

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

APPLE INC.  
Petitioner,

v.

VIRNETX, INC. AND SCIENCE APPLICATION INTERNATIONAL  
CORPORATION,  
Patent Owner

Patent No. 6,502,135

Issued: December 31, 2002

Filed: November 29, 1999

Inventors: Victor Larson, *et al.*

Title: Agile Network Protocol For Secure Communications With Assured System  
Availability

---

*Inter Partes* Review No. IPR2013-00348

---

**PETITIONER'S UPDATE REGARDING THE CO-PENDING  
REEXAMINATION PROCEEDINGS**

Pursuant to the Order issued by the Panel on August 14, 2013 in Paper No. 6, Petitioner Apple Inc. (“Petitioner”) files this update regarding the status of co-pending reexamination proceedings concerning the patents that are the subject of IPR petitions filed by Apple.<sup>1</sup>

U.S. Patent No. 6,502,135 (IPR2013-00348 & -00349)

- Related Proceedings: The ’135 patent is the subject of merged *inter partes* reexamination control Nos. 95/001,682 (filed by Petitioner) and 95/001,679 (filed by Cisco).
- Status of the claims: All claims presently stand rejected under 35 U.S.C. § 102 or § 103.
- Last Office Action: March 11, 2013: Non-Final Action.
- Status of Proceeding: Patent Owner and Requestor each have filed comments on the March 11, 2013 Non-Final Action. The case is awaiting further action by the Examiner.
- Changes Since Petitioner’s August 28, 2013 Status Report:
  - No change in the reexamination.
  - On October 17, 2013, Petitioner filed its opening brief with the Federal Circuit appeal no. 2013-1489, which is an appeal of the decision of the Eastern District of Texas in No. 6:10-cv-00417-

---

<sup>1</sup> Petitioner is filing a substantively identical document in each of the seven IPR proceedings: IPR2013-00348, IPR2013-00349, IPR2013-00354, IPR2013-00393, IPR2013-00394, IPR2013-00397, and IPR2013-00398.

LED. Patent Owner's responsive brief is due November 15, 2013, and Petitioner's reply brief is due December 2, 2013.

- On October 18, 2013, Petitioner in IPR2013-00375 requested leave to file a motion to terminate that proceeding. On October 21, 2013 Petitioner Apple communicated its opposition to termination of the proceeding, and on the same date Patent Owner communicated its support of termination. A phone conference with the Board has been scheduled for Tuesday, October 29 in connection with Petitioner New Bay Capital's communication.

U.S. Patent No. 7,490,151 (IPR2013-00354)

- Related Proceedings: The '151 patent is the subject of merged *inter partes* reexamination control Nos.: 95/001,714 (filed by Petitioner) and 95/001,697 (filed by Cisco).
- Status of the Claims: All claims stand rejected under 35 U.S.C. § 102 or § 103.
- Last Office Action: April 20, 2012: Non-Final Action.
- Status of Proceeding: Patent Owner and Requestor each have filed comments on the April 20, 2012 Non-Final Action. The case is awaiting further action by the Examiner.
- Changes Since Petitioner's August 28, 2013 Status Report:
  - No change in the reexamination.
  - On October 17, 2013, Petitioner filed its opening brief with the Federal Circuit appeal no. 2013-1489, which is an appeal of the decision of the Eastern District of Texas in No. 6:10-cv-00417-

LED. Patent Owner's responsive brief is due November 15, 2013, and Petitioner's reply brief is due December 2, 2013.

- On October 18, 2013, Petitioner in IPR2013-00376 requested leave to file a motion to terminate that proceeding. On October 21, 2013 Petitioner Apple communicated its opposition to termination of the proceeding, and on the same date Patent Owner communicated its support of termination. A phone conference with the Board has been scheduled for Tuesday, October 29 in connection with Petitioner New Bay Capital's communication.

U.S. Patent No. 7,418,504 (IPR2013-00393 & -00394)

- Related Proceeding: The '504 patent is the subject of *inter partes* reexamination control No. 95/001,788 (filed by Petitioner).
- Status of the Claims: All claims stand rejected under 35 U.S.C. § 102 or § 103.
- Last Office Action: June 25, 2013: Right of Appeal Notice.
- Status of Proceeding: Patent Owner filed a notice of appeal on July 25, 2013. Patent Owner requested and the office granted Patent Owner a one-month extension of time, to October 25, 2013, for filing its appeal brief.
- Changes Since Petitioner's August 28, 2013 Status Report:
  - On October 11, 2013, Patent Owner requested an indefinite extension of time to file its appeal brief, asking to file its brief three weeks after the Director enters decisions on (a) Patent Owner's petition to enter into the record a supplemental

declaration the Examiner already excluded as untimely, and (b) Patent Owner's April 12, 2013 petition to the Director to review the decision not to reopen prosecution. Petitioner Apple has filed oppositions to both petitions.

- On October 17, 2013, Petitioner filed its opening brief with the Federal Circuit appeal no. 2013-1489, which is an appeal of the decision of the Eastern District of Texas in No. 6:10-cv-00417-LED. Patent Owner's responsive brief is due November 15, 2013, and Petitioner's reply brief is due December 2, 2013.
- On October 18, 2013, Petitioner in IPR2013-00377 requested leave to file a motion to terminate that proceeding. On October 21, 2013 Petitioner Apple communicated its opposition to termination of the proceeding, and on the same date Patent Owner communicated its support of termination. A phone conference with the Board has been scheduled for Tuesday, October 29 in connection with Petitioner New Bay Capital's communication.
- On October 23, 2013, the office granted Patent Owner a one-month extension of time for filing its appeal brief. Patent Owner's appeal brief is now presently due on November 25, 2013.

U.S. Patent No. 7,921,211 (IPR2013-00397 & -00398)

- Related Proceeding: The '211 patent is the subject of *inter partes* reexamination control No. 95/001,789 (filed by Petitioner).

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.