IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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| ALCATEL USA RESOURCES, INC., a Delaware corporation, and ALCATEL INTERNETWORKING, INC., a California corporation,<br><br>Plaintiffs,<br><br>v.<br><br>FOUNDRY NETWORKS, INC., a Delaware corporation,<br><br>Defendant. | Civil Action No. 05-418-SLR<br><br>(JURY TRIAL DEMANDED) |

**DECLARATION OF MATTHEW H. POPPE IN SUPPORT OF DEFENDANT FOUNDRY NETWORKS, INC.'S RESPONSIVE SUBMISSION ADDRESSING SCOPE OF DISCOVERY RE: FOUNDRY PRODUCTS**

OF COUNSEL:

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*Attorneys for Defendant/Counterclaimant Foundry Networks, Inc.*

(As to Count I only)

Dated: August 25, 2006

I, Matthew H. Poppe, declare:

1. I am a partner in the law firm of Orrick, Herrington & Sutcliffe LLP, counsel of record in this action for Defendant and Counterclaimant Foundry Networks, Inc. ("Foundry"). I am licensed to practice law in the State of California, and I am admitted to practice *pro hac vice* in the United States District Court for the District of Delaware in connection with this action. I have personal knowledge of the facts stated herein, except where otherwise stated, and I could and would testify competently to those facts if called as a witness.

2. Attached hereto as Exhibit A is a true and correct copy of excerpts from Mischa Schwartz, *Computer-Communication Network Design and Analysis* (1977).

3. Attached hereto as Exhibit B is a true and correct copy of U.S. Patent No. 4,408,323, issued on October 4, 1983.

4. Attached hereto as Exhibit C is a true and correct copy of U.S. Patent No. 4,700,185, issued on October 13, 1987.

5. Attached hereto as Exhibit D is a true and correct copy of excerpts from Rich Seifert, *The Switch Book* (2000).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed in Menlo Park, California on August 25, 2006.

/s/ Matthew H. Poppe
Matthew H. Poppe

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF DELAWARE**

**CERTIFICATE OF SERVICE**

I, Philip A. Rovner, hereby certify that on August 25, 2006, the within document was filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following; that the document was served on the following counsel as indicated; and that the document is available for viewing and downloading from CM/ECF.

**BY HAND DELIVERY AND E-MAIL**

Karen L. Pascale, Esq.
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I hereby certify that on August 25, 2006 I have sent by E-mail and on August 26, 2006 by Federal Express the foregoing document to the following non-registered participant:

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