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EXAMINER
FOSTER, ROLAND G

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Transmittal of Communication to Third Party Requester *Inter Partes* Reexamination	Control No.	Patent Under Reexamination	
	95/001,851	7418504	
	Examiner	Art Unit	
	ROLAND FOSTER	3992	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

David L. McCombs
HAYNES AND BOONE, LLP, IP SECTION
2323 Victory Ave., Suite 700
Dallas, TX 75219

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above-identified reexamination prceeding. 37 CFR 1.903.

Prior to the filing of a Notice of Appeal, each time the patent owner responds to this communication, the third party requester of the *inter partes* reexamination may once file written comments within a period of 30 days from the date of service of the patent owner's response. This 30-day time period is statutory (35 U.S.C. 314(b)(2)), and, as such, it cannot be extended. See also 37 CFR 1.947.

If an *ex parte* reexamination has been merged with the *inter partes* reexamination, no responsive submission by any *ex parte* third party requester is permitted.

All correspondence relating to this inter partes reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of the communication enclosed with this transmittal.

Right of Appeal Notice (37 CFR 1.953)	Control No.	Patent Under Reexamination
	95/001,851	7418504
	Examiner	Art Unit
	ROLAND FOSTER	3992

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address. --

Responsive to the communication(s) filed by:
Patent Owner on 30 July, 2014
Third Party(ies) on 29 August, 2014

Patent owner and/or third party requester(s) may file a notice of appeal with respect to any adverse decision with payment of the fee set forth in 37 CFR 41.20(b)(1) within **one-month or thirty-days (whichever is longer)**. See MPEP 2671. In addition, a party may file a notice of **cross** appeal and pay the 37 CFR 41.20(b)(1) fee **within fourteen days of service** of an opposing party's timely filed notice of appeal. See MPEP 2672.

All correspondence relating to this inter partes reexamination proceeding should be directed to the **Central Reexamination Unit** at the mail, FAX, or hand-carry addresses given at the end of this Office action.

If no party timely files a notice of appeal, prosecution on the merits of this reexamination proceeding will be concluded, and the Director of the USPTO will proceed to issue and publish a certificate under 37 CFR 1.997 in accordance with this Office action.

The proposed amendment filed _____ ☐ will be entered ☐ will not be entered*

*Reasons for non-entry are given in the body of this notice.

1a. ☒ Claims 1-35 and 60 are subject to reexamination.
1b. ☒ Claims 36-59 are not subject to reexamination.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are confirmed. [Unamended patent claims].
4. ☒ Claims 11 are patentable. [Amended or new claims].
5. ☒ Claims 1-10,12-35 and 60 are rejected.
6. ☐ Claims _____ are objected to.
7. ☐ The drawings filed on _____ ☐ are acceptable. ☐ are not acceptable.
8. ☐ The drawing correction request filed on _____ is ☐ approved. ☐ disapproved.
9. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119 (a)-(d) or (f). The certified copy has:
   ☐ been received. ☐ not been received. ☐ been filed in Application/Control No. _____.
10. ☐ Other _____

Attachments

1. ☐ Notice of References Cited by Examiner, PTO-892
2. ☒ Information Disclosure Citation, PTO/SB/08
3. ☐ _____

RIGHT OF APPEAL NOTICE

1. Procedural History

Prosecution after the ACP

This Office action addresses claims 1-35 and 60 of United States Patent No. 7,418,504 B2 (the "Larson" patent), for which reexamination was granted in the Order Granting *Inter Partes* Reexamination (hereafter the "Order"), mailed March 1, 2012, in response to a Request for Inter Partes Reexamination, filed December 13, 2011 (the "Request").

An Action Closing Prosecution ("ACP") mailed May 30, 2014 rejecting original claims 1-10 and 12-16 of the Larson patent. Original claim 11 was found patentable. The patent owner also filed a supplemental declaration of Angelos D. Keromytis, Ph.D., on January 2, 2013 (the "Supplemental Keromytis Declaration"), which is entered into the record and considered in the ACP in accordance with the Petition Decision mailed December 12, 2013.

The patent owner responded by filing arguments and associated evidence on July 30, 2014 (the "Response").

The third party requester responded by filing Comments on the Patent Owner's Response on August 29, 2014 (the "Comments").

Prosecution of Claims 36-59 Is Terminated.

In the decision mailed September 17, 2014, the Office determined that the estoppel provisions of pre-AIA 35 U.S.C. 317(b) apply to any rejection of claims 36-59 in this proceeding. Accordingly, the estoppel provisions of pre-AIA 35 U.S.C. 317(b) apply to all rejections of claims 36-59 of the Larson patent which were applied in the May 30, 2014 Action

Closing Prosecution. Pursuant to the September 17, 2014 decision, these rejections will not be further maintained by the Office, and have been withdrawn. No further rejection of claims 36-59 of the Larson patent will be made in the present reexamination proceeding.

Because all rejections of claims 36-59 of the Larson patent have been withdrawn pursuant to the estoppel provisions of pre-AIA 35 U.S.C. 317(b), the withdrawal of these rejections is not a "non-adoption of" or a "determination not to make" these rejections within the meaning of 37 CFR 41.61. Any notice of appeal or cross-appeal of the present determination not to make or maintain a rejection of claims 36-59 of the Larson patent will be held to be defective.

Prosecution of the Remaining Claims 1-35 and 60 Will Continue.

The Larson patent under reexamination (the '504 patent) was the subject of a Federal Circuit decision holding the claims were not proved invalid. *See Virnetx, Inc. v. Cisco Systems, Inc.*, 767 F.3d 1308 (Fed. Circ. 2014). The parties in that litigation are parties to this proceeding. However, the VirnetX decision remanded the case back to the district court for further proceedings on other grounds. The patent owner has not provided any evidence that this decision is a final decision that the subject claims are not invalid. MPEP § 2686.04.IV. Prosecution of the remaining claims 1-35 and 60 will continue.

Submissions of Evidence after the Action Closing Prosecution

The patent owner also filed a declaration of Fabian Monrose, Ph.D., on July 30, 2014 (the "Monrose Declaration"). The Patent Owner asserts the ACP "advances new grounds of rejection and new positions," thus satisfying the 37 C.F.R. § 1.116(e) requirement to make "a showing of good and sufficient reasons" why the Monrose Declaration is "necessary and was not earlier presented." (Response at 1). However, the ACP does not advance any new grounds of rejection nor adopt new positions, *see* the Petition Decision mailed September 26, 2014. Thus, the Patent Owner's asserted basis for the "showing of good and sufficient reasons" to enter the Monrose Declaration is incorrect. Accordingly, no showing has been made and the Monrose Declaration will not be entered.

After an ACP in an *inter partes* reexamination, the patent owner may once file comments limited to the issues raised in the Office action closing prosecution. 37 CFR § 1.951 (a). Thus, the patent owner may not file additional comments showing why the Monrose Declaration should be entered.

The Monrose Declaration is not of record in this proceeding. The examiner however has briefly reviewed the Monrose Declaration, but it does not persuade the examiner to withdraw any rejection.

2. Decisions Unfavorable to Patentability

2.A. Prior Art

A total of four principal references, in certain combinations, have been asserted in the Request as providing teachings relevant to the claims of the Larson patent.

Rolf Lendenmann, *Understanding OSF DCE 1.1 for AIX and OS/2, IBM International Technical Support Organization* (Oct. 1995) ("**Lendenmann**"), attached as Exhibit D-1 (parts 1 and 2) to the Request.

U.S. Patent No. 6,119,234 ("**Aziz**"), attached as Exhibit D-2 to the Request.

Takahiro Kiuchi and Shigekoto Kaihara, "C-HTTP-The Development of a Secure, Closed HTTP-based Network on the Internet," Proceedings of the Symposium on Network and Distributed System Security, 1996 ("**Kiuchi**"), attached as Exhibit D-16 to the Request.

Bryan Pfaffenberger, Netscape Navigator 3.0: Surfing the Web and Exploring the Internet, Academic Press (1996) ("**Pfaffenberger**"), attached as Exhibit D-17 to the Request.

The request also asserts additional references to explain features in the principal references or as secondary teaching references.

Information Sciences Institute, "Transmission Control Protocol," DARPA Internet Program Protocol Specification Request for Comments 793 (Sept. 1981) ("**RFC 793**"), attached as Exhibit D-3.

D. Eastlake and C. Kaufman, Network Working Group, Information Sciences Institute, "Domain Name System Security Extensions," Request for Comments 2065 (Jan. 1997) ("**RFC 2065**"), attached as Exhibit D-4.

U.S. Patent No. 5,898,830 ("**Wesinger**"), attached as Exhibit D-5 to the Request.

U.S. Patent No. 5,689,641 ("**Ludwig**"), attached as Exhibit D-6 to the Request.

David M. Martin, "A Framework for Local Anonymity in the Internet," Technical Report. Boston University, Boston, MA, USA (Feb. 21, 1998) ("**Martin**"), attached as Exhibit D-7.

Bruce Schneier, *Applied Cryptography* (1996) ("**Schneier**"), attached as Exhibit D-8.

