

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

VIRNETX INC.,
Patent Owner.

Case IPR2014-00238
Patent 8,504,697

PATENT OWNER VIRNETX INC.'S NOTICE OF APPEAL

Notice is hereby given, pursuant to 37 C.F.R. § 90.2(a), that Patent Owner VirnetX Inc. (“VirnetX”) appeals to the United States Court of Appeals for the Federal Circuit from the Final Written Decision entered on May 11, 2015 (Paper 41) (the “Final Written Decision”) by the United States Patent and Trademark Office, Patent Trial and Appeal Board (the “Board”), and from all underlying orders, decisions, rulings, and opinions. A copy of the Final Written Decision is attached.

In accordance with 37 C.F.R. § 90.2(a)(3)(ii), VirnetX indicates that the issues on appeal include, but are not limited to, the Board’s determination of unpatentability of claims 1-3, 8-11, 14-17, 22-25, and 28-30 of U.S. Patent No. 8,504,697 under 35 U.S.C. § 102, the Board’s determination of unpatentability of claims 4-7 and 18-21 of U.S. Patent No. 8,504,697 under 35 U.S.C. § 103, and any findings or determinations supporting or related to those rulings including, without limitation, the Board’s application and use of the broadest reasonable interpretation standard, the Board’s interpretation of the claim language, and the Board’s interpretation of the prior art.

Respectfully submitted this 10th day of July, 2015.

By: Naveen Modi

Naveen Modi
Registration No. 46,224
Paul Hastings LLP
875 15th Street, N.W.
Washington, DC 20005
(202) 551-1700
naveenmodi@paulhastings.com

Counsel for VirnetX Inc.

(PRPS), the original version of this Notice of Appeal was filed by hand on July 10th, 2015 with the Director of the United States Patent and Trademark Office, at the following address:

Director of the United States Patent and Trademark Office
c/o Office of the General Counsel
Madison Building East, 10B20
600 Dulany Street
Alexandria, VA 22314-5793

The undersigned also certifies that three true and correct copies of this Notice of Appeal were filed by hand on July 10th, 2015, with the Clerk of Court for the United States Court of Appeals for the Federal Circuit at the following address:

Clerk of Court
United States Court of Appeals for the Federal Circuit
717 Madison Place, N.W.
Washington, DC 20439

addresses:

Jeffrey P. Kushan (jkushan@sidley.com)
Joseph A. Micallef (jmicallef@sidley.com)
Sidley Austin LLP
1501 K Street, N.W.
Washington, DC 20005

Date: July 10, 2015

By:  _____

Naveen Modi
Registration No. 46,224
Paul Hastings LLP
875 15th Street, N.W.
Washington, DC 20005
(202) 551-1700
naveenmodi@paulhastings.com

Counsel for VirnetX Inc.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.