

**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 COUNTER-  
DESIGNATIONS AND OBJECTIONS TO PLAINTIFF’S DESIGNATIONS OF  
DEPOSITION AND TRIAL TESTIMONY**

Pursuant to Federal Rules of Civil Procedure 26 and 32, and the orders of this Court, Defendants Vonage Holdings Corp. and Vonage America, Inc. (collectively “Vonage”), respectfully submit the following counter-designations and objections to Plaintiff Sprint Communications Company L.P.’s designations of deposition and trial testimony.

Vonage reserves the right to supplement its counter-designations and objections, including but not limited to the depositions of John Garcia, Ben Vos and any remaining deposition(s) of Sprint under Rule 30(b)(6).

(1) **Jeffrey Citron (March 22, 2007)**

53:2-55:21  
67:5-12  
68:15-69:10  
69:20-70:4  
73:1-10  
80:24-81:3  
87:2-13  
87:25-88:2

88:11-14  
104:8-13  
105:13-107:3  
110:1-6  
110:21-111:6  
  
113:19-114:8  
116:14-117:10  
118:16-23  
119:22-120:3  
120:19-121:10  
122:14-123:4  
123:19-124:14  
125:23-126:3  
126:21-127:4  
128:7-129:9  
130:5-131:1  
138:20-139:16  
140:20-141:2  
150:12-151:6  
153:3-155:16  
155:18-157:1  
161:5-19  
167:25-169:24  
172:14-25  
191:11-192:6  
192:19-193:12

Vonage objects to Sprint's designations to the extent that the designated testimony is hearsay, irrelevant, prejudicial, confusing, misleading, and is not based on personal and/or first hand knowledge.

(3) **Glenn S. Eisen (April 11, 2007)**

31:7-20  
34:14-19  
44:22-46  
48:5-21  
49:3-7  
50:4-20  
51:4-52:2  
53:5-16  
56:18-57:2  
58:1-4  
62:15-63:12;  
64:2-8;

64:14-65:3  
70:2-4  
70:15-71:5  
86:14-87:6  
89:19-21  
94:9-95:6  
99:2-12  
100:2-4  
101:1-19  
102:8-103:20  
108:4-109:19  
114:11-20  
124:19-125:8  
133:6-10  
134:21-136:21

Vonage objects to Sprint's designations to the extent that the designated testimony is hearsay, irrelevant, prejudicial, confusing, misleading, and is not based on personal and/or first hand knowledge.

(4) **Chakrapani Gorrepati (April 5, 2007)**

18:2-19:6  
27:17-19  
28:22-29:7  
31:16-18  
32:1-3  
32:13-18  
33:14-22  
35:21-36:12  
36:18-21  
37:7-9  
42:10-17  
44:5-11  
46:17-47:7  
50:16-20  
53:20-21  
56:5-12  
57:10-18  
67:11-17  
70:7-10  
70:15-22  
74:13-21  
75:4  
75:9  
75:15-17

87:16-22  
89:15-90:4

Vonage objects to Sprint's designations to the extent that the designated testimony is hearsay, irrelevant, prejudicial, confusing, misleading, and is not based on personal and/or first hand knowledge.

(6) **Louis A. Mamakos (April 24, 2007)**

25:12-17  
27:8-15  
28:16-22  
30:1-7  
30:12-15  
32:3-13  
33:1-11  
36:4-12  
37:11-21  
38:9-39:1  
39:6-16  
40:1  
40:11-12  
42:20-43:12  
44:12-17  
46:1-3  
46:17-21  
53:3-6  
60:8-61:3  
62:2-63:1  
64:8-11  
79:3-8  
91:13-92:6  
96:12-16  
103:12-19  
104:6-22  
105:9-106:4  
108:17-20  
109:17-110:6  
114:12-115:22  
116:10-17  
118:14-19  
119:12-120:2  
124:4-12  
129:18  
146:21-147:11  
159:12-18

168:8-17  
170:4-8  
179:11-14  
179:18-22  
182:11-18  
186:12-19  
187:11-188:2  
189:5-16  
201:11-14  
204:13-21  
211:19-213:10  
215:8-16

Vonage objects to Sprint's designations to the extent that the designated testimony is hearsay, irrelevant, prejudicial, confusing, misleading, and is not based on personal and/or first hand knowledge.

