Potter
Anderson
& Corroon LLP

1313 North Market Street
P.O. Box 951
Wilmington, DE 19899-0951
302 984 6000

www.potteranderson.com

Philip A. Rovner
Partner
(302) 984-6140 – Direct Phone
(302) 658-1192 - Fax
provner@potteranderson.com

February 8, 2006

BY E-FILE

The Honorable Sue L. Robinson
Chief Judge
United States District Court
for the District of Delaware
U.S. Courthouse
844 N. King Street
Wilmington, DE 19801

Re: Alcatel USA Resources, Inc., et al. v. Foundry Networks, Inc.,
D. Del., C.A. No. 05-418-SLR

Dear Chief Judge Robinson:

We represent defendant and counterclaim plaintiff Foundry Networks, Inc. ("Foundry") in the above-referenced action. We write to provide the Court with a proposed agenda for the discovery conference scheduled for Thursday, February 9, 2006 at 2:00 p.m.[1]

We believe that, in addition to the issues raised by Alcatel in its request for emergency relief, there is one additional issue that requires the Court's attention. On September 8, 2005, Alcatel moved to disqualify Foundry's counsel, Howrey LLP, from representing Foundry in connection with Count II of Alcatel's Complaint (a declaratory judgment with respect to Foundry's U.S. Patent No. 6,118,864). By letter of January 26, 2006, Alcatel informed Foundry that it would not produce or disclose information in response to Foundry's document requests "which involves the Howrey firm." As a result, we ask that we be permitted to address Alcatel's motion to disqualify (and Alcatel's position with respect to that motion) at Thursday's conference.

[1] Pursuant to the Case Scheduling Order (D.I. 25), a regular discovery status conference was scheduled for Tuesday, February 7. In light of the Court's scheduling of the February 9 conference, the parties contacted Your Honor's Chambers and agreed to proceed only on that date.

Should Your Honor have any questions prior to Thursday's conference, counsel are available at the Court's convenience.

Respectfully,



Philip A. Rovner
provner@potteranderson.com

PAR/mes/718795
cc: Clerk of the Court – e-file and hand delivery
Adam W. Poff, Esq. – by e-file and hand delivery