

From: Booth, Daniel [<mailto:daniel.booth@weil.com>]
Sent: Tuesday, March 23, 2010 11:30 AM
To: Luke McLeroy
Cc: Antonelli, Matthew; Ehrlich, Paul
Subject: RE: VirnetX v. Microsoft

Luke,

1. We think the calculation should be based on when we received the complaint, which was Thursday, March 19. 51 days from that date pushes the deadline to Monday, May 10. Let me know if you disagree with that.
2. Monday at 3:30CT will work. We will plan to review your proposal regarding discovery prior to the call. Additionally, we would like to discuss a potential motion to stay the litigation pending appeal of the first case and pending re-examination of the patents, as well as a potential motion regarding the sufficiency of the complaint.

Daniel Booth
(713) 546-5135
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From: Luke McLeroy [<mailto:lmcleroy@McKoolSmith.com>]
Sent: Monday, March 22, 2010 3:49 PM
To: Booth, Daniel
Cc: Antonelli, Matthew; Ehrlich, Paul
Subject: RE: VirnetX v. Microsoft

Thanks for the email. By my count, Microsoft will answer by Friday, May 7, which is 51 days from filing. Let me know if that is incorrect.
Next Monday is ok for me to discuss a discovery schedule. Are you available at 3:30 pm Texas time? I will send over a proposal this week.
Thanks, Luke

From: Booth, Daniel [<mailto:daniel.booth@weil.com>]
Sent: Monday, March 22, 2010 2:48 PM
To: Luke McLeroy
Cc: Antonelli, Matthew; Ehrlich, Paul
Subject: VirnetX v. Microsoft

Luke,

Thank you for speaking with me this afternoon regarding the suit that VirnetX filed last week. We agree to accept service of the complaint on behalf of Microsoft. Additionally, you have agreed to a 30-day extension in the deadline for Microsoft's answer and/or preanswer motions (51 total days). We will file the appropriate papers for the extension.

You also requested that we discuss VirnetX's potential request for an expedited discovery schedule. We suggest a call on the afternoon of Monday, March 29 to discuss any proposals you may have. It would be helpful to know some details or specific proposals, including any asserted need for expedited discovery, so that we can assess them prior to the call.

Regards,

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