

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Apple Inc.
Petitioner,

v.

VirnetX, Inc. and Science Application International Corporation,
Patent Owner

Patent No. 6,502,135

Issued: Dec. 31, 2002

Filed: Feb. 15, 2000

Inventors: Edmund C. Munger, *et al*

Title: Agile Network Protocol For Secure Communications With Assured System
Availability

Inter Partes Review No. IPR2013-00349

PETITION FOR INTER PARTES REVIEW

TABLE OF CONTENTS

I. COMPLIANCE WITH REQUIREMENTS FOR A PETITION FOR INTER PARTES REVIEW.....1

A. Certification the '135 Patent May Be Contested by Petitioner 1

B. Fee for Inter Partes Review (§ 42.15(a)).....3

C. Mandatory Notices (37 CFR § 42.8(b))3

1. Real Party in Interest (§ 42.8(b)(1)).....3

2. Other Proceedings (§ 42.8(b)(2))3

3. Designation of Lead and Backup Counsel.....4

4. Service Information (§42.8(b)(4)).....4

D. Proof of Service (§§ 42.6(e) and 42.105(a))5

II. Identification of Claims Being Challenged (§ 42.104(b)).....5

III. Relevant Information Concerning the Contested Patent6

A. Effective Filing Date and Prosecution History of the '135 patent..... 6

B. Person of Ordinary Skill in the Art 7

C. Construction of Terms Used in the Claims7

1. Virtual Private Network (VPN) (Claims 1, 10, 13, 18)8

2. Virtual Private Link (Claim 13)11

3. Domain Name (Claims 1, 10, 13, 18)11

4. Domain Name Service (Claims 1, 10, 13, 18).....12

5. DNS Server (Claims 18, 2 and 8)12

6. DNS Proxy Server (Claims 10, 8).....12

7. Web Site (Claims 1, 10, 18).....13

8. Secure Web Site/Target Web Site (Claims 1, 8, 10, 18)13

9. Secure Web Computer (Claim 10).....14

10. Target Computer (Claims 1, 10, 18)14

11. IP Address Hopping Scheme (Claim 6).....14

IV. Precise Reasons for Relief Requested.....15

A. Claims 1-10, 12-15 and 18 Are Anticipated By Aventail (Ex. 1007)..... 15

1. Aventail Anticipates Claim 1 15

2. Aventail Anticipates Claim 10..... 17

3. Aventail Anticipates Claim 13 21

4. Aventail Anticipates Claim 18..... 24

5. Aventail Anticipates Claim 2..... 28

6. Aventail Anticipates Claim 3 29

7. Aventail Anticipates Claim 4 and 12 29

8. Aventail Anticipates Claim 5 31

9. Aventail Anticipates Claim 6 32

10. Aventail Anticipates Claim 7 33

11. Aventail Anticipates Claim 8 33

12. Aventail Anticipates Claim 9 34

13. Aventail Anticipates Claim 14 and 15 34

B. Aventail In View of RFC 1035 Renders Claims 4, 5, and 18 Obvious 35

C. Aventail In View of Reed I Renders Claims 6, 14 and 15 Obvious 37

D. Claims 1-10, 12-15 and 18 Are Anticipated by BinGO (Ex. 1008)..... 40

1. BinGO Anticipates Claim 1 40

2. BinGO Anticipates Claim 10 43

3. BinGO Anticipates Claim 13 45

4. BinGO Anticipates Claim 18 48

5. BinGO Anticipates Claim 2 51

6. BinGO Anticipates Claim 3 52

7. BinGO Anticipates Claim 4 52

8. BinGO Anticipates Claim 5 53

Petition for *Inter Partes* Review of U.S. Patent No. 6,502,135

9. BinGO Anticipates Claim 6	54
10. BinGO Anticipates Claim 7	54
11. BinGO Anticipates Claim 8	55
12. BinGO Anticipates Claim 9	55
13. BinGO Anticipates Claim 12	56
14. BinGO Anticipates Claim 14 and 15	56
E. BinGO In View of Reed Renders Claims 6, 14 and 15 Obvious.....	57
V. CONCLUSION	60

Attachment A. Proof of Service of the Petition

Attachment B. List of Evidence and Exhibits Relied Upon in Petition

I. COMPLIANCE WITH REQUIREMENTS FOR A PETITION FOR INTER PARTES REVIEW

A. Certification the '135 Patent May Be Contested by Petitioner

Petitioner certifies it is not barred or estopped from requesting *inter partes* review of U.S. Patent No. 6,502,135 (the '135 patent) (Ex. 1001). Neither Petitioner, nor any party in privity with Petitioner, has filed a civil action challenging the validity of any claim of the '135 patent. The '135 patent has not been the subject of a prior *inter partes* review by Petitioner or a privy of Petitioner.

Petitioner also certifies this petition for *inter partes* review is filed within one year of the date of service of a complaint alleging infringement of a patent. Petitioner was served with a complaint alleging infringement of the '135 patent on **December 31, 2012**, which led to Civil Action No. 6:12-cv-00855-LED in the Eastern District of Texas. Ex. 1050. Because the date of this petition is less than one year from December 31, 2012, this petition complies with 35 U.S.C. § 315(b).

Petitioner notes it was previously served with a complaint asserting infringement of the '135 patent in August of 2010, which led to Civil Action No: 6:10-cv-417. During that action, the District Court established an additional civil action, Civil Action No. 6:13-cv-00211-LED, on February 26, 2013 (also pending in the Eastern District of Texas). The August 2010 complaint does not foreclose the present petition, as Patent Owner served a **new complaint** on Petitioner asserting infringement of the '135 patent in **December of 2012**.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.