

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

VIRNETX INC. AND SCIENCE	§	
APPLICATIONS INTERNATIONAL	§	CIVIL ACTION NO. 6:07CV80 (LED)
CORP.,	§	
	§	
Plaintiff,	§	JURY TRIAL
	§	
v.	§	
	§	
MICROSOFT CORPORATION,	§	
	§	
Defendant.	§	

ORDER OF DISMISSAL

On this day came on to be heard the parties' Stipulation of Dismissal, and the Court having considered same, is of the opinion the dismissal should be GRANTED.

IT IS THEREFORE ORDERED that all claims asserted against Microsoft in this action are dismissed with prejudice.

The affirmative defenses and counterclaims asserted by Microsoft in this action are dismissed. For the avoidance of doubt, this dismissal is without prejudice to Microsoft's ability to assert, in future actions, (i) affirmative defenses and/or counterclaims of invalidity or noninfringement, (ii) affirmative defenses and/or counterclaims of unenforceability, subject to the terms of the Order dated January 15, 2010 in this action (Docket No. 274), and/or (iii) any other affirmative defenses. This dismissal is with prejudice to Microsoft's ability to assert any other counterclaims asserted by Microsoft in this action.

Each party shall bear its own costs, expenses, and fees.

This is a final judgment.

So ORDERED and SIGNED this 1st day of June, 2010.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**