Filed on behalf of: VirnetX Inc.
By:

Joseph E. Palys	Naveen Modi
Paul Hastings LLP	Paul Hastings LLP
875 15th Street NW	875 15th Street NW
Washington, DC 20005	Washington, DC 20005
Telephone: (202) 551-1996	Telephone: (202) 551-1990
Facsimile: (202) 551-0496	Facsimile: (202) 551-0490
E-mail: josephpalys@paulhastings.com	E-mail: naveenmodi@paulhastings.com

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 IPR2014-00237
Patent 8,504,697

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Declaration of Fabian Monrose, Ph.D.

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I, FABIAN MONROSE, declare as follows:

I. Introduction

1.   I have been retained by VirnetX Inc. ("VirnetX") for this *inter partes* review proceeding. I understand that this proceeding involves U.S. Patent No. 8,504,697 ("the '697 patent"). I understand the '697 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 '697 patent has a continuation relationship through several applications to U.S. application no. 09/558,210 filed April 26, 2000 ("the '210 application," abandoned). And I understand the '210 application is a continuation-in-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-in-part 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 '697 patent, including claims 1-30. I have also reviewed the Petition for *Inter Partes* Review (Paper No. 1, the "Petition") filed with the U.S. Patent and Trademark Office ("Office") by Apple Inc. on December 6, 2013. I have also reviewed the Patent Trial and Appeal Board's ("Board")

decision to institute *inter partes* review (Paper No. 15, the "Decision") of May 14, 2014. I understand that in this proceeding the Board instituted review of the '697 patent on two grounds: (1) anticipation of claims 1-11, 14-25, and 28-30 by *Beser*; and (2) obviousness of claims 1-11, 14-25, and 28-30 over *Beser* in view of RFC 2401. I have reviewed the exhibits and other documentation supporting the Petition that are relevant to the Decision and the instituted grounds.

III. Background and Qualifications

3.   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.

4.   I am currently a Professor of Computer Science at the University of North Carolina at Chapel Hill. I also hold an appointment as the Director of Computer and Information Security at the Renaissance Computing Institute (RENCI). RENCI develops and deploys advanced technologies to facilitate research discoveries and practical innovations. To that end, RENCI partners with researchers, policy makers, and technology leaders to solve the challenging problems that affect North Carolina and our nation as a whole. In my capacity as Director of Computer and Information Security, I lead the design and implementation of new platforms for enabling access to, and analysis of, large and sensitive biomedical data sets while ensuring security, privacy, and compliance

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