

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of Texas

FILED-CLERK
U.S. DISTRICT COURT
2013 MAY -9 AM 9:43
TEXAS-EASTERN

RECEIVED

APR 23 2013

CSM

VirnetX Inc. and Science Applications International Corporation,

Plaintiff(s)

v.

Microsoft Corporation,

Defendant(s)

Civil Action No. 6:13-cv-00351

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Microsoft Corporation
c/o Corporation Service Company
211 E. 7th Street, Suite 620
Austin, Texas 78701

AFFIDAVIT ATTACHED

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:

Bradley W. Caldwell
Caldwell Cassady Curry P.C.
1717 McKinney Avenue, Suite 700
Dallas, Texas 75202
Telephone: 214-810-4705
Email: bcaldwell@caldwelcc.com

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

David Malame

Signature of Clerk or Deputy Clerk

Date: 4/22/13



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Civil Action No. 6:13-cv-00351

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)* April 23, 2013 .

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)* _____ , who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify):*

AFFIDAVIT ATTACHED

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: _____

Server's signature

Printed name and title

Server's address

AFFIDAVIT ATTACHED

Additional information regarding attempted service, etc:

AFFIDAVIT OF SERVICE

VIRNETX INC. and
SCIENCE APPLICATIONS INTERNATIONAL CORPORATION,
Plaintiff

V. Cause No. 6:13-CV-00351

MICROSOFT CORPORATION
Defendant


Came to hand on April 23, 2013, at 08:00 AM.

Executed at 211 E. 7th Street, Suite 620, Austin, Tx 78701, within the County of Travis at 9:52 AM on April 23, 2013, by delivering to the within named:

MICROSOFT CORPORATION

by delivering to its Registered Agent, CORPORATION SERVICE COMPANY, by delivering to its designated agent, KELLY COURTNEY, in person, a true copy of this Summons in a Civil Action together with Plaintiff Virnetx Inc.'s and Plaintiff Science Applications International Corporation's Original Complaint, Exhibits "A-F" and Civil Cover Sheet attached, having first endorsed upon such copy of such process the date of delivery.

I certify that I am approved by the Supreme Court of Texas, Misc. Docket No. 05-9122 under rule 103 and 536(a) of the TRCP to deliver citations and other notices from any District, County, and Justice Courts in and for the State of Texas. I am competent to make this oath; I am not less than 18 years of age, I am not a party to the above-referenced cause, I have not been convicted of a felony or a crime involving moral turpitude, and I am not interested in the outcome of the above-referenced cause.


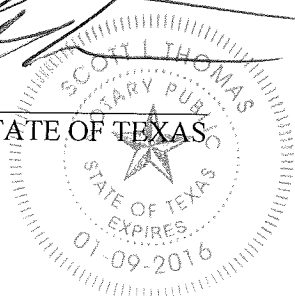
By: 
Jeff Keyton SCH-735,
Exp: 7/31/2014

VERIFICATION

STATE OF TEXAS §
COUNTY OF TRAVIS §

BEFORE ME, A NOTARY PUBLIC, on this day personally appeared Jeff Keyton, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements therein contained are true and correct.

Given under my hand and seal of office this April 23, 2013.


NOTARY PUBLIC, STATE OF TEXAS


13-004483/VirnetX