

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISIONS**

ERIC M. ALBRITTON,

Plaintiff

v.

**CISCO SYSTEMS, INC. and
RICHARD FRENKEL.**

Defendants

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No. 6:08cv00089

DEFENDANTS' ADMITTED EXHIBITS

Defendant Exhibit No.	DESCRIPTION	Admitted
1	10/17/2007 Patent Troll Tracker Article (MSJ Exhibit No. F)	✓
5	10/12/2007 Email from Eric M. Albritton to Amie J. Mathis Bates No. EMA 0862 (Mathis Deposition Exhibit No. 5)	✓
6	10/15/2007 Email from Rhonda Lafitte to Amie J. Mathis Bates Nos. EMA 1492 – 1493 (Mathis Deposition Exhibit No. 6)	✓
8	10/15/2007 Email from Amie Mathis to newcasetxk@txed.uscourts.gov Bates No. EMA 1407 (Mathis Deposition Exhibit No. 8)	✓

Defendant Exhibit No.	DESCRIPTION	Admitted
9	10/18/2007 Patent Troll Tracker Article	✓
10	10/16/2007 Email from paygovadmin@mail.doc.twai.gov to Amie J. Mathis Bates No. EMA 1564 (Mathis Deposition Exhibit No. 10)	✓
11	02/23/2008 Patent Troll Tracker Article “Blogger, Revealed” Bates Nos. FRENKEL.000062 - 000064	✓
13	10/16/2007 Email from Amie J. Mathis to PMCANDREWS@mcandrews-ip.com Bates Nos. EMA 1409 – 1411 (Mathis Deposition Exhibit No. 13)	✓
14	03/14/2008 Email from Eric M. Albritton to Amie J. Mathis Bates Nos. EMA 0857 – 0858 (Mathis Deposition Exhibit No. 14)	✓
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	✓
16	10/17/1007 Email from PMCANDREWS@mcandrews-ip.com to Eric M. Albritton Bates Nos. EMA 1008 – 1009 (Mathis Deposition Exhibit No. 16)	✓

Defendant Exhibit No.	DESCRIPTION	Admitted
17	01/30/2008 Email from Amie J. Mathis to Eric M. Albritton Bates Nos. EMA 1222 (Mathis Deposition Exhibit No. 17)	✓
21	10/15/2007 Notice of Electronic Filing Bates Nos. CISCO.000088 – 89 (Mathis Deposition Exhibit No. 21)	✓
21A	10/15/2007 Civil Cover Sheet in ESN, LLC v. Cisco Systems, Inc. et al Bates No. CISCO.000090 (Mathis Deposition Exhibit No. 21)	✓
21B	10/15/1007 Complaint for Patent Infringement in ESN, LLC v. Cisco Systems, Inc., et al Bates Nos. CISCO.000091 – 000164 (Mathis Deposition Exhibit No. 21)	✓
21C	10/15/2007 Civil Docket for Case #5:07-cv-00156-DF-CMC Bates Nos. CISCO.000240 – 000241 (Mathis Deposition Exhibit No. 21)	✓
22	10/16/2007 Patently O Bates Nos. CISCO.000002 – 000087 (Albritton Deposition Exhibit No. 22)	✓ (with stipulated modifications)
24	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.000165 – 000239 and CISCO.000242 – 000243 (Mathis Deposition Exhibit No. 24)	✓

Defendant Exhibit No.	DESCRIPTION	Admitted
25	<p>10/16/2007 Email from Paul McAndrews to Amie J. Mathis, Eric M. Albritton, Pmcandrews@mcandrewsip.com; twimbiscus@mcandrewsip.com; gmcandrews@mcandrewsip.com; pwmcandrews@mcandrewsip.com</p> <p>Bates Nos. EMA 0941 – 0989</p> <p>(Mathis Deposition Exhibit No. 25)</p>	✓
26	<p>10/16/2007 Email from Eric M. Albritton to T. John Ward, Jr.</p> <p>Bates No. EMA 0990</p> <p>(Albritton Deposition Exhibit No. 26)</p>	✓
28	<p>10/17/2007 Email from Johnny Ward to Eric M. Albritton</p> <p>Bates No. EMA 0991 - 0992</p> <p>(Albritton Deposition Exhibit No. 28)</p>	✓
28A	<p>Redlined First amended Complaint for Patent Infringement in ESN, LLC v. Cisco Systems, Inc., et al, C. A. No. 5:07-cv-156-DF-CMC</p> <p>Bates Nos. EMA 0993 - 0999</p>	✓
29	<p>10/17/2007 Email from Amie J. Mathis to Eric M. Albritton</p> <p>Bates No. EMA 1005</p> <p>(Mathis Deposition Exhibit No. 29)</p>	✓
30	<p>10/17/2007 Email from Pete McAndrews to Amie J. Mathis</p> <p>Bates Nos. EMA 1006 – 1007</p> <p>(McAndrews Deposition Exhibit No. 30)</p>	✓
37	<p>02/25/2008 Email from Pete McAndrews to Eric M. Albritton</p> <p>Bates No. EMA 1363</p> <p>(McAndrews Deposition Exhibit No. 37)</p>	✓

