

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Larson *et al.*

U.S. Patent No.: 7,188,180

Attorney Docket No.: 38868-0002IP1

Issue Date: March 6, 2007

Appl. Serial No.: 10/702,486

Filing Date: November 7, 2003

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

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PETITION FOR *INTER PARTES* REVIEW OF UNITED STATES PATENT NO. 7,188,180
PURSUANT TO 35 U.S.C. §§ 311-319, 37 C.F.R. § 42

TABLE OF CONTENTS

I.	MANDATORY NOTICES UNDER 37 C.F.R § 42.8(a)(1)	1
A.	Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1).....	1
B.	Related Matters Under 37 C.F.R. § 42.8(b)(2)	1
C.	Lead And Back-Up Counsel Under 37 C.F.R. § 42.8(b)(3)	2
D.	Service Information	2
II.	PAYMENT OF FEES – 37 C.F.R. § 42.103	2
III.	REQUIREMENTS FOR IPR UNDER 37 C.F.R. §§ 42.104	3
A.	Grounds for Standing Under 37 C.F.R. § 42.104(a)	3
1.	Voluntarily dismissal of invalidity without prejudice of the 2007 and 2010 VirnetX litigations nullifies service of corresponding complaints for purposes of 35 U.S.C. § 315(b).....	4
2.	Independent of considerations relating to dismissal of the 2007 and 2010 VirnetX litigations, proper interpretation of 35 U.S.C. § 315(b) permits this IPR under the present circumstances	7
B.	Challenge Under 37 C.F.R. § 42.104(b) and Relief Requested	13
C.	Claim Construction under 37 C.F.R. §§ 42.104(b)(3)	14
1.	“Virtual Private Network” and “Virtual Private Network Communication Link”	16
2.	“Secure Computer Network Address”	18
3.	“Secure Domain Name”	19
4.	“Secure Domain Name Service”	20
5.	“Provisioning Information”	21
IV.	SUMMARY OF THE ‘180 PATENT	23
A.	Brief Description.....	23
B.	Summary of the Prosecution History of the ‘180 Patent	23
C.	The Effective Priority Date of the Claims of the ‘180 Patent.....	27
V.	MANNER OF APPLYING CITED PRIOR ART TO EVERY CLAIM FOR WHICH AN IPR IS REQUESTED, THUS ESTABLISHING A REASONABLE LIKELIHOOD THAT AT LEAST ONE CLAIM OF THE ‘180 PATENT IS UNPATENTABLE	27
A.	[GROUND 1] – Provino Anticipates Claims 1, 10, 12-15, 17, 26, 28-31, and 33	28
B.	[GROUND 2] – Provino in view of Guillen and Kosiur renders obvious claims 4, 6, 20, 22, 35, and 37	49
VI.	REDUNDANCY.....	55
VII.	CONCLUSION	56

EXHIBITS

MSFT-1001	U.S. Patent No. 7,188,180 to Larson <i>et al.</i> (“the ‘180 patent”)
MSFT-1002	Excerpts from the Prosecution History of the ‘180 Patent (“the Prosecution History”)
MSFT-1003	U.S. Patent No. 6,557,037 (“Provino”)
MSFT-1004	(Reserved)
MSFT-1005	Alvaro Guillen <i>et al.</i> , 1993 International Conference on Network Protocols, <i>An Architecture for Virtual Circuit/QoS Routing</i> (Oct. 1993) (“Guillen”)
MSFT-1006	Dave Kosiur, <i>Building and Managing Virtual Private Networks</i> (1998) (“Kosiur”)
MSFT-1007	(Reserved)
MSFT-1008	(Reserved)
MSFT-1009	(Reserved)
MSFT-1010	(Reserved)
MSFT-1011	Declaration of Dr. Roch Guerin (“Guerin Declaration”)
MSFT-1012	Dismissal without prejudice with regard to invalidity of <i>VirnetX Inc. v. Microsoft Corp.</i> , Docket No. 6:07CV80
MSFT-1013	Dismissal from <i>VirnetX Inc. v. Microsoft Corp.</i> , Docket No. 6:10CV94
MSFT-1014	Copy of Docket from <i>VirnetX Inc. v. Microsoft Corp.</i> , Docket No. 6:10CV94

MSFT-1015	Redacted Settlement Agreement between VirnetX Inc. and Microsoft Corporation (Exhibit 10.1 from VirnetX SEC filing)
MSFT-1016	Claim Construction Opinion and Order from <i>VirnetX, Inc. v. Microsoft Corp.</i> , Docket No. 6:07CV80
MSFT-1017	Joint Claim Construction Chart Pursuant To P.R. 4-5(d), <i>VirnetX Inc., vs. Cisco Systems, Inc.</i> , Docket No. 6:10-CV-417
MSFT-1018	Claim Construction Opinion and Order from <i>VirnetX Inc., vs. Cisco Systems, Inc.</i> , Docket No. 6:10-CV-417
MSFT-1019	E. Gavron, RFC 1535, <i>A Security Problem and Proposed Correction With Widely Deployed DNS Software</i> (Oct. 1993)
MSFT-1020	RFC 791, <i>Internet Protocol</i> (Sep. 1981)
MSFT-1021	(Reserved)
MSFT-1022	(Reserved)
MSFT-1023	Excerpts from the Prosecution History of Reexamination Control No. 95/001,270
MSFT-1024	Excerpts from the Prosecution History of Reexamination Control No. 95/001,792

Microsoft Corporation (“Petitioner” or “Microsoft”) petitions for *Inter Partes* Review (“IPR”) under 35 U.S.C. §§ 311–319 and 37 C.F.R. § 42 of claims 1, 4, 6, 10, 12-15, 17, 20, 22, 26, 28-31, 33, 35, and 37 (“the Challenged Claims”) of U.S. Patent No. 7,188,180 (“the ‘180 patent”). As explained in this petition, there exists a reasonable likelihood that Microsoft will prevail with respect to at least one of the Challenged Claims.

The Challenged Claims are unpatentable based on teachings set forth in at least the references presented in this petition. Microsoft respectfully submits that an IPR should be instituted, and that the Challenged Claims should be canceled as unpatentable.

I. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(a)(1)

A. Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1)

Petitioner, Microsoft Corporation, is the real party-in-interest.

B. Related Matters Under 37 C.F.R. § 42.8(b)(2)

Microsoft is not aware of any terminal disclaimers for the ‘180 Patent. The ‘180 Patent is presently involved in three pending litigations (the Litigations), one of which names Microsoft as a defendant: *VirnetX Inc. et al. v. Microsoft Corporation*, Docket No. 6:13cv351 (E.D. Tex.) (“2013 VirnetX Litigation”); *VirnetX Inc. v. Cisco Systems, Inc. et al.*, Docket No. 6:10cv417 (E.D. Tex.); and *VirnetX Inc. v. Apple Inc.*, Docket No. 6:13cv211 (E.D. Tex.). The ‘180 patent is also subject to co-pending *inter partes* reexamination control number 95/001,792, which is currently at appeal to the Patent Trial and Appeal Board, and the ‘180 Patent was earlier involved in an *inter partes* reexamination, identified by control number

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