

Filed on behalf of: VirnetX Inc.

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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 IPR2015-00871  
Patent No. 8,560,705

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**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. IPR2015-00871.<sup>1</sup> 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 1057-1059**

Patent Owner objects to Exhibits 1057-1059 under Rules 401-403 of the Federal Rules of Evidence to the extent that 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 1057-1059 under Rule 802 of the Federal Rules of Evidence because the testimony and/or evidence in these exhibits constitutes inadmissible hearsay.

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<sup>1</sup> 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 IPR2015-00871.

**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.

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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