

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.)	
_____)	

**VONAGE HOLDINGS CORP. AND VONAGE AMERICA, INC.’S MOTION SEEKING
LEAVE TO FILE TWO SEPARATE SUMMARY JUDGMENT MOTIONS WITH
ARGUMENTS AND AUTHORITIES NOT TO EXCEED SIXTY (60) PAGES IN TOTAL**

Defendants Vonage Holdings Corp. and Vonage America, Inc. (collectively “Vonage”), by their attorneys, hereby move this Court for an Order for relief from the Local Civil Rule limiting the parties to a single summary judgment motion of thirty (30) pages in length.

Sprint asserted seven (7) different patents in this litigation and accuses Vonage of infringing sixty-one (61) separate claims. Vonage believes that many of Sprint’s claims of infringement may be decided on summary judgment. Given the sheer volume of Sprint’s claims, Vonage cannot reasonably make its arguments of its noninfringement and invalidity of the Asserted Patents in the single, thirty (30) page memorandum the Court, pursuant to Local Rule 7.1, expects.

So as to allow the parties and the Court the full benefit of the efficiencies provided by Federal Rule of Civil Procedure 56, to account for the extraordinary breadth of Sprint’s allegations, and so that the parties and the Court may address the pertinent legal issues in as logical a manner as possible, Vonage respectfully requests that the Court grant Vonage leave to

file two motions for summary judgment: one on the subject of its noninfringement of the Asserted Patents, one on the invalidity of the Asserted Patents. Vonage requests that, in support of these motions, the Court allow Vonage to submit Memoranda of law totaling sixty (60) pages in length, to be divided between the two motions, and a statement of material facts for each. Vonage also proposes it submit a single set of Exhibits in support of these motions.

Vonage has discussed this proposal with Sprint and suggested the parties agree to mutually apply to the Court with a joint request that the parties each be allowed to file separate motions on the issues of infringement and validity, with supporting memoranda totaling 60 pages in length. Sprint rejected this proposal and Vonage anticipates Sprint will oppose this request.

In support of its motion, Vonage relies on the points of fact and law in the accompanying memorandum, which it incorporates herein by reference.

Pursuant to the Court's scheduling order, dispositive motions are due May 15, 2007. To allow the parties to suit their filings to any order from the Court in response to this motion, Vonage respectfully submits that it may be appropriate to extend the deadline for dispositive motions by one (1) week, in order to allow the parties to adjust their briefing and arguments accordingly.

Vonage thus respectfully requests expedited consideration of this motion, and oral argument by telephone, at the Court's earliest convenience.

Respectfully submitted,

May 10, 2007

/s/ Patrick J. Kaine

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CERTIFICATE OF SERVICE

I hereby certify on May 10, 2007, that a copy of Vonage Holdings Corp. and Vonage America, Inc.'s Motion for Leave to File Two Separate Summary Judgment Motions with Arguments and Authorities Not to Exceed Sixty (60) Pages in Total, and supporting papers, 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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