

Filed on behalf of: VirnetX Inc.

By:

Joseph E. Palys  
Paul Hastings LLP  
875 15th Street NW  
Washington, DC 20005  
Telephone: (202) 551-1996  
Facsimile: (202) 551-0496  
E-mail: josephpalys@paulhastings.com

Naveen Modi  
Paul Hastings LLP  
875 15th Street NW  
Washington, DC 20005  
Telephone: (202) 551-1990  
Facsimile: (202) 551-0490  
E-mail: naveenmodi@paulhastings.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

MICROSOFT CORP. and APPLE INC.<sup>1</sup>  
Petitioner

v.

VIRNETX INC.  
Patent Owner

---

Case IPR2014-00403  
Patent 7,987,274

---

**Patent Owner's Response**

---

<sup>1</sup> Case IPR2014-00483 has been joined with this case.

**Table of Contents**

- I. Introduction.....1
- II. Claim Construction.....2
  - A. “VPN Communication Link” (Claims 1, 2, and 11-14 ).....4
    - 1. A “VPN Communication Link” Does Not Exist Outside of a Virtual Private Network.....5
    - 2. A VPN Requires Direct Communication.....9
    - 3. A VPN Requires a Network of Computers.....14
  - B. “Secure Domain (Name) Service” (Claims 1, 17) .....15
  - C. “Tunnel Packeting” (Claim 13).....18
  - D. “Client Computer” (Claim 15 ) .....20
  - E. “Access Request Message” (Claim 1).....23
  - F. “Secure Network Address” (Claims 1, 6, 7, 8, 10, and 17) .....24
- III. *Provino* Does Not Anticipate Claims 1, 7, 8, 10, 12, 13, 15, and 17 .....24
  - A. *Provino*’s Disclosure .....24
  - B. *Provino* Does Not Disclose “Sending a Query Message From a First Network Device to a Secure Domain Service, the Query Message Requesting From the Secure Domain Service a Secure Network Address For a Second Network Device” .....27
    - 1. The Specification of the ’274 Patent Disclaims Conventional Domain Name Servers Like *Provino*’s Nameserver 32 .....27
    - 2. VirnetX Disclaimed *Provino*’s Nameserver 32 from Being a “Secure Domain Service” .....33
    - 3. *Provino*’s Nameserver 32 Is Not a “Secure Domain Service” Even Under Petitioners’ Construction .....34

- C. *Provino* Does Not Disclose “Sending an Access Request Message from the First Network Device to the Secure Network Address Using a Virtual Private Network Communication Link” .....36
  - 1. *Provino’s* Message Packets to Server 31(s) Do Not Disclose the “Access Request Message” Feature .....37
  - 2. The Proceeding Should Be Terminated Because the Petition Is Deficient .....38
  - 3. *Provino’s* Request to Set up the Tunnel Does Not Disclose the “Access Request Message” Feature .....39
- D. *Provino* Does Not Anticipate Dependent Claims 12 and 13 .....41
- E. *Provino* Does Not Anticipate Dependent Claim 17 .....43
- F. Remaining Dependent Claims 7, 8, 10, 12, 13, and 15.....44
- IV. *Provino* in View of *Kosiur* Does Not Render Obvious Claims 2-5 .....45
- V. *Provino* in View of *Xu* Does Not Render Obvious Claim 18 .....47
- VI. Conclusion .....47

**Table of Authorities****Page(s)****Federal Cases**

<i>In re Abbott Diabetes Care Inc.</i> , 696 F.3d 1142 (Fed. Cir. 2004) .....	27, 28, 29, 30-31
<i>Apple Inc. v. VirnetX Inc.</i> , IPR2014-00237, Paper No. 15 (May 15, 2013).....	10
<i>Apple Inc. v. VirnetX Inc.</i> , IPR2014-00237, Paper No. 30 (Aug. 29, 2014) .....	1
<i>Apple Inc. v. VirnetX Inc.</i> , IPR2014-00481, Paper No. 11 (Sept. 3, 2014).....	35
<i>Apple Inc. v. VirnetX Inc.</i> , IPR2014-00482, Paper No. 10 (Sept. 3, 2014).....	35
<i>AstraZeneca AB v. Hanmi USA, Inc.</i> , 554 F. App'x 912 (Fed. Cir. 2013) .....	28
<i>AstraZeneca AB v. Mut. Pharm. Co.</i> , 384 F.3d 1333 (Fed. Cir. 2004) .....	27-28
<i>Diamond v. Diehr</i> , 450 U.S. 175 (1981).....	40
<i>Garmin Int'l inc. v. Cuozzo Speed Tech, LLC</i> , IPR2012-00001, Paper No. 15 (Jan. 9, 2013).....	12, 33
<i>Grober v. Mako Prods., Inc.</i> , 686 F.3d 1335 (Fed. Cir. 2012) .....	11
<i>Idle Free Sys., Inc. v. Bergstrom, Inc.</i> , IPR2012-00027, Paper No. 26 (June 11, 2013).....	3, 39
<i>Institut Pasteur &amp; Universite Pierre Et Marie Curie v. Focarino</i> , 738 F.3d 1337 (Fed. Cir. 2013) .....	46

**Table of Authorities**

(continued)

	<b>Page(s)</b>
<i>Jonsson v. Stanley Works</i> , 903 F.2d 812 (Fed. Cir. 1990) .....	34
<i>Krippelz v. Ford Motor Co.</i> , 667 F.3d 1261 (Fed. Cir. 2012) .....	11
<i>In re Kumar</i> , 418 F.3d 1361 (Fed. Cir. 2005) .....	46
<i>Microsoft Corp. v. Multi-Tech Sys., Inc.</i> , 357 F.3d 1340 (Fed. Cir. 2004) .....	34
<i>Microsoft Corp. v. VirnetX Inc.</i> , IPR2014-00610, Paper No. 9 (Oct. 15, 2014) .....	20
<i>Motorola Solutions, Inc. v. Mobile Scanning Techs., LLC</i> , IPR2013-00093, Paper No. 28 (Apr. 29, 2013).....	12, 33
<i>In re Robertson</i> , 169 F.3d 743 (Fed. Cir. 1999) .....	37, 44
<i>ScentAir Techs., Inc. v. Prolitec, Inc.</i> , IPR2013-00179, Paper No. 9 (Apr. 16, 2013).....	38-39
<i>In re Skvorecz</i> , 580 F.3d 1262 (Fed. Cir. 2009) .....	3
<i>Star Scientific, Inc. v. RJ Reynolds Tobacco Co.</i> , 655 F.3d 1364 (Fed. Cir. 2011) .....	46
<i>Tempo Lighting, Inc. v. Tivoli, LLC</i> , 742 F.3d 973 (Fed. Cir. 2014) .....	10, 11, 34
<i>VirnetX, Inc. v. Cisco Sys., Inc.</i> , 767 F.3d 1308 (Fed. Cir. 2014) .....	12-13
<i>VirnetX Inc. v. Cisco Systems, Inc. et al.</i> , Case No. 6:10-CV-417 (E.D. Tex. Dec. 7, 2011).....	9

# 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.