

EXHIBIT “H”

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

CERTIFIED COPY

ERIC M. ALBRITTON,	*
	*
Plaintiff,	*
	*
VS.	* C.A. NO. 6:08-CV-00089
	*
CISCO SYSTEMS, INC., RICK	*
FRENKEL, MALLUN YEN &	*
JOHN NOH,	*
	*
Defendants.	*

ORAL DEPOSITION OF
ERIC M. ALBRITTON
OCTOBER 27TH, 2008

ORAL DEPOSITION OF ERIC ALBRITTON, produced as a witness at the instance of the CLAIMANT, and duly sworn, was taken in the above-styled and numbered cause on the 27th of October, 2008, from 12:44 p.m. to 4:24 p.m., before Tammy Staggs, CSR in and for the State of Texas, reported by machine shorthand, at the Law Offices of James A. Holmes, 605 South Main, Suite 203, Henderson, Texas, pursuant to the Federal Rules of Civil Procedure and the provisions stated on the record or attached hereto.

EXHIBIT H

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P R O C E E D I N G S

(Exhibits 21A - 63 marked)

THE VIDEOGRAPHER: Here begins the videotape deposition of Eric Albritton in the matter of Eric M. Albritton vs. Cisco Systems, Inc., Rick Frenkel, et al. Case No. 6:08CV00089. Today's date is October 27th of 2008. The time is approximately 12:44 p.m. Now on the record.

ERIC ALBRITTON,

having been first duly sworn, testified as follows:

EXAMINATION

BY MR. BABCOCK:

Q. Would you state your name, sir.

A. Eric Albritton.

Q. Mr. Albritton, here is Exhibit 21A. I just like to start each deposition with a notice. Obviously you're here, so there's no question about that.

What -- how are you employed?

A. I'm a lawyer.

Q. And do you practice with a firm?

A. I do.

Q. What's the name of the firm?

A. Eric M. Albritton, PC.

Q. And PC stands for professional corporation, correct?

1 A. Presumptively.

2 Q. Because you were against the patent reform
3 effort, correct?

4 A. Some aspects of it, yes.

5 Q. Particularly the aspects dealing with venue,
6 right?

7 A. I certainly do not support the venue
8 provision.

9 Q. And so we're on the same page, the venue
10 provision would have made the filing of patent suits in
11 the Eastern District of Texas not as easy to do, harder
12 to do, right?

13 A. That's right.

14 Q. Okay. When did you begin your lobbying
15 effort?

16 A. Yeah, I mean, that's really -- I'm not fussing
17 with you, but that's a little bit of a -- you know, not
18 fully accurate characterization. I'm sort of tagging
19 along, but I don't remember the first time I went up
20 there with Sam.

21 Q. Okay. Was that the first time you did it when
22 you went to Sam up to Washington?

23 A. Yes, sir.

24 Q. Okay. And was that in 2008 or before 2008?

25 A. I don't recall, Mr. Babcock.

1 Q. Was it before the ESN lawsuit?

2 A. I don't recall. I don't believe so, but I'm
3 not sure. It may have been. I frankly just don't
4 recall.

5 Q. Okay.

6 A. Maybe before and after, I don't know.

7 Q. Okay. Was this patent reform effort -- and
8 specifically focusing on the venue part of it, that is
9 where you can bring a lawsuit -- was that something that
10 was being discussed in the public media? I seem
11 remember a New York Times article about it. But anyway
12 it doesn't matter. Is that something that was being
13 discussed in the public media?

14 A. I don't recall.

15 Q. Are you aware that some members of the Bar
16 across the country felt that -- that the Eastern
17 District of Texas was -- was an unfair venue or put
18 defendants at a disadvantage in some -- in some way?

19 A. I don't know what other people think.

20 Q. Are you aware that Justice Scales from the
21 bench called the Eastern District a renegade district?

22 A. I recall something about that, yes.

23 Q. Okay. What do you recall about that?

24 A. Just exactly what you said.

25 Q. Do you know if that -- if that got any

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REPORTER'S CERTIFICATION

DEPOSITION OF ERIC ALBRITTON

OCTOBER 27TH, 2008

I, TAMMY LEA STAGGS, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the witness, ERIC ALBRITTON, was duly sworn by the officer and that the transcript of the oral deposition is a true record of the testimony given by the witness;

That the deposition transcript was submitted on _____ to the witness or to the attorney for the witness for examination, signature and return to

1 me by _____;

2 That the amount of time used by each party at the
3 deposition is as follows:

4 Mr. James A. Holmes - (0:00)

5 Mr. Charles L. Babcock - (2:38)

6 Mr. George L. McWilliams - (0:35)

7

8 That pursuant to information given to the deposition
9 officer at the time said testimony was taken, the
10 following includes counsel for all parties of record:

11 FOR THE PLAINTIFF:
12 James A. Holmes, Esq.

13 FOR THE DEFENDANT, CISCO SYSTEMS, INC.:
14 Charles L. Babcock, Esq.

15 FOR THE DEFENDANT, RICHARD FRENKEL:
16 George L. McWilliams, Esq.
17 Nicole Peavy

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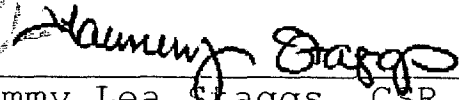
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23

24 That \$ _____ is the deposition officer's charges
25 to the Defendant, Cisco Systems, for preparing the
original deposition transcript and any copies of
exhibits;

1 I further certify that I am neither counsel for,
 2 related to, nor employed by any of the parties or
 3 attorneys in the action in which this proceeding was
 4 taken, and further that I am not financially or
 5 otherwise interested in the outcome of the action.
 6 certified to by me this 31st of October, 2008.

THE ORIGINAL COPY
 file was electronically signed
 using RealLegal technology.



 Tammy Lea Stagg, CSR 7496
 Expiration Date: 12/31/2009
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