03/14/2008 Email from David Maland forwarding Memorandum to Faye Thompson, Shelley Moore and Rhonda Lafitte (Maland Deposition Exhibit No. 88)		FRE 401, 402, 403, 802		
89	03/14/2008 Email from David Maland forwarding Memorandum to Nick Patton and James Holmes (Maland Deposition Exhibit No. 89)		FRE 401, 402, 403, 802		
90	03/14/2008 Email from David Maland forwarding Memorandum to Craig Anderson at the Daily Journal (Maland Deposition Exhibit No. 90)		FRE 401, 402, 403, 802		

91	03/17/2008 Email from David Maland forwarding Memorandum to Michael Smith (Maland Deposition Exhibit No. 91)		FRE 401, 402, 403, 802		
92	03/19/2008 Email from David Maland forwarding Memorandum to Richard Schell (Maland Deposition Exhibit No. 92)		FRE 401, 402, 403, 802		
93	10/03/2008 Email thread between David Provines and the Help Desk (Maland Deposition Exhibit No. 93)		FRE 401, 402, 403, 802		
94	10/03/2008 Email thread between David Provines and the Help Desk (Maland Deposition Exhibit No. 94)		FRE 401, 402, 403, 802		
95	Number not used				
96	11/15/2006 How to Electronically File a New Case — Texas Eastern District Court (Revised November 15, 2006) (Maland Deposition Exhibit No. 96)		None		
97	Number not used				
98	10/16/2007 Pay.gov receipt for filing complaint (Maland Deposition Exhibit No. 98)		None		
99	Docket Sheet for ESN LLC v. Cisco Systems, Inc. et al as of 10/01/2008 (Maland Deposition Exhibit No. 99)		None		
100	03/13/2008 Email from Peggy Thompson to David Maland (Maland Deposition Exhibit No. 100)		FRE 401, 402, 403, 802		

101	Number not used				
102	10/01/2008 System Transactions for 1/1/1970 — 10/1/2008		None		
103—110	(Maland Deposition Exhibit No. 102) Numbers not used				
111	10/15/2007 Civil Docket for <i>ESN LLC v. Cisco Systems, Inc. et al</i>		None		
112	(Maland Deposition Exhibit No. 111) 08/20/2008 Email Thread between Eric Albritton and David Maland		FRE 401, 402, 403, 802		
113	(Maland Deposition Exhibit No. 112) 09/17/2008 Email Thread between Eric M. Albritton and David Maland		FRE 401, 402, 403, 802		
114	(Maland Deposition Exhibit No. 113) 10/15/2007 Email thread between Amie J. Mathis and Rhonda Lafitte		None		
115	(Lafitte Deposition Exhibit No. 114) 10/18/2007 Email thread between Shelley Moore and David Maland		FRE 403, 802		
116	(Moore Deposition Exhibit No. 115) Number not used				
117	(Wilson Deposition Exhibit No. 11 7) 10/31/2008 printout of Civil Docket for <i>ESN LLC v. Cisco Systems, Inc. et al</i>		None		
118	(Provines Deposition Exhibit No.118) 10/03/2008 Email thread between David Provines and the Help Desk		FRE 401, 402, 403, 802		

119—122	Numbers not used				
123	04/07/2008 Letter to Mark Chandler from George P. McAndrews (McAndrews Deposition Exhibit No.123)		None		
124	10/15/2007 Email from Peter McAndrews to Eric M. Albritton Bates Nos. EMA 0863 — 0864 (McAndrews Deposition Exhibit No.124)		None		
125	10/15/2007 Email from Peter McAndrews to Eric M. Albritton Bates No. EMA 0865 (McAndrews Deposition Exhibit No.125)		FRE 401, 402, 802		
126	10/16/2007 Email thread between Peter McAndrews and Amie J.Mathis Bates Nos. EMA 0938 – 0940 (McAndrews Deposition Exhibit No.126)		None		
127	10/17/2007 Email thread between Peter McAndrews and Eric M. Albritton Bates Nos. EMA 1010-1011 (McAndrews Deposition Exhibit No.127)		FRE 401, 402, 403, 802		
128	10/18/2007 Email thread between Paul McAndrews, Eric M. Albritton, TWIMBISCUS@mcandrews-ip.com , T. John Ward, Jr. and Jason A. Saunders Bates Nos. EMA 1023 – 1024 (McAndrews Deposition Exhibit No. 128)		FRE 401, 402, 403, 802		

