

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

VIRNETX INC.,
Patent Owner.

Case No. IPR2015-01046¹
U.S. Patent No. 6,502,135

**PETITIONERS' UPDATED MANDATORY NOTICES
AND NOTICE OF RELATED FEDERAL CIRCUIT DECISION**

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

Petitioners submit the following update to their Mandatory Notices to inform the Board about developments in a related matter. *See* 37 C.F.R. § 42.8.

On August 19, 2021, the Federal Circuit remanded Patent Owner VirnetX Inc.’s appeal in this proceeding “for the limited purpose of allowing VirnetX the opportunity to request Director rehearing of the final written decisions.” *VirnetX Inc. v. Mangrove Partners Master Fund*, Appeal No. 2020-2271, Dkt. No. 51 (Fed. Cir. Aug. 19, 2021). “VirnetX must file the request for rehearing within 30 days from the date of” the August 19, 2021 order. *Id.* The Federal Circuit “retain[ed] jurisdiction” over the appeal and ordered Patent Owner to inform the Federal Circuit “within 14 days of any decision denying rehearing,” such that “[t]he Clerk of Court shall reactivate” the appeal “upon receipt of that notice.” *Id.*

Petitioner Apple Inc.’s appeal of the jury verdict in *VirnetX Inc. v. Apple Inc.*, No. 6:12-cv-00855-RWS (E.D. Tex.), which also involves the ’135 patent, “will proceed in the normal course.” *Id.*

Dated: September 16, 2021

Respectfully Submitted,

/Jeffrey P. Kushan/

Jeffrey P. Kushan
Reg. No. 43,401
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005
T: 202-736-8000
Attorney for Petitioner Apple Inc.

/James T. Bailey/

James T. Bailey
Reg. No. 44,518
The Law Office of James. T. Bailey
504 W. 136th St. #1B
New York, NY 10031
T: 917-626-1356
Attorney for Petitioner Mangrove

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on this 16th day of September, 2021, I caused to be served a true and correct copy of the foregoing and any accompanying exhibits by electronic mail on the following counsel:

Joseph E. Palys
josephpalys@paulhastings.com

Naveen Modi
Naveenmodi@paulhastings.com

Dated: September 16, 2021

Respectfully Submitted,

/Jeffrey P. Kushan/
Jeffrey P. Kushan
Reg. No. 43,401
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005
T: 202-736-8000
Attorney for Petitioner Apple Inc.

/James T. Bailey/
James T. Bailey
Reg. No. 44,518
The Law Office of James. T. Bailey
504 W. 136th St. #1B
New York, NY 10031
T: 917-626-1356
Attorney for Petitioner Mangrove