AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

For The District of Massachusetts

Enterasys Networks, Inc.

V.

Foundry Networks, Inc.; and
Extreme Networks, Inc.

SUMMONS IN A CIVIL ACTION

05 11298 DPW

CASE NUMBER:

TO: (Name and address of Defendant)
Foundry Networks, Inc.
2100 Gold Street
San Jose, California 95164

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Marc N. Henschke, Esq.
Robins, Kaplan, Miller & Ciresi L.L.P.
800 Boylston Street, 25th Floor
Boston, Massachusetts 02199

an answer to the complaint which is served on you with this summons, within twenty (20) days after service of this summons on 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. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

SARAH A. THORNTON JUN 21 2005

CLERK DATE

(By) DEPUTY CLERK

05 11298 DPW

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RETURN OF SERVICE

Service of the Summons and complaint was made by me(1)	DATE
NAME OF SERVER *(PRINT)*	TITLE

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served:

☐ 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 left:

☐ Returned unexecuted:

☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
		$0.00

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 on _____ _____
Date *Signature of Server*

_____
Address of Server

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

RETURN OF SERVICE

Service of the Summons and Complaint was made by me (1)	**DATE** June 22, 2005
NAME OF SERVER BURTON M. MALKOFSKY	**TITLE** Process Server / A Disinterested Person

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served:

_____ , MASSACHUSETTS

☐ Left copies thereof at the defendant's dwelling or usual place of abode with a person of suitable age and discretion then residing therein. Name of person whom the summons and complaint were left:

_____

Said service was made at: _____ , MASSACHUSETTS

☒ Other: By handing true and attested copies thereof to Rob Farrugia, Manager for Lexis Document Solutions, Inc., Registered ~~Duly Authorized~~ Agent for the within-named Defendant, Foundry Networks, Inc.

Said service was made at:

84 State Street, 5th Floor, Boston , MASSACHUSETTS

STATEMENT OF SERVICE FEES

	SERVICE FEE $ 40.00 _____ **Trips**	

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 on June 22, 2005
Date

Burton M. Malkofsky
Signature of Server

One Devonshire Place, Boston, Massachusetts
Address of Server

ADDITIONAL INFORMATION

PLEASE NOTE THAT IT WAS NECESSARY TO MAKE ____ ATTEMPTS BEFORE MAKING PROPER SERVICE.

Date	Time	Remarks	FEE
			$ _____
ALSO SERVED:			$ _____
- JURY DEMAND			$ _____
- CIVIL ACTION COVER SHEET			$ _____
- CIVIL CATEGORY SHEET (INCL. AO 120)			$ _____
- CORPORATE DISCLOSURE STATEMENT OF ENTERASYS NETWORKS, INC.			$ _____
		TOTAL	$ _____

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