

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. 7,987,274

Issued: July 26, 2011

Filed: February 27, 2007

Inventors: Victor Larson, *et al.*

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

Inter Partes Review No. IPR2014-00483

PETITION FOR INTER PARTES REVIEW

TABLE OF CONTENTS

I. COMPLIANCE WITH REQUIREMENTS FOR A PETITION FOR INTER PARTES REVIEW 1

 A. Certification the '274 Patent May Be Contested by Petitioner 1

 B. Fee for Inter Partes Review (§ 42.15(a))..... 1

 C. Mandatory Notices (37 CFR § 42.8(b)) 1

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

 2. Related Matters (§ 42.8(b)(2)) 1

 3. Designation of Lead and Backup Counsel..... 2

 4. Service Information (§ 42.8(b)(4)) 2

 D. Proof of Service (§§ 42.6(e) and 42.105(a)) 2

II. IDENTIFICATION OF CLAIMS BEING CHALLENGED (§ 42.104(B)) 3

III. RELEVANT INFORMATION CONCERNING THE CONTESTED PATENT 3

 A. Effective Filing Date and Prosecution History of the '274 patent..... 3

 B. Person of Ordinary Skill in the Art 5

 C. Construction of Terms Used in the Claims 5

 2. “Secure Network Address” 10

 4. “Secure Domain (Name) Service” 13

 5. “[X], [Y], [Y], Or Any Combination Thereof” 14

 6. “Tunnel Packeting” 15

 7. “Tunneling” 16

IV. PRECISE REASONS FOR RELIEF REQUESTED 17

 A. [GROUND 1] – Provino Anticipates Claims 1, 7, 8, 10, 12, 13, 15, and 17 17

 B. [GROUND 2] – Provino in View of Kosiur Renders Claims 2-5 Obvious..... 34

 C. [GROUND 3] – Provino in view of Xu Renders Claim 18 Obvious..... 38

Petition for *Inter Partes* Review of U.S. Patent No. 7,987,274

D.	[GROUND 4] – RFC 2543 Anticipates Claims 1-5, 7-8, 10, 12-13, 15, and 17-18 of the 274 Patent	40
1.	RFC 2543 Anticipates Claims 1	40
2.	RFC 2543 Anticipates Claims 2-5	45
3.	RFC 2543 Anticipates Claim 7-8.....	46
4.	RFC 2543 Anticipates Claim 10	47
5.	RFC 2543 Anticipates Claims 12-13	47
6.	RFC 2543 Anticipates Claim 15	48
7.	RFC 2543 Anticipates Claim 17	48
8.	RFC 2543 Anticipates Claim 18	49
E.	[GROUND 5] RFC 2543 In View of RFC 2543, RFC 1889, RFC 2327, and RFC 2401 Renders Obvious Claims 1-5, 7-8, 10, 12-13, 15, and 17-18	50
F.	[GROUND 6] RFC 2543 In View of SIP Mobility Renders Claim 18 Obvious.....	51
V.	CONCLUSION.....	52

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 '274 Patent May Be Contested by Petitioner

Petitioner certifies that U.S. Patent No. 7,987,274 (the '274 patent) (Ex. 1027) 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 '274 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 '274 patent. The '274 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 '274 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 '274 patent is the subject of at least two other IPR proceedings, IPR2014-00403 and IPR2014-00404, and Grounds (i) through (iii) below are

Petition for *Inter Partes* Review of U.S. Patent No. 7,987,274

substantially similar to the grounds presented in IPR2014-00403.

Apple is aware of two terminal disclaimers filed during original prosecution of the '274 patent. The first terminal disclaimer was filed on January 8, 2010, Ex. 1028 at 284, with regard to **U.S. Patent No. 7,188,180**, *see* Ex. 1001, which is the subject of IPR Nos. 2014-0000481 and -00482, filed concurrently herewith. The second terminal disclaimer was filed on January 10, 2011 with regard to U.S. Application No. 11/679,416, Ex. 1028 at 634, which has since issued as **U.S. Patent No. 8,051,181**, Ex. 1025, and which is the subject of IPR Nos. 2014-00485 and-00486, filed concurrently herewith.

Apple is aware that the '274 patent has been asserted against another party in *VirnetX Inc. et al. v. Microsoft Corp.*, Docket No. 6:13-cv-351 (E.D. Tex).

3. Designation of Lead and Backup Counsel

<u>Lead Counsel</u>	<u>Backup Lead Counsel</u>
Jeffrey P. Kushan Reg. No. 43,401 jkushan@sidley.com (202) 736-8914	Joseph A. Micallef Reg. No. 39,772 jmicallef@sidley.com (202) 736-8492

4. Service Information (§ 42.8(b)(4))

Service on Petitioner may be made by e-mail, mail or hand delivery to: Sidley Austin LLP, 1501 K Street, N.W., Washington, D.C. 20005. The fax number for lead and backup counsel is (202) 736-8711.

D. Proof of Service (§§ 42.6(e) and 42.105(a))

Proof of service of this petition is provided in **Attachment A**.

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