UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC. Petitioner,

v.
VIRNETX, INC. AND SCIENCE APPLICATIONS INTERNATIONAL CORPORATION,
Patent Owners

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

Declaration of Michael Fratto Regarding

U.S. Patent No. 7,921,211



I, Michael Fratto, do hereby declare and state, that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Dated: July 1, 2013

Mike Fratto

TABLE OF CONTENTS

I.	INTRODUCTION							
	A.	Engagement						
	B.	Background and Qualifications						
	C.	Compensation and Prior Testimony						
	D.	Information Considered						
II.	LEGAL STANDARDS FOR PATENTABILITY							
	A.	Anticipation						
	B.	Obviousness						
III.	THE	THE '211 PATENT						
	A.	Effe	Effective Filing Date of the '211 Patent					
	B.	Pros	Prosecution History Of The '211 Patent					
	C.	The	The Person Of Ordinary Skill In The Art					
	D.	Ove	Overview of the Claims of the '211 Patent					
	E.	E. Description of the Background Technology Relevant to the '211 Patent						
		1. The Open Internet						
		2.	Dom	ain Names and the Domain Name System (DNS)	19			
			a.	The DNS System	19			
			b.	Domain Names and URIs	22			
			c.	Domain Name Resolution	24			
		3.	Encr	yption, Tunnels, and Data Security	31			
			a.	Encryption	31			
			b.	Authentication	33			
			c.	IPSec – RFC 2401	37			
			d.	Tunneling	38			
		4.	VPN	S	41			
		5.	Conr	nection Indicators	42			
IV.	GENERAL ISSUES RELATED TO MY PATENTABILITY							
	ANA	ALYS]	[S		4 <i>6</i>			



	A.	The Claims of the '211 Patent I Am Addressing in this Report						
	B.	Interpretation of Certain Claim Terms						
		1.	Doma	ain Nan	ne (Claims 1-3, 5-8 and 14-60)	59		
		2.			ne Service System (Claims 1-3, 5-8 and 14-	60		
		3.	Indica	ation (C	Claims 1-3, 5-8, and 14-60)	63		
		4.	Secure Communication Link (Claims 1-3, 5-8 and 14-60)					
		5.	Secur	re Name	e (Claims 3, 24, 25, 48, and 49)	66		
	C.	Prior Art References						
		1.	Exhibit 1007 – Aventail Connect v3.01/2.51 Administrator's Guide ("Aventail")					
		2.	Exhib	oit 1008	3 – U.S. Patent 6,557,037 to Provino	69		
		3.	Exhib	oit 1009	9 – U.S. Patent 6,496,867 to Beser	69		
		4.	Requ	est for	Comment (RFC) Publications	70		
V.		PATENTABILITY ANALYSIS OF CLAIMS 1-3, 5-8, AND 14-60 OF THE '211 PATENT						
	A.	Aven	tail Co	nnect v	v3.01/2.5 Administrator's Guide	72		
		1.	Over	view of	Aventail	72		
		2.	Comparison of Aventail to Claims 1-3, 5-8, and 14-60 of the '211 Patent					
			a.	Claim	s 1, 36 and 60	120		
				i. ii.	Connection to Communication Network Storage of Plurality of Comain Names and Corresponding Network Addresses			
				iii. iv.	Receiving Query for a Network Address Indicate [] Whether the Domain Name Service System Supports Establishing a	.125		
			b.	Claim	Secure Communication links 2 and 37			
			о. с.		3			
			d.		5			
			и. e.			135		
			∼.	-	· · · · · · · · · · · · · · · · · · ·	100		



		f.	Claim 7
		g.	Claim 8
		h.	Claims 14 and 38
		i.	Claims 15 and 39
		j.	Claims 16 and 40
		k.	Claims 17 and 41
		1.	Claims 18 and 42
		m.	Claims 19 and 43
		n.	Claims 20 and 44
		0.	Claims 21 and 45
		p.	Claims 22 and 46
		q.	Claims 23 and 47
		r.	Claims 24 and 48
		S.	Claims 25 and 49
		t.	Claims 26 and 50
		u.	Claims 27 and 51
		v.	Claims 28 and 52
		w.	Claims 29 and 53
		х.	Claims 30 and 54
		y.	Claims 31 and 55
		z.	Claims 32 and 56
		aa.	Claims 33 and 57
		bb.	Claims 34 and 58
		cc.	Claims 35 and 59
	3.	CON	CLUSION
VI.	APPENDIX	Κ A: Μ	ATERIALS CONSIDERED BY MIKE FRATTO 173



DOCKET

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.

