

# EXHIBIT

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**From:** Golob, Barry [BGolob@duanemorris.com]  
**Sent:** Thursday, January 18, 2007 4:44 PM  
**To:** Seitz, Adam P. (SHB)  
**Cc:** McPherson, Patrick D.; McPhail, Donald R.; Baird, John M.; Golob, Barry  
**Subject:** Outstanding Issues --

Adam:

We need to know if Mr. Wicker is available the first part of the week of Feb. 5, to be followed by a Sprint witness(es) on topics contained in Vonage's first Rule 30(b)(6) notice. I believe your issue regarding Vonage's noninfringement contentions was addressed in Don McPhail's letter to you yesterday.

As we discussed today, your offer to provide only the search terms you used that resulted in the identification of responsive documents, but not provide search terms that did not locate responsive documents, is unacceptable. Based on our conversations, you have been able to locate responsive documents that we have requested once we point out to you that they should exist, i.e., communications with Mr. Christie's estate, the Cisco, Tellabs and other agreements, third-party agreements (Kamali), etc. As to any search terms that you do not want to produce, we will need an explanation of why before we can agree to such a request. Absent such an agreement, we will not withdraw our motion to compel.

As to Sprint's document production, we still do not have the bulk of the 45,000 "missing" pages. Can you check with your vendor on the progress, as we have only received a small portion of these documents.

As we also discussed, we need the documents that are responsive to Request Nos. 33-36 and 39-40. I understand that some of the agreements require you to first provide notice and/or obtain permission before production, i.e., Cisco. But as I explained, we need these documents before we can take the deposition of Sprint witness(es) on topics contained in Vonage's second Rule 30(b)(6) notice. As to the documents relating to MSO/Cable/VoIP telephony providers, we are limiting the request to the contracts, business and strategic plans, actual and expected financial information (annual data dating back to 2001), including revenues, costs (e.g., cost of goods sold, operating expenses, capital expenditures), profits (e.g., gross profit, operating profit and net profit) and number of customers. We also discussed dates for this deposition, and you believe that Feb. 6 and 7 will work. I will get back to you shortly on these dates. I will also let you know, hopefully by tomorrow, what categories of the 2nd notice we want to proceed with first.

We are working on a date for Mr. Citron's deposition, and you agreed to hold Feb. 15 for this deposition.

As to your request for a witness for categories 17, 20, 21 and 23 of Sprint's first Rule 30(b)(6) notice (served 9/8/06):

category 17: see Don McPhail's letter yesterday, see Vonage's response to Interrogatory 3

category 20: privileged

category 21: privileged

category 23: asked by Mr. Strand of Mr. Rego, see pp. 266-70.

1/24/2007

Barry

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1/24/2007