

From: Kushan, Jeffrey P. <jkushan@Sidley.com>
Sent: Monday, October 21, 2013 12:00 PM
To: trials@uspto.gov
Cc: Palys, Joseph; Micallef, Joseph; Robert Asher; Modi, Naveen; Jeffrey Klayman
Subject: Apple response re: termination request

Sirs,

Petitioner Apple submits that termination of the proceedings requested by New Bay Capital, LLC, (i.e., IPR2013-00375, -00376, -00377 and -00378) would be improper, and accordingly, would oppose a motion to terminate those proceedings.

Counsel for Petitioner Apple is available for a telephone conference at the Panel's convenience.

Sincerely,

Jeff Kushan

Jeffrey P. Kushan
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005
(202) 736-8914 (direct)
(202) 736-8000 (main)
(202) 736-8711 (fax)

From: Modi, Naveen [<mailto:Naveen.Modi@finnegan.com>]
Sent: Monday, October 21, 2013 11:39 AM
To: Jeffrey Klayman; 'trials@uspto.gov'
Cc: Palys, Joseph; Kushan, Jeffrey P.; Micallef, Joseph; Robert Asher
Subject: RE: Request for authorization to terminate

Dear Patent Trial and Appeal Board,

Patent Owner, VirnetX Inc., does not object to termination of the proceedings initiated by New Bay. If the Board would like to discuss this issue with the parties, VirnetX can be available for a teleconference at the Board's convenience.

Sincerely,
Naveen Modi

From: Jeffrey Klayman [<mailto:Jklayman@sunsteinlaw.com>]
Sent: Friday, October 18, 2013 1:35 PM
To: 'trials@uspto.gov'

VIRNETX EXHIBIT 0000

Cc: Palys, Joseph; Modi, Naveen; 'jkushan@sidley.com'; 'jmicallef@sidley.com'; Robert Asher
Subject: Request for authorization to terminate

Re: IPR2013-00375, 00376, 00377 and 00378

Dear Patent Trial and Appeal Board,

Pursuant to 37 CFR 42.20(b), New Bay Capital, LLC, the Petitioner in the above-referenced proceedings, is writing to request authorization to file a motion to terminate these four proceedings prior to institution of inter partes review. New Bay Capital's request is not based on a settlement agreement.

Respectfully submitted,
Jeffrey T. Klayman, Partner
Sunstein Kann Murphy & Timbers LLP
125 Summer Street | Boston, MA 02110-1618
617.443.9292 main | 617.443.0004 fax
jklayman@sunsteinlaw.com | www.sunsteinlaw.com
Winning Intellectual Property®

This e-mail is from Sunstein Kann Murphy & Timbers LLP, a law firm, and may contain information that is confidential or privileged. If you are not the intended recipient, do not read, copy or distribute the e-mail or any attachments. Instead, please notify the sender and delete the e-mail and any attachments. Thank you.

This e-mail message is intended only for individual(s) to whom it is addressed and may contain information that is privileged, confidential, proprietary, or otherwise exempt from disclosure under applicable law. If you believe you have received this message in error, please advise the sender by return e-mail and delete it from your mail box. Thank you.

IRS Circular 230 Disclosure: To comply with certain U.S. Treasury regulations, we inform you that, unless expressly stated otherwise, any U.S. federal tax advice contained in this communication, including attachments, was not intended or written to be used, and cannot be used, by any taxpayer for the purpose of avoiding any penalties that may be imposed on such taxpayer by the Internal Revenue Service. In addition, if any such tax advice is used or referred to by other parties in promoting, marketing or recommending any partnership or other entity, investment plan or arrangement, then (i) the advice should be construed as written in connection with the promotion or marketing by others of the transaction(s) or matter(s) addressed in this communication and (ii) the taxpayer should seek advice based on the taxpayer's particular circumstances from an independent tax advisor.

This e-mail is sent by a law firm and may contain information that is privileged or confidential. If you are not the intended recipient, please delete the e-mail and any attachments and notify us immediately.

