

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. AND SCIENCE APPLICATION INTERNATIONAL  
CORPORATION,  
Patent Owner

Patent No. 7,987,274

Issued: July 26, 2011

Filed: August 16, 2007

Inventors: Victor Larson, *et al.*

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

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*Inter Partes* Review No. IPR2014-00484

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**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 '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 (iv) below are

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substantially similar to the grounds presented in IPR2014-00404.

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

|   |   |
|---|---|
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|---|---|

### 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.

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