

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. AND SCIENCE APPLICATIONS INTERNATIONAL  
CORPORATION  
Patent Owner

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Case IPR2013-00354  
Patent 7,490,151

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Mailed: June 19, 2013

Before PATRICK E. BAKER, *Trial Paralegal*

NOTICE OF FILING DATE ACCORDED TO PETITION  
AND  
TIME FOR FILING PATENT OWNER PRELIMINARY RESPONSE

The petition for *inter partes* review in the above proceeding has been accorded the filing date of June 17, 2013.

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Administrative Patent Judge Sally C. Medley has been designated to manage the proceeding. 37 C.F.R. § 42.5.

A review of the petition identified the following defects:

- **Petition exceeds page limit. 37 C.F.R. § 42.24.**
- **Petitioner failed to uniquely number in a sequence each page of the exhibits pursuant to 37 CFR § 42.63(d)(2)(i).**
- **Petitioner failed to affix a label with the Petitioner's name and the relevant exhibit number on the lower right corner of the *first page* of the exhibit pursuant to 37 CFR § 42.63(d)(2)(ii).**
- **Petitioner failed to certify that the patent for which review is sought is available for the requested review. 37 C.F.R. § 42.104(a).**

Petitioner must correct the defects within **FIVE BUSINESS DAYS** from this notice. Failure to correct the defects may result in an order to show cause as to why the Board should institute the trial. No substantive changes (e.g., new grounds) may be made to the petition.

Patent Owner may file a preliminary response to the petition no later than three months from the date of this notice. The preliminary response is limited to setting forth the reasons why the requested review should not be instituted. Patent Owner may also file an election to waive the preliminary response to expedite the proceeding. For more information, please consult the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012), which is available on the Board Web site at <http://www.uspto.gov/PTAB>.

Patent Owner is advised of the requirement to submit mandatory notice information under 37 C.F.R. § 42.8(a)(2) within 21 days of service of the petition.

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The parties are encouraged to use the heading on the first page of this Notice for all future filings in the proceeding.

The parties are advised that under 37 C.F.R. § 42.10(c), recognition of counsel *pro hac vice* requires a showing of good cause. The parties are authorized to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c). Such motions shall be filed in accordance with the “Order -- Authorizing Motion for *Pro Hac Vice* Admission” in Case IPR2013-00010 (MPT), a copy of which is available on the Board Web site under “Representative Orders, Decisions, and Notices.” Any motion for *pro hac vice* admission filed by the parties shall also indicate that the person sought to be admitted will be subject to the USPTO Rules of Professional Conduct. *See* Changes to Representation of Others Before the United States Patent and Trademark Office; Final Rule, 78 Fed. Reg. 20180 (Apr. 3, 2013) (effective May 3, 2013).

The parties are reminded that unless otherwise permitted by 37 C.F.R. § 42.6(b)(2), all filings in this proceeding must be made electronically in the Patent Review Processing System (PRPS), accessible from the Board Web site at <http://www.uspto.gov/PTAB>.

If there are any questions pertaining to this notice, please contact Patrick E. Baker at 571-272-6192 or the Patent Trial and Appeal Board at 571-272-7822.

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