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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC. Petitioner

v.

VIRNETX INC. Patent Owner

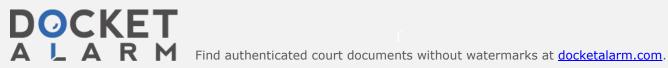
Case IPR2015-00811 Patent 8,868,705

Declaration of Fabian Monrose, Ph.D.



Table of Contents

I.	Introduction4							
II.	Resources Consulted							
III.	Back	Background and Qualifications						
IV.	Leve	Level of Ordinary Skill10						
V.	Claim Terms							
	A.	"Secure Domain Name" (Claims 3, 10, and 25)						
	B.	"Encrypted Communications Channel" Phrases (Claims 1, 2, 4-7, 9, 11-13, 18, 21, 22, and 26-29)						
	C.	"Provisioning Information" (Claims 1, 9, and 21)1						
	D.	Other Terms						
VI.	Aventail and RFC 2401							
	A.	Aventail's Disclosure						
	B.	Claims 1 and 21						
		1.	"Determining Whether the Request to Look Up an IP Address Transmitted [Intercepted] in Step 1 Corresponds to a Device That Accepts an Encrypted Channel Connection with the Client Device"					
		2.		rypted Communications Channel Between the Client ce and the Target Device"	29			
		3.	"In Response to Determining Providing Provisioning Information"					
			a)	HOSTENT	33			
			b)	TCP Sequence Numbers	36			
			c)	Selection of Encryption Method & Certificate Exchange	38			



Case No. IPR2015-00811

		d) SOCKS Exchanges	39			
	C.	Claims 2, 16, and 33	40			
	D.	Claims 3 and 25	42			
	E.	Claims 17 and 34	43			
VII	Conclusion					



I, FABIAN MONROSE, declare as follows:

I. Introduction

I have been retained by VirnetX Inc. ("VirnetX") for this *inter partes* 1. review proceeding. I understand that this proceeding involves U.S. Patent No. 8,868,705 ("the '705 patent"). I understand the '705 patent is assigned to VirnetX and that it is part of a family of patents that stems from U.S. provisional application nos. 60/106,261 ("the '261 application"), filed on October 30, 1998, and 60/137,704 ("the '704 application"), filed on June 7, 1999. I understand that the '705 patent is a continuation of U.S. application no. 13/049,552 filed March 16, 2011 ("the '552 application"), which is a continuation of U.S. application no. 11/840,560 filed August 17, 2007 (now U.S. Patent No. 7,921,211, "the '211 patent"), which is a continuation of U.S. application no. 10/714,849 filed November 18, 2003 (now U.S. Patent No. 7,418,504 ("the '504 patent), which is a continuation of U.S. application no. 09/558,210 filed April 26, 2000 ("the '210 application," abandoned). And I understand the '210 application is a continuationin-part of U.S. application no. 09/504,783 filed February 15, 2000 (now U.S. Patent 6,502,135, "the '135 patent"), and that the '135 patent is a continuation-inpart of U.S. application no. 09/429,643 (now U.S. Patent No. 7,010,604) filed October 29, 1999, which claims priority to the '261 and '704 applications.



II. Resources Consulted

- 2. I have reviewed the '705 patent, including claims 1-34. I have also reviewed the Petition for *Inter Partes* Review (Paper No. 1) filed with the U.S. Patent and Trademark Office ("Office") by Apple Inc. on March 2, 2015 (Paper No. 1, the "Petition"). I have also reviewed the Patent Trial and Appeal Board's ("Board") decision to institute *inter partes* review (Paper No. 8, the "Decision") of September 11, 2015.
- 3. I understand that in this proceeding the Board instituted review of the '705 patent on two grounds: (1) obviousness of claims 1-3, 6, 14, 16-25, 28, 31, 33, and 34 over *Aventail* and RFC 2401; (2) obviousness of claims 8-10, 12, 15, 30, and 32 over *Aventail*, RFC 2401, and RFC 2543; (3) obviousness of claims 4, 5, 7, 26, 27, and 29 over *Aventail*, RFC 2401, and *Brand*; and (4) obviousness of claims 11 and 13 over *Aventail*, RFC 2401, RFC 2543, and *Brand*. I have reviewed the exhibits and other documentation supporting the Petition that are relevant to the Decision and the instituted grounds, and any other material that I reference in this declaration.

III. Background and Qualifications

4. I have a great deal of experience and familiarity with computer and network security, and have been working in this field since 1993 when I entered the Ph.D. program at New York University.



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