Defendant Exhibit No.	DESCRIPTION	Admitted
39	03/09/2008 Email from Pete McAndrews to Eric M. Albritton and T. John Ward, Jr. Bates No. EMA 1365 (Albritton Deposition Exhibit No. 39)	✓
62	Information from Albritton Law Firm www.emafirm.com Bates Nos. JW.000129 – 000135 (Albritton Deposition Exhibit No. 62)	✓
63	Information from lawyers.com regarding Albritton Law Firm Bates Nos. JW.000136 – 000137	✓
81	03/17/2008 Texas Lawyer article entitled Patent Attorneys Sue Cisco systems, Blogger, Alleging Defamation Bates Nos. JW.000049 – 000051 (Maland Deposition Exhibit No. 81)	✓
85	10/15/2007 Email confirming opening shell case to Amie J. Mathis (Maland Deposition Exhibit No. 85)	✓
86	10/18/2007 Email thread between Shelley Moore and David Maland (Maland Deposition Exhibit No. 86)	✓
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)	✓

Defendant Exhibit No.	DESCRIPTION	Admitted
93	10/03/2008 Email thread between David Provines and the Help Desk (Maland Deposition Exhibit No. 93)	✓
94	10/03/2008 Email thread between David Provines and the Help Desk (Maland Deposition Exhibit No. 94)	✓
96	11/15/2006 How to Electronically File a New Case – Texas Eastern District Court (Revised November 15, 2006) (Maland Deposition Exhibit No. 96)	✓
99	Docket Sheet for ESN LLC v. Cisco Systems, Inc. et al as of 10/01/2008 (Maland Deposition Exhibit No. 99)	✓
100	03/13/2008 Email from Peggy Thompson to David Maland (Maland Deposition Exhibit No. 100)	✓
102	10/01/2008 System Transactions for 1/1/1970 – 10/1/2008 (Maland Deposition Exhibit No. 102)	✓
111	10/15/2007 Civil Docket for ESN LLC v. Cisco Systems, Inc. et al (Maland Deposition Exhibit No. 111)	✓

Defendant Exhibit No.	DESCRIPTION	Admitted
114	10/15/2007 Email thread between Amie J. Mathis and Rhonda Lafitte (Lafitte Deposition Exhibit No. 114)	✓
115	10/18/2007 Email thread between Shelley Moore and David Maland (Moore Deposition Exhibit No. 115)	✓
117	10/31/2008 printout of Civil Docket for ESN LLC v. Cisco Systems, Inc. et al (Wilson Deposition Exhibit No. 117)	✓
118	10/03/2008 Email thread between David Provines and the Help Desk (Provines Deposition Exhibit No. 118)	✓
123	04/07/2008 Letter to Mark Chandler from George P. McAndrews (McAndrews Deposition Exhibit No. 123)	✓
124	10/15/2007 Email from Peter McAndrews to Eric M. Albritton Bates Nos. EMA 0863 – 0864 (McAndrews Deposition Exhibit No. 124)	✓
125	10/15/2007 Email from Peter McAndrews to Eric M. Albritton Bates No. EMA 0865 (McAndrews Deposition Exhibit No. 125)	✓

Defendant Exhibit No.	DESCRIPTION	Admitted
127	10/17/2007 Email thread between Peter McAndrews and Eric M. Albritton Bates Nos. EMA 1010 - 1011 (McAndrews Deposition Exhibit No. 127)	✓
141	10/19/2007 Gmail from Michael Smith to Patent Troll Bates No. FRENKEL2.000003 (Smith Deposition Exhibit No. 141)	✓
144	10/29/2007 Gmail from Michael Smith to Patent Troll Bates Nos. FRENKEL2.000008 - 000009	✓
159M	03/14/2008 Email from Michael C. Smith to John Ward, Jr. and Eric Albritton (Smith Deposition Exhibit No. 159M)	✓ with ordered redactions
161	10/18/2007 Patent Troll Tracker Article (Smith Deposition Exhibit No. 161)	✓
162	11/07/2007 Patent Troll Tracker Bates Nos. FRENKEL.000055 – 000061 (MSJ Exhibit No. L)	✓
163	6/29/2008 Texarkana Gazette article entitled “Texarkana, Longview lawyers file lawsuit against California blogger saying he libeled them (MSJ Exhibit No. 23)	✓

Defendant Exhibit No.	DESCRIPTION	Admitted
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)	✓
185	Civil Docket for Case #5:08-cv-00020-DF, ESN LLC v. Cisco Systems, Inc. et al Bates Nos. JW3.000044 – 000054	✓
188	10/18/2007 Email from Michael Barclay to trolltracker@gmail.com Bates Nos. FRENKEL.000012 - 000016	✓
189	10/18/2007 Email from jdsfj jfsk to trolltracker@gmail.com Bates No. FRENKEL.00002	✓
190	10/18/2007 Email from Anonymous to trolltracker@gmail.com Bates No. FRENKEL2.000027	✓
191	10/17/2007 Email from Anonymous to trolltracker@gmail.com Bates No. FRENKEL.00001	✓
193	03/12/2008 Patently O article entitled "Troll Tracker, Defamation, and Splitting the Bar" Bates JW.000010 – 000024	✓

Defendant Exhibit No.	DESCRIPTION	Admitted
213	03/17/2008 Law.Com article entitled "Patent Attorneys Sue Cisco and Blogging In-House Lawyer for Defamation" Bates Nos. JW.000113 – 000115	✓
219	03/13/2008 The Wall Street Journal article entitled "Revealed Patent Blogger, and Employer, Sued for Defamation" Bates Nos. JW.000126 – 000128	✓ with ordered redactions
227	Troll Tracker Sitemeter reports Bates Nos. FRENKEL2.000059 – 000072	✓
228	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	✓ with ordered redactions
230	03/14/2008 Email from Eric M. Albritton to Amie J. Mathis Bates No. EMA 0856	✓
253	03/14/2008 Email from Amie J. Mathis to Eric M. Albritton Bates No. EMA 1396 – 1397	✓