

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

THE MANGROVE PARTNERS MASTER FUND, LTD. and APPLE INC.,  
Petitioners,

v.

VIRNETX INC.,  
Patent Owner.

---

Case No. IPR2015-01046<sup>1</sup>  
U.S. Patent No. 6,502,135

---

**PETITIONERS' UPDATED MANDATORY NOTICES  
AND NOTICE OF RELATED FEDERAL CIRCUIT DECISION**

---

<sup>1</sup> Apple Inc., who filed a petition in IPR2016-00062, has been joined as a Petitioner in the instant proceeding.

Petitioners submit the following update to their Mandatory Notices to (i) inform the Board about developments in a related matter and (ii) update Petitioner The Mangrove Partners Master Fund, Ltd.’s (“Mangrove”) identification of counsel. *See* 37 C.F.R. § 42.8; *Apple Inc. v. OpenTV, Inc.*, IPR2015-0980, Paper 11 at 8 n.2 (Sept. 28, 2015).

On January 21, 2020, the Federal Circuit issued its opinion in *VirnetX Inc. v. Cisco Systems, Inc.*, No. 2019-1043 (Fed. Cir. Jan. 21, 2020), affirming, under Fed. Cir. R. 36, the Board’s decisions in *Cisco Systems, Inc. v. VirnetX Inc.*, Control No. 95/001,746, Appeal Nos. 2015-007843, 2017-010852, 2017-010852, each involving related U.S. Patent No. 6,839,759 and, *inter alia*, the Kiuchi reference at issue in this proceeding. *See also* Br. for Appellant VirnetX Inc., Dkt. No. 21; Reply Br. for Appellant VirnetX Inc., Dkt. No. 29.

Additionally, Petitioner Mangrove submits the following update to its Mandatory Notices to update its identification of lead and back-up counsel, consistent with its concurrent filing of an updated Power of Attorney:

Petitioner Mangrove’s Lead Counsel  
James T. Bailey, Reg. No. 44,518  
504 W. 136th St. #1B  
New York, NY 10031  
T: 917-626-1356  
Email: [jtb@jtbaileylaw.com](mailto:jtb@jtbaileylaw.com)

Petitioner Mangrove’s Backup Counsel  
Abraham Kasdan, Reg. No. 32,997  
Wiggin and Dana LLP  
450 Lexington Avenue  
New York, NY 10017  
T: 212-551-2841  
Email: [akasdan@wiggin.com](mailto:akasdan@wiggin.com)

Dated: January 23, 2020

Respectfully Submitted,

/Jeffrey P. Kushan/

Jeffrey P. Kushan

Reg. No. 43,401

Sidley Austin LLP

1501 K Street, N.W.

Washington, D.C. 20005

T: 202-736-8000

*Attorney for Petitioner Apple Inc.*

/James T. Bailey/

James T. Bailey

Reg. No. 44,518

The Law Office of James. T. Bailey

504 W. 136th St. #1B

New York, NY 10031

T: 917-626-1356

*Attorney for Petitioner Mangrove*

**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on this 23rd day of January, 2020, I caused to be served a true and correct copy of the foregoing and any accompanying exhibits by electronic mail on the following counsel:

Joseph E. Palys  
josephpalys@paulhastings.com

Naveen Modi  
Naveenmodi@paulhastings.com

Dated: January 23, 2020

Respectfully Submitted,

/Jeffrey P. Kushan/  
Jeffrey P. Kushan  
Reg. No. 43,401  
Sidley Austin LLP  
1501 K Street, N.W.  
Washington, D.C. 20005  
T: 202-736-8000  
*Attorney for Petitioner Apple Inc.*

/James T. Bailey/  
James T. Bailey  
Reg. No. 44,518  
The Law Office of James. T. Bailey  
504 W. 136th St. #1B  
New York, NY 10031  
T: 917-626-1356  
*Attorney for Petitioner Mangrove*