

# EXHIBIT “B”

UNITED STATES DISTRICT COURT

for the Eastern District of Texas

Eric M. Albritton Plaintiff v. Cisco Systems, Inc. Defendant Civil Action No. 6:08cv89

SUBPOENA TO APPEAR AND TESTIFY AT A HEARING OR TRIAL IN A CIVIL ACTION

To: David J. Maland, 211 W. Ferguson, Tyler, Texas 75702

YOU ARE COMMANDED to appear in the United States district court at the time, date, and place set forth below to testify at a hearing or trial in this civil action.

Please see attachment.

Table with 2 columns: Place (United States District Court, 211 W. Ferguson Street, Tyler, Texas 75702) and Courtroom No. / Date and Time (09/14/2009 9:00 am)

You must also bring with you the following documents, electronically stored information, or objects (blank if not applicable):

The provisions of Fed. R. Civ. P. 45(c), relating to your protection as a person subject to a subpoena, and Fed. R. Civ. P. 45 (d) and (e), relating to your duty to respond to this subpoena and the potential consequences of not doing so, are attached.

Date: 08/25/2009

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk OR Attorney's signature (with handwritten signature)

The name, address, e-mail, and telephone number of the attorney representing (name of party) Eric Albritton, who issues or requests this subpoena, are:

Nicholas H. Patton, PATTON, TIDWELL & SCHROEDER, LLP, 4605 Texas Blvd., Texarkana, Texas 75503 903.792.7080; nickpatton@texarkanalaw.com

# PATTON, TIDWELL & SCHROEDER, L.L.P.

ATTORNEYS AT LAW

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Nicholas H. Patton  
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Robert W. Schroeder III  
Kurt Truelove  
Geoff Culbertson  
Carly Slack Anderson

*Nicholas H. Patton  
nickpatton@texarkanalaw.com*

August 25, 2009

Mr. David Maland  
United States District Clerk  
211 W. Ferguson Street  
Tyler, Texas 75702

Re: Albritton v. Cisco  
No. 6:08cv89

Dear Mr. Maland:

Attached hereto is a subpoena for your attendance at the trial of the above referenced matter. We will seek testimony regarding the following:

- 1) Topics included in Cisco's subpoena for which you have agreed to provide trial testimony
- 2) whether the NEF is the official record of filing;
- 3) when a document is "filed" pursuant to local and federal rules;
- 4) whether the NEF in this case has ever been altered;
- 5) whether the clerks conspired with Eric to manufacture jurisdiction where none existed;
- 6) whether local rules prohibit or encourage attorneys and their staff to contact the clerk's office with questions about electronic filing;
- 7) whether Eric violated law, rules or local operating procedures in this case;

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One East Center  
Fayetteville, Arkansas 72701  
(479) 521-7080 (phone)  
(479) 521-7082 (fax)

4605 Texas Boulevard  
Post Office Box 5398  
Texarkana, Texas 75505-5398  
(903) 792-7080 (phone)  
(903) 792-8233 (fax)

115 North Wellington  
Suite 102  
Marshall, Texas 75670  
(903) 935-3004 (phone)

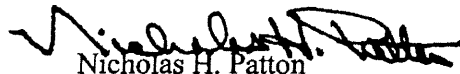
Mr. David Maland  
August 25, 2009  
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- 8) when the ESN complaint was filed;
- 9) the facts surrounding the correction of the docket entries;
- 10) the contents and interpretation of Local Rule CV-5;
- 11) the contents and purpose of your letter to the Texas Lawyer;
- 12) the electronic filing system in effect in October of 2007 and as amended; and
- 13) the National Model Rules for electronic filing.
- 14) The information contained in a document on the Eastern District of Texas's website entitled "How to Electronically File a New Case", revised Nov. 28, 2006, attached hereto, and information concerning whether that document was publically available on the court's website on October 17-19, 2007.

Should you have any objections to testifying with regard to the above topics, please advise me of the same.

Sincerely,

  
Nicholas H. Patton

NHP/ml

cc: Thomas E. Gibson, AUSA  
Bob Wells, AUSA  
Chip Babcock  
Crystal Parker

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To: David J. Maland, 211 W. Ferguson, Tyler, Texas 75702

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Date: 08/25/2009

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Handwritten signature of Eric Albritton, Attorney's signature

The name, address, e-mail, and telephone number of the attorney representing (name of party) Eric Albritton, who issues or requests this subpoena, are:

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