

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. 6,502,135

Issued: Dec. 31, 2002

Filed: Feb. 15, 2000

Inventors: Edmund C. Munger, *et al.*

Title: AGILE NETWORK PROTOCOL FOR SECURE COMMUNICATIONS
WITH ASSURED SYSTEM AVAILABILITY

Inter Partes Review Nos. IPR2013-00348 and IPR2013-00349

**Declaration of Chris Hopen Regarding Prior Art
and U.S. Patent No. 6,502,135**

Declaration Of Chris Hopen
Regarding U.S. Patent No. 6,502,135 1 Petitioner Apple – Ex. 1005

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent subject to this *inter partes* review proceeding.

Dated: 6-12-13

Signed: 

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I. INTRODUCTION

A. Engagement

1. I have been retained by counsel for Apple Inc. to provide testimony in the above-captioned proceeding regarding certain facts of which I am aware, and to offer my opinions regarding certain issues.

2. In particular, I have been asked to provide my recollections on the distribution and availability of certain documents relating to a number of Aventail products, and the product manuals and written materials distributed with those products. I also was asked to provide my opinions regarding certain statements about how these products worked that were made in district court and Patent Office proceedings.

B. Background And Qualifications

3. My Curriculum Vitae is submitted as Exhibit 1057.

4. I am a citizen of the United States, and reside at 19805 15th Avenue NW, Shoreline, Washington.

5. I received a B.S. in Computer Science from Western Washington University in 1988.

6. I am currently the President of TappIn, Inc., a wholly owned subsidiary of GlobalSCAPE, based in Seattle, Washington. TappIn is the successor entity of HomePipe, a company I founded in 2009. TappIn was acquired by GlobalSCAPE in 2011.

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7. Before founding TappIn, I was affiliated with Aventail, Inc. until that company was acquired by SonicWall, Inc. in 2007.

8. I helped co-found Aventail in 1996, and served as its Chief Technical Officer and Vice-President of Engineering from 1996 to 2007.

9. Prior to co-founding Aventail, I served as Director of Network Technology for CompuServe's Internet Division, where I was a key contributor to the development of CompuServe's dial-up internet products and designed and managed the development of the dial-up protocol stacks of SPRY's Internet In a Box, AIR Series, and Internet Office application suites.

10. I am a named inventor on several U.S. patents, including patents related to classifying an operating environment of a remote computer, provisioning remote computers for accessing resources, systems and techniques for controlling requests for resources from remote computers, distributed cache services, controlling access to a set of resources on a network, and rule-based routing to resources through a network.

II. Public Availability of Aventail Products

11. While I was affiliated with Aventail, I was involved in the design, development and distribution of all of Aventail's products.

12. I have personal knowledge of development of the products, and with their distribution to Aventail customers.

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13. I am also very familiar with the technical features of the products, as I was involved in creating them.

A. Aventail AutoSOCKS

14. In 1997, Aventail released a set of SOCKS v5 compliant VPN software products including AutoSOCKS v2.1 (“AutoSOCKS”), MobileVPN and PartnerVPN.

15. AutoSOCKS was a client-based software product that ran on users’ computers, while Mobile VPN and Partner VPN were server-based products.

16. When paired with the Aventail MobileVPN or PartnerVPN server products, Aventail AutoSOCKS would automatically establish a VPN to give the remote user access to secured network resources on a private network.

17. The AutoSOCKS client and the server would automatically authenticate the remote user and encrypt all communications between the remote user and the destination network.

18. Version 2.1 of the AutoSOCKS product was publicly distributed in the summer of 1997.

19. Aventail issued press releases announcing it was selling and distributing these products. Exhibit 1058 is a copy of a May 2, 1997 Aventail press release announcing the AutoSOCKS v2.1, MobileVPN, and PartnerVPN

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