129-130	Numbers not used				
131	10/17/2007 Email thread between Peter McAndrews and Eric M. Albritton Bates Nos. EMA 1516—1517 (McAndrews Deposition Exhibit No.131)		FRE 401, 402, 403, 802		
132—138	Numbers not used				
139	O'Connor's Texas Causes of Action 2008, Chapter 18-A, Liel & Slander Actions — Defamation (Smith Deposition Exhibit No. 139)		FRE 106, 401, 402, 403		
140	Number not used				
141	10/19/2007 Gmail from Michael Smith to Patent Troll Bates No. FRENKEL2.000003 (Smith Deposition Exhibit No. 141)		FRE 401, 402, 403, 802		
142	10/19/2007 Gmail from Michael Smith to Patent Troll Bates No. FRENKEL.000039		FRE 401, 402, 403, 802		
143	Number Not Used				
144	10/29/2007 Gmail from Michael Smith to Patent Troll Bates Nos. FRENKEL2.000008 -000009		FRE 401, 402, 403, 802		
145	10/19/2007 Gmail from Patent Troll to Michael Smith Bates Nos. FRENKEL2.000001 —000002 (Smith Deposition Exhibit No. 145)		FRE 401, 402, 403, 802		
147	Number Not Used				

148	03/06/2008 Email from Michael C. Smith to Eric M. Albritton Bates No. EMA 1571 (Smith Deposition Exhibit No. 148)		FRE 401, 402, 403, 802		
149	03/12/2008 "Troll Tracker defamation case" posted on E. D. Texweblog.com Bates Nos. CISCO.000380 —000381 (Smith Deposition Exhibit No. 149)		Cisco.000380 – no objection Cisco.000381 – FRE 401, 402, 403 802, 901		
150	03/14/2008 Email from Michael C. Smith to T. John Ward, Jr. and Eric M. Albritton Bates No. EMA 1371 (Smith Deposition Exhibit No. 150)		FRE 401, 402, 802		
151 —158	Numbers not used				
159	'They did WHAT' with my filing? (Smith Deposition Exhibit No. 159)		None		
159A	03/14/2008 Email from James Holmes to Michael C. Smith (Smith Deposition Exhibit No. 159A)		Documents not Bates numbered. Plaintiff objects to first page – FRE 401, 402, 802		
159B	03/14/2008 Email from Michael Smith to James Holmes (Smith Deposition Exhibit No. 159B)		Documents 2 thru 10 – no objection FRE 401, 402, 802		

159C	Article entitled "Troll Tracker defamation case"		Document not Bates numbered. No objection to first page. Plaintiff objects to 2 nd page – FRE 401, 402, 403, 802		
159D - 159H	Numbers not used				
159I	03/1 3/2008 Email from Michael C. Smith to David Maland		FRE 401, 402, 403, 802		
159J	(Smith Deposition Exhibit No. 159I) 03/1 7/2008 Email thread between Michael C. Smith and David Maland		FRE 401, 402, 403, 802		
159K	(Smith Deposition Exhibit No. 1 59J) 03/13/2008 Email thread between Michael C. Smith, Thomas John T. Ward, Jr., Eric Albritton and Michael Barclay		FRE 401, 402, 403, 802		
159L	(Smith Deposition Exhibit No. 159K) 03/1 3/2008 Email thread between Michael C. Smith and John Ward, Jr.		FRE 401, 402, 403, 802		
159M	(Smith Deposition Exhibit No. 159L) 03/14/2008 Email from Michael C. Smith to John Ward, Jr. and Eric Albritton		FRE 401, 402, 403, 802, 901		
159N	(Smith Deposition Exhibit No.159M) Number not used				
159O	03/1 7/2008 Email thread between Michael C. Smith and Michael Barclay (Smith Deposition Exhibit No. 159O)		FRE 401, 402, 403, 802, 901		

