EXHIBIT 5

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From: Eric M. Albritton
Sent: Friday, March 14, 2008 2:53 PM
To: Amie J. Mathis
Subject: RE: Fwd: 5:07cv156 ESN LLC v. Cisco Systems, Inc.

EXHIBIT NO. 14

Thx. You done good. I appreciate you.

-----Original Message-----
From: Amie J. Mathis <ajc@emafirm.com>
Sent: Friday, March 14, 2008 7:39 PM
To: Eric M. Albritton <ema@emafirm.com>
Subject: RE: Fwd: 5:07cv156 ESN LLC v. Cisco Systems, Inc.

Here is what the email says...

Attached for your information are (1) docket sheet for the patent infringement case above; (2) Notice of Electronic Filing ("NEF") for the civil complaint and exhibits filed 10/16/2007; and (3) computer-generated systems transaction log for the case above that reflects all database transactions in the case. I am writing to clarify and correct information given to you over the phone yesterday. Here are the facts, as I understand them:

The Texarkana clerk's office opened a "shell case" at the request of Mr. Eric Albritton's law firm (Albritton was lead counsel for the plaintiff) at 4:21 p.m. on Wednesday, October 15, 2007 (see circled item, page 1, systems transaction log)(note: the systems transaction log is incapable of being altered by the clerk's office). Plaintiff's counsel indicated that it was important that they file their complaint at the earliest possible juncture on the following day.

According to my staff, Amy, an employee of Mr. Albritton's firm, logged in to the CM/ECF database late on Wednesday, October 15, 2007. She assembled the electronic complaint and accompanying documents for filing before midnight. In the process of preparing this filing, docket entry text was automatically generated by the CM/ECF system that reflected the filing date as October 15th, since Amy had composed the docket entry before midnight. At 12:02 a.m. on the 16th, Amy electronically filed the complaint and accompanying documents from her computer. This is reflected in the NEF, which states that plaintiff's complaint and exhibits were electronically entered at 12:01 a.m. on Thursday, October 16, 2007 and filed on October 15, 2007 (see circled item, page one of the NEF). The NEF is a computer-generated, encrypted document that is incapable of being altered. The NEF, however, also clearly reflects in the sections marked "document stamp" that the complaint and attachments were electronically filed on October 16th (see smaller circled items on pages 1 and 2 of the NEF).

On or about Thursday, October 17, 2007, Amy contacted the Texarkana clerk's office and expressed concern that the docket sheet reflected October 15th as the date the complaint was filed. She wanted the clerk's office to change the date to October 16th, because she had waited to file the complaint until after midnight on the 16th. The Texarkana deputy clerk was reluctant to change the date, and referred Amy to the Tyler clerk's office.

Amy made the same request of the Tyler deputy clerk. The Tyler deputy clerk determined that, in order to electronically file the complaint on the 16th, Amy would have had to initiate the filing process after midnight. Since she initiated the process before midnight, the computer calculated the filed date as of the 15th. Under the circumstances, the Tyler docket clerk agreed to modify the date filed for the complaint on the docket sheet to reflect October 16th as the actual filed date for the complaint. At 4:43 p.m. on October 17th, the Tyler docket clerk changed the date filed for the complaint from October 15th to October 16th (see circled items on pages 2 and 3, systems transaction log). I was aware of this situation at the time it occurred. Hindsight being 20-20, I should have instructed the Tyler docket clerk to tell Mr. Albritton to file a motion to correct the docket report rather than having the deputy clerk do a correcting entry.

Please adjust your story on this to reflect the correct chain of events, and call me if you have any questions.

The chain is right. I talked to Texarakana and then I talked to David Provines and then the they were suppose to transfer me to David Maland but he was out and I was given to Peggy Thompson. I explained to each of them that the document had to be filed on October 16, 2007. I filed the document at 12:01 on October 16, 2007, but the docket was showing it was filed on October 15, 2007. And we need to find out why it was stating two different dates and what need to be done so that it would show the correct date to the October 16, 2007. They did state that I was in the system before midnight on October 15 and that was why it was saying October 15. I said that we had filed lots of stuff before and the time that you entered the system was never the time that show up once the document was filed.

Yours very truly,

Amie J. Mathis
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-----Original Message-----
From: Eric M. Albritton
Sent: Friday, March 14, 2008 12:37 PM
To: Amie J. Mathis
Subject: FW: Fwd: 5:07cv156 ESN LLC v. Cisco Systems, Inc.

Is this right?