

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 IPR2014-00173
Patent 7,490,151

Patent Owner's Interrogatories to RPX Corporation

Patent Owner VirnetX Inc. requests that RPX Corporation serve written responses to these interrogatories.

INSTRUCTIONS

In responding to these interrogatories, 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. 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 you object to a portion or an aspect of any interrogatory, state the grounds of your objection with specificity and respond to the remainder of the interrogatory.
4. If, in answering these interrogatories, 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 information sought by an interrogatory 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.

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.
7. “Howison & Arnott” means Howison & Arnott LLP and includes any agents, representatives, privies, or others authorized to act on Howison & Arnott’s behalf.

8. “Ashe” means “Ashe, P.C.” and includes any agents, representatives, privies, or others authorized to act on Ashe’s behalf.

INTERROGATORY

INTERROGATORY NO. 1

Identify communications and/or agreements in Request for Production Nos. 2-4 of Exhibit 2002 that were not reduced to writing.

INTERROGATORY NO. 2

[REDACTED]

INTERROGATORY NO. 3

Identify communications between you and Sidley Austin regarding the RPX IPRs, including communications relating to the challenging of 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.

INTERROGATORY NO. 4

To the extent you do not produce materials from Sidley Austin, Howison & Arnott, or Ashe in response to Request for Production No. 5 of Exhibit 2002,

identify for that firm: each attorney that performed the work relating to the RPX IPRs, the number of hours spent by that attorney, and when that work was performed.