

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

SPRINT COMMUNICATIONS COMPANY L.P.,)

Plaintiff,)

v.)

Case No. 05-2433-JWL

VONAGE HOLDINGS CORP.)

AND VONAGE AMERICA, INC.)

Defendants.)

**DEFENDANT VONAGE HOLDINGS CORP.’S THIRD SUPPLEMENTAL
RESPONSES TO PLAINTIFF’S FIRST SET OF INTERROGATORIES**

Defendant Vonage Holdings Corp. (“Vonage”) submits the following Third Supplemental Objections and Responses to Plaintiff Sprint Communications Co. L.P.’s (“Sprint”) First Set of Interrogatories.

GENERAL OBJECTIONS

Vonage hereby incorporates by reference each General Objection set forth in Vonage’s original answers and first supplemental answers to Sprint’s First Set of Interrogatories as if those general objections were set forth fully herein.

SUPPLEMENTAL RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 5:

Describe, in detail, the full factual basis and explanation for Vonage Holdings Corp.'s contention that Sprint's Asserted Patents are invalid, void and/or unenforceable under one or more sections of Title 35 of the U.S. Code.

VONAGE'S SUPPLEMENTAL RESPONSE:

This Supplemental Response supplements and does not supplant, displace, or replace Vonage's Response to Interrogatory No. 5 or Vonage's First Supplemental Response to Interrogatory No. 5. Moreover, Vonage's Response to Interrogatory No. 5 and Vonage's First Supplemental Response to Interrogatory No. 5 are each incorporated by reference into this Supplemental Response.

Vonage specifically objects to this Interrogatory on the grounds that it seeks the disclosure of information protected from discovery by the attorney-client privilege, the attorney work product doctrine and/or any other applicable privilege, immunity and/or exemption.

Subject to and without waiving any of Vonage's general and specific objections, Vonage incorporates by reference the April 27, 2007 Supplement to the Expert Invalidity Report of Frank R. Koperda and its accompanying exhibits and attachments, which *inter alia* set forth opinions that each asserted claim of each of the patents-in-suit is not valid under one or more sections of Title 35 of the U.S. Code.

INTERROGATORY NO. 7:

Describe, in detail, the full factual basis and explanation for Vonage Holdings Corp.'s contention that Vonage Holdings Corp. has not infringed any of the Asserted Patents.

VONAGE'S THIRD SUPPLEMENTAL RESPONSE:

This Third Supplemental Response supplements and does not supplant, displace, or replace Vonage's Response to Interrogatory No. 7; Vonage's First Supplemental Response to Interrogatory No. 7; or Vonage's Second Supplemental Response to Interrogatory No. 7. Moreover, Vonage's Response to Interrogatory No. 7; Vonage's First Supplemental Response to Interrogatory No. 7; and Vonage's Second Supplemental Response to Interrogatory No. 7 are each incorporated by reference into this Third Supplemental Response.

Vonage specifically objects to this Interrogatory on the grounds that it seeks the disclosure of information protected from discovery by the attorney-client privilege, the attorney work product doctrine and/or any other applicable privilege, immunity and/or exemption.

Subject to and without waiving any of Vonage's general and specific objections, Vonage incorporates by reference the April 27, 2007 Supplement to the Expert Non-Infringement Report of Joel M. Halpern and its accompanying exhibits and attachments, which *inter alia* set forth opinions that each asserted claim of each of the patents-in-suit is not infringed by Vonage, either literally or under the doctrine of equivalents.

Dated: May 15, 2007

/s/ Donald R. McPhail

Patrick D. McPherson
Barry Golob
Donald R. McPhail
Patrick C. Muldoon
Duane Morris LLP
1667 K Street N.W.
Washington, DC 20006-1608
202-776-7800
pdmcperson@duanemorris.com
bgolob@duanemorris.com
drmcphail@duanemorris.com
pculdoon@duanemorris.com

Don R. Lolli KS Dist. #70236
Patrick J. Kaine KS #15594
Dysart Taylor Lay Cotter & McMonigle P.C.
4420 Madison Avenue
Kansas City, Missouri 64111
816-931-2700
pkaine@DysartTaylor.com
dlolli@DysartTaylor.com

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

CERTIFICATE OF SERVICE

I hereby certify on May 15, 2007, that a copy of DEFENDANT VONAGE HOLDINGS CORP.'s THIRD SUPPLEMENTAL RESPONSES TO PLAINTIFF'S FIRST SET OF INTERROGATORIES was served by electronic mail on:

B. Trent Webb
Adam P. Seitz
Eric 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.*

Respectfully submitted,

/s/ Donald R. McPhail