

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

VirnetX Inc. and Science Applications International
Corporation,

Plaintiffs,

v.

Mitel Networks Corporation, Mitel Networks, Inc.,
Siemens Enterprise Communications GmbH & Co.
KG, Siemens Enterprise Communications, Inc.,
and Avaya Inc.

Defendants.

Civil Case No. 6:11-cv-00018-LED

DEFENDANTS' RESPONSIVE CLAIM CONSTRUCTION BRIEF

TABLE OF CONTENTS

I. INTRODUCTION 1

II. LEGAL STANDARDS 2

III. PATENTS-IN-SUIT 2

IV. LEVEL OF ORDINARY SKILL IN THE ART 2

V. DISPUTED CLAIM CONSTRUCTIONS 3

 A. Disputes Concerning Types of Communication Links 3

 1. “Virtual private network” 3

 2. “Virtual private link” 9

 3. “Secure communication link” 10

 B. The “Indicate” / “Indicating” / “Indication” Disputes 14

 1. “An indication that the domain name service system supports establishing a secure communication link” 14

 2. “Indicate/indicating in response to the query whether the domain name service system supports establishing a secure communication link” 15

 C. Disputes Concerning Domain Name, Domain Name Service, Secure Domain Name, and Query 18

 1. “Domain name” 18

 2. “Query” 23

 3. “Domain Name Service (DNS)” 24

 4. “DNS proxy server” 25

 5. “Domain Name Service System” 25

 D. Disputes Concerning Web Site, Secure Web Site, Secure Web Computer, etc. 26

 1. “Web site” 26

 2. “Secure web site” 27

 3. “Secure target web site” 28

4. “Target computer” 28

E. The “Between” Disputes 29

1. “Between [a/the] first location and [a/the] second location” 29

2. “Between a client computer and target computer” 29

VI. CONCLUSION 29

TABLE OF AUTHORITIES

CASES

Agilent Techs., Inc. v. Affymetrix, Inc.,
567 F.3d 1366 (Fed. Cir. 2009).....19

Amazon.com, Inc. v. Barnesandnoble.com, Inc.,
239 F.3d 1343 (Fed. Cir. 2001).....6

Becton, Dickinson and Co. v. Tyco Healthcare Group, LP,
616 F.3d 1249 (Fed. Cir. 2010).....19

Bicon, Inc. v. Straumann Co.,
441 F.3d 945 (Fed. Cir. 2006).....19, 20

CCS Fitness, Inc. v. Brunswick Corp.,
288 F.3d 1359 (Fed. Cir. 2002).....22

In re Am. Acad. Of Sci. Tech Ctr.,
367 F.3d 1359 (Fed. Cir. 2004).....27

In re Swanson,
540 F.3d 1368 (Fed. Cir. 2008).....27

Micro Intern. Ltd. v. Beyond Innovation Tech. Co., Ltd.,
521 F.3d 1351 (Fed. Cir. 2008).....23

Nystrom v. Trex Co., Inc.,
424 F.3d 1136 (Fed. Cir. 2005).....9

Phillips v. AWH Corp.,
415 F.3d 1303 (Fed. Cir. 2005).....23

Takeda Pharm. Co., Ltd. v. Handa Pharms., LLC, 2012 WL 1243109 (N.D. Cal. Apr. 11, 2012).....23

Thorner v. Sony Comp. Entertainment America LLC,
669 F.3d 1362 (Fed. Cir. 2012).....22

Verizon Servs. Corp. v. Vonage Holdings Corp.,
503 F.3d 1295 (Fed.Cir.2007).....17

OTHER AUTHORITIES

Alan Freedman, *Computer Desktop Encyclopedia* (9th ed, 2001)24

Dick Pountain, *The New Penguin Dictionary of Computing* (2001)24

Dictionary of the Internet (2001).....23

McGraw- Hill Dictionary of Scientific and Technical Terms (6th ed. 2003)23

Phillip A. Laplante, *Dictionary of Computer Science, Engineering, and Technology*
(2001).....24

S.M.H. Collin, *Dictionary of Personal Computing and the Internet* (3d ed, 2000)24

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.