

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 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

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*Inter Partes* Review No. IPR2013-00354

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**PETITION FOR INTER PARTES REVIEW**

**VIRNETX EXHIBIT 2006**  
**New Bav Capital v. Virnetx**

**TABLE OF CONTENTS**

**I. Compliance With Requirements For A Petition For *Inter Partes* Review .....1**

**A. Certification the '151 Patent May Be Contested by Petitioner.....1**

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

**II. Mandatory Notices (37 CFR § 42.8(b)).....3**

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

**B. Other Proceedings (§ 42.8(b)(2)).....3**

**C. Designation of Lead and Backup Counsel .....4**

**D. Service Information (§42.8(b)(4)) .....4**

**E. Proof of Service (§§ 42.6(e) and 42.105(a)) .....5**

**III. Identification of Claims Being Challenged (§ 42.104(b)) .....5**

**IV. Relevant Information Concerning the Contested Patent.....6**

**A. Effective Filing Date and Prosecution History of the '151 patent..6**

**B. Person of Ordinary Skill in the Art.....7**

**C. Construction of Terms Used in the Claims.....8**

1. Domain Name (Claims 1-16).....8

2. Domain Name Server (Claims 1-16) .....9

3. Domain Name Server (DNS) Proxy Module (Claims 1, 7).....9

4. Secure Server (Claims 1-16).....10

5. IP Address Hopping Scheme (Claims 5 and 11) .....10

**V. Precise Reasons for Relief Requested..... 11**

**A. Claims 1-16 Are Anticipated By Aventail (Ex. 1007) .....11**

1. Aventail Anticipates Claim 1 .....11

2. Aventail Anticipates Claim 7 .....14

3. Aventail Anticipates Claim 13 .....18

4. Aventail Anticipates Claim 2, 8 and 14 .....19

Petition for *Inter Partes* Review of U.S. Patent No. 7,490,151

5.	Aventail Anticipates Claim 3, 9 and 15 .....	20
6.	Aventail Anticipates Claims 4, 10 and 16 .....	22
7.	Aventail Anticipates Claim 5 and 11 .....	22
8.	Aventail Anticipates Claim 6 and 12 .....	23
<b>B.</b>	<b>Aventail and RFC 1035 Render Claims 3, 9 and 15 Obvious .....</b>	<b>23</b>
<b>C.</b>	<b>Aventail In View of Reed I Renders Claims 5 and 11 Obvious ....</b>	<b>25</b>
<b>D.</b>	<b>Claims 1-16 Are Anticipated By BinGO (Ex. 1008).....</b>	<b>27</b>
1.	BinGO Anticipates Claim 1 .....	27
2.	BinGO Anticipates Claim 7 .....	30
3.	BinGO Anticipates Claim 13 .....	33
4.	BinGO Anticipates Claims 2, 8 and 14.....	34
5.	BinGO Anticipates Claims 3, 9 and 15.....	35
6.	BinGO Anticipates Claim 4, 10, and 16 .....	36
7.	BinGO Anticipates Claim 5 and 11 .....	36
8.	BinGO Anticipates Claims 6 and 12.....	37
<b>E.</b>	<b>BinGO In View of Reed Renders Claims 5 and 11 Obvious .....</b>	<b>38</b>
<b>F.</b>	<b>Claims 1-16 Are Anticipated by U.S. Patent No. 6,496,867 (Beser)</b>	<b>39</b>
1.	Beser Anticipates Claim 1 .....	39
2.	Beser Anticipates Claim 7 .....	41
3.	Beser Anticipates Claim 13 .....	43
4.	Beser Anticipates Claims 2, 8, and 14 .....	44
5.	Beser anticipates Claims 3, 9, and 15 .....	46
6.	Beser Anticipates Claims 4, 10 and 16.....	47
7.	Beser Anticipates Claims 5 and 11 .....	47
8.	Beser Anticipates Claims 6 and 12 .....	48
<b>G.</b>	<b>Beser Considered with RFC 2401 Renders Obvious Claims 1-16</b>	<b>49</b>
1.	Claims 1, 7, and 13 Would Have Been Obvious .....	50
2.	Dependent Claims 2-6, 8-12, and 14-16 .....	52

3.	Dependent Claims 5 and 11 .....	53
<b>H.</b>	<b>Beser in View of Blum Renders Obvious Claims 1-16.....</b>	<b>54</b>
1.	Claims 1, 7, and 13 Would Have Been Obvious .....	54
2.	Claims 2-6, 8-12, and 14-16 Would Have Been Obvious .....	56
<b>I.</b>	<b>Beser in view of Hoke Renders Claims 1-16 Obvious.....</b>	<b>57</b>
1.	Claims 1, 7, and 13 Would Have Been Obvious .....	57
2.	Claims 2-6, 8-12, and 14-16 Would Have Been Obvious .....	58
<b>J.</b>	<b>Beser in View of RFC 2401, and Further in View of Blum Renders Claims 1-16 Obvious .....</b>	<b>59</b>
<b>K.</b>	<b>Beser in View of Hoke, and Further in View of Blum Renders Claims 1-16 Obvious .....</b>	<b>60</b>
<b>VI.</b>	<b>CONCLUSION .....</b>	<b>60</b>

**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 '151 Patent May Be Contested by Petitioner**

Petitioner certifies it is not barred or estopped from requesting *inter partes* review of U.S. Patent No. 7,490,151 (the '151 patent) (Ex. 1001). Neither Petitioner, nor any party in privity with Petitioner, has filed a civil action challenging the validity of any claim of the '151 patent. The '151 patent has not been the subject of a prior *inter partes* review by Petitioner or a privity 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 '151 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 previously served with a complaint asserting infringement of the '151 patent in August of 2010, which led to Civil Action No: 6:10-cv-417. During that action, the District Court established an additional civil action, Civil Action No. 6:13-cv-00211-LED, on February 26, 2013 (also pending in the Eastern District of Texas). The August 2010 complaint does not foreclose the present petition, as Patent Owner served a **new complaint** on Petitioner asserting infringement of the '151 patent **in December of 2012**.

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