

EXHIBIT 17

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

ERIC M. ALBRITTON,)
Plaintiff,)
VS.)
CISCO SYSTEMS, INC.,)
RICK FRENKEL, MALLUN YEN &)
JOHN NOH,)
Defendants.)

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

CERTIFIED COPY

ORAL AND VIDEOTAPED DEPOSITION OF
LOUIS BRUCCELERI
NOVEMBER 10, 2008

ORAL AND VIDEOTAPED DEPOSITION of LOUIS

BRUCCELERI, produced as a witness at the instance of the Defendants, and duly sworn, was taken in the above-styled and numbered cause on the 10th of November, 2008, from 12:51 p.m. to 1:12 p.m., before Kathy Genung, a court reporter, and a notary public in and for the State of Texas, reported by machine shorthand, at the offices of Jackson Walker, 1401 McKinney, Suite 2000, Houston, Texas 77010, pursuant to the Federal Rules of Civil Procedure, notice, and the provisions stated on the record or attached hereto.

1 THE VIDEOGRAPHER: Here begins the
2 videotape deposition of Louis Bruccleri, in the matter
3 of Eric M. Albritton versus Cisco Systems, Inc., et al,
4 Case Number 6:08-CV-00089. Today's date is
5 November 10th, 2008. The time on the video monitor is
6 12:52. The video operator today is Jim Hanna,
7 representing West Court Reporting Service. The court
8 reporter is Kathy Genung of HG Litigation Services,
9 reporting on behalf of West Court Reporting Service.
10 Today's deposition is being taken on behalf of the
11 defendant and is taking place at Jackson Walker,
12 1401 McKinney, Houston, Texas. Counsel, please introduce
13 yourselves and state whom you represent after which will
14 the court reporter please swear the witness.

15 MR. PATTON: I'm Nick Patton. I represent
16 the plaintiff, Eric Albritton.

17 MS. HAMILTON: Nancy Hamilton on behalf of
18 the defendants.

19 (The witness was sworn)

20 LOUIS BRUCCELERI,
21 called as a witness, testified as follows:

22 EXAMINATION

23 BY MS. HAMILTON:

24 Q. Would you state your name for the record,
25 please?

1 A. Louis Bruccleri.

2 Q. And, Mr. Bruccleri, you are here -- appearing
3 here today for your deposition pursuant to a subpoena,
4 are you not?

5 A. Correct.

6 Q. Okay. And let me hand you a copy of that
7 subpoena and ask you if you've seen that previously?

8 A. It sure looks like it, yeah.

9 Q. Okay. And although I guess the date is for
10 November 4th, that date was rearranged to today's date of
11 November 10th by agreement?

12 A. That is my understanding, correct.

13 Q. Okay. What is your employment?

14 A. I'm an attorney at a law firm that's Wong,
15 Cabello, Lutsch, Rutherford & Bruccleri, I think, is the
16 full name.

17 Q. Okay. And where is it located?

18 A. In Houston, but on the far northwest side. It's
19 not downtown.

20 Q. Okay. And if you would briefly give me your --
21 what type of law practice?

22 A. I'm pretty much a patent attorney. I mean, I
23 guess, theoretically, I do all intellectual property;
24 but, you know, 98 percent of my work are patents. I do
25 some patent prosecution. And I can explain that, if

1 Q. Okay.

2 A. -- you know, it's Marshall for now.

3 Q. Okay.

4 A. Yeah.

5 Q. All right. I guess, you know, you've been
6 identified as someone with knowledge of Mr. Albritton's
7 reputation. And I think you've touched on that, but --
8 but, you know, what is your knowledge of his reputation?

9 A. So among -- among the folks that I'm close with
10 and work with, he's got a stellar reputation.

11 Q. Okay.

12 A. He's a go-to guy.

13 Q. And do you have any opinion or knowledge of his
14 integrity?

15 A. So -- Only through my experiences. And I would
16 say it's impeccable. I could convey, you know,
17 anecdotally, he -- he is a guy that reins -- when I say
18 us in, I would consider myself as general counsel as
19 opposed to local. And not that we would ever
20 intentionally do things that were kind of cute as opposed
21 to perfectly professionally; but if it even smells like
22 that, you know, Eric will put you in your place and make
23 sure you don't do it on anything he's working on, anyway.

24 Q. Okay. And so has -- And that's your opinion of
25 his reputation today?

1 A. Correct.

2 Q. Okay. And has his reputation changed, in your
3 mind, from the time when you first got to know him till
4 today?

5 A. No.

6 Q. Okay. Would you ever refer a case to him?

7 A. Yes.

8 Q. Okay. Have you referred any cases to him?

9 A. Yes.

10 Q. And how many?

11 A. Well, I don't do a lot of litigation.

12 Q. Okay.

13 A. But since I met him, I'm pretty sure every case
14 I've had in East Texas, which might be between four and
15 seven or eight, but probably closer to four. But I'd
16 have to count them up, because sometimes there's multiple
17 filings in a similar case.

18 Q. Okay. Have you had any discussions with anyone
19 at Cisco about Mr. Albritton?

20 A. No. You know, Mallun Yen and I had a
21 conversation where we touched on the Troll Tracker topic,
22 but we didn't talk about Eric and -- and we didn't talk
23 in any detail.

24 Q. And what -- what was it that you touched on with
25 Troll Tracker?

1 THE STATE OF TEXAS)
2)
3 COUNTY OF FORT BEND)

4 I, a court reporter, and a notary public in and
5 for the State of Texas, do hereby certify that the
6 matters set forth in the caption to the foregoing
7 deposition are true and correct; that the witness
8 appeared before me at the time and place set forth; that
9 said witness was first duly sworn to tell the truth, and
10 thereupon proceeded to testify in said cause; that the
11 questions of counsel and the answers of the said witness
12 were taken down in shorthand by me and thereafter reduced
13 to typewriting under my direction; and that the foregoing
14 pages comprise a true, correct and complete transcript of
15 the testimony given and the proceedings had during the
16 taking of said deposition.

17 I further certify that I am not counsel,
18 attorney or relative of either party, or otherwise
19 interested in the event of this suit.

20 GIVEN UNDER MY HAND AND SEAL OF OFFICE on this
21 the 10th day of November A.D. 2008.

22
23 
24 My Commission Kathy Genung, Notary Public in and
25 Exp. 10/10/2009 for the State of Texas