

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. 7,490,151

Issued: Feb. 10, 2009

Filed: Sep. 30, 2002

Inventors: Edmund C. Munger, *et al*

Title: Establishment of a Secure Communication Link Based Domain Name
Service (DNS) Request

Inter Partes Review No. IPR2013-00354

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

Pursuant to the Order issued by the Panel on August 14, 2013 in Paper No. 11, 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.¹

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 December 11, 2013 Status Report:
 - No change in the reexamination.
 - On December 19, 2013, Petitioner filed its reply brief with the Federal Circuit in appeal no. 2013-1489, which is an appeal of the decision of the Eastern District of Texas in No. 6:10-cv-00417-LED.

¹ 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.

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

- Related Proceedings: The '151 patent is the subject of merged *inter partes* reexamination control Nos.: 95/001,697 (filed by Petitioner) and 95/001,714 (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 December 11, 2013 Status Report:
 - No change in the reexamination.
 - On December 19, 2013, Petitioner filed its reply brief with the Federal Circuit in appeal no. 2013-1489, which is an appeal of the decision of the Eastern District of Texas in No. 6:10-cv-00417-LED.

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. After being granted three extensions of time, Patent Owner filed its appeal brief on December 26, 2013.
- Changes Since Petitioner's December 11, 2013 Status Report:
 - On December 12, 2013, the Office denied Patent Owner's petition to the Director to enter the Supplemental Declaration of Angelos Keromytis.
 - On December 19, 2013, Petitioner filed its reply brief with the Federal Circuit in appeal no. 2013-1489, which is an appeal of the decision of the Eastern District of Texas in No. 6:10-cv-00417-LED.
 - On December 20, 2013, Patent Owner filed two more petitions. The first sought Reconsideration of the Office's denial of Patent Owner's petition to enter the Supplemental Declaration of Angelos Keromytis. The second sought Reconsideration of Review of the decision denying Patent Owner's petition to reopen the prosecution.
 - On December 20, 2013, the Office denied Patent Owner's fourth petition (filed December 6, 2013) for an extension of time to file its appeal brief.
 - On December 26, 2013, Patent Owner filed a 73-page appeal brief along with a petition to waive the 30-page limit for appeal briefs.
 - On January 3, 2014, Petitioner filed an opposition to Patent Owner's petition to waive the page limits of its appeal brief.

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).
- Status of the Claims: All claims stand rejected under 35 U.S.C. § 102 or § 103.
- Last Office Action: June 26, 2013: Right of Appeal Notice.
- Status of Proceeding: Patent Owner filed a notice of appeal on July 25, 2013. After being granted three extensions of time, Patent Owner filed its appeal brief on December 26, 2013.
- Changes Since Petitioner's December 11, 2013 Status Report:
 - On December 12, 2013, the Office denied Patent Owner's petition to the Director to enter the Supplemental Declaration of Angelos Keromytis.
 - On December 19, 2013, Petitioner filed its reply brief with the Federal Circuit in appeal no. 2013-1489, which is an appeal of the decision of the Eastern District of Texas in No. 6:10-cv-00417-LED.
 - On December 20, 2013, Patent Owner filed two more petitions. The first sought Reconsideration of the Office's denial of Patent Owner's petition to enter the Supplemental Declaration of Angelos Keromytis. The second sought Reconsideration of Review of the decision denying Patent Owner's petition to reopen the prosecution.
 - On December 23, 2013, the Office denied Patent Owner's fourth petition (filed December 6, 2013) for an extension of time to file its appeal brief.

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.