Lawton, George, "New top-level domains promise descriptive names," Sunworld Online, September 1996 ("**Lawton**"), attached as Exhibit D-9.

Gaspoz, Jean-Paul, "VPN on DCE: From Reference Configuration to Implementation," Bringing Telecommunication Services to the People – IS&N '95, Third International Conference on Intelligence in Broadband Services and Networks, October 1995 Proceedings ("**Gaspoz**"), attached as Exhibit D-10.

U.S. Patent No. 6,269,099 ("**Borella**"), attached as Exhibit D-11 to the Request.

U.S. Patent No. 6,560,634 ("**Broadhurst**"), attached as Exhibit D-12 to the Request.

Mark Pallen, "The World Wide Web," British Medical Journal, vol. 311 at 1554 (Dec. 9, 1995) ("**Pallen**"), attached as Exhibit D-13.

R.L. Rivest et al., "A Method for Obtaining Digital Signatures and Public-Key Cryptosystems," Communications of the ACM, vol. 21, no. 2, pp. 120-126 (Feb. 1978) ("**Rivest**"), attached as Exhibit D-14.

U.S. Patent No. 4,952,930 ("**Franaszek**"), attached as Exhibit D-15 to the Request.

Frederic Gittler et al., "The DCE Security Service," Hewlett-Packard Journal, pp. 41-48, (Dec. 1995) ("**Gittler**"), attached as Exhibit D-18 .

2.B. Summary Regarding Those Proposed Rejections Adopted and Not Adopted by the Examiner

As will be explained in Section 3 (Response to Arguments), the rejections identified in Issues 1, 3-5, 7, 8, 11-13, 15, 17, 18, 20 and 21 (Request, pp. 31-34) remain adopted. The rejections identified in Issues 9 and 16 remain adopted except for the rejections of claims 5, 23, 27 and 50 (Issue 9) and 10-13 (Issue 16), which are withdrawn. All rejections identified in Issues 2, 6, 10, 14 and 19 are withdrawn. Claims 1-10, 12-35 and 60 however remain rejected under at least one grounds of rejection. The withdraw of rejections related to claims 36-59 is not a "non-adoption of" or a "determination not to make" these rejections within the meaning of 37 CFR 41.61. See Section 1 for further details.

2.C. Entitlement to the Benefit of an Earlier Filing Date

Requestor asserts that the instant claims are not entitled to the earliest filing date of October 30, 1998, the filing date of the oldest parent, provisional application. None of the principal references asserted by the third party requester appear to be intervening references nor

does the statutory basis of rejections based upon the principal reference appear to be affected by the entitlement question. Nonetheless, the examiner agrees with the third party requester. Each of the independent claims recite a "domain name service" and a "domain name service system" limitation. A continuation-in-part application ("CIP") 09/558,210, filed April 26, 2000, includes a section entitled "Continuation-in-Part Improvements" on page 56 specifically discussing secure domain name service queries on pages 81-88. The parent applications prior to this date do not appear to even be directed to services similar to domain name lookup. Thus, the applications filed prior to April 26, 2000 fail to provide written description support nor enable the subject matter recited in claims 1-60 of the Larson patent. Accordingly, the effective filing date for claims 1-35 and 60 is no earlier than the April 26, 2000 filing date of CIP application 09/558,210.

2.D. Rejections Based upon Lendenmann (Issues 1, 3-5, 7 and 8)

Claim Rejections - 35 USC § 102

The following is a quotation of pre-AIA 35 U.S.C. 102 which forms the basis for all rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(Issue 1) Claims 1-3, 5, 6, 14-30, 33-35, and 60 are rejected under 35 U.S.C. 102(b) as being anticipated by Lendenmann.

Claim Rejections - 35 USC § 103

The following is a quotation of pre-AIA 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

(Issue 3) Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lendenmann as applied to the respective, parent claims above, and further in view of Wesinger.

(Issue 4) Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lendenmann as applied to the respective, parent claims above, and further in view of Gaspoz.

(Issue 5) Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lendenmann in view of Gaspoz, as applied to the respective, parent claims above, and further in view of Schneier.

(Issue 7) Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lendenmann in view of Gaspoz, as applied to the respective, parent claims above, and further in view of RFC 793.

(Issue 8) Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lendenmann in view of Ludwig, as applied to the respective, parent claims above, and further in view of RFC 793.

Summary

Independent claim 1 is representative of all independent claims. Independent claim 1 recites:

> **1. A system for providing a domain name service for establishing a secure communication link, the system comprising:**
>
> **a domain name service system configured to be connected to a communication network, to store a plurality of domain names and corresponding network addresses, to receive a query for a network address, and to comprise an indication that the domain name service system supports establishing a secure communication link.**

Regarding the specification of the Larson patent for which reexamination is requested, Fig. 25 (reproduced below) is labeled "prior art."

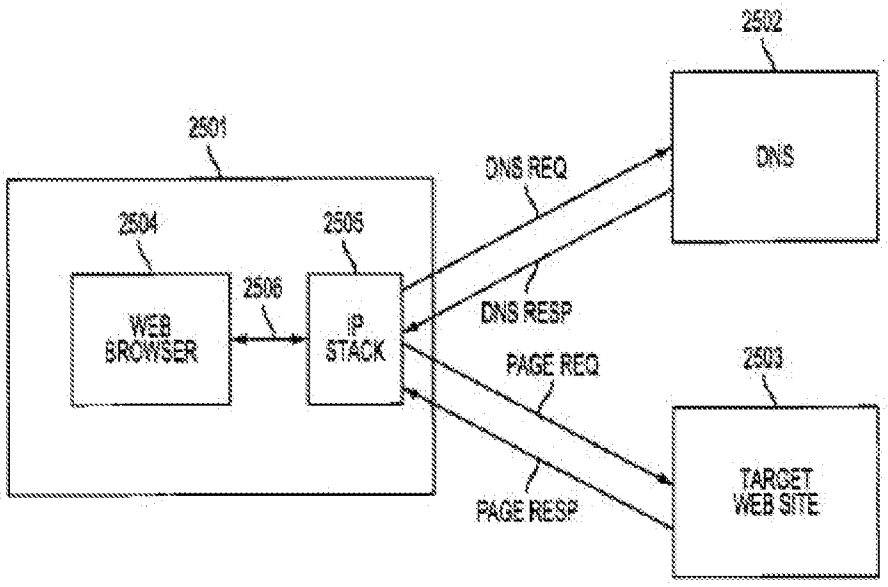


FIG. 25
(PRIOR ART)

Fig. 25 (prior art) discloses: (1) a domain name service system configured to be connected to a communication network, (2) storing a plurality of domain names and corresponding network addresses, and (3) receiving a query for a network address. Thus, all limitations in claim 1 are admitted prior art except the final limitation "to comprise an indication that the domain name service system supports establishing a secure communication link."

Nonetheless Lendenmann teaches all the limitations in representative claim 1. Lendenmann describes a Distributed Computing Environment ("DCE") providing a directory service specifically including a Cell Directory Service (CDS). (P. 10, section 1.4.4 DCE Directory Service).

Regarding the limitation "domain name service configured for connection to a communication network," Lendenmann teaches that the CDS (domain name service) is connected to a communication network, as illustrated in Fig. 15, which is reproduced below:

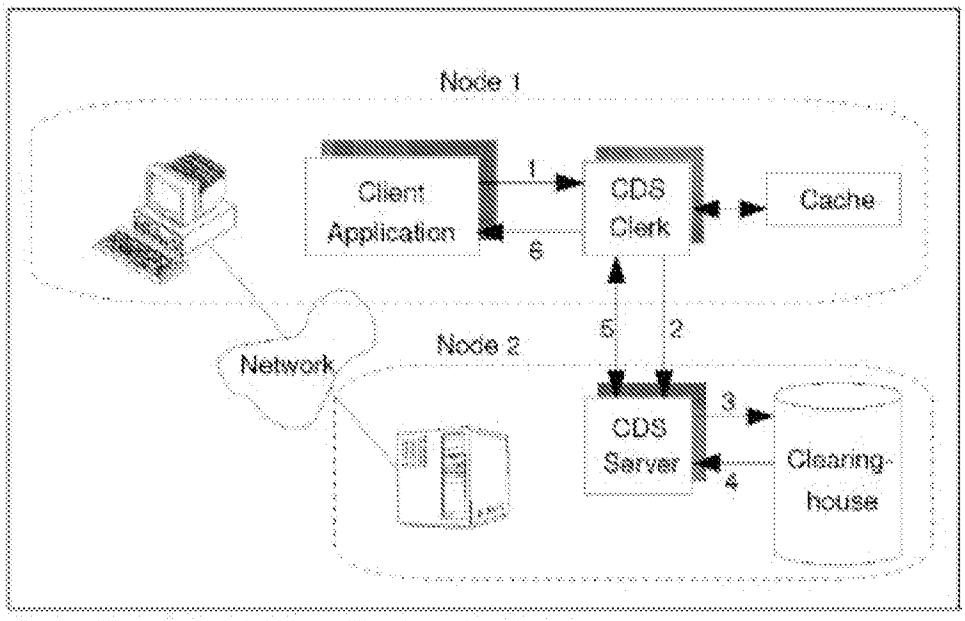


Figure 15. CDS Components Performing a CDS Look-up

Regarding the limitation "to store a plurality of domain names and corresponding network addresses" then "to receive a query for a network address," Lendenmann teaches regarding the CDS (domain name service) at p. 21, section 2.2:

> The directory service component that controls names inside a cell is called the Cell Directory Service (CDS). The CDS stores names of resources in that cell so that when given a name, CDS returns the network address of the named resource.

