

**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  
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**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

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

VIRNETX EXHIBIT 0010

**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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**Sunstein Kann Murphy & Timbers LLP**  
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