

Docket No.: 077580-0177
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Victor LARSON, et al.	:	Customer Number: 23630
Application No.: 13/615,557	:	Confirmation No. 1089
Filed: September 13, 2012	:	
U.S. Patent No.: 8,868,705	:	Group Art Unit: 2453
Issued: October 21, 2014	:	Examiner: Krisna Lim
For: AGILE NETWORK PROTOCOL FOR SECURE COMMUNICATIONS USING SECURE DOMAIN NAMES	:	

Mail Stop Certification of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION

Dear Commissioner:

Pursuant to 37 C.F.R. § 1.322, this is a request for a Certificate of Correction in the above-identified patent. The mistake(s) identified in the attached Certificate of Correction occurred through the fault of the Patent Office. Specifically, an Amendment under 37 C.F.R. § 1.312 was filed in this matter on September 9, 2014 amending claims 1 and 19 of U.S. Patent Application No. 13/615,557. Claims 1 and 19 were amended to recite the “request...*intercepted* in step (1)” and not a “request...*transmitted* in step (1),” as currently shown in the issued patent. The Amendment was entered by the Patent Office on September 25, 2014, prior to issuance. (Response to 312 Communication mailed September 25, 2014.) However, when claims 1 and 19 issued as claims 1 and 21, the issued claims did not accurately reflect the amendments set forth in the September 9, 2014 Amendment. Applicant is filing this request for a certificate of correction to correct this Patent Office error.

DM_US 68327137-1.077580.0177

Application No. 13/615,557

Furthermore, the instant patent is currently involved in IPR2015-00810 and IPR2015-00811. The Patent Trial and Appeal Board in these proceedings issued an order, copy attached with this request, ordering that the Patent Owner is authorized to file a request for a certificate of correction changing the word “transmitted” in claims 1 and 21 to “intercepted,” and further ordered that the change of wording does not affect the patentable significance of claims 1 and 21.

No fee is believed to be due. However, please charge any required fees to Deposit Account No. 50-1133. Please also credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

Date: December 9, 2015

/Kenneth C. Cheney/

Kenneth C. Cheney, Reg. No. 61,841
4 Park Plaza
Suite 1700
Irvine, California 92614-2559
Telephone: (949) 757-7111
Facsimile: (949) 851-9348
E-mail: kcheney@mwe.com

UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

Page 1 of 1

PATENT NO. : 8,868,705

APPLICATION NO.: 13/615,557

ISSUE DATE : October 21, 2014

INVENTOR(S) : Victor Larson et al.

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

In the Claims

Claim 1, col. 55, line 54, "address transmitted in step (1)" should read --address intercepted in step (1)--

Claim 21, col. 57, line 2, "transmitted in step (1)" should read --intercepted in step (1)--

MAILING ADDRESS OF SENDER (Please do not use customer number below):

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

VIRNETX INC.,
Patent Owner.

Case IPR2015-00810
Case IPR2015-00811
Patent 8,868,705 B2¹

Before KARL D. EASTHOM, JENNIFER S. BISK, and
GREGG I. ANDERSON, *Administrative Patent Judges*.

ANDERSON, *Administrative Patent Judge*.

ORDER

Conduct of the Proceedings
37 C.F.R. § 42.5

¹ The parties are not authorized to use this caption.

INTRODUCTION

On December 9, 2015, a conference call was held in the above proceedings, among counsel for Apple, Inc. (“Petitioner”), counsel for VirnetX, Inc. (“Patent Owner”), and Judges Easthom, Bisk, and Anderson. Patent Owner requests authorization to file a motion requesting permission to file a request for certificate of correction under 37 C.F.R. § 1.322(a)(3), which applies where the error is made by the Patent Office.

DISCUSSION

Patent Owner asserted in its Preliminary Response (“Prelim. Resp.,” Paper 3)² that claims 1 and 21 of the ’705 patent incorrectly includes the word “transmitted” instead of “intercepted.” Prelim. Resp. 29, n.3 (citing Ex. 1002, 638–639, 641, 655–656). Patent Owner represented in the Preliminary Response that the error was made by the Office during prosecution. *Id.* Petitioner agrees the error was made by the Office.

During the call, the parties stipulated that the change from “transmitted” to “intercepted” was not of patentable significance. Based on the stipulation, Petitioner agreed to Patent Owner’s filing of a request for certificate of correction without the need for the filing of a motion seeking our authorization.

ORDER

In consideration of the foregoing, it is hereby:

² Citations are to IPR2015-00810. IPR2015-00811 raises the identical issues.

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.