Filed on behalf of: VirnetX Inc.
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

VIRNETX INC.
Patent Owner

Case IPR2015-00812
Patent No. 8,850,009

PATENT OWNER'S OBJECTIONS TO PETITIONER'S EXHIBITS

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner VirnetX Inc. submits the following objections to certain exhibits submitted by Apple Inc. ("Petitioner") in Case No. IPR2015-00812. Patent Owner's objections apply equally to Petitioner's reliance on these exhibits in any subsequently-filed documents. These objections are timely, having been served within ten business days of the Board's decision to institute a trial in this proceeding.

Exhibits 1005, 1022, 1023, and 1043

Patent Owner objects to Exhibit 1005 under Rules 401-403 of the Federal Rules of Evidence to the extent that Exhibit 1005 contains testimony unrelated to the grounds of rejection on which the Board instituted *inter partes* review. *See*, *e.g.*, at least testimony relating to U.S. Patent No. 8,868,705 and *Aventail*. Patent Owner similarly objects to Exhibits 1022, 1023, and 1043 under Rules 401-403 of the Federal Rules of Evidence because they contain testimony unrelated to the grounds of rejection on which the Board instituted *inter partes* review. Patent Owner further objects to Exhibits 1022, 1023, and 1043 under Rule 802 of the Federal Rules of Evidence because the testimony in these Exhibits constitutes inadmissible hearsay. Patent Owner further objects to Exhibit 1005 because it does not constitute evidence, but instead appears to supplement Petitioner's arguments in its Petition and circumvents the page limit. *See* 77 Fed. Reg. 48756, 48763 (Aug. 14, 2012). If the descriptions in Exhibit 1005 were included in the Petition,

the Petition would have exceeded the 60-page limit. *See* 37 C.F.R. § 42.24(a)(1)(i).

Exhibits 1001, 1002, 1009-1041, 1043-1048

Patent Owner objects to Exhibits 1001, 1002, 1009-1041, 1043-1048 under Rules 401-403 of the Federal Rules of Evidence on the grounds that these exhibits contain evidence not relevant to issues in this proceeding because the evidence lacks a nexus to the grounds of rejection on which the Board has instituted *inter partes* review.

Exhibits 1001, 1002, 1006, 1009-1041, 1043-1048

Patent Owner objects to Exhibits 1001, 1002, 1006, 1009-1041, 1043-1048 under Rules 401-403 of the Federal Rules of Evidence because Petitioner never relied on these exhibits in the Petition.

Dated: September 25, 2015

Respectfully submitted,

/Joseph E. Palys/
Joseph E. Palys
Registration No. 46,508

Counsel for VirnetX Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of September 2015, a copy of the foregoing Patent Owner's Objections to Petitioner's Exhibits was served by electronic mail upon the following:

Counsel for Apple Inc.:

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Dated: September 25, 2015

Respectfully submitted,

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