Trials@uspto.gov
571.272.7822

Paper No. 66
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE MANGROVE PARTNERS MASTER FUND, LTD., APPLE INC., and BLACK SWAMP IP, LLC,
Petitioner,

v.

VIRNETX INC.,
Patent Owner.

Case IPR2015-01046 (Patent 6,501,135 B1)[1]
Case IPR2015-01047 (Patent 7,490,151 B2)[2]

Before MICHAEL P. TIERNEY, KARL D. EASTHOM, and STEPHEN C. SIU, *Administrative Patent Judges*.

SIU, *Administrative Patent Judge*.

ORDER
Conduct of the Proceedings
37 C.F.R. § 42.5

[1] Apple Inc., who filed petitions in IPR2016-00062, has been joined as a Petitioner in this proceeding.
[2] Apple Inc. and Black Swamp IP, LLC, who filed petitions in IPR2016-00063 and IPR2016-00167, respectively, have been joined as Petitioners in this proceeding.

Patent Owner argues that it did not have a fair opportunity to respond to arguments that Patent Owner alleges to have been presented by Petitioner for the first time in Petitioner's Consolidated Reply Brief (IPR2015-01046, Paper 50, 51; IPR2015-01047, Paper 56, 58) and Petitioner Apple Inc.'s Separate Reply Filing (IPR2015-01046, Paper 53; IPR2015-01047, Paper 59). *See* IPR2015-01046, Paper 55, and IPR2015-01047, Paper 61.

Under the particular factual circumstances of these cases, to ensure that Patent Owner has a full and fair opportunity to be heard on the disputed issues, we authorize, on an expedited basis, a sur-reply from Patent Owner in each proceeding. The sur-replies are limited to issues enumerated by Patent Owner in Patent Owner's Identification of Improper Arguments in Petitioners' Consolidated Reply Brief and Petitioner Apple Inc.'s Separate Reply Filing (IPR2015-01046, Paper 55, and IPR2015-01047, Paper 61, respectively) and shall not repeat arguments previously made or argue any other issue in these proceedings.

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner is authorized to file, in each of the instant proceedings, a sur-reply to Petitioner's Consolidated Reply Brief and Petitioner Apple Inc.'s Separate Reply Filing in the respective proceedings addressing the issues set forth herein, by July 15, 2016, limited to no more than 15 pages.

Case IPR2015-01046 (Patent 6,502,135 B1)
Case IPR2015-01047 (Patent 7,490,151 B1)

PETITIONER:

Abraham Kasdan
WIGGIN AND DANA LLP
akasdan@wiggin.com

James T. Bailey
jtb@jtbaileylaw.com

Jeffrey P. Kushan
Scott M. Border
SIDLEY AUSTIN LLP
IPRNotices@sidley.com
sborder@sidley.com

Thomas H. Martin
Wesley C. Meinerding
MARTIN & FERRARO, LLP
tmartin@martinferraro.com
docketing@martinferraro.com

PATENT OWNER:

Joseph E. Palys
Naveen Modi
Daniel Zeilberger
Chetan Bansal
PAUL HASTINGS LLP
josephpalys@paulhastings.com
naveenmodi@paulhastings.com
danielzeilberger@paulhastings.com
chetanbansal@paulhastings.com