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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORP. and APPLE INC.
Petitioners

v.

VIRNETX INC.
Patent Owner

Case IPR2014-00404¹
Patent 7,987,274

Patent Owner's Response

¹ Case IPR2014-00484 has been joined with this case.

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VirnetX, Inc. v. Cisco Sys., Inc.,
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