

UNITED STATES DISTRICT COURT

for the

District of Delaware

XPOINT TECHNOLOGIES, INC.

Plaintiff

v.

MICROSOFT CORPORATION, et al.

Defendant

Civil Action No. 09-cv-0628

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) HTC America, Inc.
5950 Corporate Drive
Houston, TX 77036-2306

A lawsuit has been filed against you.

Within 20 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:

David J. Margules
Bouchard Margules & Friedlander
222 Delaware Avenue, Suite 1400
Wilmington, DE 19801

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.

Date: AUG 28 2009

CLERK OF COURT

Debra Smith

Signature of Clerk or Deputy Clerk

Civil Action No. 09-cv-0628

**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)* HTC America, Inc.

was received by me on *(date)* 9-2-09

I personally served the summons on the individual at *(place)* 5950 Compara Dr Houston, TX 77036 on *(date)* 9-2-09 ; or

I left the summons at the individual's residence or usual place of abode with *(name)* Troy Garcia, 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)* Troy Garcia, who is designated by law to accept service of process on behalf of *(name of organization)* HTC America Inc. on *(date)* 9-2-09 ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*:

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: 9-2-09

Christopher Sampa  
*Server's signature*

Christopher Sampa Process Server  
*Printed name and title* 5441086

8888 Benning unit 273 Houston, TX 77031  
*Server's address*

Additional information regarding attempted service, etc: