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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 write on behalf of Defendant/Counterclaimant Foundry Networks, Inc. regarding Alcatel's motion to disqualify Howrey, LLP, Foundry's patent litigation counsel, with respect to U.S. Patent No. 6,118,864, the subject of Count II of Alcatel's complaint and Foundry's sole counterclaim.

Alcatel's motion was the subject of argument at the February 9, 2006 conference. At the conclusion of the argument, Your Honor gave some preliminary thoughts on the motion and indicated that, notwithstanding the pendency of the motion, discovery would proceed according to schedule but, to maintain the *status quo*, none of Alcatel's confidential documents would be shared with attorneys at Howrey. Your Honor also stated that, if not resolved, the motion would be put "at the top" of the Court's docket. Feb. 9, 2006 Hearing Tr. at 51.

Following the hearing, the parties had some discussions regarding a possible resolution of the dispute but, unfortunately, were unable to reach an accord that would not improperly impede Howrey's continuing representation. Since that time, Alcatel has selected the patents that it wishes to proceed with during Phase I of the litigation and Phase I discovery has begun. The '864 patent is included in Phase I and Alcatel recently has produced documents (including

documents relating to the '864 patent) that, because of the pending motion, have been unable to be shared with Howrey.

Fact discovery must be completed by September 1, 2006. We continue to believe that Alcatel's motion to disqualify Howrey should be denied and we respectfully request that, to enable Foundry to participate fully in litigating the '864 patent, Alcatel's motion be denied as soon as practicable.

Respectfully,



Philip A. Rovner
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PAR/mes/728098
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