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Filed on behalf of: VirnetX Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE MANGROVE PARTNERS MASTER FUND, LTD.

Petitioner

v.

VIRNETX INC.

Patent Owner

Case IPR2015-01046

Patent 6,502,135

Patent Owner's Interrogatories

Patent Owner requests that Petitioner serve written responses to these interrogatories.

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 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” shall mean the transmission or receipt of information of any kind through any means (e.g., email, voicemail, audio, computer readable media, or orally).
3. The term “Mangrove Entities” includes The Mangrove Partners Master Fund, Ltd., Mangrove Partners, The Mangrove Partners Fund, L.P., The Mangrove Partners Fund (Cayman), Ltd., Mangrove Capital, any of their present and former investors, and 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. “Mangrove IPRs” refers to *inter partes* review Case Nos. IPR2015-01046 and IPR2015-01047.
5. “VirnetX Patents” refers to U.S. Patent No. 6,502,135 and U.S. Patent No. 7,490,151.

INTERROGATORY

INTERROGATORY NO. 1

Identify communications and/or agreements in Request for Production Nos. 1-4 of Exhibit 2039 that were not reduced to writing.

INTERROGATORY NO. 2

Identify persons and entities, including any of the Mangrove Entities, involved in the preparation and filing of the petitions or other papers in the Mangrove IPRs, including persons and entities involved in any suggestions of prior art, patentability challenges, and decisions to pursue *inter partes* review challenges of VirnetX Patents.

INTERROGATORY NO. 3

To the extent not covered by Interrogatory No. 2, identify persons and entities, including any of the Mangrove Entities, that control the Mangrove IPRs, including anyone who controlled or had the ability to control the preparation and filing of the petitions in the Mangrove IPRs.

INTERROGATORY NO. 4

Identify persons and entities, including any of the Mangrove Entities, that provide or receive funding, directly or indirectly, for the Mangrove IPRs.