

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. 7,418,504

Issued: August 26, 2008

Filed: November 18, 2003

Inventors: Victor Larson, *et al.*

Title: AGILE NETWORK PROTOCOL FOR SECURE COMMUNICATIONS
USING SECURE DOMAIN NAMES

Inter Partes Review No. IPR2013-00393

PETITION FOR INTER PARTES REVIEW

TABLE OF CONTENTS

I. COMPLIANCE WITH REQUIREMENTS FOR A PETITION FOR INTER PARTES REVIEW 1

 A. Certification the '504 Patent May Be Contested by Petitioner..... 1

 B. Fee for Inter Partes Review (§ 42.15(a))..... 3

 C. Mandatory Notices (37 CFR § 42.8(b)) 3

 1. Real Party in Interest (§ 42.8(b)(1))..... 3

 2. Other Proceedings (§ 42.8(b)(2))..... 4

 3. Designation of Lead and Backup Counsel..... 5

 4. Service Information (§ 42.8(b)(4)) 6

 D. Proof of Service (§§ 42.6(e) and 42.105(a)) 6

II. IDENTIFICATION OF CLAIMS BEING CHALLENGED (§ 42.104(B)) 6

III. RELEVANT INFORMATION CONCERNING THE CONTESTED PATENT 7

 A. Effective Filing Date and Prosecution History of the '504 patent..... 7

 B. Person of Ordinary Skill in the Art 8

 C. Construction of Terms Used in the Claims 9

 1. Domain Name (Claims 1-3, 5-8 and 14-60) 9

 2. Domain Name Service System (Claims 1-3, 5-8 and 14-60) 10

 3. Indication (Claims 1-3, 5-8 and 14-60) 11

 4. Secure Communication Link (Claims 1-3, 5-8 and 14-60) 12

 5. Secure Name (Claims 3, 24, 25, 48, and 49) 15

IV. PRECISE REASONS FOR RELIEF REQUESTED 16

 A. Claims 1-3, 5-8, and 14-60 Are Anticipated by Aventail 16

 1. Aventail Anticipates Claim 1 16

 2. Aventail Anticipates Claim 36..... 20

 3. Aventail Anticipates Claim 60..... 21

Petition for *Inter Partes* Review of U.S. Patent No. 7,418,504

4.	Aventail Anticipates Claims 2, 3, and 37	22
5.	Aventail Anticipates Claim 5	22
6.	Aventail Anticipates Claim 6	23
7.	Aventail Anticipates Claim 7	23
8.	Aventail Anticipates Claim 8	24
9.	Aventail Anticipates Claims 14 and 38	25
10.	Aventail Anticipates Claims 15 and 39	25
11.	Aventail Anticipates Claims 16 and 40	27
12.	Aventail Anticipates Claims 17 and 41	30
13.	Aventail Anticipates Claims 18 and 42	30
14.	Aventail Anticipates Claims 19 and 43	31
15.	Aventail Anticipates Claims 20 and 44	32
16.	Aventail Anticipates Claims 21 and 45	33
17.	Aventail Anticipates Claims 22 and 46	33
18.	Aventail Anticipates Claims 23 and 47	34
19.	Aventail Anticipates Claims 24 and 48	35
20.	Aventail Anticipates Claims 25 and 49	35
21.	Aventail Anticipates Claims 26 and 50	36
22.	Aventail Anticipates Claims 27 and 51	37
23.	Aventail Anticipates Claims 28 and 52	38
24.	Aventail Anticipates Claims 29 and 53	39
25.	Aventail Anticipates Claims 30 and 54	40
26.	Aventail Anticipates Claims 31 and 55	41
27.	Aventail Anticipates Claims 32 and 56	42
28.	Aventail Anticipates Claims 33 and 57	42
29.	Aventail Anticipates Claims 34 and 58	43
30.	Aventail Anticipates Claims 35 and 59	44
B.	Aventail In View of Beser Renders Obvious Claims 3, 31, 32, 55, and 56	46

Petition for *Inter Partes* Review of U.S. Patent No. 7,418,504

1.	Dependent Claim 3 Would Have Been Obvious	47
2.	Dependent Claims 31 and 55 Would Have Been Obvious.....	47
3.	Dependent Claims 32 and 56 Would Have Been Obvious.....	48
C.	Aventail Renders Obvious Claims 31, 32, 55, and 56	49
V.	CONCLUSION.....	50

Attachment A. Proof of Service of the Petition

Attachment B. List of Evidence and Exhibits Relied Upon in Petition

I. COMPLIANCE WITH REQUIREMENTS FOR A PETITION FOR INTER PARTES REVIEW

A. Certification the '504 Patent May Be Contested by Petitioner

Petitioner certifies that U.S. Patent No. 7,418,504 (the '504 patent) (Ex. 1001) is available for *inter partes* review. Petitioner certifies that it is not barred or estopped from requesting *inter partes* review of the claims of the '504 patent on the grounds identified in this Petition. Neither Petitioner, nor any party in privity with Petitioner, has filed a civil action challenging the validity of any claim of the '504 patent. The '504 patent has not been the subject of a prior *inter partes* review by Petitioner or a privy of Petitioner.

Petitioner also certifies this petition for *inter partes* review is filed within one year of the date of service of a complaint alleging infringement of a patent. Petitioner was served with a complaint alleging infringement of the '504 patent on **December 31, 2012**, which led to Civil Action No. 6:12-cv-00855-LED in the Eastern District of Texas. Ex. 1050. Because the date of this petition is less than one year from December 31, 2012, this petition complies with 35 U.S.C. § 315(b).

Petitioner notes it was served with a complaint asserting infringement of the '504 patent prior to December 31, 2012. Specifically, in Civ. Act. No: 6:10-cv-417 (the "2010 Litigation"), Petitioner was served on February 4, 2011 with an amended complaint asserting infringement of the '504 patent. Petitioner was served with the original complaint leading to the 2010 Litigation in August of

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