(7) **Jose Martinez (April 5, 2007)**

14:22-15:3  
26:16-27:10  
40:16-20  
53:1-7  
68:22-69:9  
74:2-19  
76:14-16  
77:8-9  
78:18-79:1  
79:10-80:10  
83:15-18  
85:21  
98:9-99:14  
99:19-100:2  
106:10-18  
107:13-20  
111:15-19  
121:9-22  
131:8-133:1  
140:22-142:15  
142:18-143:2  
146:3-8  
146:10-16  
147:5-150:9  
150:22-151:7  
151:8-152:3  
152:14-19

155:1-16  
156:2-9  
158:2-160:9  
160:11-17  
163:20-21  
167:21-169:19  
180:2-21  
182:9-12  
183:6-12  
184:5-185:5  
188:21-189:1  
197:3-17  
221:20-222:2

Vonage objects to Sprint's designations to the extent that the designated testimony is hearsay, irrelevant, prejudicial, confusing, misleading, and is not based on personal and/or first hand knowledge.

Moreover, Vonage specifically objects to the designations at page 13 line 18 through page 14 line 4 and page 14 line 7 through line 21 as this testimony is not based on first hand knowledge and is hearsay. Additionally, Vonage specifically objects to the testimony at page 53 line 9 through line 11 as confusing and misleading and not based on first hand knowledge.

(9) **Edward Mulligan (April 11, 2007)**

38:2-16  
57:12-58:8  
58:13-59:21  
60:13-61:16  
62:3-64:22  
65:1-65:3  
65:10-65:21  
67:13  
71:20-75:4  
75:14-75:15  
76:12-76:21  
77:13-82:16  
85:3-87:2  
92:22-94:5  
95:20-99:15  
100:22-101:5  
101:9-106:3  
114:4-117:19  
119:17-121:4  
121:16-121:20  
122:11-122:16

139:1-140:16  
176:2-178:20  
180:8-181:20  
183:10-190:11  
190:18-191:6  
191:13-192:8  
194.16-195:15  
196:1

Vonage objects to Sprint's designations to the extent that the designated testimony is hearsay, irrelevant, prejudicial, confusing, misleading, and is not based on personal and/or first hand knowledge.

(11) **Daniel Smires (April 5, 2007)**

27:14-28:16  
29:17-22  
30:6-8  
34:14-17

Vonage objects to Sprint's designations to the extent that the designated testimony is hearsay, irrelevant, prejudicial, confusing, misleading, and is not based on personal and/or first hand knowledge.

(12) **Michael Tribolet (May 22, 2007)**

13:6-15:14  
27:15-30:1  
32:5-34:1  
38:18-39:1  
42:18-43:12  
77:20-81:15  
95:13-95:15  
103:15-104:13  
105:1-111:1  
111:15-111:19  
125:1-125:14  
127:15-127:20  
129:6-129:13  
132:7-133:20  
163:16-164:6  
181:2-182:14  
184:18-185:3  
185:18-22  
187:9-19

Vonage objects to Sprint's designations to the extent that the designated testimony is hearsay, irrelevant, prejudicial, confusing, misleading, and is not based on personal and/or first hand knowledge.

(13) **David Wu (March 20, 2007)**

43:1-4  
48:22-49:3  
51:18-52:7  
52:14-54:15  
69:7-73:25  
75:12-83:1  
84:18-86:22  
149:13-151:7  
165:6-25  
168:16-172:13

Vonage objects to Sprint's designations to the extent that the designated testimony is hearsay, irrelevant, prejudicial, confusing, misleading, and is not based on personal and/or first hand knowledge.