See also the CDS lookup process described on pages 29-34.

Regarding the limitation to provide an "indication that the domain name service supports establishing a secure communications link," a query from a client to a directory service (CDS) server via a network is made by a remote procedure call, as illustrated in Fig. 15, which is reproduced below. *See also* pp. 9 and 173.

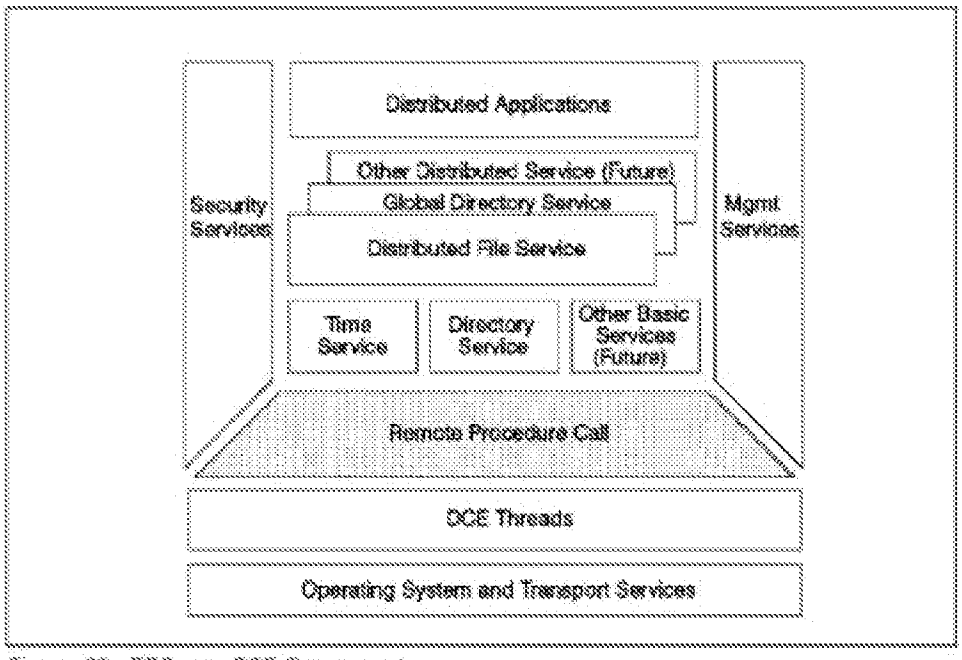


Figure 82. RPC as a DCE Component

Lendenmann further teaches that RCP calls relies upon well-known authentication algorithms, such as shared-secret key and public key (p. 192, section 10.4.1) including supplying the requesting client with a session key and a service ticket encrypted with server's session key (i.e., digitally signed certificate) (p. 194). The client encrypts the RPC call with the session key, which the "server immediately challenges...by sending it a randomly generated number which the client has to encrypt with the session key and return to the server." (P. 194, section 10.4.4). The client transmits the encrypted response, which the server decrypts using the server's session key obtained from the decrypted service ticket. If the decrypted random number matches, then the "session key is used in further communication over the binding." *Id.* Thus, the sending of the "randomly generated number" is an indication that the domain name service (CDS reached

via a RCP call via the network) supports the establishment of subsequent, secure communication link using a shared secret key (the session key) for encryption/decryption.

By returning the network address corresponding to a secure domain name, the Cell Directory Service (CDS) also provides "an indication...." as recited in the claim. (Request, Exhibit F-1, claim chart, p. 13). Similarly, by only performing operations for users authorized using access control lists (ACLs), the CDS provides an indication that supports establishing a secure communication link. (*Id* at 14).

Incorporation by Reference

Thus, the third party requester proposed rejection of claims identified above as set forth on pages 11-17, 31, 32 and Exhibit F-1 (claim chart), are adopted and incorporated by reference.

2.E. Rejections Based upon Aziz (Issues 9, 11-13, 15)

Claim Rejections - 35 USC § 102

The following is a quotation of pre-AIA 35 U.S.C. 102(e) which forms the basis for all obviousness rejections set forth in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(Issue 9) Claims 1, 2, 6-9, 14-22, 24, 25, 28, 33-35, and 60 are rejected under 35 U.S.C. 102(e) as being anticipated by Aziz.

Claim Rejections - 35 USC § 103

(Issue 11) Claim 3, 4, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aziz as applied to the respective, parent claims above, and further in view of Lawton.

(Issue 12) Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aziz as applied to the respective, parent claims above, and further in view of Franaszek.

(Issue 13) Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aziz as applied to the respective, parent claims above, and further in view of Schneier.

(Issue 15) Claims 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aziz, as applied to the respective, parent claims above, and further in view of Ludwig.

Summary

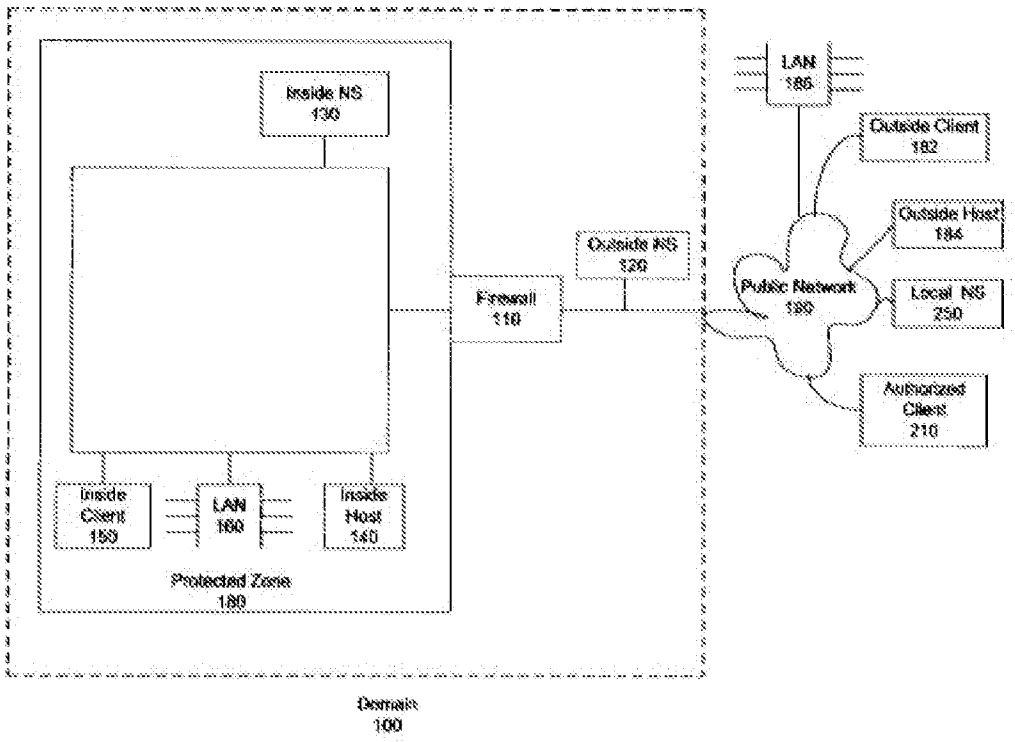
Independent claim 1 is representative of all independent claims, as discussed above. Similarly, the features of independent claim 1 have been discussed.

Also as discussed, all limitations in claim 1 are admitted prior art except the final limitation "to comprise an indication that the domain name service system supports establishing a secure communication link."

Nonetheless Aziz teaches all the limitations in representative claim 1. Aziz describes a "secure domain name server for a computer network," where the "domain name database stores secure computer network addresses for the computer network." (Abstract).

Regarding the limitation "domain name service configured for connection to a communication network," see the Aziz abstract, as discussed above. See also Fig. 1, reproduced below, which illustrates the outside name server 120 (NDS) connected to public network 190.

Fig. 1



Regarding the limitation "to store a plurality of domain names and corresponding network addresses" then "to receive a query for a network address," Aziz teaches at col. 1, ll. 26-38:

> In the Internet world, the names and addresses of hosts are stored in databases on computers located throughout the world. A computer that has one of these databases, and responds to queries for a host's address, is known by various names, including "Domain Name Server" or simply "name server." Because so many host computers have Internet addresses, it is not practical

> to maintain the name and address information for all hosts in one database. Instead, such information is distributed among the Internet Domain Name Servers throughout the world.
>
> Domain Name Servers and their associated name and address databases are just one system used to respond to address queries (also referred to as "resolving addresses").

