

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Western District of Tennessee

B.E. TECHNOLOGY, L.L.C.

Plaintiff

v.

MICROSOFT CORPORATION

Defendant

Civil Action No. 12-cv-02829

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052-6399

A lawsuit has been filed against you.

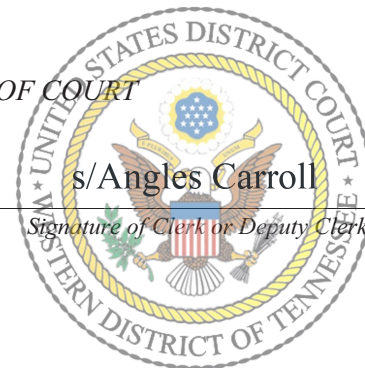
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Richard M. Carter (TN B.P.R. #7285)
Adam C. Simpson (TN B.P.R. #24705)
MARTIN, TATE, MORROW & MARSTON, P.C.
6410 Poplar Avenue, Suite 1000
Memphis, TN 38119-4839
Telephone: (901) 522-9000 / Facsimile: (901) 527-3746

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: September 25, 2012



s/Angles Carroll

Signature of Clerk or Deputy Clerk

Civil Action No. 12-cv-02829

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* Microsoft Corporation
was received by me on *(date)* September 25, 2012 .

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* Corporation Service Co. , who is
designated by law to accept service of process on behalf of *(name of organization)* Microsoft Corporation
_____ on *(date)* October 10, 2012; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*: Certified Mail, Return Receipt Requested: 7011 1570 0002 3239 5499.
See Exhibit A.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: 10/17/2012

s/Elizabeth Kim

Server's signature

Elizabeth Kim

Printed name and title

100 Marine Parkway, Suite 200
Redwood City, CA 94065

Server's address

Additional information regarding attempted service, etc:

EXHIBIT A

7011 1570 0002 3239 5499

U.S. Postal Service™	
CERTIFIED MAIL™ RECEIPT	
<i>(Domestic Mail Only; No Insurance Coverage Provided)</i>	
For delivery information visit our website at www.usps.com	
NASHVILLE TN 37203	
OFFICIAL USE	
Postage	\$ 2.30
Certified Fee	\$ 2.95
Return Receipt Fee (Endorsement Required)	\$ 2.35
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 7.60

<i>Sent To</i>	Microsoft Corporation
<i>Street, Ap or PO Box</i>	c/o Corporation Service Co.
<i>City, State</i>	2908 Poston Ave
PS Form	Nashville, TN 37203-1312



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent X <i>C. Mayle</i> <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="checkbox"/> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes if YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Microsoft Corporation c/o Corporation Service Co. 2908 Poston Ave Nashville, TN 37203-1312</p> </div>	<p>3. Service/Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>