

Filed on behalf of: VirnetX Inc.

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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.,  
Petitioner

v.

VIRNETX INC.  
Patent Owner

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Case IPR2015-01046<sup>1</sup>  
Patent 6,502,135

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**Patent Owner's Interrogatories to  
Petitioner The Mangrove Partners Master Fund, Ltd.**

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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.

Patent Owner requests that Petitioner The Mangrove Partners Master Fund, Ltd. serve written responses to these interrogatories.<sup>2</sup>

### **INSTRUCTIONS**

In responding to these interrogatories, please comply with the instructions in the Office Patent Trial Practice Guide.

1. Please timely amend your responses if you learn that your response is incomplete or additional responsive information is found.
2. Whenever you are asked to identify a communication, please: (a) summarize the subject matter of the communication; (b) state the date and location of the communication; and (c) identify the parties to the communication.
3. If you object to a portion or an aspect of any interrogatory, state the grounds of your objection with specificity and respond to the remainder of the interrogatory.
4. If, in answering these interrogatories, you encounter any ambiguities when construing a request, instruction, or definition, your response shall set forth the matter deemed ambiguous and the construction used in responding.
5. For any information sought by an interrogatory that you withhold based upon

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<sup>2</sup> By serving these interrogatories by the deadline provided in the Board's order dated October 23, 2019, Patent Owner does not waive its right to seek rehearing of that order or any other relief that may be available.

a claim of privilege, please identify the ground of the asserted privilege and provide a privilege log according to the requirements of Federal Rule of Civil Procedure 26.

### **DEFINITIONS**

1. The terms “document” and “thing” have the broadest meaning prescribed in Federal Rule of Civil Procedure 34, including ESI and any physical specimen or tangible item, in your possession, custody, or control.
2. “Communications” refers to all conversations, agreements, inquiries, or replies, whether in person, by telephone, in writing, or by means of electronic transmittal devices, and includes, but is not limited to, all correspondence, emails, recordings, transmittal slips, memoranda, telephone communications, voice messages, or notes.
3. The term “Mangrove Partners” or “You” refers to The Mangrove Partners Master Fund, Ltd. and all affiliated people and entities, including Mangrove Partners, The Mangrove Partners Fund, L.P., The Mangrove Partners Fund (Cayman), Ltd., Mangrove Capital, any of their present and former employees, representatives, consultants, contractors, attorneys, agents, and all other persons or entities acting or purporting to act on behalf of any of the foregoing, such as Nathaniel August, Ward Dietrich, Jeffrey Kalicka, Brian Steck, Philp Lee, David Bree, and Kevin Phillip.
4. “RPX” includes RPX Corporation, any of its present and former employees,

representatives, consultants, contractors, attorneys, agents, and all other persons or entities acting or purporting to act on behalf of any of the foregoing.

5. “VirnetX patents” refers to any patent assigned to VirnetX Inc., including U.S. Patent No. 6,502,135, U.S. Patent No. 7,490,151, as well as any references to patents associated with VirnetX generally.

6. “Apple Inc.” means Apple Inc., any of its present and former employees, representatives, consultants, contractors, attorneys, agents, and all other persons or entities acting or purporting to act on behalf of any of the foregoing.

7. “Concerning” means in any way, directly or indirectly, regarding, considering, constituting, comprising, covering, defining, describing, involving, underlying, modifying, amending, confirming, mentioning, endorsing, recording, evidencing, pertaining to, referring to, reflecting, relating to, representing, supporting, qualifying, terminating, revoking, canceling.

**INTERROGATORY**

**INTERROGATORY NO. 1**

Describe all facts and circumstances concerning each communication between Mangrove Partners and RPX prior to October 7, 2015, concerning VirnetX.

**INTERROGATORY NO. 2**

Describe all facts and circumstances concerning each communication between Mangrove Partners and RPX prior to October 7, 2015, concerning proceedings before the U.S. Patent and Trademark Office.

**INTERROGATORY NO. 3**

Describe all facts and circumstances concerning each communication between Mangrove Partners and any person not part of Mangrove Partners prior to October 7, 2015, concerning both RPX and VirnetX.

**INTERROGATORY NO. 4**

Describe all facts and circumstances concerning each communication between Mangrove Partners and any person not part of Mangrove Partners prior to October 7, 2015, concerning challenges to VirnetX's patents.

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