

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. 7,490,151

Issued: Feb. 10, 2009

Filed: Sep. 30, 2002

Inventors: Edmund C. Munger, *et al.*

Title: ESTABLISHMENT OF A SECURE COMMUNICATION LINK BASED
ON A DOMAIN NAME SERVICE (DNS) REQUEST

Inter Partes Review Nos. IPR2013-00354

**Declaration of Chris Hopen Regarding Prior Art
and U.S. Patent No. 7,490,151**

Declaration Of Chris Hopen

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent subject to this *inter partes* review proceeding.

Dated: 06/15/2013

Signed: 

Declaration Of Chris Hopen

I. INTRODUCTION

A. Engagement

1. I have been retained by counsel for Apple Inc. to provide testimony in the above-captioned proceeding regarding certain facts of which I am aware, and to offer my opinions regarding certain issues.

2. In particular, I have been asked to provide my recollections on the distribution and availability of certain documents relating to a number of Aventail products, and the product manuals and written materials distributed with those products. I also was asked to provide my opinions regarding certain statements about how these products worked that were made in district court and Patent Office proceedings.

B. Background And Qualifications

3. My Curriculum Vitae is submitted as Exhibit 1057.

4. I am a citizen of the United States, and reside at 19805 15th Avenue NW, Shoreline, Washington.

5. I received a B.S. in Computer Science from Western Washington University in 1988.

6. I am currently the President of TappIn, Inc., a wholly owned subsidiary of GlobalSCAPE, based in Seattle, Washington. TappIn is the successor entity of HomePipe, a company I founded in 2009. TappIn was acquired by GlobalSCAPE in 2011.

Declaration Of Chris Hopen

7. Before founding TappIn, I was affiliated with Aventail, Inc. until that company was acquired by SonicWall, Inc. in 2007.

8. I helped co-found Aventail in 1996, and served as its Chief Technical Officer and Vice-President of Engineering from 1996 to 2007.

9. Prior to co-founding Aventail, I served as Director of Network Technology for CompuServe's Internet Division, where I was a key contributor to the development of CompuServe's dial-up internet products and designed and managed the development of the dial-up protocol stacks of SPRY's Internet In a Box, AIR Series, and Internet Office application suites.

10. I am a named inventor on several U.S. patents, including patents related to classifying an operating environment of a remote computer, provisioning remote computers for accessing resources, systems and techniques for controlling requests for resources from remote computers, distributed cache services, controlling access to a set of resources on a network, and rule-based routing to resources through a network.

II. Public Availability of Aventail Products

11. While I was affiliated with Aventail, I was involved in the design, development and distribution of all of Aventail's products.

12. I have personal knowledge of development of the products, and with their distribution to Aventail customers.

Declaration Of Chris Hopen

13. I am also very familiar with the technical features of the products, as I was involved in creating them.

A. Aventail AutoSOCKS

14. In 1997, Aventail released a set of SOCKS v5 compliant VPN software products including AutoSOCKS v2.1 (“AutoSOCKS”), MobileVPN and PartnerVPN.

15. AutoSOCKS was a client-based software product that ran on users’ computers, while Mobile VPN and Partner VPN were server-based products.

16. When paired with the Aventail MobileVPN or PartnerVPN server products, Aventail AutoSOCKS would automatically establish a VPN to give the remote user access to secured network resources on a private network.

17. The AutoSOCKS client and the server would automatically authenticate the remote user and encrypt all communications between the remote user and the destination network.

18. Version 2.1 of the AutoSOCKS product was publicly distributed in the summer of 1997.

19. Aventail issued press releases announcing it was selling and distributing these products. Exhibit 1058 is a copy of a May 2, 1997 Aventail press release announcing the AutoSOCKS v2.1, MobileVPN, and PartnerVPN

Declaration Of Chris Hopen

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.