160	Number not used				
161	10/18/2007 Patent Troll Tracker Article (Smith Deposition Exhibit No. 161)		FRE 403, 901, 1001		
162	11/07/2007 Patent Troll Tracker Bates Nos. FRENKEL.000055 —000061 (MSJ Exhibit No. L)		Exhibit provided by defendants didn't have Bates numbers Pages 1 - 3, 6 - 7 - FRE 401, 402, 403, 802, 901		
163	6/29/2008 Texarkana Gazette article entitled "Texarkana, Longview lawyers file lawsuit against California blogger saying he libeled them (MSJ Exhibit No. 23)		Relevant parts of Page 4 - None FRE 401, 402, 403, 802		
164	2006 U.S. Trans Lexis 29, Ebay Inc., et al v. Mercechange, L.L.C. Supreme Court Transcript dated3/29/2006 Bates Nos. JW.000642 – 000697		FRE 401, 402, 403, 802, 901		
165	(MSJ Exhibit No. 25) Winter 2007 State Bar of Texas Intellectual Property Law Section newsletter Bates Nos. JW.000741 — 000757 (MSJ Exhibit No. 26)		FRE 401, 402, 403, 802, 901		

166	08/18/2008 Texas Lawyer Article entitled "Eastern District Rocket Docket Decelerates in Marshall Division" Bates Nos. JW.000176 -000178 (MSJ Exhibit No. 27)		FRE 401, 402, 403, 802, 901 Improper notations on document		
167	02/20/2008 IP LAW 360 Article entitled 'Rocket Dockets' Gaining on Popular E. Texas Court" Bates Nos. CISCO2.000132—000134 (MSJ Exhibit No. 28)		FRE 401, 402, 403, 802, 901		
168	11/12/2007 The National Law Journal article entitled "East Texas Now Busiest Patent Litigation Venue" Bates No. CISCO2.000136 (MSJ Exhibit No. 29)		FRE 401, 402, 403, 802, 901		
169	03/15/2008 The American Lawyer on the Web article entitled "Taming Texas" Bates Nos. JW.000001 — 000009 (MSJ Exhibit No. 30)		FRE 401, 402, 403, 802, 901		
170	03/17/2008 Law.com article entitled 'Patent Attorneys Sue Cisco and Blogging In-House Lawyer for Defamation' Bates Nos. JW.000079 — 000083 (MSJ Exhibit No. 31)		FRE 401, 402, 403, 802, 901		

171	9 Yale J.L. & Tech. 1293 (2007) - Of Fire Ants and Claim Construction: An Empirical Study of the Meteoric Rise of The Eastern District of Texas as a Preeminent Forum for Patent Litigation Bates Nos. JW.000698 – 000738 (MSJ Exhibit No. 32)		FRE 401, 402, 403, 802, 901		
172	08/31/2007 Vinson & Elkins LLP Firm News “Eastern District of Texas Applied KSR v. Teleflex in Invalidating Patent” Bates Nos. JWS.000637 — 000641 (MSJ Exhibit No. 33)		FRE 401, 402, 403, 802, 901		
173	07/01/2006 Inside Counsel Article entitled “Small Town Attracts High Stakes in IP Case” Bates Nos. JW.000758 — 000760 (MSJ Exhibit No. 34)		FRE 401, 402, 403, 802, 901		
174	06/06/2006 Daily Record and the Kansas City Daily News-Press article entitled “TP Plaintiffs Flocking to Small Town of Marshall in Eastern Texas” Bates Nos. JW.000761 — 000765 (MSJ Exhibit No. 35)		FRE 401, 402, 403, 802, 901		
175	05/23/2008 Law.com article entitled ‘Will the 5th Circuit Ground an Eastern District of Texas Rocket Docket?’ Bates Nos. JW.000789 — 000792 (MSJ Exhibit No. 36)		FRE 401, 402, 403, 802, 901		

176	05/23/2008 The Wall Street Journal article entitled "Volkswagen Lawyers Raise Challenge to Texas's 'Rocket Docket'" Bates Nos. JW.000793 — 000796 (MSJ Exhibit No. 37)		FRE 401, 402, 403, 802, 901		
177	04/16/2006 Austin American Statesman article entitled "A litigation boom" Bates Nos. JW.000810 — 000813 (MSJ Exhibit No. 38)		FRE 401, 402, 403, 802, 901		
178	23 Ohio St. J. on Disp. Resol. 345(2008) article entitled "Saving Alternative Dispute Resolution in Patent Law: Countering the Effects of the Patent Troll Revolution" "Bates Nos. JW.000766 — 000788 (MSJ Exhibit No. 40)		FRE 401, 402, 403, 802, 901		
179	November/December 2007 Intellectual Property article entitled "Status of Intellectual Property Reform Legislation in the Congress and How it May Affect How Banks Acquire and Enforce Patents" "Bates Nos. JW.000797 — 000807 (MSJ Exhibit No. 41)		FRE 401, 402, 403, 802, 901		
180	10/07/2008 American Psychological Association "Stress in America" Bates Nos. JW3.000001 — 000019		JW3.000001 – JW3.000016 FRE 401, 402, 403, 802, 901 JW3.000017 – JW3.000019		

