

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

VIRNETX INC.,  
Patent Owner.

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Case IPR2016-00063  
Patent 7,490,151 B2

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Before MICHAEL P. TIERNEY, KARL D. EASTHOM, and STEPHEN C. SIU,  
*Administrative Patent Judges.*

SIU, *Administrative Patent Judge.*

ORDER  
Conduct of the Proceeding  
*37 C.F.R. § 42.5*

A conference call in the above proceeding was held on November 18, 2015, among respective counsel for Apple Inc., The Mangrove Partners Master Fund Ltd., VirnetX Inc., and Judges Tierney, Easthom, and Siu. On October 26, 2015, Apple Inc. filed a petition (Paper 1, "Petition") requesting institution of a trial

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regarding the patentability of claims 1, 2, 6–8, and 12–14 of U.S. Patent No. 7,490,151 (“the ’151 patent”). Apple Inc. also filed concurrently a Motion for Joinder (Paper 2) with IPR2015-01047, which challenges the patentability of the same claims (i.e., claims 1, 2, 6–8, and 12–14) of the ’151 patent. A decision to institute in IPR2015-01047 was issued on October 7, 2015.

During the conference call, the parties were advised that a Patent Owner Preliminary Response to the Petition in the present matter, if filed, and Patent Owner’s Opposition to Petitioner’s Motion for Joinder, if filed, will both be due on January 8, 2016. Also, Petitioner’s Response to Patent Owner’s Opposition, if filed, is due on January 15, 2016.

In consideration of the above, it is

ORDERED that a Patent Owner Preliminary Response, if filed, is due not later than January 8, 2016;

FURTHER ORDERED that Patent Owner’s Opposition to Petitioner’s Motion for Joinder, if filed, is due not later than January 8, 2016, and

FURTHER ORDERED that Petitioner’s Response to Patent Owner’s Opposition, if filed, is due not later than January 15, 2016.

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