

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX CORPORATION
Petitioner,

v.

VIRNETX, INC. AND SCIENCE APPLICATION INTERNATIONAL
CORPORATION,
Patent Owner

Patent No. 7,418,504

Issued: August 26, 2008

Filed: November 18, 2003

Inventors: Victor Larson, *et al.*

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

Inter Partes Review No. IPR2014-00177

CORRECTED PETITION FOR INTER PARTES REVIEW

RPX Corporation Exhibit 1088

RPX Corporation v. VirnetX, Inc. et al.

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Attachment A. Proof of Service of the Petition

Attachment B. List of Evidence and Exhibits Relied Upon in Petition

I. COMPLIANCE WITH REQUIREMENTS FOR A PETITION FOR INTER PARTES REVIEW

A. Certification the '504 Patent May Be Contested by Petitioner

Petitioner certifies that U.S. Patent No. 7,418,504 (the '504 patent) (Ex. 1001) is available for *inter partes* review. Petitioner certifies that it is not barred or estopped from requesting *inter partes* review of the claims of the '504 patent on the grounds identified in this Petition. Neither Petitioner, nor any party in privity with Petitioner, has filed a civil action challenging the validity of any claim of the '504 patent. As explained in § C.1, below, the '504 patent has not been the subject of a prior *inter partes* review by Petitioner or a privy of Petitioner, and neither Petitioner, nor any party in privity with Petitioner, has been served with a complaint alleging infringement of any claim of the '504 patent.

B. Fee for Inter Partes Review (§ 42.15(a))

The Director is authorized to charge the fee specified by 37 CFR § 42.15(a) to Deposit Account No. 20-0780.

C. Mandatory Notices (37 CFR § 42.8(b))

1. Real Party in Interest (§ 42.8(b)(1))

The real party in interest of this petition pursuant to § 42.8(b)(1) is RPX Corporation ("RPX") located at One Market Plaza, Steuart Tower, Suite 800, San Francisco, California 94105.

RPX is the leading provider of patent risk solutions, offering defensive buying, acquisition syndication, patent intelligence, insurance services, and advisory services. RPX has over 160 clients who have availed themselves of its services, which include, *inter alia*, market intelligence, patent strategy services, and defensive patent acquisition and licensing.¹

As part of its mission to achieve a more rational patent marketplace, RPX pursues efforts to improve patent quality and reduce patent litigation. For example, RPX has established a Research & Development program (“RPX R&D”) through which it advances a variety of initiatives to address and improve patent quality. The initiatives under this program include increasing transparency by collecting information regarding enforcement activities of entities or patents, tracking patent sales, collecting and evaluating prior art, and compiling databases of this information, which RPX makes available to its clients. In addition, as part of its RPX R&D program, RPX contests patents of questionable validity by filing requests for post-issuance review with the PTO. *See* <http://www.rpxcorp.com/rpx-researchanddevelopment>.

¹ RPX observes that the ’504 patent has been asserted against some of its clients.

RPX has solicited contributions from its clients to help fund its RPX R&D service through an addendum agreement which is being filed under seal with this petition. Ex. 1082.² As reflected in the addendum agreement, RPX has sole discretion over and controls the decision of which patents to contest through PTO post-issuance proceedings, the grounds that are raised in any petition filed by RPX requesting initiation of such proceedings, the conduct of RPX in such proceedings and the decision to continue or terminate the participation of RPX in any such proceeding. RPX also is solely responsible for payment of any expenses of preparing and filing petitions seeking post-issuance review of patents, and for any expenses associated with any proceedings that result from such petitions.

RPX has exercised its sole discretion in deciding to file the present petition concerning the '504 patent and was solely responsible for selecting the claims of the '504 patent being challenged and the grounds presented in it. RPX alone shall control the participation of RPX in any proceeding initiated on the basis of this petition, and alone shall control any decision by RPX to continue or terminate its participation in any proceeding established on the basis of this petition. In addition, RPX alone is responsible for paying the costs of preparing and filing this petition, and for any subsequent costs in connection with any proceeding

² An executed copy of the agreement is also being filed under seal. Ex. 1083.

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