			FRE 401, 402, 403, 802, 901		
181	Ten Tips for E-Filing Court Documents by Lauren Godfren Bates Nos. JW3.00020		FRE 401, 402, 403, 802, 901		
182	02/12/2008 Patent Troll Tracker articles entitled "\$432 Million Verdict in Marshall Texas Patent Case" and "Saffran v. Boston Scientific" Bates Nos. Frenkel2.000092 and 000093		FRE 401, 402, 403, 802, 901		
183	Winter 2008 The Advocate article entitled "The Eastern District Phenomenon" Bates Nos. JW3.000026 — 000028		FRE 401, 402, 403, 802, 901		
184	The John Marshall Review of Intellectual Property Law, 6 J. Marshall Rev. Intell. Prop.L. 185 (2007), article entitled "Who is Really Undermining the Patent System — 'Patent Trolls' or Congress" by Raymond P. Niro Bates Nos. JW3.000029 — 000043		JW3.000029 – JW.000042 FRE 401, 402, 403, 802, 901 JW3.000043 – FRE 401, 402, 403, 802, 901		
185	Civil Docket for Case #5:08-cv-00020-DF, ESN LLC v. Cisco Systems, Inc. et al Bates Nos. JW3.000044 — 000054		None		

186	10/06/2008 BNA Legal & Business Edge brochure for “Using Today’s Patent Law to Protect Tomorrow’s Technology: New Litigation Strategies” Bates Nos. JW3.000055 – 000060		FRE 401, 402, 403, 802, 901		
187	Eastern District of Texas Bar Association 12 th Annual Bar Conference brochure for “The Right Side of Texas” Bates Nos. JW3.000061 - 000067		FRE 401, 402, 403, 802, 901		
188	10/18/2007 Email from Michael Barclay to trolltracker@gmail.com Bates Nos. FRENKEL.000012 -000016		FRE 401, 402, 403, 802		
189	10/18/2007 Email from jdslfjfsilk to trolltracker@gmail.com Bates No. FRENKEL.00002		FRE 401, 402, 403, 802, 901		
190	10/18/2007 Email from Anonymous to trolltracker@gmail.com Bates No. FRENKEL2.000027		None		
191	10/17/2007 Email from Anonymous to trolltracker@gmail.com Bates No. FRENKEL.00001		FRE 401, 402, 403, 802, 901		
192	10/18/2007 Patent Troll Tracker Article (MSJ Exhibit No. K)		FRE 403, 901		
193	03/12/2008 Patently O article entitled “Troll Tracker, Defamation and Splitting the Bar” Bates JW.000010 —000024		FRE 401, 402, 403, 802, 901		

194	03/11/2008 The Prior Art article entitled "Troll Tracker sued: Judge Ward's son is one of the plaintiffs" Bates Nos. JW.000025 - 000027		FRE 401, 402, 403, 802, 901		
195	03/24/2008 Patently O article entitled "Patent Troll Tracker & Cisco's New Blog Policy" Bates Nos. JW.000035 - 000044		FRE 401, 402, 403, 802, 901		
196	03/12/2008 Peter Zura's 271 patent blog article entitled "Patent Troll Tracker Litigation Update" Bates Nos. JW.000045 — 000048		FRE 401, 402, 403, 802, 901		
197	03/12/2008 The Prior Art article entitled "Ward Jr. may have pursued Troll Tracker for months" Bates Nos. JW.000052 — 000058		FRE 401, 402, 403, 802, 901		
198	03/29/2008 The Prior Art article entitled "Troll Tracker lays low; Cisco puts the kibosh on anonymous blogging but stands by their man; I hang with Ninjas" Bates Nos. JW.000059 -		None		
199	05/31/2008 Patent Brush Definitions and Law Enforcement Ideas by Thomas Rosch, Commissioner, Federal Trade Commission, Before the Newport Summit on Antitrust and Economics, Newport, RI Bates Nos. Frenkel3.000001 - 000014		FRE 401, 402, 403, 802, 901 Fed.R.Civ.P 37(c)		