Regarding the limitation to provide an "indication that the domain name service supports establishing a secure communications link," Aziz describes configuring the DNS to respond to requests with a special record that includes information needed for secure communications:

> The registered name server for a domain is configured to return a new resource record type, herein called an SX record, in response to requests for information needed for secure communications with protected hosts in that domain. The resolver on (or otherwise associated with) the authorized client is configured to use the data in the SX record to dynamically update the information used by the client to handle secure communications.
>
> (Col. 4, ll. 8-16).
>
> Alternatively, a name server can be configured to return an SX record in the response that includes the answer to a query for some other record. For example, if the client queries for a host address, a name server might send a response with the host address in the answer section and the SX record in the additional section.
>
> (Col. 4, ll. 44-49).

Thus, the presence of SX records in the response from the DNS (NS 120) provides an indication that the DNS establishing a secure communication link.

Aziz describes automatically adding the KEY and SIG records, which also provides "an indication...." as recited in the claim. (Request at 19).

Incorporation by Reference

Thus, the third party requester proposed rejection of the claims identified above on pages 11, 12, 17-20, 32, 33 and Exhibit F-2 (claim chart), are adopted and incorporated by reference.

2.F. Rejections Based upon Kiuchi and Pfaffenberger (Issues 16-18, 20, 21)

Claim Rejections - 35 USC § 103

(Issue 16) Claims 1-4, 6, 8, 9, 14-19, 22, 24-30, 33, 34, and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiuchi in view of Pfaffenberger.

(Issue 17) Claims 5 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiuchi in view of Pfaffenberger as applied to the respective, parent claims above and further in view of Rivest.

(Issue 18) Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kiuchi in view of Pfaffenberger as applied to the respective, parent claims above and further in view of Borella.

(Issue 20) Claims 20, 21, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiuchi in view of Pfaffenberger as applied to the respective, parent claims above and further in view of Broadhurst.

(Issue 21) Claims 31, 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiuchi in view of Pfaffenberger as applied to the respective, parent claims above and further in view of Ludwig.

Summary

Independent claim 1 is representative of all independent claims, as discussed above. Similarly, the features of independent claim 1 have been discussed.

Also as discussed, all limitations in claim 1 are admitted prior art except the final limitation "to comprise an indication that the domain name service system supports establishing a secure communication link."

Nonetheless, Kiuchi in view of Pfaffenberger teaches all the limitations in representative claim 1. Kiuchi describes a "closed HTTP-based network" ("C-HTTP") on the Internet that relies in part upon a "C-HTTP name server." Abstract.

Regarding the limitations directed to a domain name service configured for connection to a communication network, storing a plurality of domain names and corresponding network addresses, then receiving a query for a network address, Kiuchi states at p. 65, section 2.3, subsections (2) and (3):

> A client-side proxy asks the C-HTTP name server whether it can communicate with the host specified in a given URL. If the name server confirms that the query is legitimate, it examines whether the requested server-side proxy is registered in the closed network and is permitted to accept the connection form the client-side proxy. If the connection is permitted, the C-HTTP name server sends the IP address and public key of the server-side proxy and both request and response Nonce values. If it is not permitted, it sends a status code which indicates an error…When the C-HTTP name server confirms that the specified server-side proxy is an appropriate closed network member, a client side proxy sends a request for connection to the server-side proxy, which is encrypted using the server-side proxy's public key....

The same section of Kiuchi cited above also teaches providing an indication that the domain name service supports establishing a secure communications link. Specifically, the sending of the "public key" is an indication that the domain name service (C-HTTP name server)

supports the establishment of subsequent, secure communication link using a shared public key for encryption/decryption.

Pfaffenberger also describes indicating support for a secure communication link by providing a visible icon on an http browser (Request at 22-24) and that the addition of an http browser to the C-http system of Kiuchi would have been obvious (22).

Incorporation by Reference

Thus, the third party requester proposed rejection of claims identified above on pages 11, 12, 20-24, 33, 34 and Exhibit F-3 (claim chart), are adopted and incorporated by reference.

3. Response to Arguments

The examiner has considered the arguments and evidence of record provided in both the patent owner's Response, the third party requester's Comments, and the Supplemental Keromytis Declaration. Based on consideration of the entire record, the third party requester's arguments and evidence are deemed more persuasive.

The patent owner appears to have presented new arguments in the Response while dropping other arguments presented in the prior ACP(s) mailed May 30, 2014 and October 1, 2012; and the RAN mailed June 25, 2013. The reader of this RAN is requested to consult the prosecution history, including prior Office actions, for rebuttals to "older" arguments should they be re-presented upon appeal.

3.1. Claim Interpretation

Claim 1, which is representative, broadly recites (emphasis added):

> A system for providing a domain name service for establishing a **secure communication link**, the system comprising:
>
> a **domain name service system** configured to be connected to a communication network, to store a plurality of domain names and corresponding network addresses, to receive a query for a network address, **and to** comprise **an indication that the domain name service system supports establishing a secure communication link**.

Domain Name Service (DNS) System

Thus, claim 1 recites a domain name service ("DNS") "system" and not a particular computer device or structural configuration, such as a single secure DNS server. Such an interpretation is consistent with the specification of the patent under reexamination, *see, e.g.*, col. 40, ll. 35-48, where the DNS system is implemented using gatekeeper 2603, DNS proxy 2610 and DNS server 2609. The examiner agrees with the requester, who notes the "DNS system according to the claims can be distributed across multiple computer systems…." (Fratto Declaration, filed June 25, 2012, ¶ 30). Thus, the DNS **system** is reasonably interpreted as comprising a single device or multiple devices.

The patent owner characterizes the invention as a special and separate DNS device that traps DNS queries, determines whether the query is from a "special type of user," and then actively assists in the creation of a virtual private network ("VPN") link. *See* the original Declaration of Angelos D. Keromytis, Ph.D., filed on June 1, 2012 (the original "Keromytis" declaration), ¶ 17-19.

Regarding whether a DNS device or devices are separate, as discussed above, the claims do not recite a particular special DNS device, much less a device physically separate from a

conventional DNS server, which is also consistent with the specification of the patent under reexamination. Indeed in one embodiment, the patent owner states "It will be appreciated that the functions of DNS proxy 2610 and DNS server 2609 can be combined into a single server for convenience." (Col. 40, ll. 43-45, emphasis added).

In view of the above, the claimed DNS "system" is interpreted reasonably broad consistent with the specification to comprise a single device (*e.g.*, a DNS server) or various combinations of multiple devices (*e.g.*, a DNS server and other DNS devices) (*e.g.*, a DNS server, a DNS proxy) (*e.g.*, a DNS server, a DNS proxy, and other DNS devices).

Regarding whether the DNS system determines the query is from a special user and then actively assists in the establishment of a VPN, the patent owner asserts the special DNS server 2602 (Fig. 26) in the patent under reexamination differs from a conventional DNS server in that "DNS proxy 2610 [part of DNS server 2602]… determines whether the computer 2601 is authorized to access the site" and, if so, "transmits a message to gatekeeper 2603 to facilitate the creation of a VPN link between computer 2601 and secure target site 2604". (Original Keromytis Declaration at ¶ 18). "DNS proxy 2610 then responds to the computer's 2601 DNS request with an address received from the gatekeeper 2604." *Id.* That is, rather than conventionally returning a public key to the initiator (e.g., computer 2601) so that the target and the initiator can establish a VPN, the special DNS server authenticates the request, then relies upon the services of a gatekeeper to receive an address (*e.g.*, a "hopblock" address, col. 40, ll. 15-25) that the DNS server then provides to the initiator so that the initiator and target can establish a VPN. *See also* the original Keromytis Declaration, paragraph 19.

The claims however do not recite a DNS "server" (as previously discussed) much less a DNS server that authenticates a user and relies upon the services of a gatekeeper, which is also consistent with the specification. Indeed in one embodiment, the patent owner states the DNS server (SDNS 3319) is queried "in the clear" (without using a VPN link) and without authenticating the user. (Col. 51, ll. 48-61). The server then replies without the use of a gatekeeper 3314 "in the clear" so that the initiator and the target can establish a VPN. *(Id).*

In view of the above, the claimed DNS system is interpreted reasonably broad consistent with the specification has not requiring a DNS server capable of authenticating the user and not requiring the services of a gatekeeper to aid in the establishment of a VPN.

Indication

The district court in related litigation interpreted "indication" as having no special meaning in view of the specification of the patent under reexamination and indeed the specification does not use this term specifically. Thus, the term may be construed broadly to mean a visible message or signal to a user that the DNS system supports establishing a secure communication link. Markman Claim Construction Order, April 25, 2012, p. 27, *Virtnetx Inc. v. Cisco Systems, Inc.*, Case No. 6:10-CV-417, District Court for the Eastern District of Texas. Attached as Ex. A. to the Comments on the Action Closing Prosecution, filed September 20, 2012, in related reexamination proceeding 95/001,788.

Moreover, the Larson patent under reexamination states:

> Preferably, a user enables a secure communication link using a single click of a mouse, or a corresponding minimal input from another input device such as a keystroke entered on a keyboard or a click entered through a trackball. **Alternatively**, the **secure link is automatically established as a default setting at boot-up of the computer** (i.e., **no click**).

