

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner,

v.

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

Patent No. 7,188,180

Issued: March 6, 2007

Filed: November 7, 2003

Inventors: Victor Larson, *et al.*

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

Inter Partes Review No. IPR2014-00481

PETITION FOR INTER PARTES REVIEW

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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 '180 Patent May Be Contested by Petitioner

Petitioner certifies that U.S. Patent No. 7,188,180 (the '180 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 '180 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 '180 patent. The '180 patent has not been the subject of a prior *inter partes* review by Petitioner or a privy of Petitioner. Petitioner also certifies that it has not been served with a complaint alleging infringement of the '180 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. 50-1597.

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

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

The real party of interest of this petition pursuant to § 42.8(b)(1) is Apple Inc. ("Apple") located at One Infinite Loop, Cupertino, CA 95014.

2. Related Matters (§ 42.8(b)(2))

The '180 patent is the subject of at least two other IPR proceedings, IPR2014-00401 and IPR2014-00405, and Grounds (i) through (ii) below are substantially similar to the grounds presented in IPR2014-00401.

Concurrently with this petition, Apple is filing another petition for IPR of the '180 patent. *See* IPR2014-00481. Apple has also filed petitions for IPR of claims of two other patents in the same family, namely U.S. Patent Nos. 7,987,274 (“the '274 Patent”), *see* IPR2014-00483 and -00484, and 8,051,181 (“the '181 patent”), *see* IPR2014-00485 and -00486. The '181 patent is a continuation of the '180 patent, and the '274 patent is a continuation of a continuation of the '181 Patent, and thus, all three patents share a similar specification. Apple is not aware of any terminal disclaimers for the '180 Patent.

The '180 Patent is presently involved in three pending litigations (“the Litigations”), one of which names Microsoft as a defendant: *VirnetX Inc. et al. v. Microsoft Corp*, Docket No. 6:13cv351 (E.D. Tex.) (“2013 VirnetX Litigation”); *VirnetX Inc. v. Cisco Systems, Inc. et al.*, Docket No. 6:10cv417 (E.D. Tex.); and *VirnetX Inc. v. Apple Inc.*, Docket No. 6:13cv211 (E.D. Tex.). The '180 patent is also subject to co-pending inter partes reexamination control number 95/001,792, which is currently at appeal to the Patent Trial and Appeal Board, and the '180 Patent was earlier involved in an inter partes reexamination, identified by control

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