

Issued by the  
UNITED STATES DISTRICT COURT

CENTRAL DIVISION - WESTERN DISTRICT DISTRICT OF MISSOURI

SUBPOENA IN A CIVIL CASE

V.

Case Number:<sup>1</sup>

TO: DENNIS CROUCH  
University of Missouri School of Law  
309 Hulston Hall  
Columbia, Missouri 65211

YOU ARE COMMANDED to appear in the United States District court at the place, date, and time specified below testify in the above case.

PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION	DATE AND TIME
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YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

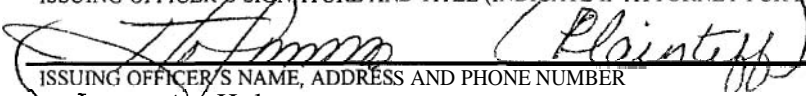
See Exhibit A.

PLACE	DATE AND TIME
The Law Office of James A. Holmes 605 S. Main, Suite 203, Henderson, Texas 75654	September 5, 2008

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
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Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR	DATE
 (Plaintiff)	8/5/08

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER  
James A. Holmes  
605 S. Main, Suite 203  
Henderson, Texas 75654  
(903) 657-2800

(See Rule 45. Federal Rules of Civil Procedure, Parts C & D on next page)

<sup>1</sup> If action is pending in district other than district of issuance, state district under case number

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PROOF OF SERVICE

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DATE

PLACE

SERVED

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SERVED ON (PRINT NAME)

MANNER OF SERVICE

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SERVED BY (PRINT NAME)

TITLE

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DECLARATION OF SERVER

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I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

\_\_\_\_\_ DATE

\_\_\_\_\_ SIGNATURE OF SERVER

\_\_\_\_\_ ADDRESS OF SERVER

\_\_\_\_\_

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**DEFINITIONS & INSTRUCTIONS**

1. "YOU", "YOUR or "YOURS" refers to DENNIS CROUCH, Individually and sub. *nom.* "Patently O" ("CROUCH"), including, without limitation, all of their locations and all predecessors, subsidiaries, parents & affiliates and all past or present directors, officers, partners, associates, employees, staff members, agents, representatives, consultants, attorneys, and entities acting in joint-venture, affiliation, partnership or business relationship with CROUCH and others acting on behalf of CROUCH.
  
2. The term "DOCUMENT" is used herein in this broadest sense under the Federal Rules of Civil Procedure and applicable case law and includes all tangible things, all originals (or, if originals are not available, identical copies thereof), archives, all non-identical copies of all documents, all drafts of final documents, all other written, printed, or recorded matter of any kind and all other data compilations from which information can be obtained that are or have been in your actual or constructive possession or control, regardless of the medium on which they are produced, reproduced or stored (including with limitation computer programs and files containing any requested information), and any recording or writing as these terms are defined in Rule 1001 of the Federal Rules of Evidence. Any document bearing marks, including without limitation initials, stamped initials, comments, or notations not part of the original text or photographic reproduction thereof is a separate document.
  
3. The terms "REFER or "RELATE" or any variant thereof include, but are not limited to, the following meanings: pertaining to, analyzing, assessing, compromising, concerning, containing, constituting, discussing establishing, mentioning, containing, evidencing, describing, displaying, showing, identifying, including, recording, reflecting, stating,



proving, disproving, consisting of, supporting, contradicting, in any way legally, logically, or factually connected with the matters referenced, or having tendency to prove or disapprove any matter referenced.

4. The term "COMMUNICATION" or any variant thereof means any contact between or among two or more persons and shall include, without limitation, written contact by means such as letters, memoranda, telegrams, telecopies, telexes, e-mail or any other document; and any writings memorializing any oral contact such as face to face meetings or telephone conversations.
5. The term "THE BLOGS" shall mean the internet message boards and blog sites found at [www.trolltracker.blogspot.com](http://www.trolltracker.blogspot.com) (a/k/a the "TrollTracker") and [www.patentlyo.com](http://www.patentlyo.com) (a/k/a "Patently O)."

### **DOCUMENTS REQUESTED**

1. All DOCUMENTS REFERRING or RELATING to COMMUNICATIONS between YOU and (1) RICHARD FRENKEL a/k/a "The TrollTracker," (2) any partner, associate or employee of Baker Botts, L.L.P., (3) MALLUN YEN, (4) JOHN NOH, (5) Mark Chandler, (6) CISCO SYSTEMS, INC., or (7) THE BLOGS regarding (1) the integrity, reputation or ability of ERIC M. ALBFUTTON; (2) the filing of Civil Action No. 5:07-CV-00156, styled *ESN, LLC v. Cisco Systems, Inc.*, in the United States District Court for the Eastern District of Texas; or (3) the October 16-17, 2007 postings on [www.trolltracker.blogspot.com](http://www.trolltracker.blogspot.com).
2. All DOCUMENTS REFERRING or RELATING to comments, emails, COMMUNICATIONS or responses to THE BLOGS regarding (1) the integrity, reputation or ability of EIUC M. ALBIUTTON; (2) the filing of Civil Action No. 5:07-CV-00156, styled *ESN, LLC v. Cisco Systems, Inc.*, in the United States District Court for the Eastern District of Texas; or (3) the October 16-17, 2007 postings on [www.trolltracker.blogspot.com](http://www.trolltracker.blogspot.com).
3. All DOCUMENTS REFERRING or RELATING to the establishment, creation, maintenance or financial support of THE BLOGS.