Paper No. 1

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. 7,418,504

Issued: Aug. 26, 2008

Filed: Nov. 18, 2003

Inventor: Victor Larson, *et al.*

Title: AGILE NETWORK PROTOCOL FOR SECURE COMMUNICATIONS USING SECURE DOMAIN NAMES

Inter Partes Review No. IPR2015-00189

PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 7,418,504 UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.1-.80 & 42.100-.123

DOCKET ALARM

Find authenticated court documents without watermarks at docketalarm.com.

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) 3

D. Service Information 3

II. PAYMENT OF FEES – 37 C.F.R. § 42.103 3

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

B. Challenge Under 37 C.F.R. § 42.104(b) and Relief Requested 4

C. Claim Construction under 37 C.F.R. §§ 42.104(b)(3) 5

1. Domain Name (Claims 1, 2, 6, 14-17, 19-23, 26-41, 43-47, and 50-60) 5

2. Domain Name Service System (Claims 1, 2, 5, 6, 14-17, 19-23, 26-41, 43-47, and 50-60).....6

3. Indication (Claims 1, 2, 6, 14-17, 19-23, 26-41, 43-47, and 50-60) 7

4. Secure Communication Link (Claims 1, 16-17, 20-23, 26-27, 31-32, 35-36, 47, 51, and 60).....8

5. Transparently (Claims 27 and 51).....9

IV. SUMMARY OF THE '504 PATENT 10

V. DETAILED DESCRIPTION WHY THE CHALLENGED CLAIMS ARE UNPATENTABLE 10

A. [GROUND 1] – Kiuchi Anticipates Claims 1, 2, 5, 6, 14-17, 19-23, 26-41, 43-47, and 50-60.....10

1. Kiuchi Anticipates Claim 1.....20

2. Kiuchi Anticipates Claim 36.....25

3. Kiuchi Anticipates Claim 60.....28

4. Kiuchi Anticipates Claims 2 and 37 30

DOCKET ALARM

Find authenticated court documents without watermarks at docketalarm.com.

5. Kiuchi Anticipates Claim 6 30
6. Kiuchi Anticipates Claims 14 and 38 31
7. Kiuchi Anticipates Claims 15 and 39 32
8. Kiuchi Anticipates Claims 16 and 40 33
9. Kiuchi Anticipates Claims 17 and 41 38
10. Kiuchi Anticipates Claims 19 and 43 39
11. Kiuchi Anticipates Claims 20 and 44 40
12. Kiuchi Anticipates Claims 21 and 45 41
13. Kiuchi Anticipates Claims 22 and 46 42
14. Kiuchi Anticipates Claims 23 and 47 42
15. Kiuchi Anticipates Claims 26 and 50 43
16. Kiuchi Anticipates Claims 27, 33, 51, and 57 43
17. Kiuchi Anticipates Claims 28 and 52 44
18. Kiuchi Anticipates Claims 29 and 53 45
19. Kiuchi Anticipates Claims 30 and 54 46
20. Kiuchi Anticipates Claims 31 and 55 48
21. Kiuchi Anticipates Claims 34 and 58 48
22. Kiuchi Anticipates Claims 35 and 59 50

B. [GROUND 2] – Kiuchi In View of RFC 1034 Renders Obvious Claims 20, 21, 35, 44, 45, and 59 51

C. [GROUND 3] – Kiuchi In View of Lindblad Renders Obvious Claims 32 and 56 53

D. [GROUND 4] – Kiuchi In View of RFC 2660 Renders Obvious Claims 16, 27, 33, 40, 51, and 57 55

E. [GROUND 5] – Kiuchi Anticipates Claim 5 58

VI. CONCLUSION 59

Attachment A. Proof of Service of the Petition

Attachment B. List of Evidence and Exhibits Relied Upon in Petition

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

Apple Inc. ("Petitioner" or "Apple") petitions for *Inter Partes* Review ("IPR") under 35 U.S.C. §§ 311–319 and 37 C.F.R. § 42 of claims 1, 2, 5, 6, 14-17, 19-23, 26-41, 43-47, and 50-60 ("the Challenged Claims") of U.S. Patent No. 7,418,504 ("the '504 patent"). By its accompanying Motion for Joinder, Petitioner seeks to join this petition to IPR2014-00614, a proceeding instituted on the same patent and the same prior art. This petition presents one additional ground relative to IPR2014-00614 establishing that dependent claim 5 is unpatentable. Claim 5 is highly similar to claims 23 and 47 involved in the -00614 proceeding – each claim specifies "*authenticat[ing] the query*" with claim 5 further specifying "*using a cryptographic technique*." Claim 5 is unpatentable over the same prior art that the Board has found to show the Challenged Claims unpatentable. *See* IPR2014-00614, Paper No. 9 at 17-21. It is submitted that consideration of this additional ground on a single claim will not impose a burden on the Panel given the common prior art and similarity to issues already being considered in the -00614 proceeding, as explained in the Motion for Joinder.

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)

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.

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

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

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.