

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Larson *et al.*

U.S. Patent No.: 7,987,274

Attorney Docket No.: 38868-0003IP1

Issue Date: July 26, 2011

Appl. Serial No.: 11/839,987

Filing Date: August 16, 2007

Title: METHOD FOR ESTABLISHING SECURE COMMUNICATION LINK
BETWEEN COMPUTERS OF VIRTUAL PRIVATE NETWORK

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PETITION FOR *INTER PARTES* REVIEW OF UNITED STATES PATENT NO. 7,987,274
PURSUANT TO 35 U.S.C. §§ 311-319, 37 C.F.R. § 42

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EXHIBITS

MSFT-1001	U.S. Patent No. 7,987,274 to Larson <i>et al.</i> (“the ‘274 patent”)
MSFT-1002	Excerpts from the Prosecution History of the ‘274 Patent (“the Prosecution History”)
MSFT-1003	U.S. Patent No. 6,557,037 (“Provino”)
MSFT-1004	(Reserved)
MSFT-1005	(Reserved)
MSFT-1006	Dave Kosiur, <i>Building and Managing Virtual Private Networks</i> (1998) (“Kosiur”)
MSFT-1007	U.S. Patent No. 6,151,628 to Xu <i>et al.</i> (“Xu”)
MSFT-1008	(Reserved)
MSFT-1009	(Reserved)
MSFT-1010	(Reserved)
MSFT-1011	Declaration of Dr. Roch Guerin (“Guerin Declaration”)
MSFT-1012	(Reserved)
MSFT-1013	(Reserved)
MSFT-1014	(Reserved)
MSFT-1015	(Reserved)
MSFT-1016	Claim Construction Opinion and Order from <i>VirnetX, Inc. v. Microsoft Corp.</i> , Docket No. 6:07CV80

- MSFT-1017 Joint Claim Construction Chart Pursuant To P.R. 4-5(d), *VirnetX Inc., vs. Cisco Systems, Inc.*, Docket No. 6:10-CV-417
- MSFT-1018 Claim Construction Opinion and Order from *VirnetX Inc., vs. Cisco Systems, Inc.*, Docket No. 6:10-CV-417
- MSFT-1019 E. Gavron, RFC 1535, *A Security Problem and Proposed Correction With Widely Deployed DNS Software* (Oct. 1993)
- MSFT-1020 RFC 791, *Internet Protocol* (Sep. 1981)
- MSFT-1021 (Reserved)
- MSFT-1022 Kenneth F. Alden & Edward P. Wobber, *The AltaVista Tunnel: Using the Internet to Extend Corporate Networks*, 9 Digital Technical Journal 2 (1997)
- MSFT-1023 Excerpts from the Prosecution History of Reexamination Control No. 95/001,270
- MSFT-1024 Excerpts from the Prosecution History of Reexamination Control No. 95/001,792
- MSFT-1025 U.S. Patent No. 7,188,180 to Larson *et al.* (“the ‘180 patent”)

Microsoft Corporation (“Petitioner” or “Microsoft”) petitions for *Inter Partes* Review (“IPR”) under 35 U.S.C. §§ 311–319 and 37 C.F.R. § 42 of claims 1-5, 7, 8, 10, 12, 13, 15, 17, and 18 (“the Challenged Claims”) of U.S. Patent No. 7,987,274 (“the ‘274 patent”). As explained in this petition, there exists a reasonable likelihood that Microsoft will prevail with respect to at least one of the Challenged Claims.

The Challenged Claims are unpatentable based on teachings set forth in at least the references presented in this petition. Microsoft respectfully submits that an IPR should be instituted, and that the Challenged Claims should be canceled as unpatentable.

I. MANDATORY NOTICES UNDER 37 C.F.R § 42.8(a)(1)

A. Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1)

Petitioner, Microsoft Corporation, is the real party-in-interest.

B. Related Matters Under 37 C.F.R. § 42.8(b)(2)

Microsoft is aware of two terminal disclaimers filed during original prosecution of the ‘274 patent. The first terminal disclaimer was filed on January 8, 2010 with regard to U.S. Patent No. 7,188,180. The second terminal disclaimer was filed on January 10, 2011 with regard to U.S. Application No. 11/679,416, which has since issued as U.S. Patent No. 8,051,181. Microsoft is not aware of any reexamination certificates that have issued with regard to the ‘274 patent.

Microsoft has been named as a defendant in a recently-filed litigation concerning the ‘274 patent, *VirnetX Inc. et al. v. Microsoft Corporation*, Docket No. 6:13cv351 (E.D. Tex.)

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