200	03/11/2008 Legal Pad article entitled "Cisco: Nothin' to Say. Except, Don't Blame Us." Bates No. JW.000065		None		
201	03/11/2008 Forbes.com article entitled "Shut Up, Already!" Bates No. JW.000066 - 000068		None		
202	03/11/2008 Pete Zura's 271 Patent Blog article entitled "Troll Tracker Sued" Bates Nos. JW.000069 — 000072		FRE 401, 402 403, 802, 901		
203	03/11/2008 The Legal Satyricon article entitled "Patent Troll Tracker Sued" Bates Nos. JW.000073 — 000076		FRE 401, 402, 403, 802, 901		
204	03/11/2008 Robert Ambrogi's LawSites article entitled "TrollTracker Sued for Libel" Bates Nos. JW.000077 - 000078		FRE 401, 402, 403, 802, 901		
205	03/17/2008 Law.com Article entitled "Patent Attorneys Sue Cisco and Blogging In-House Lawyer for Defamation" Bates Nos. JW.000079 - JW.000083		FRE 401, 402, 403, 802, 901		
206	BUSLab article entitled "Cisco and troll tracker' sued by Texas attorneys" Bates No. JW.000084		FRE 401, 402, 403, 802, 901		
207	TD Ameritrade article entitle "Cisco and the 'troll tracker' sued by Texas attorneys" Bates Nos. JW.000085 - 000086		FRE 401, 402, 403, 802, 901		

208	03/20/2008 MarketWatch article entitled "Cisco and 'troll tracker' sued by Texas attorneys" Bates Nos. JW.000087 — 000089		FRE 401, 402, 403, 802, 901		
209	03/20/2008 The Prior Art article entitled "Rick Frenkel, Cisco to fight Troll Tracker defamation suits in East Texas" Bates Nos. JW.000090 - 000091		FRE 401, 402, 403, 802, 901		
210	03/13/2008 Patent Baristas article entitled "Troll Tracker Sued for Defamation by Lawyers" Bates Nos. JW.000092 - 000097		FRE 401, 402, 403, 802, 901		
211	03/11/2008 Overlawyered article entitled "Watch What You Say About Lawyers Dep.: Troll Tracker blog sued out of existence" Bates No. JW.000109		FRE 401, 402, 403, 802, 901		
212	03/21/2008 Light Reading article entitled "Cisco Snared in Patent Blog Suits" Bates Nos. JW.000110 - 000112		FRE 401, 402, 403, 802, 901		
213	03/17/2008 Law.Com article entitled "Patent Attorneys Sue Cisco and Blogging In-House Lawyer for Defamation" Bates Nos. JW.000113 - 000115		FRE 401, 402, 403, 802, 901		
214	03/17/2008 Texas Lawyer article entitled "Blogger who dissed EDTX to litigate there and WDAAR" Bates No. JW.000116		FRE 401, 402, 403, 802, 901		

215	08/11/2008 Texas Lawyer article entitled "Patent Troll Tracker Blogger Leaves Cisco for Wilson Sonsini" Bates No. JW2.000175		FRE 401, 402, 403, 802, 901		
216	07/14/2008 IPLAW 360 article entitled "'Troll Tracker' Libel Case Now on Third Judge" Bates No. JW2.000173		FRE 401, 402, 403, 802, 901		
217	03/22/2008 Nota Bene article entitled "Texas attorney sues patent troll tracker and CISCO for defamation" Bates Nos. JW.000117 - JW.0001 22		FRE 401, 402, 403, 802, 901		
218	03/19/2008 Best of the Law Blog article entitled "Cisco, Blogger Sued Over Post" Bates No. JW.000316		FRE 401, 402, 403, 802, 901		
219	03/13/2008 The Wall Street Journal article entitled "Revealed Patent Blogger, and Employer, Sued for Defamation" Bates Nos. JW.000126 - 000128		FRE 401, 402, 403, 802, 901		
220	10/06/2008 Texas Lawyer Professional Announcement Bates Nos. JW2.000165 - 000167		FRE 401, 402, 403, 802, 901		
221	03/13/2008 Southeast Texas Record article entitled "Patent troll tracker sued for defamation" Bates Nos. JW.000123 - JW.000125		FRE 401, 402, 403, 802, 901		
222	Hunton & Williams article entitled "Patent Litigation in the Eastern District of Texas" Bates Nos. JW.000739 - 000740		FRE 401, 402, 403, 802, 901		

