

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

VIRNETX INC.,  
Patent Owner.

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Case IPR2014-00404<sup>1</sup>  
Patent 7,987,274

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**PATENT OWNER VIRNETX INC.'S NOTICE OF APPEAL**

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<sup>1</sup> Case IPR2014-00484 has been joined with this case.


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

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 July 29, 2015 (Paper 42) (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 1-4, 7, 8, 10, 12, 15, and 17 of U.S. Patent No. 7,987,274 under 35 U.S.C. § 102, the Board’s determination of unpatentability of claims 1-5, 7, 8, 10, 12, 15, and 17 of U.S. Patent No. 7,987,274 under 35 U.S.C. § 103, and any findings or determinations supporting or related to those rulings including, without limitation, the Board’s application of the broadest reasonable interpretation standard, the Board’s interpretation of the claim language, and the Board’s interpretation of the references.

Simultaneous with this submission, a copy of this Notice of Appeal is being filed with the Board. In addition, the Notice of Appeal and the required fee are being filed electronically with the Clerk of Court for the United States Court of Appeals for the Federal Circuit.

Respectfully submitted this 28th day of September, 2015.

By:   
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*Counsel for VirnetX Inc.*

### **CERTIFICATE OF SERVICE**

The undersigned certifies that, in addition to being filed electronically through the Patent Trial and Appeal Board's Patent Review Processing System (PRPS), the original version of this Notice of Appeal was filed by hand on September 28, 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 a true and correct copy of this Notice of Appeal and the required fee were filed electronically via CM/ECF on September 28, 2015, with the Clerk of Court for the United States Court of Appeals for the Federal Circuit.

The undersigned also certifies that a true and correct copy of this Notice of Appeal was served on September 28, 2015 on counsel of record for Petitioner Apple Inc. by electronic mail (by agreement of the parties) at the following addresses:

Jeffrey P. Kushan (jkushan@sidley.com)  
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Case No. IPR2014-00404  
Patent No. 7,987,274

Date: September 28, 2015

By:   
\_\_\_\_\_

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