

Filed on behalf of: VirnetX Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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RPX CORPORATION  
Petitioner

v.

VIRNETX INC.  
Patent Owner

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Case IPR2014-00173  
Patent 7,490,151

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**Patent Owner's Requests for Production to RPX Corporation**

**VIRNETX EXHIBIT 2023**

Patent Owner VirnetX Inc. requests that RPX Corporation respond and produce the following documents and things.

**INSTRUCTIONS**

In responding to and producing documents and things responsive to these requests, please comply with the instructions in the Office Patent Trial Practice Guide.

1. Please timely amend your responses if you learn that your response is incomplete or additional responsive information is found.
2. All documents must be produced as they are kept in the usual course of business, in the files or containers in which the responsive documents are maintained, and in the order within each file or container in which such documents are maintained; or all documents shall be organized and labeled to correspond with the requests below.
3. Identify any responsive documents and things you are aware of but cannot produce because they have been lost or destroyed or are no longer in your possession and the reason you cannot produce them.
4. If, in answering these requests, you encounter any ambiguities when construing a request, instruction, or definition, your response shall set forth the matter deemed ambiguous and the construction used in responding.

5. For any document or thing withheld 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.

### **DEFINITIONS**

1. The terms “document” and “thing” have the broadest meaning prescribed in Federal Rule of Civil Procedure 34, including ESI and any physical specimen or tangible item, in your possession, custody, or control.

2. “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).

3. The terms “you” and “RPX” mean RPX Corporation and includes any agents, representatives, privies or others authorized to act on your behalf.

4. “Apple” means Apple, Inc. and includes any agents, representatives, privies or others authorized to act on Apple’s behalf.

5. “RPX IPRs” refers to *inter partes* review Case Nos. IPR2014-00171, IPR2014-00172, IPR2014-00173, IPR2014-00174, IPR2014-00175, IPR2014-00176, and IPR2014-00177.

6. “Sidley Austin” means Sidley Austin LLP and includes any agents, representatives, privies or others authorized to act on Sidley Austin’s behalf.

**DOCUMENTS AND THINGS REQUESTED**

**REQUEST FOR PRODUCTION NO. 1**

**REQUEST FOR PRODUCTION NO. 2**

Communications between you and Apple regarding the RPX IPRs, including communications relating to challenging U.S. Patent Nos. 6,502,135; 7,418,504; 7,490,151; and 7,921,211 at the United States Patent and Trademark Office and assistance with, filing, and/or preparation of any papers related to the RPX IPRs.

**REQUEST FOR PRODUCTION NO. 3**

**REQUEST FOR PRODUCTION NO. 4**

Engagement agreements or retainer agreements and corresponding termination agreements between you and Sidley Austin relating to the RPX IPRs.

**REQUEST FOR PRODUCTION NO. 5**

Invoices received by you and/or documents relating to payments made by you regarding the RPX IPRs, including invoices relating to challenging U.S. Patent

Nos. 6,502,135; 7,418,504; 7,490,151; and 7,921,211 at the United States Patent and Trademark Office, and assistance with, filing, and/or preparation of any papers related to the RPX IPRs.