(15) **Jeffrey Citron (Verizon v. Vonage, December 22, 2006),**

52:21-55:6

Vonage objects to Sprint's designations to the extent that the designated testimony is hearsay, irrelevant, prejudicial, confusing, misleading, and is not based on personal and/or first hand knowledge. Additionally, Vonage objects to the designations of witness testimony from the Verizon matter for the reasons set forth in Vonage's contemporaneously filed Motion in Limine on this issue.

(16) **Glenn Eisen (Verizon v. Vonage, October 27, 2006)**

16:22-20:5  
21:8-20  
22:2-13  
26:11-28:18  
32:16-34:12  
41:9-42:1  
42:11-42:20  
44:7-45:1  
45:6-46:17  
47:6-21



92:12-22  
94:19-22  
95:16-22  
97:3-16  
98:6-99:12  
101:5-103:3  
103:9-104:11  
107:18-20  
108:3-8  
108:17-110:11  
112:19-113:5  
121:8-122:4  
126:22-129:21  
137:5-9  
139:5-14  
142:17-144:16  
154:14-155:2  
172:1-176:3  
181:8-15  
181:22-184:1  
189:1-191:10  
192:18-194:21  
195:11-198:13  
200:12-202:3

Vonage objects to Sprint's designations to the extent that the designated testimony is hearsay, irrelevant, prejudicial, confusing, misleading, and is not based on personal and/or first hand knowledge. Additionally, Vonage objects to the designations of witness testimony from the Verizon matter for the reasons set forth in Vonage's contemporaneously filed Motion in Limine on this issue.

(17) **John C. Jarosz (Verizon v. Vonage Trial Transcript, March 5, 2007)**

1389:20 – 1390:3  
1395:16 – 1395:22  
1410:23 – 1411:4  
1412:20 – 1412:22  
1413:15 – 1414:4

Vonage objects to Sprint's designations to the extent that the designated testimony is hearsay, irrelevant, prejudicial, confusing, misleading, and is not based on personal and/or first hand knowledge. Additionally, Vonage objects to the designations of witness testimony from the Verizon matter for the reasons set forth in Vonage's contemporaneously filed Motion in Limine on this issue.

(21) **Edward Mulligan (Verizon v. Vonage, October 20, 2006)**

30:20-38:10  
39:1-40:13  
42:16-44:20  
45:11-46:14  
48:15-19  
49:19-20  
50:7-19  
53:3-56:14  
63:5-64:1  
65:6-65:13  
78:8-17  
79:6-20  
103:7-104:7  
109:1-111:4  
114:8-12  
114:20-115:2  
122:15-123:7  
159:14-166:21

Vonage objects to Sprint's designations to the extent that the designated testimony is hearsay, irrelevant, prejudicial, confusing, misleading, and is not based on personal and/or first hand knowledge. Additionally, Vonage objects to the designations of witness testimony from the Verizon matter for the reasons set forth in Vonage's contemporaneously filed Motion in Limine on this issue.

(25) **David Wu (Verizon v. Vonage, December 14, 2006)**

18:15-19:20  
25:4-26:2

Vonage objects to Sprint's designations to the extent that the designated testimony is hearsay, irrelevant, prejudicial, confusing, misleading, and is not based on personal and/or first hand knowledge. Additionally, Vonage objects to the designations of witness testimony from the Verizon matter for the reasons set forth in Vonage's contemporaneously filed Motion in Limine on this issue.

August 17, 2007

Respectfully submitted,

/s/ Catherine C. Theisen

Terrence J. Campbell - 18377

Catherine C. Theisen - 22360

BARBER EMERSON, L.C.

1211 Massachusetts Street

P.O. Box 667

Lawrence, KS 66044

(785) 843-6600

(785) 843-8405 Facsimile

tcampbell@barberemerson.com

ctheisen@barberemerson.com

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

bgolob@duanemorris.com

drmcphail@duanemorris.com

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

**CERTIFICATE OF SERVICE**

I hereby certify on August 17, 2007, that a copy of Defendants Vonage Holdings Corp. and Vonage America, Inc.'s Counter-Designations to Plaintiff's Designation of Deposition Testimony was filed and served via the Court's electronic filing system:

/s/ Catherine C. Theisen

Attorney for Defendants