

**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 PERMANENT  
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, to include a permanent injunction. Sprint respectfully requests that, pursuant to 35 U.S.C. § 283 and Rule 65 of the Federal Rules of Civil Procedure, the Court enter the injunction described below.

Under the four equitable factors discussed in *eBay Inc. v. MercExchange, L.L.C.*, 126 S. Ct. 1837, 1839 (2006), an injunction is warranted in this case. Uncontroverted evidence at trial demonstrates that: (1) Sprint will suffer an irreparable injury if Vonage is allowed to continue to infringe Sprint's patents; (2) the remedies available to Sprint at law are inadequate to compensate Sprint for Vonage's continued infringement; (3) given the balance of hardships between Sprint and Vonage in this matter, the entry of permanent injunctive relief is warranted; and (4) the public interest would not be dissevered by the entry of an injunction.

For the foregoing reasons, Sprint seeks the entry of an Order pursuant to 35 U.S.C. § 283 granting the following permanent injunctive relief:

1. Vonage Holdings Corp. and Vonage America, Inc., and any person or entity acting for or on behalf of Vonage Holdings Corp. or Vonage America, Inc., or subject to Vonage Holdings Corp.'s or Vonage America, Inc.'s direct or indirect authority and control (hereinafter "Vonage"), shall be enjoined from making, using, offering for sale, or selling within the United States, or importing into the United States, any product or service which infringes the Sprint Patents-in-Suit (U.S. Patent Nos. 6,304,572, 6,633,561, 6,452,932, 6,473,429, 6,298,064, 6,665,294) during the remaining terms of each of those patents.
2. Specifically, Vonage is hereby enjoined from making, using, offering for sale, or selling within the United States, or importing into the United States, any product or service which infringes any of the following patents during the remaining term indicated for each patent:
  - a. U.S. Patent No. 6,304,572, through May 5, 2014.
  - b. U.S. Patent No. 6,633,561, through May 5, 2014.
  - c. U.S. Patent No. 6,452,932, through May 5, 2014.
  - d. U.S. Patent No. 6,473,429, through May 5, 2014.
  - e. U.S. Patent No. 6,298,064, through May 5, 2014.
  - f. U.S. Patent No. 6,665,294, through May 5, 2014.
3. Vonage is enjoined from inducing the infringement of any of the Sprint Patents-in-Suit.

4. Vonage is enjoined from contributing to the infringement of any of the Sprint Patents-in-Suit.

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 relief is appropriate in this case.

WHEREFORE, Sprint respectfully requests that this Court grant this Motion and enter a permanent injunction.

October 10, 2007

Respectfully submitted,

/s/ Adam P. Seitz

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**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 PERMANENT INJUNCTION** was e-filed with the Court, which sent notice to the following:

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