

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,
Petitioners,

v.

VIRNETX INC.,
Patent Owner.

Case No. IPR2015-01047¹
U.S. Patent No. 7,490,151

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

¹ Apple Inc. and Black Swamp IP, LLC, which filed petitions in IPR2016-00063 and IPR2016-00167, respectively, have been joined as Petitioners in the instant proceeding.

Petitioners submit the following update to their Mandatory Notices to (i) inform the Board about developments in a related matter and (ii) update Petitioner The Mangrove Partners Master Fund, Ltd.’s (“Mangrove”) identification of lead and backup counsel. *See* 37 C.F.R. § 42.8; *Apple Inc. v. OpenTV, Inc.*, IPR2015-0980, Paper 11 at 8 n.2 (Sept. 28, 2015).

On January 21, 2020, the Federal Circuit issued its opinion in *VirnetX Inc. v. Cisco Systems, Inc.*, No. 2019-1043 (Fed. Cir. Jan. 21, 2020), affirming, under Fed. Cir. R. 36, the Board’s decisions in *Cisco Systems, Inc. v. VirnetX Inc.*, Control No. 95/001,746, Appeal Nos. 2015-007843, 2017-010852, 2017-010852, each involving related U.S. Patent No. 6,839,759 and, *inter alia*, the Kiuchi reference at issue in this proceeding. *See also* Br. for Appellant VirnetX Inc., Dkt. No. 21; Reply Br. for Appellant VirnetX Inc., Dkt. No. 29.

Additionally, Petitioner Mangrove submits the following update to its Mandatory Notices to update its identification of lead and back-up counsel, consistent with its concurrent filing of an updated Power of Attorney:

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Dated: January 23, 2020

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on this 23rd day of January, 2020, I caused to be served a true and correct copy of the foregoing and any accompanying exhibits by electronic mail on the following counsel:

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