

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

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

AFFIDAVIT OF DONALD R. McPHAIL, ESQ.

CITY OF WASHINGTON
DISTRICT OF COLUMBIA
)
) ss.
)

I, Donald R. McPhail, Esquire, being of full age and duly sworn according to law, depose and say:

1. I am a partner in the law firm of Duane Morris, LLP, 1667 K. Street, N.W., Washington, DC 20006-1608, and counsel of record to Defendants Vonage Holdings Corp. and Vonage America, Inc. (collectively, "Vonage") in this matter.

2. I submit this affidavit in support of Vonage's opposition to Plaintiff Sprint's Motion for Partial Summary Judgment (Sprint's "Motion"), and for the purpose of offering the exhibits thereto.

3. All references to exhibits made in Vonage's Memorandum in Opposition to Sprint's Motion, unless otherwise noted, are to the exhibits attached here.

4. Attached as Exhibit "A" is a true and correct copy of excerpts of the transcript of the April 28, 2006 deposition of Michael J. Setter.

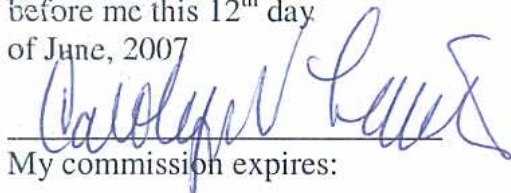
5. Attached as Exhibit "B" is a true and correct copy of Sprint's responses to defendant Vonage Holdings First Set of Interrogatories.
6. Attached as Exhibit "C" is a true and correct copy of Sprint's First Supplemental Responses to defendant Vonage Holdings' Interrogatory Nos. 4, 6, 8, 9, and 10.
7. Attached as Exhibit "D" is a true and correct copy of Sprint's Second Supplemental Responses to defendant Vonage Holdings' First Set of Interrogatories (Nos. 4, 6, 8, 9, and 10).
8. Attached as Exhibit "E" is a true and correct copy of Sprint's Third Supplemental Responses to defendant Vonage Holdings' First Set of Interrogatories.
9. Attached as Exhibit "F" is a true and correct copy of document Bates numbered SPRp-01-029-00001 from Sprint's production of documents.
10. Attached as Exhibit "G" is a true and correct copy of document Bates numbered SPRp-01-029-00078 from Sprint's production of documents.
11. Attached as Exhibit "H" is a true and correct copy of excerpts of the transcript of the March 21, 2007 deposition of Michael J. Gardner.
12. Attached as Exhibit "I" is a true and correct copy of excerpts of the prosecution history of U.S. Patent No. 5,825,780.
13. Attached as Exhibit "J" is a true and correct copy of excerpts of the prosecution history of U.S. Patent No. 6,643,282.
14. Attached as Exhibit "K" is a true and correct copy of a spreadsheet listing U.S. patent applications by Joseph Michael Christie examined by Ajit Patel.
15. Attached as Exhibit "L" is a true and correct copy of a spreadsheet listing the continuation applications Sprint filed from U.S. Patent No. 5,825,780.

16. Attached as Exhibit "M" is a true and correct copy of a spreadsheet listing the continuation applications Sprint filed from U.S. Patent No. 5,991,301.
17. Attached as Exhibit "N" is a true and correct copy of excerpts of the prosecution history of U.S. Patent No. 6,452,932.
18. Attached as Exhibit "O" is a true and correct copy of excerpts of the prosecution history of U.S. Patent No. 6,665,294.
19. Attached as Exhibit "P" is a true and correct copy of a diagram of Sprint Asserted U.S. Patents
20. Attached as Exhibit "Q" is a true and correct copy of document Bates numbered SPRp-023-01-00061 from Sprint's production of documents.
21. Attached as Exhibit "R" is a true and correct copy of excerpts of the prosecution history of U.S. Patent No. 5,991,301.
22. Attached as Exhibit "S" is a true and correct copy of U.S. Patent No. 5,991,301.
23. Attached as Exhibit "T" is a true and correct copy of excerpts of the prosecution history of U.S. Patent 6,473,429.



Donald R. McPhail, Esq.

Sworn and subscribed
before me this 12th day
of June, 2007



My commission expires:

CAROLYN V. LEWIS
Notary Public District of Columbia
My Commission Expires April 30, 2008

CERTIFICATE OF SERVICE

I hereby certify that on June 11, 2007, a copy of Vonage Holdings Corp. and Vonage America, Inc.'s Exhibits in support of their Opposition to Plaintiff's Motion for Partial Summary Judgment, and supporting papers, was served via email on counsel of record below, and that these papers were filed under seal with the Court on June 12, 2007.

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/s/ Donald R. McPhail