

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

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

**MOTION FOR LEAVE TO FILE SURREPLY IN SUPPORT OF VONAGE HOLDINGS
CORP. AND VONAGE AMERICA, INC.'S OPPOSITION TO SPRINT
COMMUNICATIONS CO. L.P.'S MOTION TO COMPEL PRODUCTION OF A
PRIVILEGE LOG**

Defendants Vonage Holdings Corp. and Vonage America, Inc. (collectively, “Vonage”) respectfully moves to file a brief in surreply to Sprint’s Motion to Compel Production of a Privilege Log to address certain misleading points of fact and law addressed by Sprint in its April 17, 2007 reply in support of its motion. Vonage’s proposed submission is attached as Exhibit “1.”

Leave to file a surreply may be granted when a reply in support of a motion “could be construed to raise new arguments.” Zwygart v. Bd. of County Comm’rs, 412 F. Supp. 2d 1193, 1194 (D. Kan. 2006).

Sprint’s Reply raises new arguments that mischaracterize certain evidence, including the scope and sufficiency of Vonage’s privilege log and, by implication, Sprint’s own. Vonage’s surreply is limited to correcting the record with respect to the inaccuracies and unsupported inferences advanced by Sprint in its Reply.

WHEREFORE, Vonage respectfully requests leave to present and file with this Court the accompanying surreply addressing the foregoing issues.

Respectfully submitted,

April 27, 2007

/s/ Patrick J. Kaine

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Plaintiffs Vonage America, Inc. and Vonage
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CERTIFICATE OF SERVICE

I hereby certify on April 27, 2007, that a copy of Vonage Holdings Corp. and Vonage America, Inc.'s Surreply in Opposition to Sprint's Motion to Compel Production of a Privilege Log was filed electronically, with a notice of case activity to be generated and sent electronically by the Clerk of Court to:

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