223	November 2008 The Third Branch, Vol. 40, Number 11, article entitled "Pacer Coming Into Its Own at 20"		FRE 401, 402, 403, 802, 901, Fed.R.Civ.P. 37(c)		
224	Bates Nos. CISCO4.000002 - 000003 05/11/2007 Mcsmith.blogs.com article entitled "Now Which Holding Company Did I Leave That Darn Patent In?"		FRE 401, 402, 403, 802, 901		
225	Bates No. FgRENKEL2.000010 03/04/2008 mail from Charles van Cleef to trolltracker@gmail.com		FRE 401, 402, 403, 802, 901		
226	Bates Nos. FRENKEL2.000056 —000057 10/28/2007 Gmail from Aaron Ross Feigelson to Patent Troll		FRE 401, 402, 403, 802, 901		
227	Bates Nos. FRENKEL2.000058 Troll Tracker Sitemeter reports		None		
228	Bates Nos. FRENKEL2.000059 —000072 Articles from the Patent Troll Tracker Blog Bates Nos. FRENKEL2.000150 -152, FRENKEL2.000212 — 000214,FRENKEL2.000305 — 000311,FRENKEL2.000344 — 000347,FRENKEL2.000348 — 351,FRENKEL2.000368 — 000369.FRENKEL2.000421 — 000422		Document provided by defendant doesn't have Bates numbers 1 st Article – FRE 401, 402, 403, 802, 901 2 nd Article – FRE 401, 402, 403, 802, 901 3 rd Article – 401, 402, 403, 802, 901 4 th Article – 401, 402, 403, 802, 901		

			5 th Article – 401, 402, 403, 802, 901 6 th Article – 401, 402, 403, 802, 901 7 th Article – 401, 402, 403, 802, 901 This exhibit is seven different documents. Plaintiff objects to treating the documents as a single exhibit		
229	Legal Blog Watch article entitled “Tracking Lawyers’ Reactions to Unmasking of Troll Tracker” Bates Nos. JW.000062 - 00064		FRE 401, 402, 403, 802, 901		
230	03/14/2008 Email from Eric M. Albritton to Amie J. Mathis Bates No. EMA 0856		None		
231	University of Missouri School of Law Profile of Dennis D Crouch Bates No. JW.000251		FRE 401, 402, 802, 901		
232	12/07/2007 General Order Appointing CJA Panel Members, In the United States District Court for the Eastern District of Texas Bates Nos. JW.000279 - 000307		FRE 401, 402, 403, 404		
233	02/27/2006 Tyler Paper.com article entitled “Two Winona Men Sentenced for Breaking Into PostOffice Bates Nos. JW.0001 48 - 000150		FRE 401, 402, 403, 404, 802, 901		

234	06/02/2006 Tyler Paper.com article entitled "Drug-Ring Participant Gets 10 Years" Bates Nos. JW.000151 - 000152		FRE 401, 402, 403, 404, 802, 901		
235	08/02w/2007 The Southeast Texas Record article entitled "Recent patent/copyright infringement cases filed in U.S. District Court" Bates Nos. JW.000153 - 000154		FRE 401, 402, 403, 802, 901		
236	06/02/2006 Tyler Paper.com article entitled "Man Admits He Planned to Sell Pound of Meth" Bates Nos. JW.000157 - 000159		FRE 401, 402, 403, 404, 802, 901		
237	06/02/2008 Tyler Paper.com article entitled "Two Sentenced for Meth Distribution Charges" Bates Nos. JW.000160 - 000162		FRE 401, 402, 403, 404, 802, 901		
238	Mesmith.blogs.com article entitled "\$24 million jury verdict in seat belt product liability case in Marshall" Bates No. JW.000194		FRE 401, 402, 403, 404, 802, 901		
239	02/13/2008 Bloomberg.com article entitled "Boston Scientific Loses \$431 Million Verdict on Stent" Bates Nos. JW.000173 - 000174		FRE 401, 402, 403, 802, 901		
240	02/12/2008 The New York Times article entitled "Boston Scientific Loses Patent Trial" Bates Nos. JW.000175 - 000177		FRE 401, 402, 403, 802, 901		

