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July 11, 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 write on behalf of Defendant/Counterclaimant Foundry Networks, Inc. ("Foundry") in anticipation of tomorrow's 11:45 a.m. teleconference in the above-referenced action.

On June 14, 2006, Your Honor denied Alcatel's motion to disqualify Howrey LLP (D.I. 73). In addition, the Order amended the Scheduling Order in this action as follows: (1) the deadline for Phase One discovery was extended for 45 days (from September 1 to October 16, 2006); (2) the deadline to complete Phase One expert discovery was extended from November 17 to December 18, 2006; (3) the filing of summary judgment motions was moved from December 11, 2006 to January 15, 2007; and (4) the parties' filing of a Joint Claim Construction Statement was moved from January 4, 2007 to January 15, 2007. (Those changes are reflected in the proposed First Amended Scheduling Order attached hereto as Exhibit A.) As directed by the Court, the parties have agreed to several other scheduling changes "keyed off" the changes contained in the June 14 Order. Those, too, are reflected in the attached proposal.

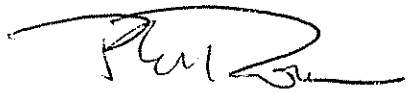
The parties, however, have been unable to reach agreement on two issues. Section 2 of the Scheduling Order provides that motions to amend the pleadings in connection with the Phase

One patents must be filed by July 12, 2006. Consistent with the Court's Order extending the fact discovery cut-off for 45 days, Foundry has proposed a commensurate extension of the deadline to amend pleadings (*i.e.*, from July 12 to August 25). Because discovery taken between now and the end of August likely will bear on whether pleadings will need to be amended at all, maintaining the current deadline will be prejudicial and, in light of the extension of fact discovery, unnecessary. Alcatel opposes Foundry's proposal.

Finally, because the deadline for filing summary judgment motions has been moved from December 11, 2006 to January 15, 2007, Foundry requests that the briefing schedule on summary judgment be moved slightly as well. Foundry proposes that answering briefs be due on February 9, 2007 (from January 15) and that reply briefs be submitted on February 20 (from January 31). Foundry realizes that its request may necessitate moving the date previously set for the hearing on claim construction and summary judgment motions (February 23, 2007), but given the number of patents at issue in Phase One (five), Foundry believes that more than one week is necessary between answering and reply briefs. Alcatel opposes Foundry's suggested change in the date for reply briefs.

Should Your Honor have any questions prior to tomorrow's teleconference, counsel is available at the Court's convenience.

Respectfully,



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cc: Karen Pascale, Esq. (w/encl.) – by e-file and hand delivery