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April 12, 2006

BY E-FILING

The Honorable Gregory M. Sleet
United States District Court
844 King Street
Wilmington, DE 19801

Re: *Telcordia Technologies, Inc. v. Alcatel USA, Inc.*
Civil Action No. 04-874-GMS

Dear Judge Sleet:

We write on behalf of Defendant Alcatel USA, Inc ("Alcatel") to bring to the Court's attention a circumstance that should obviate the need for the Court to consider Alcatel's U.S. Patent No. 6,247,052 (the "'052 patent") at the claim construction hearing scheduled for April 26, 2006.

As Your Honor is aware, Telcordia filed a motion on September 29, 2005 to dismiss, or in the alternative to sever and stay, Alcatel's counterclaim for infringement of the '052 patent (D.I. 54), which Alcatel opposed and contended was without merit. That motion was fully briefed (see D.I. 55, 58) and is still pending before the Court. Although Alcatel still disagrees with the basis of Telcordia's motion, for the reasons explained below, Alcatel now believes it appropriate that all claims pertaining to the '052 patent be stayed, and therefore consents to that portion of Telcordia's motion.

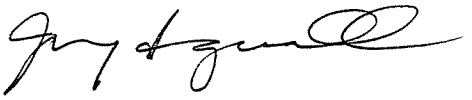
Alcatel has recently discovered that its '052 patent inadvertently did not claim the priority benefit of an earlier filed provisional patent application to which it was entitled pursuant to 35 U.S.C. Section 119(e). Alcatel intends to correct this omission by filing within the next few days with the U.S. Patent and Trademark Office ("PTO") an application to reissue the '052 patent. During the reissue process, pursuant to its duty of full disclosure, Alcatel will be submitting for consideration by the PTO all of the prior art that Telcordia has alleged invalidates the asserted claims of the '052 patent. Given that the reissue process could take up to two years to complete, it makes sense to stay Alcatel's counterclaim on the '052 patent pending the outcome of the reissue proceeding.

Alcatel therefore withdraws its opposition to Telcordia's request for a stay (and severance, if the Court deems it appropriate),* consents to such a stay, and hereby

* Alcatel has today filed its Notice of Withdrawal of Opposition.

respectfully requests the Court to enter the stay requested in Telcordia's pending motion, subject to re-evaluation after the patent reissue proceedings have been completed.

Respectfully submitted,



Josy W. Ingersoll (No. 1088)

JWI:cg

cc: Clerk of the Court (by e-filing and hand delivery)
Steven J. Balick, Esquire (by e-filing and e-mail)
Donald R. Dunner, Esquire (by e-mail)
Don O. Burley, Esquire (by e-mail)
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