

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

SPRINT COMMUNICATIONS COMPANY L.P.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 05-2433-JWL
)	
VONAGE HOLDINGS CORP.,)	
VONAGE AMERICA, INC.,)	
)	
Defendants.)	

**PLAINTIFF SPRINT COMMUNICATIONS COMPANY L.P.’S
MOTION FOR LEAVE TO FILE A SUR-REPLY TO VONAGE’S REPLY IN SUPPORT
OF ITS MOTION SEEKING LEAVE TO AMEND**

Plaintiff Sprint Communications Company L.P. (“Sprint”) respectfully moves for leave to file a sur-reply to Defendants Vonage America, Inc. and Vonage Holdings Corp.’s Motion Seeking Leave to Amend Their Respective Answers, Affirmative Defenses and Counterclaims Pursuant to Fed. R. Civ. P. 15. Sprint’s proposed Sur-reply is attached hereto as Exhibit A.

Leave to file a sur-reply may be granted when a party “improperly raises new arguments in a reply.” *Pehr v. Rubbermaid, Inc.* 87 F.Supp. 2d 1222, 1236 (D. Kan. 2000). Vonage’s Reply raises new arguments that mischaracterizes certain evidence, including the scope and content of the 2001 and 2005 Alliance Agreements. Sprint’s Sur-reply is limited to correcting the record with respect to the inaccuracies and unsupported inferences advanced by Vonage in its Reply.

WHEREFORE, Sprint respectfully requests leave to present and file with this Court the accompanying Sur-reply addressing the foregoing issues.

Respectfully submitted,

Dated: April 23, 2007

/s/ Adam P. Seitz

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L.P.

CERTIFICATE OF SERVICE

I hereby certify that on this 23th day of April, 2007, a true and accurate copy of the above and foregoing **PLAINTIFF SPRINT COMMUNICATIONS COMPANY L.P.'S MOTION FOR LEAVE TO FILE SUR-REPLY TO VONAGE'S REPLY IN SUPPORT OF VONAGE'S MOTION FOR LEAVE TO AMEND ITS ANSWER AND COUNTERCLAIMS** was e-filed with the Court, which sent notice to the following:

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/s/ Adam P. Seitz
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