

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

SPRINT COMMUNICATIONS COMPANY L.P.,
Plaintiff,
v.
VONAGE HOLDINGS CORP. AND
VONAGE AMERICA, INC.,
Defendants.
Case No. 05-2433-JWL

RENEWED MOTION FOR JUDGMENT AS A MATTER OF LAW OR, IN THE
ALTERNATIVE, FOR NEW TRIAL AND/OR REMITTITUR

Pursuant to Federal Rule of Civil Procedure ("Rule") 50(b), Defendants Vonage Holdings Corp. and Vonage America, Inc. (collectively "Vonage") hereby renew their motions for judgment as a matter of law that they made pursuant to Rule 50(a) including, but not limited to, Vonage's motions on the issues of non-infringement, invalidity, willful infringement and damages. Vonage incorporates these motions, made in open court on September 13, 2007 (following the close of the Plaintiff's case-in-chief) and on September 19, 2007 (following the close of evidence), by specific reference herein. In the alternative, pursuant to Rules 50(b) and 59, Vonage hereby moves for a new trial and/or remittitur on all available grounds.

Pursuant to the Court's direction, Vonage seeks leave to submit detailed briefing in support of this Motion, according to the schedule proposed in the Joint Motion for Extension of Time to File Briefs in Support of Post-Trial Motions ("Briefing Motion") filed jointly by the parties on this date. The parties' proposed schedule provides additional time for the parties to obtain and review the transcripts prior to submitting its briefing because "words are important." That is, the complicated and technical nature of this trial, as well as its sheer length, makes it

nearly impossible to submit briefs which are helpful to the Court without detailed references to the trial record.

Furthermore, in the time since the Court's entry of judgment, the parties have executed a Memorandum of Understanding regarding the terms of a settlement. According to that Memorandum of Understanding, the parties have agreed to attempt to finalize their settlement agreement, which will entail a final resolution of this matter, by October 27, 2007. The proposed briefing schedule will allow the parties to refrain from burdening the Court with filings that may become unnecessary, to focus their efforts on finalizing their settlement agreement and, only if they are unable to reach and execute a final agreement resolving this dispute within the allotted time, to then submit briefs further detailing their respective positions with respect to Vonage's Motion for Judgment as a Matter of Law or, in the Alternative, for New Trial and/or Remittitur.

The parties have conferred and agree to the briefing schedule in the Briefing Motion.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

Respectfully submitted this 10th day of October, 2007.

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CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of October, 2007, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF System which will send a notice of electronic filing to:

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