(Col. 49, ll. 6-12).

Thus, the "specification envisions alternative methods of activating a secure communication link other than clicking a hyperlink, which is necessarily visible...Neither the specification nor the claim language provides a basis for limiting 'indicating' to a visual indicator." (*Markman* at 27). Indeed, the Larson patent discloses an embodiment (quoted above), where the secure link is "automatically established as a default setting at boot-up of the computer...." (Col. 49, ll. 6-12). See also Section 3.1.B *infra* regarding further discussion of this embodiment. In such an embodiment, it would be reasonable to interpret the "indication" (that the DNS among other systems associated with the computer supports establishing a secure communication link) to read on the ability of the user to communicate using a secure link after boot-up. If the user attempts to establish a secure communication link using a DNS system after booting and is able to do so, then the user has been provided a broadly recited and discernible "indication" that the DNS in some manner supports establishing a communication link.

Secure Communication

The Federal Circuit recently held that the claim term "secure communication link" means a direct communication link that provided data security and anonymity. *VirnetX* at 1317. The applied prior teaches this interpretation as well.

Regarding data security and anonymity, Lendemann teaches that the no authentication is required and that privacy is provided at the call and packet level (p. 192, sections 10.4.1 and 10.4.2). Aziz teaches the use of tunneling, where the Federal Circuit view tunneling has providing security and anonymity. *VirnetX* at 1318. Kiuchi teaches encryption and the substitution of originating and destination addresses via the public Internet using client-side and server proxies (pp. 65 & 66) thus providing both security and anonymous IP addresses.

Regarding a direct communications link, Aziz teaches direct communication is established between the client and host (Fig. 1). Lendemann teaches a direct communication is established between the client and the desired resource (e.g., servers, users, disks, print queues) (pp. 10 & 21). Kiuchi teaches direct communication between the client-side proxy and the server-side proxy (p. 65). The Federal Circuit held that Kiuchi does not teach "direct communication" between a client and target computer (*VirnetX*, Slip Op. at 1323, 1324), however the incorporated rejection in this proceeding relies upon a direct connection between the proxies as the claim language recites no requirement for a secure communication between a client and target computer. In contrast, see e.g., U.S. Patent No. 6,502,135, where the claim 1 recites "initiating the VPN between the client computer and the target computer" - claim language not present in the subject patent under reexamination. In *Ethicon v. Quigg*, 849 F.2d 1422, 1428 (Fed. Cir. 1988), the court noted that district courts and the Office use different standards of proof in determining invalidity and unpatentability, and thus, on the same evidence, could quite correctly come to different conclusions. Regarding a final decision of validity, it noted that the *VirnetX* decision remanded the case back to the district court for further

proceedings on other grounds. The patent owner has not provided any evidence that this decision is a final decision that the subject claims are not invalid. MPEP § 2686.04.IV.

3.2. Important Embodiments Disclosed in the Patent Owner's Specification

3.2.A. The "In the Clear" Embodiment

The patent owner repeatedly urges the examiner to read various embodiments into the claims. The examiner notes, that, if (*en arguendo*) specific embodiment details must be read into the claims, then the details of the "in the clear" embodiment must also be considered. In this embodiment, the client sends a query to a secure DNS server (without the using a VPN link), receives a response "in the clear" (without using a VPN link) and then the client proceeds to establish a VPN connection. Col. 50, ll. 54-60 & 51:34-61. This inventive embodiment describes a process very similar to the process the patent owner urges is conventional and disclaimed. As noted by the third party requester, the "Patent Owner does not identify any limitations in the claims that distinguishes or excludes the 'in the clear' embodiment." Comments at 4.

More specifically regarding the "in the clear" embodiment, Larson discloses:

> When software module 3309 replaces the standard top-level domain name for server 3304 with the secure top-level domain name, **software module 3309 sends a query to SDNS 3313 at step 3408 through secure portal 3310 preferably using an administrative VPN communication link 3319**. In this configuration, secure portal 3310 can only be accessed using a VPN communication link.
>
> ....
>
> At step 3409, SDNS 3313 accesses VPN gatekeeper 3314 **for establishing a VPN communication link between software module 3309 and secure server 3320**. Server 3320 can only be accessed through a VPN communication link. VPN gatekeeper 3314 provisions computer 3301 and secure web server computer 3320, or a secure edge router for server computer 3320, thereby creating the VPN.

> Secure server computer 3320 can be a separate server computer from server computer 3304, or can be the same server computer having both non-VPN and VPN communication link capability, such as shown by server computer 3322. Returning to FIG. 34, in step 3410, SDNS 3313 returns a secure URL to software module 3309 for the .scom server address for a secure server 3320 corresponding to server 3304.
>
> **Alternatively**, **SDNS 3313 can be accessed** through secure portal 3310 **"in the clear"**, that is, **without using an administrative VPN communication link**. In this situation, secure portal 3310 preferably authenticates the query using any well-known technique, such as a cryptographic technique, before allowing the query to proceed to SDNS 3319. Because the **initial communication link** in this situation **is not** a VPN communication link, the **reply** to the query can be "**in the clear**." The **querying computer can use the clear reply for establishing a VPN link to the desired domain name**. **Alternatively**, the **query to SDNS 3313 can be in the clear, and SDNS 3313 and gatekeeper 3314 can operate to establish a VPN communication link** to the querying computer for sending the reply.
>
> At step 3411, software module 3309 accesses secure server 3320 through VPN communication link 3321 based on the VPN resources allocated by VPN gatekeeper 3314.
>
> (Larson at Col. 50, ll. 54-60 & col. 51:34-61) (emphasis added).

Thus, in this embodiment, the SDNS receives and returns an query "in the clear" before the querying computer uses the clear reply for establishing a VPN to the desired domain name (e.g., .scom).

Figs. 33 and 34, to which this paragraph refers, are reproduced below.

