

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,

Petitioner

v.

VIRNETX, INC.,

Patent Owner

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Case IPR2015-00812

Patent No. 8,850,009

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**PETITIONER'S UPDATED MANDATORY NOTICES**

Petitioner, Apple Inc. ("Petitioner") submits the following update to its Mandatory Notices.

On October 26, 2015, Petitioner filed petitions for *inter partes* review against related U.S. Patent Nos. 6,502,135 and 7,490,151 (IPR2016-00062 & IPR2016-00063), respectively requesting joinder to *inter partes* review proceedings IPR2015-01046 and IPR2015-01047.

**A. Mandatory Notices (37 C.F.R. § 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.

**2. Related Matters (§ 42.8(b)(2))**

*a. Patents and Applications*

U.S. Patent No. 8,850,009 ("'009 patent") is a member of a family of patents issued to Larson et al. and assigned to VirnetX, Inc. Like the '009 patent (Ex. 1003 at Face), the following patents claim priority to U.S. Provisional Application Nos. 60/106,261 and 60/137,704: 6,502,135; 6,618,761; 6,826,616; 6,834,310; 6,839,759; 6,907,473; 7,010,604; 7,133,930; 7,188,180; 7,418,504; 7,490,151; 7,921,211; 7,933,990; 7,945,654; 7,987,274; 7,996,539; 8,051,181; 8,458,341; 8,504,696; 8,504,697; 8,516,117; 8,516,131; 8,521,888; 8,554,899; 8,560,705; 8,572,247; 8,843,643; 8,850,009; 8,868,705; 8,874,771; 8,904,516; 8,943,201;

9,027,115; 9,037,713; 9,038,163; 9,077,694; 9,077,695; 9,094,399; and 9,100,375.

The following pending patent applications claim priority to U.S. Provisional Application Nos. 60/106,261 and 60/137,704: 13/475,637; 13/615,528; 13/617,375; 13/620,534; 13/620,550; 13/890,206; 13/950,897; 14/526,669; 14/702,630; 14/704,938; 14/710,470; and 14/815,869.

b. *District Court Litigation*

Upon information and belief, the '009 patent has not been asserted in district court litigation.

The following district court proceedings involve patents related to the '009 patent that may affect or be affected by a decision in this proceeding.

Case/Matter	Status	Asserted Patents
<i>VirnetX Inc. v. Apple Inc.</i> , Case No. 6-13-cv-00581 (E.D. Tex.)	Pending against Apple	8,504,697
<i>VirnetX Inc. v. Microsoft Corporation</i> , Case No. 6-13-cv-00351 (E.D. Tex.)	Dismissed with prejudice	6,502,135; 7,188,181; 7,418,504; 7,490,151; 7,921,211; 7,987,274
<i>VirnetX Inc. v. Apple Inc.</i> , Case No. 6-13-cv-00211 (E.D. Tex.)	Pending against Apple	6,502,135; 7,418,504; 7,490,151; 7,921,211
<i>VirnetX Inc. v. Apple Inc.</i> , Case No. 6-12-cv-00855 (E.D. Tex.)	Pending against Apple	6,502,135; 7,418,504; 7,490,151; 7,921,211; 7,188,181; 8,504,697
<i>VirnetX Inc. v. Apple Inc.</i> , Case No. 6-11-cv-00563 (E.D. Tex.)	Pending against Apple	7,188,181

<i>VirnetX Inc. v. Mitel Network Corporation</i> , Case. No. 6-11-cv-00018 (E.D. Tex.)	Dismissed with prejudice	6,502,135; 7,418,504; 7,921,211
<i>VirnetX Inc. v. Cisco Systems, Inc.</i> , Case. No. 6-10-cv-00417 (E.D. Tex.)	Pending against Apple after remand	6,502,135; 6,839,759; 7,188,180; 7,418,504; 7,490,151; 7,921,211
<i>VirnetX Inc. v. Apple Inc.</i> , Case Nos. 15-1934, 15-1935 (Fed. Cir.)		
<i>VirnetX Inc. v. Microsoft Corporation</i> , Case. No. 6-10-cv-00094 (E.D. Tex.)	Dismissed with prejudice	6,502,135; 7,188,180
<i>VirnetX Inc. v. Microsoft Corporation</i> , Case. No. 6-07-cv-00080 (E.D. Tex.)	Dismissed with prejudice	6,502,135; 6,839,759; 7,188,180
<i>In the matter of Certain Devices with Secure Communication Capabilities, Components thereof, and Products Containing the Same</i> (U.S. Int'l Trade Comm'n), Investigation No. 337-TA-858	Terminated	8,051,181

c. *Patent Office Proceedings*

The following proceedings before the United States Patent and Trademark Office involve patents related to the '009 patent and may affect or be affected by a decision in this proceeding. Proceedings identified by an asterisk (\*) were filed by Apple.

Patent	Matter	Status
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Patent	Matter	Status
6,502,135	IPR2013-00348*	Institution Denied
	IPR2013-00349*	Institution Denied
	IPR2013-00375	Terminated
	IPR2014-00171	Institution Denied
	IPR2014-00172	Institution Denied
	IPR2014-00558	Institution Denied
	IPR2014-01046	Trial Instituted
	IPR2016-00062*	Pending
	Control No. 95/001,682*	Pending before the Central Reexam Unit; RAN issued on 9/15/2015
	Control No. 95/001,679	Pending before the Central Reexam Unit; RAN issued on 9/15/2015
6,839,759	Control No. 95/001,746; Appeal No. 2015-007843	Pending; Examiner's decision on appeal to the PTAB
7,188,180	IPR2014-00401	Institution Denied
	IPR2014-00405	Institution Denied
	IPR2014-00481*	Final Written Decision; Patent Owner notice of appeal due 10/26/2015
	IPR2014-00482*	Final Written Decision; Patent Owner notice of appeal due 10/26/2015
	IPR2014-01418	Institution Denied
	IPR2014-01421	Institution Denied

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