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. 8,868,705
Issued: October 21, 2014
Filed: September 13, 2012
Inventors: Victor Larson, *et al.*
Title: AGILE NETWORK PROTOCOL FOR SECURE COMMUNICATIONS USING SECURE DOMAIN NAMES

Inter Partes Review No. IPR2015-00810

Petition for *Inter Partes* Review of
U.S. Patent No. 8,868,705

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I. Introduction

A. Certification the '705 Patent May Be Contested by Petitioner

Petitioner certifies that U.S. Patent No. 8,868,705 (Ex. 1001) (the '705 patent) is available for *inter partes* review. Petitioner also certifies it is not barred or estopped from requesting *inter partes* review of the claims of the '705 patent. Neither Petitioner, nor any party in privity with Petitioner, has filed a civil action challenging the validity of any claim of the '705 patent. The '705 patent has not been the subject of a prior *inter partes* review by Petitioner or a privy of Petitioner.

Petitioner also certifies this petition for *inter partes* review is timely filed as it has never been asserted against Petitioner in litigation. Thus, because there is no patent owner's action, this petition complies with 35 U.S.C. § 315(b). Petitioner also notes that the timing provisions of 35 U.S.C. § 311(c) and 37 C.F.R. § 42.102(a) do not apply to the '705 patent, as it pre-dates the first-to-file system. *See* Pub. L. 112-274 § 1(n), 126 Stat. 2456 (Jan. 14, 2013).

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 in interest of this petition pursuant to § 42.8(b)(1) is Apple Inc. ("Apple") located at One Infinite Loop, Cupertino, CA 95014.

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