

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

SPRINT COMMUNICATIONS COMPANY L.P.,)

Plaintiff,)

v.)

THEGLOBE.COM, INC.,)

VOICEGLO HOLDINGS, INC.,)

VONAGE HOLDINGS CORP., and)

VONAGE AMERICA, INC.)

Defendants.)

Case No. 2:05-CV-02433-JWL-DJW

**SPRINT’S MOTION TO MODIFY JUDGMENT TO INCLUDE ROYALTIES FROM
JUDGMENT TO INJUNCTION**

Pursuant to Rule 59(e) of the Federal Rules of Civil Procedure, Sprint Communications Company L.P. (“Sprint”) moves to modify the judgment of this Court entered on September 25, 2007 (“the Original Judgment”), to include an award of damages in the amount of 5% of Defendants’ revenues derived from infringing activity after the entry of the Original Judgment, but before the commencement of a permanent injunction against infringement. This royalty is appropriate for this period based on the reasonable royalty rate found by the jury in this case. *See Braintree Labs., Inc. v. Nephro-Tech, Inc.*, 81 F. Supp. 2d 1122, 1140 (D. Kan. 2000) (J. Lungstrum).

Sprint files contemporaneously with this motion a motion for extension of time to file its Brief in Support of this motion. This brief will more fully set forth the reasons the requested award is appropriate in this case.

WHEREFORE, Sprint respectfully requests that this Court grant this Motion and enter an award of damages in the amount of 5% of Defendants' revenues derived from infringing activity during the period between the date of the Original Judgment and the date of entry of a permanent injunction against infringement in this case.

October 10, 2007

Respectfully submitted,

/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 10th day of October, 2007, a true and accurate copy of the above and foregoing **SPRINT'S MOTION TO MODIFY JUDGMENT TO INCLUDE ROYALTIES FROM JUDGMENT TO INJUNCTION** 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.