241	02/12/2008 International Herald Tribune article entitled "Jury rules against Boston Scientific in drug-coated stent patent lawsuit" Bates Nos. JW.000178 - 000179		FRE 401, 402, 403, 802, 901		
242	02/13/2008 telegram.com article entitled "Loss in Boston Scientific suit" Bates Nos. JW.000230 - 000231		FRE 401, 402, 403, 802, 901		
243	02/18/2008 Worcester Business Journal article entitled "BSX to Pay \$431 M in Patent Dispute" Bates Nos. JW.000195 - 000196		FRE 401, 402, 403, 802, 901		
244	02/12/2008 U.S. Law Blog article entitled "Saffian v. Boston Scientific" Bates Nos. JW.000185 - 000188		FRE 401, 402, 403, 802, 901		
245	02/12/2008 SignOnSanDiego.com article entitled "Jury Orders Boston Scientific to pay \$431 million in stent patent dispute" Bates Nos. JW.000212 - 000214		FRE 401, 402, 403, 802, 901		
246	02/12/2008 The MetroWest DailyNews article entitled "Jury orders Boston Scientific to pay \$431 M in patent dispute" Bates Nos. JW.000215 - 000216		FRE 401, 402, 403, 802, 901		
247	02/12/2008 WFAA.com article entitled "Boston Scientific ordered to pay \$432M in stent patent dispute" Bates Nos. JW.000222 - 000224		FRE 401, 402, 403, 802, 901		

248	02/12/2008 StarTribune.com article entitled "Boston Scientific told to pay \$431 million in stent patent case" Bates Nos. JW.000225 - 000229		FRE 401, 402, 403, 802, 901		
249	02/13/2008 LegalTimes.com article entitled "Dickstein's Patent Win" Bates No. JW.000189		FRE 401, 402, 403, 802, 901		
250	02/13/2008 ipadrblog.com article entitled "What is the Most Difficult time to Settle Your Patent Infringement Case? Right After a\$432 Million Verdict" Bates Nos. JW.000190 - 000191		FRE 401, 402, 403, 802, 901		
251	02/13/2008 Law.com article entitled "Boston Scientific Ordered to Pay \$432 Million for Patent Infringement" Bates Nos. JW.000192 - 000193		FRE 401, 402, 403, 802, 901		
252	02/13/2008 boston.com article entitled "Boston Scientific told to pay \$432m" Bates Nos. JW.000217 - 000218		FRE 401, 402, 403, 802, 901		
253	03/14/2008 Email from Amie J. Mathis to Eric M. Albritton Bates No. EMA 1396 - 1397		FRE 802		
254	05/20/2004 www.examiner.com article entitled "Ark. Company want to put legal squeeze on Smucker" Bates Nos. JW.000203 - 000204		FRE 401, 402, 403, 802, 901		

255	05/26/2008 www.news-journal.com article entitled "Ark. Company want to put legal squeeze on Smucker" Bates Nos. JW.000232 - 000233		FRE 401, 402, 403, 802, 901		
256	05/26/2008 News.moneycentral.msn.com article entitled "Ark. Company wants to put legal squeeze on Smucker" Bates Nos. JW.000205 - 000206		FRE 401, 402, 403, 802, 901		
257	05/27/2008 Houston Chronicle article entitled "Ark. Company want to put legal squeeze on Smucker" Bates Nos. JW.000235 - 000237		FRE 401, 402, 403, 802, 901		
258	05/27/2008 WFAA .com article entitled "Ark. Company wants to put legal squeeze on Smucker" Bates Nos. JW.000238 - 000241		FRE 401, 402, 403, 802, 901		
259	05/27/2008 dentomrc.com article entitled "Ark. Company wants to put legal squeeze on Smucker" Bates Nos. JW.000245 - 000248		FRE 401, 402, 403, 802, 901		
260	02/13/2008 journalgazette.net article entitled "Doctor wins \$432 million in stent patent suit" Bates Nos. JW.000219 - 000221		FRE 401, 402, 403, 802, 901		
261	03/26/2008 American Intellectual Property Law Association Brief for Amicus Curiae in Support of Petitioners in <i>In re Volkswagen AG and Volkswagen of American, Inc.</i> , No. 07-40058, in the U.S. Court of Appeals for the Fifth Circuit Bates Nos. JW2.000136 - 000164		FRE 401, 402, 403, 802		

