

TABLE OF CONTENTS

I. INTRODUCTION 1

II. APPLICABLE CLAIM CONSTRUCTION STANDARDS..... 1

III. BACKGROUND OF THE TECHNOLOGY 1

 A. VirnetX’s U.S. Patent No. 6,502,135 (the “’135 Patent”)..... 2

 B. VirnetX’s U.S. Patent No. 6,839,759 (the “’759 Patent”)..... 3

 C. VirnetX’s U.S. Patent No. 7,188,180 (the “’180 Patent”)..... 3

IV. VIRNETX’S PROPOSED CONSTRUCTIONS FOR THE ’135 PATENT CLAIM TERMS AND PHRASES SHOULD BE ADOPTED 4

 A. virtual private network (VPN) 4

 B. transparently creating [creates] a virtual private network (VPN)..... 9

 C. Domain Name Service (DNS) 11

 D. domain name..... 14

 E. secure web site 17

 F. determining whether the DNS request transmitted in step (1) is requesting access to a secure web site..... 23

 G. automatically initiating the VPN 25

 H. DNS proxy server 27

V. VIRNETX’S PROPOSED CONSTRUCTIONS FOR THE ’759 PATENT CLAIM TERMS AND PHRASES SHOULD BE ADOPTED 29

 A. virtual private network communication link..... 30

 B. secure communication link (... the secure communication link being a virtual private network communication link) 31

 C. enabling a secure communication mode of communication at the [a] first computer without a user entering any cryptographic information for establishing the secure communication mode of communication 33

VI. VIRNETX’S PROPOSED CONSTRUCTIONS FOR THE ’180 PATENT CLAIM TERMS AND PHRASES SHOULD BE ADOPTED 37

 A. secure computer network address 38

 B. secure domain name..... 40

 C. secure domain name service 44

VII. CONCLUSION..... 46

TABLE OF AUTHORITIES

FEDERAL CASES

Acumed LLC v. Stryker Corp.,
483 F.3d 800 (Fed. Cir. 2007).....5

Alcatel United States Res., Inc. v. Microsoft Corp.,
2008 U.S. Dist. LEXIS 49615 (E.D. Tex. Jun. 27, 2008).....1, 33

Baldwin Graphic Sys., Inc. v. Siebert, Inc.,
512 F.3d 1338 (Fed. Cir. 2008).....14

Electro Sci. Indus. v. Dynamic Details, Inc.,
307 F.3d 1343 (Fed. Cir. 2002).....9

O2 Micro Inter. Ltd. v. Beyond Innovation Tech. Ltd.,
521 F.3d 1351 (Fed. Cir. 2008).....13

Oatey Co. v. IPS Corp.,
514 F.3d 1271 (Fed. Cir. 2008).....8

Phillips v. AWH Corp.,
415 F.3d 1303 (Fed. Cir. 2005).....1, 15, 20, 36, 41

Pitney Bowes, Inc. v. Hewlett-Packard Co.,
182 F.3d 1298 (Fed. Cir. 1999).....9

Rambus Inc. v. Infineon Techs. Ag,
318 F.3d 1081 (Fed. Cir. 2003).....42

U.S. Surgical Corp. v. Ethicon, Inc.,
103 F.3d 1554 (Fed. Cir. 1997).....23, 32

Verizon Servs. Corp. v. Vonage Holdings Corp.,
503 F.3d 1295 (Fed. Cir. 2007).....8, 24

Vitronics Corp. v. Conceptoronic,
90 F.3d 1576 (Fed. Cir. 1996).....16

Voda v. Cordis Corp.,
536 F.3d 1311 (Fed. Cir. 2008).....15

Warner-Lambert Co. v. Purepac Pharm. Co.,
503 F.3d 1254 (Fed. Cir. 2007).....20, 45

**LIST OF EXHIBITS TO VIRNETX'S
OPENING CLAIM CONSTRUCTION BRIEF**

1. '135 patent
2. '759 patent
3. '180 patent
4. Jones declaration
5. Williamson deposition
6. FreeS/WAN glossary
7. Risley '158 patent
8. Office Action (Paper No. 8) dated March 13, 2002
9. Amendment and Response (Paper No. 11) dated June 13, 2002
10. WO 99/48303
11. B. Gleeson et al., Request for Comments (RFC) 2764
12. Douglas E. Comer, Computer Networks and Internets (2d ed. 1999)
13. Microsoft Internet & Networking Dictionary (2003)
14. Microsoft document (VNET 000008935)
15. RFC 1034
16. RFC 1035
17. McGraw-Hill Dictionary of Electrical & Computer Engineering (2003)
18. Andrew S. Tanenbaum, Computer Networks (3d ed. 1996)
19. Notice of Allowability (Paper No. 13)
20. U.S. Patent No. 6,119,171
21. U.S. Patent No. 6,286,047
22. J. Gilmore, "Swan: Securing the Internet against Wiretapping", printed from http://liberty.freeswan.org/freeswan_trees/freeswan-1.3/doc/rationale.html on Feb. 21, 2002, 4 pages

23. Second Preliminary Amendment (Paper No. 9) dated February 22, 2002
24. Notice of Allowability dated August 9, 2004
25. Merriam Webster's Collegiate Dictionary (10th ed. 1996)
26. Amendment dated August 17, 2006
27. Notice of Allowability dated November 13, 2006
28. Dr. D. Johnson deposition rough transcript
29. RFC 2637
30. RFC Index

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.