IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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

ORDER APPOINTING COMMISSIONER FOR DEPOSITION OF MICHEL HENRION

TO ANY CONSUL OR VICE CONSUL OF THE UNITED STATES, UNITED STATES EMBASSY, PARIS, FRANCE

Application having been made to this Court by Defendant, Foundry Networks, Inc., for the issuance of an order pursuant to Rule 28(b), Federal Rules of Civil Procedure, directing the appointment of a Consular Officer of the United States in the Embassy in Paris, France, to preside at a deposition on oral examination of Michel Henrion, a witness called by Defendant.

NOW, THEREFORE, it is ORDERED that Defendant's Application is GRANTED:

A Consular Officer of the United States in Paris, France at a certain day and place to be designated by him, shall cause Michel Henrion to come before him as a witness to respond to oral examination and cross-examination by attorneys for the Defendant and Plaintiffs respectively;

The Consular Officer shall cause the witness testimony to be reduced to writing and signed by the witness, or permit a duly authorized court reporter to do the same, and shall annex said deposition testimony to this Commission and close the same under seal and make return thereof to this Court with all convenient speed.

In connection with this oral examination:

(a) the taking of evidence from Mr. Henrion is based on the provisions of the Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters, and is part of an actual judicial proceeding currently in the United States District Court;

(b) appearance for the giving of evidence is voluntary, and non-appearance cannot lead to prosecution in the requesting State;

(c) the parties consent to the deposition voluntarily;

(d) Mr. Henrion is entitled to legal advice;

(e) Mr. Henrion can claim dispensation or prohibition from doing so.

IT IS SO ORDERED.

Dated: September 12, 2006

The Honorable Sue L. Robinson
United States District Judge