

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

VIRNETX INC.,  
Patent Owner.

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

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**PETITIONERS' IDENTIFICATION OF REPLY ARGUMENTS**

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

The Board authorized Patent Owner to identify “sections of the [reply briefs] believed by Patent Owner to be improper,” and authorized Petitioners to identify where those sections “were previously presented” or how they are responsive to Patent Owner’s Response. As explained below, no identified section is improper.

**Position #1:** Patent Owner argues that Petitioners, on page 10 of the Reply, newly rely on “(b) ‘a request for connection to the server-side proxy,’” and “(c) ‘C-HTTP requests’ to the server-side proxy” to fulfill the claimed “*(DNS) request*.” Paper 55, 1-2. Petitioners’ position on what actions in Kiuchi constitute the claimed “*(DNS) request*” was set forth on pages 20-21 and 27 of the Petition and page 4 of the Reply. Page 10 of the Reply (the focus of Patent Owner’s “New Position #1”) responds to Patent Owner’s assertion that Kiuchi’s client-side proxy cannot be a “*client computer*” because it does not “generate[] requests,” Resp., 27; *see also* Position #5, *below* (explaining support for Petitioners’ contention that Kiuchi’s client-side proxy discloses a “*client computer*”).

**Position #2:** Patent Owner argues that Petitioners newly rely on Kiuchi’s appendices to argue Kiuchi’s hostname corresponds to an institution’s server-side proxy. Paper 55, 2. Dr. Guerin relied on the entirety of Kiuchi’s disclosure, including appendices, to conclude that the client-side proxy, using the hostname of the server-side proxy, requests and receives the server-side proxy’s IP address in response to the C-HTTP name request. *See, e.g.*, Ex. 1003, ¶32 (citing Ex. 1002,

70-71 (Appendix 1)). The Petition then relied on Dr. Guerin's understanding of this functionality to explain how Kiuchi anticipates the claims. *See, e.g.*, Pet., 18-29 (citing extensively to Ex. 1003). The sections of the Reply identified by Patent Owner are also responsive to its contention (Resp., 22-23; Ex. 2043, ¶¶37-39) that the hostname refers only to the origin server. *See* Reply, 6-8.

**Position #3:** Patent Owner argues that Petitioners newly rely on RFC 1945 (Ex. 1014) as defining HTTP/1.0 as used in Kiuchi. Paper 55, 2. Dr. Guerin explicitly relied on RFC 1945 as defining HTTP/1.0 as used in Kiuchi. Ex. 1003, ¶19; Pet., 19 (citing same). Petitioners' reliance on RFC 1945 to show the meaning of "host" in the context of HTTP/1.0, Reply, 6-7, is also responsive to Patent Owner's argument equating a URL's "host" with the entire URL, Resp., 22.

**Position #4:** Patent Owner argues that Petitioners newly rely on the collective actions of the client-side proxy and C-HTTP name server for the claimed "determining." Paper 55, 2. The Petition explained that Kiuchi's "C-HTTP name server and client-side proxy each determine whether the user agent is requesting to connect to a secure destination," Pet., 28, and that the client-side proxy and C-HTTP name server work together to determine whether "the server-side proxy is registered in the closed network and is permitted to accept a connection from the client-side proxy." Pet., 22-23. The Petition also explained that in Kiuchi "the function of the DNS proxy is distributed among the client-side proxy and the C-

HTTP name server.” Pet., 32.

**Position #5:** Patent Owner argues that Petitioners newly rely on Kiuchi's client-side proxy as the claimed “*client computer*.” Paper 55, 3. Dr. Guerin explained that “the client-side proxy acts as a client computer in its communication with the server-side proxy.” Ex. 1003, ¶19; Pet., 26-27 (citing same). In addition, the Petition explained that client-side proxy “sends a request to a C-HTTP name server asking to resolve the hostname in the request into an IP address.” Pet., 27. Patent Owner also acknowledges that “Petitioners ... rely[] in some instances ... on Kiuchi's client-side proxy” for “the claimed ‘client computer,’” Resp., 24; *see also* Resp., 24-27 (addressing Petitioner's mapping of the client-side proxy to the claimed “*client computer*”).

**Petitioner Apple Inc.'s Separate Reply Filing:** Patent Owner argues that Petitioner Apple “goes beyond responding to Patent Owner's Response” because Patent Owner “did not suggest changes to the schedule.” Paper 55, 3. Patent Owner did, however, urge the Board to “terminate this proceeding” regardless of a § 315(b) issue if it found a missing RPI. Resp., 56-57. Petitioner Apple explained that, even if an RPI was mistakenly omitted, the Board should exercise its discretion to maintain the current schedule of this proceeding due to Patent Owner's behavior in this and related proceedings before the Office. Paper 53.

For the foregoing reasons, Petitioners' papers are proper.

Dated: May 19, 2016

Respectfully Submitted,

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