

Docket No.: 077580-0177  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Victor LARSON, et al.	:	Customer Number: 23630
Application No.: 13/615,557	:	Confirmation No. 1089
Filed: September 13, 2012	:	
U.S. Patent No.: 8,868,705	:	Group Art Unit: 2453
Issued: October 21, 2014	:	Examiner: Krisna Lim
For: AGILE NETWORK PROTOCOL FOR SECURE COMMUNICATIONS USING SECURE DOMAIN NAMES	:	

Mail Stop Certification of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR CERTIFICATE OF CORRECTION**

Dear Commissioner:

Pursuant to 37 C.F.R. § 1.322, this is a request for a Certificate of Correction in the above-identified patent. The mistake(s) identified in the attached Certificate of Correction occurred through the fault of the Patent Office. Specifically, an Amendment under 37 C.F.R. § 1.312 was filed in this matter on September 9, 2014 amending claims 1 and 19 of U.S. Patent Application No. 13/615,557. Claims 1 and 19 were amended to recite the “request...*intercepted* in step (1)” and not a “request...*transmitted* in step (1),” as currently shown in the issued patent. The Amendment was entered by the Patent Office on September 25, 2014, prior to issuance. (Response to 312 Communication mailed September 25, 2014.) However, when claims 1 and 19 issued as claims 1 and 21, the issued claims did not accurately reflect the amendments set forth in the September 9, 2014 Amendment. Applicant is filing this request for a certificate of correction to correct this Patent Office error.

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Furthermore, the instant patent is currently involved in IPR2015-00810 and IPR2015-00811. The Patent Trial and Appeal Board in these proceedings issued an order, copy attached with this request, ordering that the Patent Owner is authorized to file a request for a certificate of correction changing the word "transmitted" in claims 1 and 21 to "intercepted," and further ordered that the change of wording does not affect the patentable significance of claims 1 and 21.

No fee is believed to be due. However, please charge any required fees to Deposit Account No. 50-1133. Please also credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: December 9, 2015

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## UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 8,868,705

APPLICATION NO.: 13/615,557

ISSUE DATE : October 21, 2014

INVENTOR(S) : Victor Larson et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the Claims

Claim 1, col. 55, line 54, "address transmitted in step (1)" should read --address intercepted in step (1)--

Claim 21, col. 57, line 2, "transmitted in step (1)" should read --intercepted in step (1)--

MAILING ADDRESS OF SENDER (Please do not use customer number below):

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

VIRNETX INC.,  
Patent Owner.

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Case IPR2015-00810  
Case IPR2015-00811  
Patent 8,868,705 B2<sup>1</sup>

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Before KARL D. EASTHOM, JENNIFER S. BISK, and  
GREGG I. ANDERSON, *Administrative Patent Judges*.

ANDERSON, *Administrative Patent Judge*.

ORDER

Conduct of the Proceedings  
*37 C.F.R. § 42.5*

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<sup>1</sup> The parties are not authorized to use this caption.

## INTRODUCTION

On December 9, 2015, a conference call was held in the above proceedings, among counsel for Apple, Inc. (“Petitioner”), counsel for VirnetX, Inc. (“Patent Owner”), and Judges Easthom, Bisk, and Anderson. Patent Owner requests authorization to file a motion requesting permission to file a request for certificate of correction under 37 C.F.R. § 1.322(a)(3), which applies where the error is made by the Patent Office.

## DISCUSSION

Patent Owner asserted in its Preliminary Response (“Prelim. Resp.,” Paper 3)<sup>2</sup> that claims 1 and 21 of the ’705 patent incorrectly includes the word “transmitted” instead of “intercepted.” Prelim. Resp. 29, n.3 (citing Ex. 1002, 638–639, 641, 655–656). Patent Owner represented in the Preliminary Response that the error was made by the Office during prosecution. *Id.* Petitioner agrees the error was made by the Office.

During the call, the parties stipulated that the change from “transmitted” to “intercepted” was not of patentable significance. Based on the stipulation, Petitioner agreed to Patent Owner’s filing of a request for certificate of correction without the need for the filing of a motion seeking our authorization.

## ORDER

In consideration of the foregoing, it is hereby:

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<sup>2</sup> Citations are to IPR2015-00810. IPR2015-00811 raises the identical issues.

ORDERED that Patent Owner is authorized to file a request for a certificate of correction changing the word “transmitted” in claims 1 and 21 to “intercepted;”

FURTHER ORDERED that the change of wording does not affect the patentable significance of claims 1 and 21; and

FURTHER ORDERED that a copy of this Order will be filed in IPR2015-00810 and IPR2015-00811.

IPR2015-00810, IPR2015-0811  
Patent 8,868,705 B2

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## Electronic Acknowledgement Receipt

<b>EFS ID:</b>	24316109
<b>Application Number:</b>	13615557
<b>International Application Number:</b>	
<b>Confirmation Number:</b>	1089
<b>Title of Invention:</b>	AGILE NETWORK PROTOCOL FOR SECURE COMMUNICATIONS USING SECURE DOMAIN NAMES
<b>First Named Inventor/Applicant Name:</b>	Victor Larson
<b>Customer Number:</b>	23630
<b>Filer:</b>	Kenneth C. Cheney/Kimila Carraway
<b>Filer Authorized By:</b>	Kenneth C. Cheney
<b>Attorney Docket Number:</b>	077580-0177
<b>Receipt Date:</b>	09-DEC-2015
<b>Filing Date:</b>	13-SEP-2012
<b>Time Stamp:</b>	22:10:58
<b>Application Type:</b>	Utility under 35 USC 111(a)

### Payment information:

Submitted with Payment	no
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### File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Certificate of Correction	077580-0177_Request_Certificate_Correction.pdf	222507 050aa378f7aea745bc48cf81461b441efb2985f0	no	7

### Warnings:



**This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.**

**New Applications Under 35 U.S.C. 111**

**If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.**

**National Stage of an International Application under 35 U.S.C. 371**

**If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.**

**New International Application Filed with the USPTO as a Receiving Office**

**If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.**