

Paper No. _____
Filed: July 12, 2013

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEW BAY CAPITAL, LLC
Petitioner

v.

VIRNETX INC.
Patent Owner

Case IPR2013-00378
Patent 7,921,211

**PATENT OWNER'S MANDATORY NOTICES
PURSUANT TO 37 C.F.R. § 42.8**

VirnetX Inc., the Patent Owner, provides the following mandatory notices pursuant to 37 C.F.R. § 42.8.

I. Real Party-in-Interest

Pursuant to 37 C.F.R. § 42.8(b)(1), the real party-in-interest is VirnetX Inc., the assignee of record for U.S. Patent No. 7,921,211 (“the ’211 patent”).

II. Related Matters

Patent Owner identifies the following matters that may be deemed related pursuant to 37 C.F.R. § 42.8(b)(2).

A. Proceedings Before the USPTO Involving the Patent-at-Issue

The ’211 patent, which is the subject of this proceeding, is also at issue in the following *inter partes* review and *inter partes* reexamination proceedings:

Case IPR2013-00397
Case IPR2013-00398
Control No. 95/001,789
Control No. 95/001,856

B. Proceedings Before the USPTO Involving Related Patents

Several patents, which stem from the same applications that led to the ’211 patent, are at issue in the following *inter partes* review and *inter partes* reexamination proceedings:

U.S. Patent No. 6,502,135	Case IPR2013-00348 Case IPR2013-00349 Case IPR2013-00375 Control No. 95/001,679 Control No. 95/001,682
U.S. Patent No. 7,490,151	Case IPR2013-00354 Case IPR2013-00376 Control No. 95/001,697 Control No. 95/001,714
U.S. Patent No. 7,418,504	Case IPR2013-00377 Case IPR2013-00393 Case IPR2013-00394 Control No. 95/001,788 Control No. 95/001,851
U.S. Patent No. 6,839,759	Control No. 95/001,746
U.S. Patent No. 7,188,180	Control No. 95/001,792
U.S. Patent No. 8,051,181	Control No. 95/001,949

C. U.S. Patent Applications Related to the Patent-at-Issue

The following applications, which stem from the same applications that led to the '211 patent, are currently pending before the Office:

11/839,937	13/181,041	13/615,436	13/620,534
11/924,460	13/285,962	13/615,528	13/620,550
13/049,552	13/336,958	13/615,536	13/890,206
13/075,081	13/337,757	13/615,557	13/903,788
13/080,680	13/339,257	13/617,375	13/911,792
13/080,684	13/342,795	13/617,446	13/911,813
13/093,785	13/343,465	13/618,966	--
13/154,021	13/474,397	13/620,270	--
13/155,039	13/475,637	13/620,371	--

D. Litigations Involving the Patent-at-Issue and/or Related Patents

The '211 patent and/or other patents, which stem from the same applications that led to the '211 patent, are at issue in the following cases:

<i>VirnetX Inc. and Science Applications Int'l Corp. v. Cisco Systems, Inc., Apple Inc., Aastra USA, Inc., Aastra Technologies Ltd., NEC Corp., and NEC Corp. of America</i> , No. 6:10-cv-00417 (E.D. Tex.) ¹
<i>VirnetX Inc. and Science Applications Int'l Corp. v. Mitel Networks Corp., Mitel Networks, Inc., Siemens AG, Siemens Corp., Siemens Enterprise Communications GmbH & Co. KG, Siemens Communications, Inc., Siemens Enterprise Communications, Inc., and Avaya Inc.</i> , No. 6:11-cv-00018 (E.D. Tex.) ²
<i>VirnetX Inc. and Science Applications Int'l Corp. v. Apple Inc.</i> , No. 6:12-cv-00855 (E.D. Tex.)
<i>VirnetX Inc. v. Apple Inc.</i> , No. 6:11-cv-00563 (E.D. Tex.; consolidated with case No. 6:12-cv-00855)
<i>VirnetX Inc. and Science Applications Int'l Corp. v. Apple Inc.</i> , No. 6:13-cv-00211 (E.D. Tex.)
<i>VirnetX Inc. and Science Applications Int'l Corp. v. Microsoft Corp.</i> , No. 6:13-cv-00351 (E.D. Tex.)

¹ VirnetX notes that NEC and Aastra have entered into a license agreement with VirnetX and have been dismissed from this case. The only remaining defendants in this case are Apple and Cisco.

² VirnetX notes that Mitel and Siemens have entered into a license agreement with VirnetX and have been dismissed from this case. The only remaining defendant in this case is Avaya.

III. Lead and Back-Up Counsel and Service Information

In accordance with 37 C.F.R. § 42.8(b)(3) and (b)(4), Patent Owner identifies the following lead and back-up counsel and service information:

Lead Counsel	Back-Up Counsel
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Respectfully submitted,

Dated: July 12, 2013

By: _____/Joseph E. Palys/
Joseph E. Palys
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Counsel for Patent Owner

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