

# EXHIBIT “A”

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

ERIC M. ALBRITTON

v.

CISCO SYSTEMS, INC.,  
and RICK FRENKEL

§  
§  
§  
§  
§  
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§

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

**DECLARATION OF MARK CHANDLER**

I, MARK CHANDLER, declare and state as follows:

1. My name is Mark Chandler. I am a Senior Vice President and General Counsel to Cisco Systems, Inc. ("Cisco"), a defendant in the above-captioned lawsuit. I am over the age of twenty-one years, competent to make this Declaration, and authorized to do so by Cisco. As General Counsel for Cisco, I am generally familiar with this lawsuit, and I have knowledge of the facts set forth below, and they are true and correct.

2. As Senior Vice President and General Counsel to Cisco, I am responsible for all legal matters involving Cisco, including managing a team of approximately 225 professionals.

3. I have been advised that Eric Albritton or persons on his behalf have attempted to serve me with a trial subpoena in the above-referenced lawsuit. I have been advised that a trial subpoena was delivered to a receptionist at one of Cisco's offices in San Jose, California. I have not been personally served with a trial subpoena in this lawsuit. I have also not been paid a mileage fee in connection with any trial subpoena in this lawsuit.

4. In November of 2008, I appeared for a deposition in this lawsuit. Excerpts from my deposition are attached as Exhibit A-1. The deposition took place in California.

5. I was not personally involved in the writing, editing, or distribution of any of the articles that Plaintiff, Eric Albritton, has claimed are defamatory of him in the lawsuit. Moreover, as I testified in my deposition, I did not know that Richard Frenkel was the author of the articles at issue in the lawsuit at the time they were published. I learned that Frenkel was the author of the Patent Troll Tracker Blog only in January or February of 2008, shortly before this lawsuit was filed, and only read the relevant postings that are at issue in the lawsuit after the lawsuit was filed when I saw them attached to the complaint.

6. Attending trial in this case would be extremely burdensome for me. I have meetings scheduled in Belgium, France and Italy, including a speaking engagement, through September 16, am chairing a Practicing Law Institute Forum in New York on September 16, and am to attend a dinner in Washington that evening, and have senior leadership meetings at Cisco's

San Jose headquarters during the week of September 21, where I would not have been present since prior to Labor Day. Given this intensive travel schedule traveling to Texas would be burdensome at that time.

7. I declare under penalty of perjury that the foregoing is true and correct.

Signed this 25 <sup>Washington D.C.</sup>th day of August in ~~San Jose, California~~.



Mark Chandler

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

TYLER DIVISION

CERTIFIED COPY

ERIC M. ALBRITTON,

Plaintiff,

vs.

No. 6:08-CV-00089

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

Defendants.

CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER

DEPOSITION OF MARK CHANDLER

Tuesday, November 18, 2008

SHEILA CHASE & ASSOCIATES  
REPORTING FOR:  
West Court Reporting Services  
221 Main Street, Suite 1250  
San Francisco, California 94105  
Phone: (415) 321-2300  
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Reported by:  
JANIS JENNINGS, CSR, CRP, CLR  
CRS-100282-022

1 MARK CHANDLER,

2 The deponent herein, was sworn and  
3 testified as follows:

4  
5 EXAMINATION

6 BY MR. PATTON:

7 Q. State your name, please.

8 A. Mark Chandler.

9 Q. Mr. Chandler, would you give me your  
10 residence address, telephone number, and your  
11 business address and telephone number.

12 A. Yes. My business address and telephone  
13 number are San Jose,  
14 California, 95134;

15 . My residence address is  
16 Palo Alto, California, 94301.

17  
18 Q. Okay. Where were you born and raised?

19 A. I was born in Boston, Massachusetts, and  
20 I was raised in a suburb of Boston called Belmont.

21 Q. Okay. What's your educational background?

22 A. Beginning when?

23 Q. Out of high school.

24 A. I attended Harvard College and graduated  
25 in 1978 and Stanford Law School and graduated in

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CERTIFICATE OF REPORTER

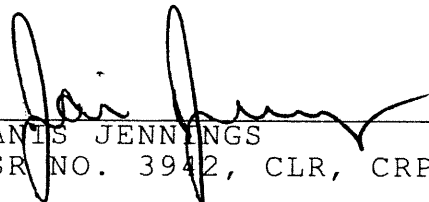
I, JANIS L. JENNINGS, a Certified Shorthand Reporter of the State of California, do hereby certify:

That the foregoing proceedings were taken before me at the time and place herein set forth; that any witnesses in the foregoing proceedings, prior to testifying, were placed under oath; that a verbatim record of the proceedings was made by me using machine shorthand which was thereafter transcribed under my direction; further, that the foregoing is an accurate transcription thereof.

I further certify that I am neither financially interested in the action nor a relative or employee of any attorney of any of the parties.

IN WITNESS WHEREOF, I have this date subscribed my name.

Dated: November 20, 2008

  
\_\_\_\_\_  
JANIS JENNINGS  
CSR NO. 3942, CLR, CRP