

United States District Court
Eastern District of Texas

FILED CLERK
U.S. DISTRICT COURT

2007 FEB 21 PM 4: 12

TEXAS EASTERN

SUMMONS IN A CIVIL CASE
BY _____

VirnetX Inc.

Plaintiff

V.

CASE NUMBER: 607CV80 (JURY)

Microsoft Corporation

Defendants.

TO: **Microsoft Corporation**
C/o Corporation Service Company
701 Brazos Street, Suite 1050
Austin, TX 78701

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY:

Otis Carroll
IRELAND, CARROLL & KELLEY, P.C.
6101 S. Broadway, Suite 500
Tyler, Texas 75703
Tel: (903) 561-1600
Email: nancy@icklaw.com

an answer to the complaint which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

DAVID J. MALAND

CLERK

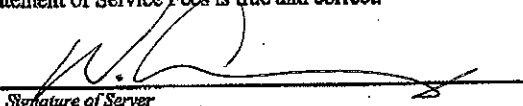
2/15/07

DATE

R Wilson

(BY) DEPUTY CLERK

SAO 440 (Rev. 10/93) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	2/15/07 @ 1:40pm
NAME OF SERVER (PRINT)	TITLE	Process Server
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where _____		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were _____		
<input type="checkbox"/> Returned _____		
<input checked="" type="checkbox"/> Other <u>By delivery to the defendant's, MICROSOFT CORPORATION, Registered Agent, C/O CORPORATION SERVICE COMPANY AT 701 BRAZOS ST. #150 AUSTIN, TX 78701</u>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed	<u>2/15/07</u> Date	 Signature of Server
<u>315-A BRAZOS ST. #501 AUSTIN TX</u> Address of Server 78701		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AFFIDAVIT OF SERVICE

**UNITED STATES DISTRICT COURT
EASTERN District of TEXAS**

Case Number: 607CV80

Plaintiff:
VIRNETX, INC.

vs.

Defendant:
MICROSOFT CORPORATION

For:
Otis Carroll
IRELAND, CARROLL & KELLEY P.C.
6101 S. Broadway
Suite 500
Tyler, TX 75703

Received by Statewide Resource, Inc. on the 15th day of February, 2007 at 9:42 am to be served on **MICROSOFT CORPORATION C/O CORPORATION SERVICE COMPANY, 701 BRAZOS ST., SUITE 1050, AUSTIN, TX 78701.**

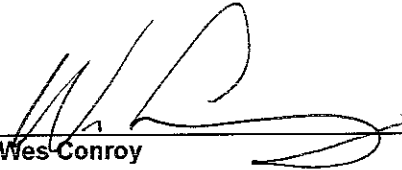
I, Wes Conroy, being duly sworn, depose and say that on the **15th day of February, 2007 at 1:40 pm, I:**

delivered to the within named corporation a true copy of the **Summons with Complaint** with the date and hour of service endorsed thereon by me, to **SUSAN VERHEES**, duly authorized to accept Service of Process and other Legal Documents for the above mentioned **REGISTERED AGENT**.

I am over the age of 18, and am not a party to nor interested in the outcome of the above styled and numbered cause. I have personal knowledge of the facts and statements contained in this affidavit and each is true and correct. I am authorized by written order of the Supreme Court of the State of Texas to serve citations and other notices.

Subscribed and Sworn to before me on the 16th day of February, 2007 by the affiant who is personally known to me.

NOTARY PUBLIC FOR THE STATE OF TEXAS


Wes Conroy
SCH-362

Statewide Resource, Inc.
#501
815-A Brazos St.
Austin, TX 78701
(512) 828-7498
Our Job Serial Number: 2007000288
Ref: VIRNETX, INC.
Service Fee: \$79.60