

# EXHIBIT

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February 13, 2007

**VIA EMAIL**

Adam P. Seitz  
Shook, Hardy & Bacon LLP  
2555 Grand Boulevard  
Kansas City, MO 64108

**Re:** *Sprint Communications Company L.P. v. Vonage Holdings Corp.  
and Vonage America, Inc.*, Case No. 05-2433-JWL  
Our Reference: Y2108-00079  
Your Reference: SPRI.116441

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Dear Adam,

We are writing in response to your letter dated February 9, 2007, regarding my letter of February 8 concerning Vonage's willfulness contentions. In response to your request, Vonage states the following:

- 1) Vonage is not asserting a written opinion of counsel as a defense to Sprint's allegations of willful infringement.
- 2) Vonage is not asserting any defense to Sprint's allegations of willful infringement that would involve a waiver of the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege or immunity.

We hope that this letter finally resolves this issue. If you have any questions, or would like to discuss this further, please do not hesitate to contact me.

Very truly yours,

  
Donald R. McPhail

DRM/ego