

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 Petitioner will file updates every two weeks, to the extent there are changes in the status of the reexamination proceedings as identified below.

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 based on one or more of the following primary references:
 - Aventail Connect v3.1/2.6 Administrator’s Guide
 - Aventail Connect v3.01/2.51 Administrator’s Guide
 - Aventail AutoSOCKS v2.1 Administrator’s Guide
 - Wang, *Broadband Forum TR-025: Core Network Architecture Recommendations For Access to Legacy Data Networks over ADSL*, Issue 1.0, September 1999

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.

IPR2013-00398 – Update re: Reexamination Proceedings

- U.S. Patent No. 6,496,867 to Beser
- *BinGO! User's Guide: Installation and Configuration*, Version 1.6, Document #71000B, Bintec Communications AG, March 1999
- 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.

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

- Related Proceedings: The '151 patent is the subject of merged *inter partes* reexamination control Nos.: 95/001,714 (filed by Petitioner) and 95/001,697 (filed by Cisco).
- Status of the Claims: All claims stand rejected under 35 U.S.C. § 102 or § 103 based on one or more of the following primary references:
 - Aventail Connect v3.1/2.6 Administrator's Guide
 - Aventail Connect v3.01/2.51 Administrator's Guide
 - Aventail AutoSOCKS v2.1 Administrator's Guide
 - Wang, *Broadband Forum TR-025: Core Network Architecture Recommendations For Access to Legacy Data Networks over ADSL*, Issue 1.0, September 1999
 - U.S. Patent No. 6,496,867 to Beser
 - *BinGO! User's Guide: Installation and Configuration*, Version 1.6, Document #71000B, Bintec Communications AG, March 1999
- 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.

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 based on one or more of the following primary references:
 - Solana, E. et al., *Flexible Internet Secure Transactions Based on Collaborative Domains*, Lecture Notes in Computer Science, Vol. 1361, at 37-51 (1997)
 - U.S. Patent No. 6,557,037 to Provino
 - U.S. Patent No. 6,496,867 to Beser
 - Atkinson, R., IETF RFC 2230, *Key Exchange Delegation Record for the DNS* (Nov. 1997)
 - Eastlake, D. et al., IETF RFC 2538, *Storing Certificates in the Domain Name System (DNS)* (Mar. 1998)
- Last Office Action: June 25, 2013: Right of Appeal Notice.
- Status of Proceeding: Patent Owner filed a notice of appeal on July 25, 2013. Patent Owner also has filed petitions seeking to defer the deadline for filing its appeal brief, which is presently due on September 25, 2013.

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 based on one or more of the following primary references:
 - Solana, E. et al., *Flexible Internet Secure Transactions Based on Collaborative Domains*, Lecture Notes in Computer Science, Vol. 1361, at 37-51 (1997)
 - U.S. Patent No. 6,557,037 to Provino
 - U.S. Patent No. 6,496,867 to Beser
 - Atkinson, R., IETF RFC 2230, *Key Exchange Delegation Record for the DNS* (Nov. 1997)
 - Eastlake, D. et al., IETF RFC 2538, *Storing Certificates in the Domain Name System (DNS)* (Mar. 1998)
- Last Office Action: June 26, 2013: Right of Appeal Notice.
- Status of Proceeding: Patent Owner filed a notice of appeal on July 25, 2013. Patent Owner also has filed petitions seeking to defer the deadline for filing its appeal brief, which is presently due on September 25, 2013.

Dated: August 28, 2013

Respectfully Submitted,

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