

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

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VIRNETX EXHIBIT 2039