

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. 7,921,211

Issued: April 5, 2011

Filed: August 17, 2007

Inventors: Victor Larson, *et al.*

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

Inter Partes Review No. IPR2013-00397

PETITION FOR INTER PARTES REVIEW

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

A. Certification the '211 Patent May Be Contested by Petitioner

Petitioner certifies that U.S. Patent No. 7,921,211 (the '211 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 '211 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 '211 patent. The '211 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 '211 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 '211 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 '211 patent. Petitioner was served with the original complaint leading to the 2010 Litigation in August of

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