

**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’S OBJECTIONS TO SPRINT’S COUNTER-DESIGNATIONS
TO VONAGE’S DESIGNATION OF DEPOSITION TESTIMONY**

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

A. VONAGE’S OBJECTIONS TO DEFENDANT’S COUNTER-DESIGNATIONS OF DEPOSITION TESTIMONY

1. Albert Duree (March 21, 2007 and March 22, 2007)

Vonage objects to the page and line counter-designation 33:19-33:22 and 34:6-34:17. This testimony is irrelevant and does not relate to any claim or defense and, therefore, is objectionable under Fed. R. Evid. 401-403 and should not be read to the jury.

Vonage objects to the page and line counter-designation 36:17-36:20 to the extent it relates to claim construction which is the province of the court and seeks a legal conclusion and opinion from a lay witness, which is improper under Fed. R. Evid. 703. The testimony can

offer no probative value to the jury and is thus objectionable under Fed. R. Evid. 401-403 and should not be read to the jury.

Vonage objects to the page and line counter-designation 40:17-41:5. This testimony is inadmissible as hearsay, and further is irrelevant and objectionable under Fed. R. Evid. 401-403 and should not be read to the jury.

Vonage objects to the page and line counter-designation 53:11-54:9. This testimony is irrelevant, calls for speculation from the witness and lacks foundation; this designation is objectionable under Fed. R. Evid. 401-403 and should not be read to the jury.

Vonage objects to the page and line counter-designation 60:16-61:2. This testimony is irrelevant, speculative and lacks foundation; this counter-designation is objectionable under Fed. R. Evid. 401-403 and should not be read to the jury.

Vonage objects to the page and line counter-designation 78:18-79:7. This testimony is irrelevant, speculative and lacks foundation; this counter-designation is objectionable under Fed. R. Evid. 401-403 and should not be read to the jury.

Vonage objects to the page and line counter-designation 93:10-93:13. This testimony is directed to the deponent's lack of knowledge of the existence of prior art, and is inadmissible pursuant to Fed. R. Evid. 706. It provides no probative value as to the existence of prior art and thus is objectionable under Fed. R. Evid. 401-403 and should not be read to the jury.

Vonage objects to the page and line counter-designation 107:19-107:20. This testimony is irrelevant, speculative and lacks foundation; this counter-designation is objectionable under Fed. R. Evid. 401-403 and should not be read to the jury.

2. William I. Wiley

Vonage objects to the page and line counter-designation 57:10-57:20. This testimony is irrelevant, speculative and lacks foundation; this counter-designation is objectionable under Fed. R. Evid. 401-403 and should not be read to the jury.

3. Raymond Spitzer

Vonage objects to the page and line counter-designations 15:21–16:15. This testimony constitutes improper opinion testimony by a lay witness under Fed. R. Evid. 701 and should not be read to a jury, as it represents the deponent's opinion of the intentions and considerations of organizations dedicated to developing network standards, in which deponent was not a participant. Further, it is inadmissible hearsay under Fed. R. Evid. 801-802. This testimony is irrelevant and objectionable under Fed. R. Evid. 401-403. In the case this testimony is introduced to a jury, which it should not be, in fairness page and lines 15:9-15:20 and 16:16-16:20 should be read contemporaneously pursuant to Fed. R. Evid. 106.

Vonage objects to the page and line counter-designations 16:21-17:9. This testimony is irrelevant and objectionable under Fed. R. Evid. 401-403. In the case this testimony is introduced to a jury, which it should not be, in fairness page and lines 17:10-17:16 should be read contemporaneously pursuant to Fed. R. Evid. 106.

Vonage objects to the page and line counter-designations 27:19-27:19. This testimony is irrelevant and objectionable under Fed. R. Evid. 401-403. In the case this testimony is introduced to a jury, which it should not be, in fairness page and lines 27:7-27:1; 28:5-28:7; 29:13-29:14 should be read contemporaneously pursuant to Fed. R. Evid. 106.

Vonage objects to the page and line counter-designations 58:20-59:22. This testimony constitutes improper opinion testimony by a lay witness under Fed. R. Evid. 701 and

should not be read to a jury. This testimony is irrelevant and objectionable under Fed. R. Evid. 401-403. In the case this testimony is introduced to a jury, which it should not be, in fairness page and lines 60:1-60:17 should be read contemporaneously pursuant to Fed. R. Evid. 106.

Vonage objects to the page and line counter-designations 62:7-62:17 and 63:14-63:19. This testimony constitutes improper opinion testimony by a lay witness under Fed. R. Evid. 701 and witness speculation, and should not be read to a jury. This testimony is irrelevant and objectionable under Fed. R. Evid. 401-403. In the case this testimony is introduced to a jury, which it should not be, in fairness page and lines 61:12-61:13; 62:1-62:6; 63:1-4; 64:18; 65:6-65:8; and 66:12-66:13 should be read contemporaneously pursuant to Fed. R. Evid. 106.

Vonage objects to the page and line counter-designations 74:14-74:16 and 102:22-103:3. This testimony is inadmissible pursuant to Fed. R. Evid. 602 as speculative. The witness testified that he lacked personal knowledge as to the matter. This testimony is irrelevant and objectionable under Fed. R. Evid. 401-403. Additionally, this testimony constitutes improper testimony by a lay witness under Fed. R. Evid. 701 and should not be read to a jury.

4. Tracy Nelson

Vonage objects to the page and line counter-designation 13:14-13:19. This testimony is irrelevant, speculative and lacks foundation; this counter-designation is objectionable under Fed. R. Evid. 401-403 and should not be read to the jury.

Vonage objects to the page and line counter-designation 109:4-109:9. This testimony is irrelevant, speculative and lacks foundation; this counter-designation is objectionable under Fed. R. Evid. 401-403 and should not be read to the jury.

Vonage objects to the page and line counter-designation 71:1-71:11. This testimony is irrelevant, speculative and lacks foundation; this counter-designation is objectionable under Fed. R. Evid. 401-403 and should not be read to the jury.

August 21, 2007

Respectfully submitted,

s/ Terrence J. Campbell

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CERTIFICATE OF SERVICE

I hereby certify on August 21, 2007, that a copy of Vonage's Objections to Sprint's Counter-Designations to Vonage's Designation of Deposition Testimony was filed and served via the Court's electronic filing system:

/s/ Helesa Lahey
Attorney for Defendants