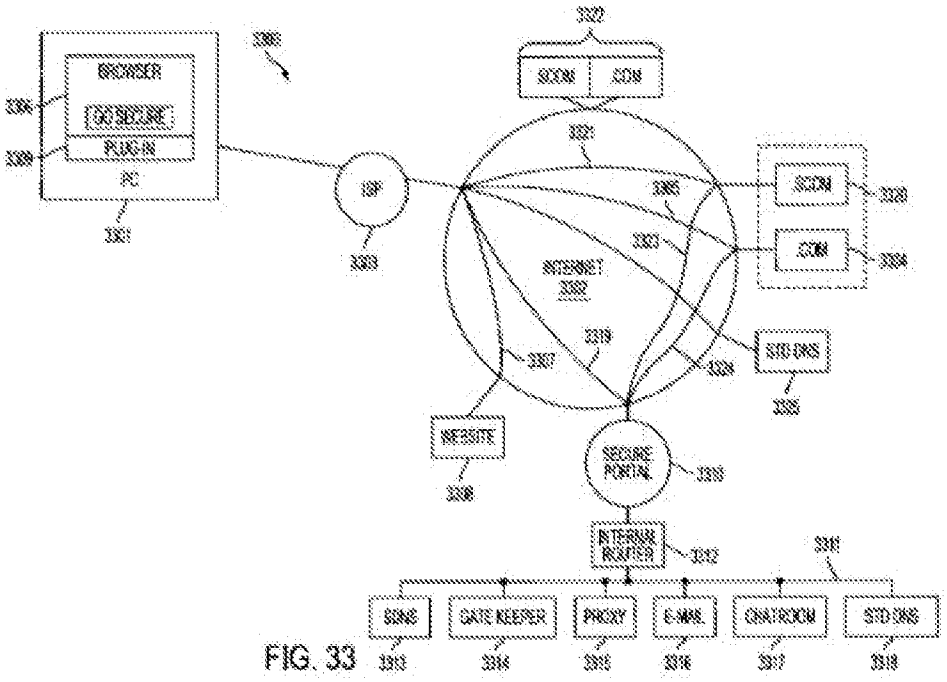

BROWSER
GO SECURE
PLUG-IN
PC
ISP
INTERNET
SECURE PORTAL
WEBSITE
STD DNS
GATE KEEPER
PROXY
E-MAIL
STD DNS

FIG. 33

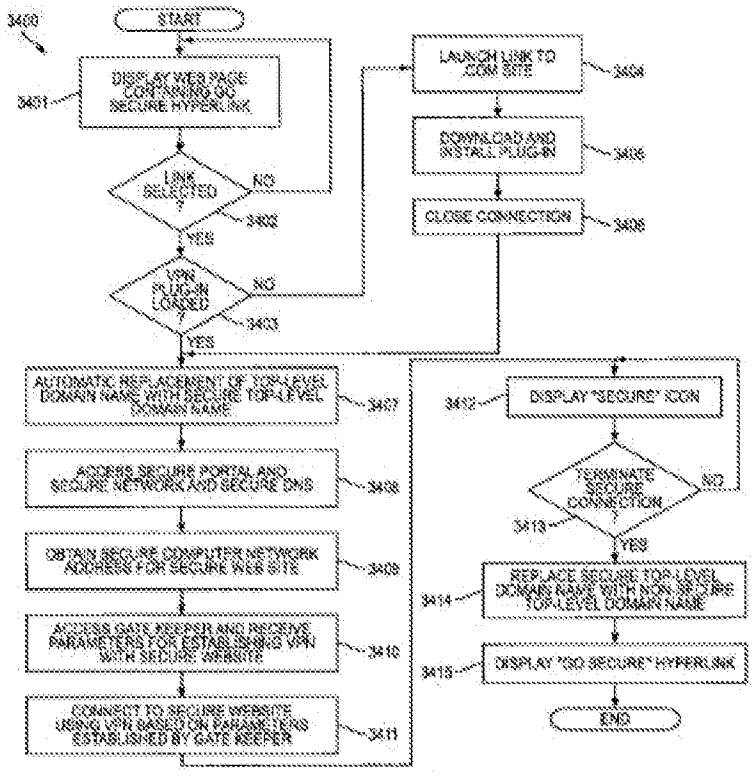

START
DISPLAY WEB PAGE CONTAINING GO SECURE HYPERLINK
LINK SELECTED
NO
YES
VPN PLUG-IN LOADED
NO
YES
LAUNCH LINK TO .COM SITE
DOWNLOAD AND INSTALL PLUG-IN
CLOSE CONNECTION
AUTOMATIC REPLACEMENT OF TOP-LEVEL DOMAIN NAME WITH SECURE TOP-LEVEL DOMAIN NAME
ACCESS SECURE PORTAL AND SECURE NETWORK AND SECURE DNS
OBTAIN SECURE COMPUTER NETWORK ADDRESS FOR SECURE WEB SITE
ACCESS GATE KEEPER AND RECEIVE PARAMETERS FOR ESTABLISHING VPN WITH SECURE WEBSITE
CONNECT TO SECURE WEBSITE USING VPN BASED ON PARAMETERS ESTABLISHED BY GATE KEEPER
DISPLAY "SECURE" ICON
TERMINATE SECURE CONNECTION
NO
YES
REPLACE SECURE TOP-LEVEL DOMAIN NAME WITH NON-SECURE TOP-LEVEL DOMAIN NAME
DISPLAY "GO SECURE" HYPERLINK
END

FIG. 34

The alternate embodiment of col. 50, ll. 54-60 & 51:34-61explicitly teaches that the query and response are "in the clear" before a VPN is established. Moreover, it is the querying computer 3301 that establishes the VPN to the destination. "Because the initial…link…is not a VPN…the reply…can be 'in the clear.' The querying computer can use the clear reply for establishing a VPN link to the desired domain name." *Id.* Indeed, immediately after this statement, Larson states "Alternatively, the query…can be in the clear and…gatekeeper 3314 can operate to establish a VPN…to the querying computer for sending the reply." *Id.* Thus, the "in the clear" embodiment reply must occur before the VPN gatekeeper establishes a VPN. Otherwise the second alternative (i.e., the reply after VPN is established) would not be an alternative to the first alternative (i.e., the reply before VPN is established). Thus, contrary to prior assertions made by the patent owner, in the "in the clear embodiment," the SDNS does not return a secure URL after it has already coordinated with the VPN gatekeeper and established a VPN.

In the alternate embodiment relied upon by the examiner, the computer 3301 queries a single DNS server (SDNS 3313) in the clear and the server responds in the clear without the need for VPN gate keeper 3314 to aid in the establishment of an ***administrative*** VPN. The DNS server (SDNS 3313) only interacts with secure portal 3312 (referred to as secure portal 3310 in Fig. 33) to the extent the portal "authenticates the [user's computer] query using any well-known technique, such as a cryptographic technique…." (*Id.*). The DNS server then returns an address to computer 3301, which in one embodiment the computer uses to establish a VPN link to the desired domain name.

Indeed, the patent owner repeatedly argues the examiner is mistaken in his interpretation of this embodiment rather than this embodiment is disclaimed. For example, the patent owner asserts the examiner misunderstands the "in the clear embodiment" (Response at 6, 7).

> This alternative "in the clear" procedure does not selectively exclude step 3409, in which the DNS accesses the gatekeeper. (Monrose Decl. ¶ 19.) Nor does it go on to describe an embodiment separate from that in Figure 34. Nevertheless, the Office incorrectly interpreted the "in the clear" alternative as separate from Figure 34 (ACP at 30), leading to an incorrect claim construction.
>
> The Office also interpreted the "in the clear" discussion to not only apply to the VPN administrative link, but also to the use of a gatekeeper, concluding that "the server responds in the clear without the need for gate keeper 3314." (Id. at 30, emphasis added.) Here, the Office is again incorrect. The "in the clear" embodiment of the '504 patent simply addresses whether to use a VPN administrative link between computer 3301 and the DNS. It does not alter the fact that the DNS accesses a gatekeeper in responding to the query. (Monrose Decl. ¶ 20.) The "in the clear" embodiment simply expands upon the features of steps 3408 and 3410 of Figure 34, without altering step 3409 in any way. Accordingly, the "DNS system" of the "in the clear" embodiment of the '504 patent is more than just a "conventional DNS scheme," and the Office's only support for its broad construction is therefore incorrect.

The examiner disagrees.

First, the patent owner repeatedly refers to a generic "gatekeeper," but for the sake of accuracy, it must be emphasized that Larson fully discloses the gatekeeper as a "VPN gatekeeper 3314" (e.g., col. 50, l. 47, emphasis added). Thus, the patent owner's basic premise – that a VPN gatekeeper is contacted for sending a reply "in the clear" (a purpose other than establishing a VPN) appears speculative at the outset.

Second, as fully discussed above, Larson explicitly states "[b]ecause the initial…link…is not a VPN…the reply…can be 'in the clear.' The querying computer can use the clear reply for establishing a VPN link to the desired domain name." *Id.* Indeed, immediately after this statement, Larson states "Alternatively, the query…can be in the clear and…gatekeeper 3314 can

operate to establish a VPN…to the querying computer for sending the reply." *Id.* Thus, the "in the clear" embodiment reply must occur before the VPN gatekeeper establishes a VPN. Otherwise the second alternative (i.e., the reply after VPN is established) would not be an alternative to the first alternative (i.e., the reply before VPN is established). Thus, contrary to the patent owner's assertion that the "DNS accesses a gatekeeper in responding to the query," the DNS responds to the query without using the VPN gatekeeper (in the "in the clear" embodiment).

Third, the patent owner appears to freely mix the term "VPN" and "administrative VPN," but the examiner has repeatedly applied the "in the clear" embodiment, where the query and reply are made without an ***administrative*** VPN that encrypts the query and reply. What happens after the reply in terms of VPN establishment is not critical to the examiner's reliance on the "in the clear" embodiment to establish that a DNS system that responds to a query without the establishment of a VPN is reasonably broad, consistent with the Larson specification.

Nonetheless, it should be noted that Larson explicitly states "VPN gatekeeper 3314 for establishing a VPN communication link between software module 3309 and secure server 3320" except that for the "in the clear" embodiment, "the reply to the query can be 'in the clear.' The querying computer can use the clear reply for establishing a VPN link to the desired domain name." *Id.* That is, Larson explicitly states the "querying computer" uses the "reply" for "establishing a VPN link." The patent owner's suggestion that the "in the clear" embodiment teaches the querying computer contacting the "VPN gatekeeper 3314" for establishment of the ultimate VPN to the destination is thus contrary to this explicit disclosure. The patent resorts to speculatively arguing that the "in the clear" embodiment must not alter certain steps, such as the

Fig. 34, step 3409. However, the examiner simply relies on the explicit disclosure regarding the "in the clear" embodiment. The patent owner's reliance on other steps not explicitly discussed regarding this embodiment amount to the patent owner speculatively rewriting the "in the clear" embodiment by argumentation.

Regarding col. 51, ll. 48-61, the patent owner has previously asserted this embodiment refers to Fig. 34, step 3410. "However, the '504 patent discloses that in the immediately preceding step of Fig. 34, the SDNS 'accesses VPN gatekeeper 3314 for establishing a VPN communication link.' Only after this, in step 3410, is an address returned in two alternative scenarios: either via an administrative VPN or 'in the clear,' it does not matter which....[T]his embodiment…actively liaises with gatekeeper 3314 to establish a VPN communication link…." (Jan. 2, 2013 Response at 11).

The patent owner incorrectly characterizes this embodiment. The SDNS does not return a secure URL after it has already coordinated with the VPN as alleged by the patent owner.

> **Alternatively**, SDNS 3313 can be accessed through secure portal 3310 "in the clear", that is, **without** using an administrative VPN communication link. In this situation, secure portal 3310 preferably authenticates the query using any well-known technique, such as a cryptographic technique, before allowing the query to proceed to SDNS 3319. Because the **initial communication link** in this situation **is not** a VPN communication link, the **reply** to the query can be "**in the clear**." The querying computer **can use the clear reply** for establishing a VPN link to the desired domain name. Alternatively, the query to SDNS 3313 can be in the clear, and SDNS 3313 and gatekeeper 3314 can operate to establish a VPN communication link to the querying computer for sending the reply.

