

**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

**VONAGE AMERICA, INC. AND VONAGE HOLDINGS CORP.’S MOTION *IN LIMINE*  
TO PRECLUDE SPRINT’S PRE-LITIGATION LETTERS FROM EVIDENCE**

Defendants Vonage Holdings Corporation and Vonage America, Inc. (collectively, “Vonage”), move the Court *in limine* to preclude Plaintiff Sprint Communications Company L.P. (“Sprint”) from referencing at trial, or offering into evidence letters Sprint sent to Vonage and other providers of Voice-over-Internet Protocol telephony systems, prior to filing this suit, or any testimony or reference thereto, under Federal Rules of Evidence 401-403.

In support of this Motion, Vonage relies on the points and authorities in the accompanying Memorandum of Law.

Respectfully submitted,

August 17, 2007

BARBER EMERSON, L.C.  
By: s/ Terrence J. Campbell  
Terrence J. Campbell - 18377  
tcampbell@barberemerson.com  
Catherine C. Theisen - 22360  
ctheisen@barberemerson.com  
1211 Massachusetts Street  
P.O. Box 667  
Lawrence, KS 66044  
(785) 843-6600

(785) 843-8405 Facsimile

Patrick D. McPherson  
Barry Golob  
Donald R. McPhail  
Duane Morris LLP  
1667 K Street N.W.  
Washington, DC 20006-1608  
202-776-7800  
[pdmcpherson@duanemorris.com](mailto:pdmcpherson@duanemorris.com)  
[bgolob@duanemorris.com](mailto:bgolob@duanemorris.com)  
[drmcphail@duanemorris.com](mailto:drmcphail@duanemorris.com)

*Attorneys for Defendants Vonage America, Inc.  
and Vonage Holdings Corp.*

**CERTIFICATE OF SERVICE**

I hereby certify on August 17, 2007, that a copy of Vonage Holdings Corp. and Vonage America, Inc.'s Motion *in Limine* and supporting papers was filed electronically, with a notice of case activity to be generated and sent electronically by the Clerk of Court to:

B. Trent Webb  
Adam P. Seitz  
Erick A. Buresh  
Shook, Hardy & Bacon LLP  
2555 Grand Boulevard  
Kansas City, MO 64108-2613  
bwebb@shb.com  
aseitz@shb.com  
eburesh@shb.com

*Attorneys for Plaintiff  
Sprint Communications Company L.P.*

/s/ Lauren DeBruicker