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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

VIRNETX \* Civil Docket No.  
\* 6:07-CV-80  
VS. \* Tyler, Texas  
\*  
\* March 9, 2010  
MICROSOFT CORPORATION \* 1:30 P.M.

TRANSCRIPT OF JURY TRIAL  
BEFORE THE HONORABLE JUDGE LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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(Proceedings recorded by mechanical stenography,  
transcript produced on CAT system.)

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\* \* \* \* \*

P R O C E E D I N G S

COURT SECURITY OFFICER: All rise.  
All rise for the jury.  
(Jury in.)  
THE COURT: Please be seated.

1 All right. Counsel, you may proceed.

2 MR. BOBROW: Thank you, Your Honor.

3 ROBERT D. SHORT, III, Ph.D., PLAINTIFF'S WITNESS,

4 PREVIOUSLY SWORN

5 CROSS-EXAMINATION (CONTINUED)

6 BY MR. BOBROW:

7 Q. Good afternoon, Mr. Short.

8 A. Good afternoon. Thank you.

9 Q. Welcome back.

10 I have just a few more questions for you on a  
11 couple of topics, okay?

12 A. Yes, sir.

13 Q. Thank you.

14 I think where we broke for lunch was I was  
15 asking you about some of the efforts that SAIC made  
16 after SAIC had decided to stop trying to seek funds from  
17 the commercial market in the summer of 2001.

18 Do you recall that?

19 A. Yes, sir.

20 Q. What I had asked you about was whether SAIC  
21 had made an approach to a government agency called OSIS  
22 in the summer of 2001.

23 Do you recall that?

24 A. Yes, sir.

25 Q. Let me please -- and I believe, sir, your

1 testimony may have been -- and forgive me if I've gotten  
2 this wrong -- that you weren't sure whether there was  
3 such an approach to OSIS; is that right?

4 A. Yes, sir. It was not a name that rang a bell  
5 in my head.

6 Q. Thank you.

7 All right. So what I'd like you to do, then,  
8 is take a look at the exhibit that I mentioned right  
9 before the break, and that's Exhibit 3347.

10 And, sir, Exhibit 3347 should also be on the  
11 screen in front of you. And it appears to be a  
12 presentation from SAIC to OSIS dated June 6th of 2001.

13 Do you see that?

14 A. Yes, sir.

15 Q. Do you see, for example, that Mr. Munger's  
16 name is listed on this presentation, right?

17 A. Yes, sir.

18 Q. And you see also that your name is listed on  
19 this presentation as well?

20 A. Yes, sir.

21 Q. And Mr. Zimmet as well?

22 A. Yes, sir. I don't recall that name.

23 Q. All right. So in all events, you and  
24 Mr. Munger were involved in this presentation to OSIS,  
25 correct?

1 A. Yes, sir, it appears so.

2 Q. And does this refresh your memory that you,  
3 indeed, were so involved?

4 A. Not really, but I believe that I probably was.  
5 My name is on there.

6 Q. Right. And OSIS, as you recall, was a  
7 government agency that was involved in intelligence,  
8 don't you?

9 A. I seem to recall that, yes, sir.

10 Q. And one of the things that you did when you  
11 went to OSIS in the summer of 2001 was you were trying  
12 to interest OSIS in your invention, right?

13 A. Yes, sir.

14 Q. You were hoping to get OSIS to help fund the  
15 continuing development of your invention, right?

16 A. Yes, sir.

17 Q. So one of the things that you had to do to get  
18 them interested in your invention was to describe it to  
19 them, right?

20 A. Yes, sir.

21 Q. And one of the things that you did on  
22 Page 3 -- if you'd take a look there, please, Page 003  
23 at the top -- was you wanted to let OSIS know what the  
24 problem was that your invention was trying to deal with,  
25 right?

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