(Larson at 51:48-61) (emphasis added).

3.2.B. The "No-Click" (Automatic Boot) Embodiment

The Larson patent discloses an embodiment, where the secure link is "automatically established as a default setting at boot-up of the computer...." (Col. 49, ll. 18-32) (emphasis added). In such an embodiment, it would be reasonable to interpret the "indication" (that the DNS among other systems associated with the computer supports establishing a secure communication link) to read on the ability of the user to communicate using a secure link after booting up a computer designed to establish a secure link. If the user attempts to establish a secure communication link using a DNS system after booting and is able to do so, then the user has been provided a broadly recited and discernible "indication" that the DNS in some manner supports establishing a communication link.

The patent owner counters the "'no-click' embodiment is a modification of the 'one-click' embodiment and cannot be construed as an embodiment unto itself in which the role of the DNS is left to pure speculation." Response at 9, 10. However, the existence of this embodiment show the examiner's interpretation of "indication" is reasonably broad and consistent with the specification of the patent under reexamination. The "no-click" embodiment is indeed an embodiment of the invention and its operation (automatic client boot-up and establishment of a secure link, where the ability to communicates results in an indication to the user that secure communication is supported) does not leave the role of the DNS system to speculation. The system automatically boots and automatically establishes a connection, the DNS system acts as before.

3.3. Response to Arguments

3.3.A The "Indicate" Feature

Independent claim 1 recites a "domain name service system configured to . . . comprise an indication that the domain name system supports establishing a secure communication link."

The Patent Owner asserts the Office incorrectly construes the "indicate" feature to cover conventional functions disclaimed by the Larson patent (Response at 2-5, 8-10).

The Patent Owner however advances the rather sweeping argument that the claims must be interpreted to cover only a "DNS system that performs more than conventional functions." (Response at 3-6). That is, any DNS system that is prior art is necessarily "conventional" and thus its teachings are disclaimed. However, as the Third Party notes, there is no rule of claim interpretation that requires claims to be construed as to blanket exclude prior art (Comments at 3).

Moreover, the prior art cannot be reasonably characterized as a "conventional" non-secure DNS system. The applied prior art teaches providing non-conventional "indications" of support for establishing a secure communication, such as "providing a randomly generated challenge number (Lendemann), providing a special record that includes information needed for secure communications (Aziz), sending a public key (Kiuchi), and providing a visible icon in a http browser (Pfaffenberger)." ACP at 31. Moreover, the applied prior art teaches automatically establishing a secure communication, which cannot be reasonably viewed as the characteristics of a conventional, non-secure DNS system.

The patent owner asserts several disclosed embodiments of a non-conventional DNS system as evidence that all conventional DNS systems are disclaimed (Response at 4 & 5).

Rather than disclaimer however, those sections of the patent pointed to by the Patent Owner merely describe different admitted prior art and inventive embodiments, where each embodiment has different features. The Examiner declines to read selectively read different features from different embodiments into the claims in order to distinguish over the prior art. If the patent owner believes a particular, narrow feature of a disclosed embodiment differentiates over the prior art, that feature should be claimed in order to provide clear notice to the public rather than relying upon genus claims encompassing all embodiments.

The patent owner notes dependent claim 15 recites "[t]he system of claim 1, wherein the domain name service system is configured to provide, in response to the query, the network address…." The patent owner concludes "Construing the 'indicate' feature to be nothing more than the return of an IP address, as the Office does, violates the well-established doctrine of claim differentiation." Response at 5. The examiner however does not construe "indicate" feature to be "nothing more than the return of an IP address."

As was discussed above in Section 3.1, the district court in related litigation interpreted "indication" as having no special meaning in view of the specification of the patent under reexamination and indeed the specification does not use this term specifically. Thus, the term may be construed broadly to mean a visible message or signal to a user that the DNS system supports establishing a secure communication link.

As such, dependent claim 15 actually bolsters the examiner's interpretation. The "indication" of independent, parent claim 1 relates to the return of an IP address, as recited in dependent claim 15.

The "In the Clear" Embodiment

The examiner also maintains, that if (*en arguendo*) specific embodiment details must be read into the claims, then the details of the "in the clear" embodiment must also be considered. See Section 3.1.A. above. In the "in the clear" embodiment, the client sends a query to a secure DNS server (without the using a VPN link), receives a response "in the clear" (without using a VPN link) and then proceeds to establish a VPN connection on its own. Col. 51, ll. 48-61. This embodiment describes a process very similar to the process the patent owner urges above is "conventional" and disclaimed. As noted by the third party requester, the "Patent Owner does not identify any limitations in the claims that distinguishes or excludes the 'in the clear' embodiment." Comments at 4. Indeed, the patent owner repeatedly argues the examiner is mistaken in his interpretation of this embodiment rather than this embodiment is disclaimed. Response at 6-8.

The patent owner counters the examiner misunderstands the "in the clear embodiment" (Response at 6, 7). However, this assertion is incorrect for the reasons discussed in Section 3.1.A.

3.3.B. The "Indicate" Feature and "No-Click" Embodiment

The patent owner also asserts the examiner improperly equates establishing a secure communication link with an indication that the DNS supports establishing a secure communication link, thus (it is argued) reading the 'indicate' feature out of the claim. Response at 9. The Patent Owner misstates the Examiner's position. The result of establishing a secure communication would be an indication to the user that secure communications is supported.

See also the Requester's Comments at 4, 5. Also, as discussed, the district court in related litigation interpreted "indication" as having no special meaning in view of the specification of the patent under reexamination and indeed the specification does not use this term specifically. See Section 3.1 above.

Indeed, the Larson patent discloses an embodiment, where the secure link is "automatically established as a default setting at boot-up of the computer...." (Col. 49, ll. 6-12). See Section 3.1.B above for further details. In such an embodiment, it would be reasonable to interpret the "indication" (that the DNS among other systems associated with the computer supports establishing a secure communication link) to read on the ability of the user to communicate using a secure link after booting up a computer designed to automatically establish a secure link. If the user attempts to establish a secure communication link using a DNS system after booting and is able to do so, then the user has been provided a broadly recited and discernible "indication" that the DNS in some manner supports establishing a communication link.

The patent owner counters the "'no-click' embodiment is a modification of the 'one-click' embodiment and cannot be construed as an embodiment unto itself in which the role of the DNS is left to pure speculation." Response at 9, 10. However, this argument is unpersuasive for the reasons discussed in Section 3.1.B.

Moreover, the applied prior art teaches different "indications" of support for establishing a secure communication other than the establishment of a secure communication link, such as providing a randomly generated challenge number (Lendemann), providing a special record that

includes information needed for secure communications (Aziz), sending a public key (Kiuchi), and providing a visible icon in a http browser (Pfaffenberger).

3.3.C The Office Applied Its Claim Construction to the References

The patent owner asserts the examiner change his positions regarding the interpretation of "indicate" (Response, p. 10), however the examiner disagrees. The examiner did not advance any new grounds of rejection nor adopt new positions, see, e.g., the Petition Decision mailed September 26, 2014.

The patent owner also argues the examiner did not explain how the Lendenmann access checking and the Kiuchia public key, IP address, and nonce value are provided to the user. The "indicate" feature is not read so narrowly that underlying security mechanisms are provided directly to the user. As was discussed above, the district court in related litigation interpreted "indication" as having no special meaning in view of the specification of the patent under reexamination and indeed the specification does not use this term specifically. Thus, the term may be construed broadly to mean a visible message or signal (not a specific security mechanism value) to a user that the DNS system supports establishing a secure communication link. The establishment of the secure communication is an indication that the system supports secure communication, which is consistent with the patent owner's specification (e.g., the "no-click" auto-boot and auto-connect embodiment discussed above, where the user is provided no indication other than the establishment of the secure connection itself). See Section 3.1.B. and the rejections for further details.

3.3.D. Domain Name Service System

The patent owner asserts examiner interprets a DNS system too broadly. (Response at 11-13) (Supplemental Keromytis Declaration, ¶¶ 6-9). The patent owner states the "office relies on the '504 patent's description of gatekeeper 2603, DNS proxy 2610, and DNS server 2609" to support its interpretation of a DNS system. However, it is argued, the '504 patent discloses significant DNS functionality and coordination between these devices in acting upon a DNS request." (Response at 12) (*See also* the original Keromytis Declaration, ¶¶ 16-19).

