

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 8,850,009

**PATENT OWNER'S MANDATORY NOTICES
PURSUANT TO 37 C.F.R. § 42.8**

VirnetX Inc., the Patent Owner, provides the following mandatory notices pursuant to 37 C.F.R. § 42.8.

I. Real Party-in-Interest

Pursuant to 37 C.F.R. § 42.8(b)(1), the real party-in-interest is VirnetX Inc., the assignee of record for U.S. Patent No. 8,850,009 (“the ’009 patent”).

II. Related Matters

Patent Owner identifies the following matters that may be deemed related pursuant to 37 C.F.R. § 42.8(b)(2).

A. Proceedings Before the USPTO Involving the Patent-at-Issue

The ’009 patent, which is the subject of this proceeding, is also at issue in *inter partes* review Case IPR2015-00813.

B. Proceedings Before the USPTO Involving Related Patents

Several patents stemming from the same applications that led to the ’009 patent are or were at issue in the following *inter partes* review and *inter partes* reexamination proceedings:

Patent	Matter
U.S. Patent No. 6,502,135	Case IPR2013-00348 ¹
	Case IPR2013-00349 ²
	Case IPR2013-00375 ³
	Case IPR2014-00171 ⁴
	Case IPR2014-00172 ⁵
	Case IPR2014-00558 ⁶
	Control No. 95/001,679
	Control No. 95/001,682

¹ The Board denied institution of this proceeding on December 13, 2013, and denied rehearing on February 12, 2014.

² The Board denied institution of this proceeding on December 13, 2013, and denied rehearing on February 12, 2014.

³ The Board terminated this proceeding on November 12, 2013.

⁴ The Board denied institution of this proceeding on June 5, 2014.

⁵ The Board denied institution of this proceeding on June 5, 2014.

⁶ The Board denied institution of this proceeding on July 23, 2014, and denied rehearing on September 5, 2014.

Patent	Matter
U.S. Patent No. 7,490,151	Case IPR2013-00354 ⁷
	Case IPR2013-00376 ⁸
	Case IPR2014-00173 ⁹
	Case IPR2014-00610 ¹⁰
	Case IPR2015-00187 ¹¹
	Control No. 95/001,697 Control No. 95/001,714
U.S. Patent No. 7,418,504	Case IPR2013-00377 ¹²

⁷ The Board denied institution of this proceeding on December 13, 2013, and denied rehearing on February 12, 2014.

⁸ The Board terminated this proceeding on November 12, 2013.

⁹ The Board denied institution of this proceeding on June 5, 2014.

¹⁰ The Board terminated this proceeding on January 26, 2015.

¹¹ The Board denied institution of this proceeding on February 17, 2015.

¹² The Board terminated this proceeding on November 12, 2013.

Patent	Matter
	Case IPR2013-00393 ¹³
	Case IPR2013-00394 ¹⁴
	Case IPR2014-00176 ¹⁵
	Case IPR2014-00177 ¹⁶
	Case IPR2014-00612 ¹⁷
	Case IPR2014-00613 ¹⁸
	Case IPR2014-00614 ¹⁹

¹³ The Board denied institution of this proceeding on December 18, 2013, and denied rehearing on February 12, 2014.

¹⁴ The Board denied institution of this proceeding on December 18, 2013, and denied rehearing on February 12, 2014.

¹⁵ The Board denied institution of this proceeding on June 5, 2014.

¹⁶ The Board denied institution of this proceeding on June 5, 2014.

¹⁷ The Board denied institution of this proceeding on October 15, 2014.

¹⁸ On October 15, 2014, the Board consolidated this proceeding with IPR2014-00614 and then administratively terminated IPR2014-00613.

¹⁹ The Board terminated this proceeding on January 26, 2015.

Patent	Matter
	Case IPR2015-00188 ²⁰ Case IPR2015-00189 ²¹ Control No. 95/001,788 Control No. 95/001,851

²⁰ The Board denied institution of this proceeding on February 17, 2015.

²¹ The Board denied institution of this proceeding on February 17, 2015.

Patent	Matter
U.S. Patent No. 7,188,180	Case IPR2014-00401 ²²
	Case IPR2014-00405 ²³
	Case IPR2014-00481
	Case IPR2014-00482
	Case IPR2014-01418 ²⁴
	Case IPR2014-01421 ²⁵
	Control No. 95/001,792
U.S. Patent No. 6,839,759	Control No. 95/001,746

²² The Board denied institution of this proceeding on July 23, 2014, and denied rehearing on September 5, 2014.

²³ The Board denied institution of this proceeding on July 23, 2014, and denied rehearing on September 5, 2014.

²⁴ The Board terminated this proceeding on January 16, 2015.

²⁵ The Board terminated this proceeding on January 16, 2015.

Patent	Matter
U.S. Patent No. 7,987,274	Case IPR2014-00403 Case IPR2014-00404 Case IPR2014-00483 ²⁶ Case IPR2014-00484 ²⁷
U.S. Patent No. 8,051,181	Case IPR2014-00485 ²⁸ Case IPR2014-00486 ²⁹ Control No. 95/001,949
U.S. Patent No. 8,504,697	Case IPR2014-00237 Case IPR2014-00238
U.S. Patent No. 7,921,211	Case IPR2013-00378 ³⁰

²⁶ On September 15, 2014, the Board joined this proceeding with IPR2014-00403.

