

On behalf of: RPX Corporation

Paper No. \_\_\_\_\_  
Served: February 27, 2014

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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RPX CORPORATION,  
Petitioner,

v.

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

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Case IPR2014-00177  
Patent 7,418,504

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**PETITIONER'S RESPONSE TO DISCOVERY**

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Pursuant to the Board's Order – Decision – Scope of Discovery (Paper No. 33), as well as the parties' agreement identified in Patent Owner's Response to Board's Order Regarding Discovery (Paper No. 28), and in accordance with 37 C.F.R. § 42.51(c), Petitioner hereby provides responses to the requests for production and interrogatory.

The parties have agreed that the production of such information and materials does not constitute a waiver of any privilege. *See* Patent Owner's Response to Board's Order Regarding Discovery, Paper No. 28, p. 1; Third Party Apple's Proposal Concerning Third Party Discovery, Paper No. 32, p. 1; and Petitioner's Proposal Regarding Discovery, Paper No. 29, pp. 2-3. Moreover, all information and materials are provided herewith under the provisions of the Default Protective Order.

An index of the produced documents is attached as **Appendix A**.

**I. Requests for Production Agreed Upon by Petitioner and Patent Owner**

Petitioner hereby responds to the requests for production agreed upon by the parties as set forth in Patent Owner's Response to Board's Order Regarding Discovery, Paper No. 28, pp. 1-2.

1. The "Membership and License Agreement" referenced in Exhibit 1083 of inter partes review Case No. IPR2014-00177 (the "First Addendum to the

Membership and License Agreement”).

**Petitioner’s Response:** The document responsive to this request is attached and marked as RPX00001-00013.

2. Engagement agreements or retainer agreements and corresponding termination agreements between RPX and Sidley Austin relating to the RPX IPRs.

**Petitioner’s Response:** The document responsive to this request is attached and marked as RPX00014-00020.

**II. Petitioner’s Response to Discovery Order**

Pursuant to the Decision on scope of discovery (Paper No. 33), Petitioner hereby responds to the requests for production and the interrogatory identified in Third Party Apple’s Proposal Concerning Third Party Discovery, Paper No. 32, pp. 4-5.

**REQUEST FOR PRODUCTION NO. 1:** Documents or things containing communications on or before November 22, 2013, between Apple and RPX regarding the preparation or filing of the RPX IPRs.

**Petitioner’s Response:** There are no documents or things responsive to this request.

**REQUEST FOR PRODUCTION NO. 2:** Documents or things containing communications on or before November 22, 2013, between Apple and RPX regarding the First Addendum to the Membership and License Agreement,

including communications relating to negotiating the First Addendum to the Membership and License Agreement.

**Petitioner's Response:** The documents and things responsive to this request are attached and marked as RPX00021-00131.

**INTERROGATORY NO. 1:** Identify any communications on or before November 22, 2013, between Apple and RPX not reduced to a tangible form and not otherwise identified in any document or thing produced in response to RFP No. 1 or RFP No. 2, in which Apple discussed with RPX (a) the preparation or filing of the RPX IPRs or (b) the First Addendum to the Membership and License Agreement, including communications relating to negotiating the First Addendum to the Membership and License Agreement. For any such communication, describe the topic, the individuals between whom the communications occurred, and the approximate date of the communication.

**Petitioner's Response:** Communications responsive to Interrogatory No. 1(a) are set forth in **Appendix B**. Communications responsive to Interrogatory No. 1(b) are set forth in **Appendix C**.

Respectfully submitted,

February 27, 2014

/Oliver R. Ashe, Jr./  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the paper entitled **“PETITIONER’S RESPONSE TO DISCOVERY”** was served this 27<sup>th</sup> day of February, 2014, by e-mail, on the following counsel of record for Patent Owner and Apple, Inc.:

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February 27, 2014

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