

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Apple Inc.  
Petitioner,

v.

VirnetX, Inc.  
Patent Owner

Patent No. 7,418,504

Issued: Aug. 26, 2008

Filed: Nov. 18, 2003

Inventors: Victor Larson, *et al.*

Title: AGILE NETWORK PROTOCOL FOR SECURE COMMUNICATIONS  
USING SECURE DOMAIN NAMES

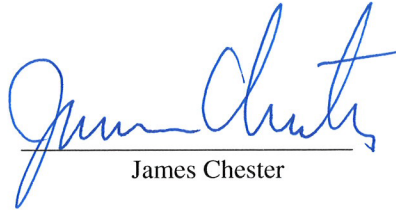
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*Inter Partes* Review No. IPR2013-00393 and IPR2013-00394

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**DECLARATION OF JAMES CHESTER UNDER 37 C.F.R. § 1.132**

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 reexamination proceeding.

  
James Chester

11 JUN 13  
Date

## 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. I am a citizen of the United States, and reside in Florida.
4. My c.v. is submitted herewith as Exhibit 1062.
5. I am being compensated for my time at a rate of \$375.00 per hour.
6. I am presently CEO of a software development and consulting firm called Assured Products Group, which specializes in software development, consulting, and regulatory compliance.

7. From March 1992 to August 2002, I was employed by the International Business Machines Corp. (IBM). During the period 1996 to 2002, I was responsible for global strategic initiatives overseeing design and implementation of secure networking services, architecture, and cost reductions for IBM worldwide and IBM clients. In that role, I evaluated network security products and services from many vendors, and for designing and implementing these products and services that IBM designed and implemented for its clients.

8. Between 1996 and 2000, I recall receiving a number of VPN networking products from Aventail, Inc. I recall using these Aventail VPN products to develop virtual private networking solutions for several hundred IBM clients during this period as well as for remote access for IBM employees worldwide. CSC, DuPont, and a number of companies had deployed the solution based on Aventail marketing efforts and seminars given by Aventail and IBM during this period as well. Competitors quickly adopted the virtual secure network and communication architecture we employed with Aventail.

9. IBM was advancing the use of both hosted and distributed systems through secure networks to routinely communicate company private information internally as well as externally for mobile computing employees and employees assigned behind firewalls on customer premises. I estimate that VPN solutions we

deployed for clients based on Aventail products were used by more than 65,000 users in IBM alone during the period 1996 to 2000 around the world.

10. In my role as Vice President of Strategy and Strategic Initiatives, I oversaw and operationally deployed networking security solutions that leveraged the improvements that we saw in the 1990s in the core elements of networking security; namely, communications, routing, security, verification, and paths. These solutions were publically available and showcased to support commercial endeavors and as such were extensively covered in the trade press.

**C. Public Availability of the Aventail VPN Products**

11. Aventail distributed several VPN products during the period 1996 and 2000. Each of these products included a server component and a client component.

12. One Aventail VPN solution included client software called AutoSOCKS which could be paired with two versions of VPN server software. One version of the Aventail server software was focused on remote employees and was called MobileVPN. The other package focused on non-employees and was called PartnerVPN. Both server products functioned identically in how they worked with the AutoSOCKS client to automatically establish VPNs between remote users and private network resources.

13. Aventail distributed several versions of AutoSOCKS and MobileVPN/PartnerVPN products between 1996 and 2000. Each new version of

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