262	05/23/2008 The Campaign Legal Center Weekly Reports Bates Nos. JW.000249 - 000250		FRE 401, 402, 403, 802, 901		
263	10/17/2007 Email from Rick Frenkel to Marta Beckwith, Mallun Yen, Michael Ritter, Mark Michels, BartShowalter, Kurt Pankratz and John Corcoran Bates No. CISCO PRIVILEGED.000001		FRE 106; Defendants waive privilege by asserting a defense that puts the attorney's advice at issue and offering evidence regarding the same		
265	10/18/2007 Email from Rick Frenkel to Bart Showalter, Kurt Pankratz, Marta Beckwith, Mark Michels, Mallun Yen, Michael Ritter Bates No. CISCOPRIVILEGED.000004		FRE 106; Defendants waive privilege by asserting a defense that puts the attorney's advice at issue and offering evidence regarding the same		
266	10/18/2007 Email from Kurt Pankratz to Rick Frenkel, Bart Showalter, Marta Beckwith, Mark Michels, Mallun Yen, Michael Ritter Bates No. CISCOPRIVILEGED.000005		FRE 106; Defendants waive privilege by asserting a defense that puts the attorney's advice at issue and offering evidence regarding the same		
267	10/18/2007 Email from Kurt Pankratz to Rick Frenkel Bart Showalter, Marta Beckwith, Mark Michels, Mallun Yen, Michael Ritter Bates No. CISCOPRIVILEGED.000006		FRE 106; Defendants waive privilege by asserting a defense that puts the attorney's advice at issue and offering evidence regarding the same		
	PRIVILEGED – OFFERED UNDER SEAL				

268	10/22/2007 Email from Kurt Pankratz to Jillian Powell Bates Nos. CISCOPRIVILEGED.000007 — 000008 PRIVILEGED - OFFERED UNDER SEAL		FRE 106; Defendants waive privilege by asserting a defense that puts the attorney's advice at issue and offering evidence regarding the same		
269 — 270	Numbers not used				
271	10/15/2007 Email from Rick Frenkel to Kurt Pankratz, Bart Showalter, Marta Beckwith, Michael Ritter, Mallun Yen Bates Nos. CISCOPRIVILEGED.000019 – 000027 PRIVILEGED – OFFERED UNDER SEAL		FRE 106; Defendants waive privilege by asserting a defense that puts the attorney's advice at issue and offering evidence regarding the same		
272	10/18/2007 Email from Kurt Pankratz to Rick Frenkel, Bart showalter, Marta Beckwith, Mark Michels, Mallun Yen, Michael Ritter Bates No. CISCOPRIVILEGED.000169 PRIVILEGED – OFFERED UNDER SEAL		FRE 106; Defendants waive privilege by asserting a defense that puts the attorney's advice at issue and offering evidence regarding the same		
273	Number Not Used				
274	10/16/2007 Email from Bart Showalter to Rick Frenkel, Kurt Pankratz, Marta Beckwith, Michael Ritter, Mallun Yen Bates Nos. CISCOPRIVILEGED.000276 - 000277 PRIVILEGED - OFFERED UNDER SEAL		FRE 106; Defendants waive privilege by asserting a defense that puts the attorney's advice at issue and offering evidence regarding the same		

275	Query results for cases in the U.S. District Court for the Eastern District of Texas in which Eric Albritton is listed as attorney of record		FRE 401, 402, 403, 404		
276	Bates Nos. JW.000320 – 000342 and Frenkel2.000011 – 000020 December 28, 2006 to November 30, 2008 Docket Sheets and Complaints of cases in Eric Albritton is listed as an attorney of Record in the Eastern District of Texas Bates Nos. JW.000343 - JW.000586; JW.000596 - JW.000636; JW2.000179 - JW2.001254		FRE 401, 402, 403, 404, 802, 901		
277	Elpasotimes.com article entitled “Ark. Company wants to put legal squeeze on Smucker” Bates Nos. JW.000242 – 000244		FRE 401, 402, 403, 802, 901		
278	12/13/2008 Declaration of Sam Baxter (rebuttal evidence)		FRE 802		
279	11/19/2008 Draft Declaration of Sam Baxter (rebuttal evidence)		FRE 401, 402, 403, 802, 901		
280	11/26/2008 Affidavit of Sam Baxter (rebuttal evidence)		FRE 802		
281	Curriculum of Charles Herring		FRE 401, 402, 403, 802		
282	Map of Texas Showing U.S. District Courts’ Jurisdictions		None		