

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 IPR2015-00870
Patent No. 8,560,705

**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 submitted by Apple Inc. (“Petitioner”) in Case No. IPR2015-00870. 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 ten business days of the Board’s decision to institute a trial in this proceeding.

Exhibits 1005, 1022, 1023, and 1043

Patent Owner objects to Exhibit 1005 under Rules 401-403 of the Federal Rules of Evidence to the extent that Exhibit 1005 contains testimony unrelated to the grounds of rejection on which the Board instituted *inter partes* review. *See, e.g.*, at least testimony relating to U.S. Patent Nos. 8,458,341 and 8,516,131, *Aventail*, and RFC 2543. Patent Owner similarly objects to Exhibits 1022, 1023, and 1043 under Rules 401-403 of the Federal Rules of Evidence because they contain testimony unrelated to the grounds of rejection on which the Board instituted *inter partes* review. Patent Owner further objects to Exhibits 1022, 1023, and 1043 under Rule 802 of the Federal Rules of Evidence because the testimony in these Exhibits constitutes inadmissible hearsay.

Exhibits 1001-1004, 1009-1011, 1013-1041, 1043-1049, and 1052-1054

Patent Owner objects to Exhibits 1001-1004, 1009-1011, 1013-1041, 1043-1049, and 1052-1054 under Rules 401-403 of the Federal Rules of Evidence on the

grounds that these exhibits contain evidence not relevant to issues in this proceeding because the evidence lacks a nexus to the grounds of rejection on which the Board has instituted *inter partes* review.

Exhibits 1001-1004, 1006, 1009-1011, 1013-1041, 1043-1049, and 1051-1054

Patent Owner objects to Exhibits 1001-1004, 1006, 1009-1011, 1013-1041, 1043-1049, and 1051-1054 under Rules 401-403 of the Federal Rules of Evidence because Petitioner never relied on these exhibits in the Petition.

Dated: October 15, 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 15th 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 15, 2015

Respectfully submitted,

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