

**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.,)	
VONAGE AMERICA, INC.,)	
)	
Defendants.)	
)	
)	

**SPRINT COMMUNICATION COMPANY L.P.’S MOTION TO STRIKE VONAGE’S
PROSECUTION HISTORY ESTOPPEL DEFENSE AND ARGUMENTS RELATING TO
SAME IN VONAGE’S TRIAL BRIEF**

Pursuant to the inherent powers of this Court, Plaintiff Sprint Communications Company L.P. (“Sprint”) hereby moves to strike Vonage Holdings Corp. and Vonage America, Inc.’s (“Vonage”) arguments in their Trial Brief (Doc. No. 354) that Sprint should be barred from asserting infringement of various claims and claim limitations under the doctrine of equivalents based on prosecution history estoppel. *See* Doc. No. 354, sections II.P.1-2. Vonage failed to properly preserve these prosecution history estoppel defenses in the Court’s pretrial order, and also failed to disclose any bases for prosecution history estoppel during discovery. For the reasons set forth in the accompanying memorandum, the Court should strike Vonage’s Prosecution History Estoppel Defense and sections II.P.1 and II.P.2 of Vonage’s Trial Brief.

Respectfully submitted,

Dated: September 11, 2007

/s/Adam P. Seitz
B. Trent Webb, KS Bar No. 15965
Eric A. Buresh, KS Bar No. 19895
Adam P. Seitz, KS Bar No. 21059
SHOOK, HARDY & BACON L.L.P.
2555 Grand Boulevard
Kansas City, Missouri 64108-2613
(816) 474-6550 Telephone
(816) 421-5547 Facsimile

Attorneys for Plaintiff
SPRINT COMMUNICATIONS COMPANY L.P.

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of September 2007, a copy of SPRINT COMMUNICATIONS COMPANY L.P.'S MOTION TO STRIKE VONAGE'S PROSECUTION HISTORY ESTOPPEL DEFENSE AND ARGUMENTS RELATING TO SAME IN VONAGE'S TRIAL BRIEF was e-filed with the Court, which sent notice to the following:

Don R. Lolli
Patrick J. Kaine
Dysart Taylor Lay Cotter & McMonigle P.C.
4420 Madison Avenue
Kansas City, Missouri 64111

Terrence J. Campbell
Catherine Theisen
Barber Emerson, L.C.
1211 Massachusetts Street
P.O. Box 667
Lawrence, KS 66044

Patrick D. McPherson
Patrick C. Muldoon
Donald R. McPhail
Barry Golob
Duane Morris LLP
1667 K. Street N.W.
Washington, DC 20006-1608

L. Norwood Jameson
1180 West Peachtree Street
Atlanta, GA 30309

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

/s/Adam P. Seitz
Attorneys for Sprint Communications Company L.P.