

Filed on behalf of: VirnetX Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX CORPORATION
Petitioner

v.

VIRNETX INC.
Patent Owner

Case IPR2014-00172
Patent 6,502,135

Patent Owner's Request for Deposition of Apple, Inc.

VIRNETX EXHIBIT 2026

Patent Owner VirnetX Inc. requests that Apple, Inc. provide a knowledgeable witness to testify to the deposition topic listed below. To the extent Apple prefers to respond to this topic in writing instead of providing a witness, effectively treating the topic as a deposition by written question or an interrogatory, Apple may do so subject to the instructions and definitions following the topic.

DEPOSITION TOPIC

Communications in Request for Production No. 1 and/or 2 of Exhibit 2004 that were not reduced to writing, including identifying those communications.

INSTRUCTIONS AND DEFINITIONS

If Apple prefers to respond to this deposition topic in writing instead of providing a witness, effectively treating the topic as a deposition by written question or an interrogatory, please follow these instructions in addition to complying with the Board’s instructions in the Office Patent Trial Practice Guide:

1. Please timely amend your response if you learn that your response is incomplete or additional responsive information is found.
2. Whenever you are asked to identify a communication, please: (a) summarize the subject matter of the communication; (b) state the date and location of the communication; and (c) identify the parties to the communication.
3. If, in responding to this this topic, you encounter any ambiguities when construing the topic, instruction, or definition, your response shall set forth the matter deemed ambiguous and the construction used in responding.
4. For any information sought that you withhold based upon a claim of privilege, please identify the ground of the asserted privilege and provide a privilege log according to the requirements of Federal Rule of Civil Procedure 26.
5. “Communications” shall mean the transmission or receipt of information of any kind through any means (e.g., email, voicemail, audio, computer readable media, or orally).