²⁷ On September 15, 2014, the Board joined this proceeding with IPR2014-00404.

²⁸ The Board denied institution of this proceeding on September 16, 2014.

²⁹ The Board denied institution of this proceeding on September 16, 2014.

³⁰ The Board terminated this proceeding on November 12, 2013.

Patent	Matter
	Case IPR2013-00397 ³¹
	Case IPR2013-00398 ³²
	Case IPR2014-00174 ³³
	Case IPR2014-00175 ³⁴
	Case IPR2014-00615 ³⁵
	Case IPR2014-00616 ³⁶
	Case IPR2014-00618 ³⁷

³¹ The Board denied institution of this proceeding on December 18, 2013, and denied rehearing on February 12, 2014.

³² The Board denied institution of this proceeding on December 18, 2013, and denied rehearing on February 12, 2014.

³³ The Board denied institution of this proceeding on June 5, 2014.

³⁴ The Board denied institution of this proceeding on June 5, 2014.

³⁵ The Board terminated this proceeding on January 26, 2015.

³⁶ The Board denied institution of this proceeding on October 15, 2014.

³⁷ On October 15, 2014, the Board consolidated this proceeding with IPR2014-00615 and then administratively terminated IPR2014-00618.

Patent	Matter
	Case IPR2015-00185 ³⁸ Case IPR2015-00186 ³⁹ Control No. 95/001,789 Control No. 95/001,856
U.S. Patent No. 8,868,705	Case IPR2015-00810 Case IPR2015-00811
U.S. Patent No. 8,458,341	Case IPR2015-00866 Case IPR2015-00867
U.S. Patent No. 8,561,131	Case IPR2015-00868 Case IPR2015-00869
U.S. Patent No. 8,560,705	Case IPR2015-00870 Case IPR2015-00871

³⁸ The Board denied institution of this proceeding on February 17, 2015.

³⁹ The Board denied institution of this proceeding on February 17, 2015.

C. U.S. Patent Applications Related to the Patent-at-Issue

The following applications, which stem from the same applications that led to the '009 patent, are currently pending before the Office:

13/080,680	13/617,446	13/615,528
13/181,041	13/620,534	13/620,550
13/475,637	13/890,206	13/950,897
13/615,536	13/903,788	14/482,956
13/617,375	13/950,877	14/526,669

D. Litigations Involving the Patent-at-Issue and/or Related Patents

The '009 patent and/or other patents that stem from the same applications that led to the '009 patent are at issue in the following cases:

<i>VirnetX Inc. and Science Applications Int'l Corp. v. Cisco Systems, Inc., Apple Inc., Aastra USA, Inc., Aastra Technologies Ltd., NEC Corp., and NEC Corp. of America</i> , No. 6:10-cv-00417 (E.D. Tex.) ⁴⁰
<i>VirnetX Inc. and Science Applications Int'l Corp. v. Apple Inc.</i> , No. 6:12-cv-00855 (E.D. Tex.)
<i>VirnetX Inc. v. Apple Inc.</i> , No. 6:11-cv-00563 (E.D.

⁴⁰ NEC and Aastra have entered into a license agreement with VirnetX and have been dismissed from this case. The Cisco portion of the case has concluded with a final judgment. The only remaining defendant in this case is Apple. The district court entered judgment in favor of VirnetX against Apple. On September 16, 2014, the Federal Circuit affirmed-in-part, reversed-in-part, vacated-in-part, and remanded for further proceedings in the district court. On October 16, 2014, VirnetX petitioned for rehearing of the Federal Circuit's decision. On December 16, 2014, the Federal Circuit denied the petition for rehearing.

Tex.; consolidated with case No. 6:12-cv-00855)
<i>VirnetX Inc. and Science Applications Int'l Corp. v.</i> <i>Apple Inc.</i> , No. 6:13-cv-00211 (E.D. Tex.)

III. Lead and Back-Up Counsel and Service Information

In accordance with 37 C.F.R. § 42.8(b)(3) and (b)(4), Patent Owner identifies the following lead and back-up counsel and service information:

Lead Counsel	Back-Up Counsel
Joseph E. Palys (Reg. No. 46,508) Paul Hastings LLP 875 15 th Street NW Washington, DC 20005 Telephone: (202) 551-1996 Facsimile: (202) 551-0496 E-mail: josephpalys@paulhastings.com	Naveen Modi (Reg. No. 46,224) Paul Hastings LLP 875 15 th Street NW Washington, DC 20005 Telephone: (202) 551-1990 Facsimile: (202) 551-0490 E-mail: naveenmodi@paulhastings.com

Back-Up Counsel	
<p>Jason E. Stach (Reg. No. 54,464)</p> <p>Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P.</p> <p>303 Peachtree St., NE, Suite 3500</p> <p>Atlanta, GA 30308</p> <p>Telephone: (404) 653-6428</p> <p>Facsimile: (404) 653-6444</p> <p>E-mail: jason.stach@finnegan.com</p>	

Respectfully submitted,

Dated: March 23, 2015

By: /Joseph E. Palys/

Joseph E. Palys
Reg. No. 46,508

Counsel for Patent Owner

Certificate of Service

Pursuant to 37 C.F.R. § 42.6(e), I certify that I caused to be served on the counsel for Petitioner a true and correct copy of the foregoing Patent Owner's Mandatory Notices Pursuant to 37 C.F.R. § 42.8 by electronic means on the date below at the following address of record:

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Dated: March 23, 2015

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