

CONFIDENTIAL - PROTECTIVE ORDER MATERIAL

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.,

Petitioner,

v. VIRNETX INC.,

Patent Owner.

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Case Nos. IPR2015-01046, IPR2015-01047

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**PETITIONER MANGROVE PARTNER'S MASTER  
FUND LTD.'S OBJECTIONS AND RESPONSES TO  
VIRNETX INTERROGATORY NO. 1**

**Interrogatory No. 1:**

Identify and describe communications and/or agreements that were not reduced to writing pertaining to Ward Dietrich's involvement in the preparation and filing of the Petitions and/or control or ability to control the preparation and filing of the Petitions.

**Petitioner's Response to Interrogatory No. 1:**

Petitioner objects to this interrogatory as unduly burdensome in that it requests a list and description of specific oral communications that occurred approximately a year ago and to the extent it calls for information covered by the attorney-client privilege and/or the work-product doctrine.

Subject to its objections, Petitioner responds as follows:

Based upon a diligent investigation, Petitioner is not aware of any "agreements" that were not reduced to writing pertaining to Ward Dietrich's involvement in the preparation and filing of the Petitions and/or control or ability to control the preparation and filing of the Petitions. REDACTED

As to other communications, after a diligent investigation, Petitioner is unaware of any specific oral conversation that was not reduced to writing regarding Mr. Dietrich's involvement in the preparation and filing of the Petitions and/or control or ability to control the preparation and filing of the Petitions to which both Mr. Dietrich, on the one hand, and any outside

counsel for Petitioner or technical expert Dr. Roch Guerin, on the other hand, was a party.

It is likely that Mr. Dietrich had one or more oral conversations that were not immediately reduced to writing with Nathaniel August and/or Jeff Kalicka pertaining to Mr. Dietrich's involvement in the preparation and filing of the Petitions. However, after a diligent investigation, Petitioner cannot identify the parties, date, or content of any specific oral communication that occurred approximately a year ago. Petitioner generally states that Mr. Dietrich was directed by Nathaniel August to review and provide feedback on drafts related to the filing of IPR Petitions IPR2015-01046 and IPR2014-01047, and in fact did so as reflected in the written e-mail record that has been produced. Petitioner believes that any such oral communication that was not reduced to writing at the time is consistent with and largely, if not entirely, duplicative of the written e-mail record that has been produced.

Dated: March 10, 2016

/James T. Bailey/

James T. Bailey

Reg. No. 44,518

THE LAW OFFICE OF

JAMES T. BAILEY

Abraham Kasdan

Reg. No. 32,997

WIGGAN & DANA LLP

**CERTIFICATE OF SERVICE**

I hereby certify that on this 10<sup>th</sup> day of March, 2016, a copy of the foregoing **PETITIONER MANGROVE PARTNER'S MASTER FUND LTD.'S OBJECTIONS AND RESPONSES TO VIRNETX INTERROGATORY NO. 1** has been served by e-mail on the following counsel of record for Patent Owner:

Mr. Naveen Modi  
Mr. Joseph Palys

Dated: March 10, 2016

/James T. Bailey/  
James T. Bailey  
Reg. No. 44,518  
THE LAW OFFICE OF  
JAMES T. BAILEY

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