IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

)) Civil Action No.: 1:05CV02102 (EGS))	
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UNITED STATES' NOTICE OF FILING UNDER SEAL PURSUANT TO THE COURT'S ORDER OF AUGUST 4, 2006

Pursuant to Local Rule 5.4(e)(1), notice is hereby given that, pursuant to the Court's Order of August 4, 2006, plaintiff is filing under seal its Opposition to ACTel's Motion for Leave to File Surreply. The United States files its Opposition under seal out of an abundance of caution. The Opposition references portions of ACTel's proposed Surreply, which was filed under seal. Because no redacted version of the proposed Surreply has been filed, the United States can not determine what portions of that filing are claimed by ACTel to reflect confidential

information. Upon receipt of the redacted version of ACTel's filing, the United States may be able to file a public version of its Opposition without redaction.

Respectfully submitted,

/s/

Laury E. Bobbish Assistant Chief

/s/

Claude F. Scott, Jr. (D.C. Bar No. 414906) John M. Snyder (D.C. Bar No. 456921) Jared A. Hughes Trial Attorneys

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Date: September 28, 2006