

Filed on behalf of: VirnetX Inc.

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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 IPR2015-00866
Patent No. 8,458,341

**PATENT OWNER'S OBJECTIONS TO
PETITIONER'S EXHIBITS**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner VirnetX Inc. submits the following objections to certain exhibits served by Apple Inc. (“Petitioner”) in Case No. IPR2015-00866.¹ Patent Owner’s objections apply equally to Petitioner’s reliance on these exhibits in any subsequently-filed documents. These objections are timely, having been served within five business days of service of the evidence to which the objection is directed.

Exhibits 1060-1065

Patent Owner objects to Exhibits 1060-1065 under Rules 401-403 of the Federal Rules of Evidence. For example, these exhibits contain testimony and/or evidence unrelated to the grounds of rejection on which the Board instituted *inter partes* review. Patent Owner further objects to Exhibits 1060 and 1063-1065 under Rule 802 of the Federal Rules of Evidence because the testimony and/or evidence in these exhibits constitutes inadmissible hearsay. Patent Owner further objects to Exhibits 1064 and 1065 under Rule 901 of the Federal Rules of Evidence because these exhibits lack authentication.

¹ Patent Owner notes that none of the new Exhibits served by Apple (i.e., Exs. 1060-1065) should be entered into the record for the additional reasons set forth in Patent Owner’s opposition to Petitioner’s Motion to Submit Supplemental Information in IPR2015-00866.

Dated: October 23, 2015

Respectfully submitted,

/Joseph E. Palys/

Joseph E. Palys
Registration No. 46,508

Counsel for VirnetX Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of October 2015, a copy of the foregoing Patent Owner's Objections to Petitioner's Exhibits was served by electronic mail upon the following:

Counsel for Apple Inc.:

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Dated: October 23, 2015

Respectfully submitted,

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