

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. IPR2013-00398

**PETITIONER'S UPDATE REGARDING THE CO-PENDING
REEXAMINATION PROCEEDINGS**

Pursuant to the Order issued by the Panel on August 14, 2013 in Paper No. 8, Petitioner Apple Inc. (“Petitioner”) files this update regarding the status of co-pending reexamination proceedings concerning the patents that are the subject of IPR petitions filed by Apple.¹

U.S. Patent No. 6,502,135 (IPR2013-00348 & -00349)

- Related Proceedings: The ’135 patent is the subject of merged *inter partes* reexamination control Nos. 95/001,682 (filed by Petitioner) and 95/001,679 (filed by Cisco).
- Status of the claims: All claims presently stand rejected under 35 U.S.C. § 102 or § 103.
- Last Office Action: March 11, 2013: Non-Final Action.
- Status of Proceeding: Patent Owner and Requestor each have filed comments on the March 11, 2013 Non-Final Action. The case is awaiting further action by the Examiner.
- Changes Since Petitioner’s December 11, 2013 Status Report:
 - No change in the reexamination.
 - On December 19, 2013, Petitioner filed its reply brief with the Federal Circuit in appeal no. 2013-1489, which is an appeal of the decision of the Eastern District of Texas in No. 6:10-cv-00417-LED.

¹ Petitioner is filing a substantively identical document in each of the seven IPR proceedings: IPR2013-00348, IPR2013-00349, IPR2013-00354, IPR2013-00393, IPR2013-00394, IPR2013-00397, and IPR2013-00398.

U.S. Patent No. 7,490,151 (IPR2013-00354)

- Related Proceedings: The '151 patent is the subject of merged *inter partes* reexamination control Nos.: 95/001,697 (filed by Petitioner) and 95/001,714 (filed by Cisco).
- Status of the Claims: All claims stand rejected under 35 U.S.C. § 102 or § 103.
- Last Office Action: April 20, 2012: Non-Final Action.
- Status of Proceeding: Patent Owner and Requestor each have filed comments on the April 20, 2012 Non-Final Action. The case is awaiting further action by the Examiner.
- Changes Since Petitioner's December 11, 2013 Status Report:
 - No change in the reexamination.
 - On December 19, 2013, Petitioner filed its reply brief with the Federal Circuit in appeal no. 2013-1489, which is an appeal of the decision of the Eastern District of Texas in No. 6:10-cv-00417-LED.

U.S. Patent No. 7,418,504 (IPR2013-00393 & -00394)

- Related Proceeding: The '504 patent is the subject of *inter partes* reexamination control No. 95/001,788 (filed by Petitioner).
- Status of the Claims: All claims stand rejected under 35 U.S.C. § 102 or § 103.
- Last Office Action: June 25, 2013: Right of Appeal Notice.

- Status of Proceeding: Patent Owner filed a notice of appeal on July 25, 2013. After being granted three extensions of time, Patent Owner filed its appeal brief on December 26, 2013.
- Changes Since Petitioner’s December 11, 2013 Status Report:
 - On December 12, 2013, the Office denied Patent Owner’s petition to the Director to enter the Supplemental Declaration of Angelos Keromytis.
 - On December 19, 2013, Petitioner filed its reply brief with the Federal Circuit in appeal no. 2013-1489, which is an appeal of the decision of the Eastern District of Texas in No. 6:10-cv-00417-LED.
 - On December 20, 2013, Patent Owner filed two more petitions. The first sought Reconsideration of the Office’s denial of Patent Owner’s petition to enter the Supplemental Declaration of Angelos Keromytis. The second sought Reconsideration of Review of the decision denying Patent Owner’s petition to reopen the prosecution.
 - On December 20, 2013, the Office denied Patent Owner’s fourth petition (filed December 6, 2013) for an extension of time to file its appeal brief.
 - On December 26, 2013, Patent Owner filed a 73-page appeal brief along with a petition to waive the 30-page limit for appeal briefs.
 - On January 3, 2014, Petitioner filed an opposition to Patent Owner’s petition to waive the page limits of its appeal brief.

U.S. Patent No. 7,921,211 (IPR2013-00397 & -00398)

- Related Proceeding: The '211 patent is the subject of *inter partes* reexamination control No. 95/001,789 (filed by Petitioner).
- Status of the Claims: All claims stand rejected under 35 U.S.C. § 102 or § 103.
- Last Office Action: June 26, 2013: Right of Appeal Notice.
- Status of Proceeding: Patent Owner filed a notice of appeal on July 25, 2013. After being granted three extensions of time, Patent Owner filed its appeal brief on December 26, 2013.
- Changes Since Petitioner's December 11, 2013 Status Report:
 - On December 12, 2013, the Office denied Patent Owner's petition to the Director to enter the Supplemental Declaration of Angelos Keromytis.
 - On December 19, 2013, Petitioner filed its reply brief with the Federal Circuit in appeal no. 2013-1489, which is an appeal of the decision of the Eastern District of Texas in No. 6:10-cv-00417-LED.
 - On December 20, 2013, Patent Owner filed two more petitions. The first sought Reconsideration of the Office's denial of Patent Owner's petition to enter the Supplemental Declaration of Angelos Keromytis. The second sought Reconsideration of Review of the decision denying Patent Owner's petition to reopen the prosecution.
 - On December 23, 2013, the Office denied Patent Owner's fourth petition (filed December 6, 2013) for an extension of time to file its appeal brief.

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