The claims however do not recite these specific components. Claim 1 recites a DNS "system" and not a particular device or structural configuration. For example, one part of the '504 specification describes a DNS system implemented using gatekeeper, proxy and server (col. 40, ll. 35-48) while another part of the specification describes a DNS system using one server (col. 40, ll. 43-45). In view of the above, the claimed DNS "system" is interpreted reasonably broad consistent with the specification to comprise a single device (*e.g.*, a DNS server) or various combinations of multiple devices (*e.g.*, DNS server, DNS proxy, and other DNS devices). As for unclaimed coordination between the devices, the '504 specification describes the DNS server (SDNS 3319) queried "in the clear" (without using a VPN link) and without authenticating the user (col. 51, ll. 48-61). The server then replies without the use of a gatekeeper 3314 "in the clear" so that the initiator and the target can establish a VPN (*Id.*). Thus, the single DNS server 3313 may both accept and respond to a query "in the clear" with very little involvement from other DNS devices. There is no clear reason to read embodiments describing an ambiguous amount of coordination between multiple devices into the claims at the expense of

excluding embodiments describing a single DNS device apparently coordinating very little with other DNS devices. See Section 3.1 for additional details.

3.3.E Arguments Regarding the Lendenmann Prior Art

3.3.E.1. Claim 1

The patent owner asserts Lendenmann does not disclose an "indication" because the return of a network address is conventional and disclaimed (Response at 14).

However certain embodiments disclosed in the specification of the Larson patent under reexamination do just that. For example, the patent owner's DNS proxy 2610 answers a query by "preferably using a secure administrative VPN." (Larson, col. 40, ll. 19-24) (see also the Supplemental Keromytis Declaration, ¶ 20). Thus, Larson discloses embodiments both using a VPN and not using a VPN, although using a VPN is preferred. Thus, Larson discloses a VPN is not required to provide the reply. See also col. 51, ll. 48-61, where the secure DNS server 3313 receives and answers a query "in the clear" (i.e., without using a VPN) by providing the requested address. The established VPN thus completely bypasses the patent owner's DNS server.

The patent owner asserts the examiner misinterprets the "in the clear embodiment." (Response at 14). The examiner has already addressed these arguments by explaining the broadest reasonable interpretation of "indication" consistent with the specification, such as the "in the clear" embodiment in Sections 3.1.A.

Regardless whether the returning of a secure network address can be reasonably construed as providing an indication of secure communication, the examiner agrees with the

third party requester that Lendenmann teaches other features that can be so construed, as was also discussed in the last Office action, and is discussed *infra*.

3.3.E.2. "Indication that the Domain Name Service System Supports Establishing a Secure Communication Link"

As discussed in the incorporated rejection, Lendenmann teaches that RCP calls rely upon well-known authentication algorithms, such as shared-secret key and public key (p. 192, section 10.4.1). The client encrypts the RPC call with the session key, which the "server immediately challenges...by sending it a randomly generated number which the client has to encrypt with the session key and return to the server." (P. 194, section 10.4.4). The client transmits the encrypted response, which the server decrypts using the server's session key obtained from the decrypted service ticket. If the decrypted random number matches, then the "session key is used in further communication over the binding." *Id.* Thus, the sending of the "randomly generated number" is an indication that the domain name service (CDS reached via a RCP call via the network) supports the establishment of subsequent, secure communication link using a shared secret key (the session key) for encryption/decryption.

By returning the network address corresponding to a secure domain name, the Cell Directory Service (CDS) also provides "an indication...." as recited in the claim. (Request, Exhibit F-1, claim chart, p. 13). Similarly, by only performing operations for users authorized using access control lists (ACLs), the CDS provides an indication that supports establishing a secure communication link. (*Id.* at 14).

Lendenmann explicitly teaches "CDS ACL management software, incorporated into all CDS clerks and servers, performs access checking for incoming requests." (Lendenmann, p. 34). Thus, the cell directory service (CDS) determines whether a user is authorized for access. Indeed, the patent owner characterized DNS authorization as a distinguishing inventive feature. (Original Keromytis Declaration at ¶18) (see also the Supplemental Keromytis Declaration, ¶ 19). The Lendenmann prior art teaches a similar DNS authorization.

The patent owner responds the "ACLs are a functionality of the DCE Security Service" (Response at 14), but this does not address the ACL management software being incorporated into all CDS clerks and servers, as explicitly taught by Lendenmann (discussed above). The CDS clerks and servers must thus perform the access checking.

Regardless whether the returning of a secure network address can be reasonably construed as providing an indication of secure communication, the examiner agrees with the third party requester that Lendenmann teaches other features that can be so construed, as was also discussed in the last Office action. "Lendenmann teaches that specialized entries in the Cell Directory Service, call junctions, enable the establishment of a secure communication link with registry service that manages security-related domain names….each junction 'entry contains binding information that enables a client to connect to a directory server…." (Comments to the ACP, filed Jan. 30, 2013). (Comments at 8, 9).

3.3.E.3 Binding Also Provide an Indication that the Domain Name Service System Supports Establishing a Secure Communication Link

The patent owner previously argued Lendenmann teaches incomplete binding handles (*i.e.*, without security associations) (Response to the ACP, filed Jan. 2, 2013 at 12-14), but this is

explicitly contradicted by Lendenmann. "Only well-known endpoints are stored in CDS. In this case, clients obtain fully bound handles." (Lendenmann at 186).

The patent owner responds fully bound handles do not include security information (Response at 16, 17) (Supplemental Keromytis Declaration, ¶¶ 23-27), but Lendenmann explicitly teaches:

> The **binding handles are annotated with security information**. The s**erver adds the levels of security its supports** to the handles registered with its RPC runtime. **The client adds the requested security level and its own identity into the binding handle** used to contact the server. This is explained in 10.4, "RPC and Security" on page 191.

(Lendenmann at 185) (emphasis added).

> The client does this with a call to *rpc_binding_set_auth_info()*, which **adds this security information to the server binding handle**. The client then uses this extended binding handle in its **further RPC calls.**

(Lendemann at 191) (emphasis added).

The patent owner has previously argued that the user must add to the binding handle to make it complete, but as cited above, Lendenmann teaches that the server also adds security information to the bindings. Even if only the client added security information, Lendenmann also teaches (above) that once the security information is added to the binding at the server, the server uses the binding security information for "further RPC calls." *See also* the third party requester's comments (Comments at 7).

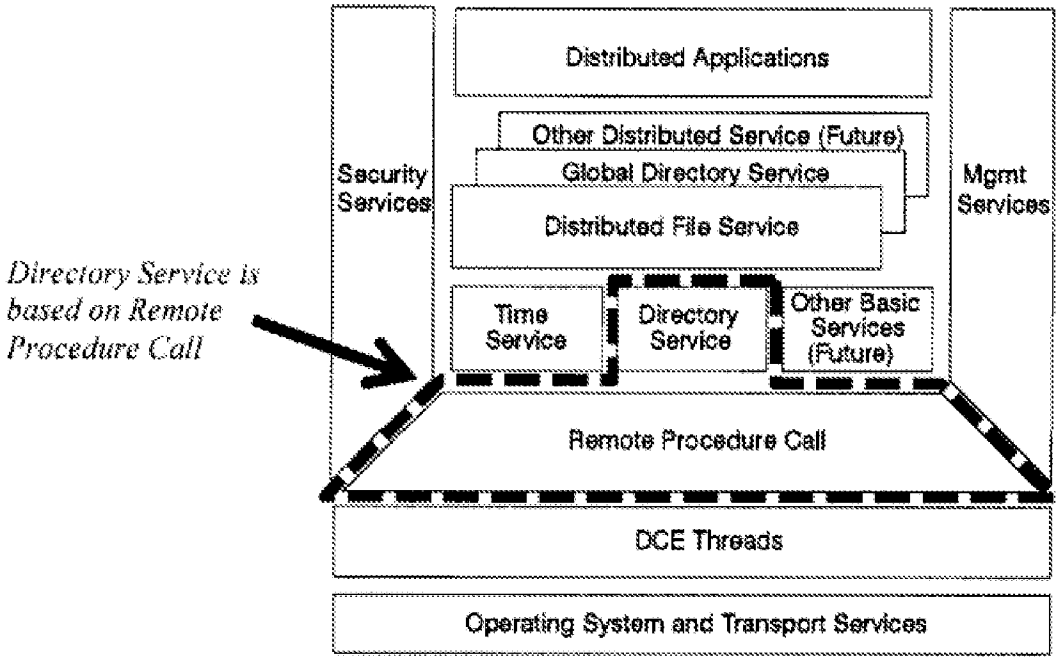
3.3.E.4. Authentication Challenge also Provides an Indication that the Domain Name Service System Supports Establishing a Secure Communication Link

The patent owner argues the Remote Procedure Call ("RPC") authentication challenge is not related to CDS, thus the CDS does not provide the authentication challenge (indication) after the query (Response at 17-19). See also the original Keromytis Declaration, ¶ 33. See also the Supplemental Keromytis Declaration, ¶¶ 28-32. Fig. 3 (p. 173) of Lendenmann however illustrates that the "Directory Service" (i.e., CDS) is based upon the RPC foundation. "This chapter discusses all components involved in the execution of an RPC, including CDS and Security Services access." *(Id).*

The patent owner criticizes this teaching as overly broad, but the Lendenmann statement explicitly teaches the CDS executes RPC and thus the RPC authentication challenge is related to the CDS. The patent owner counters this statement merely identifies the CDS and security services as components of the RPC, not that the server communicates via the RPC (Response at 14). The statement however provides the CDS (part of the server) executes RPC.

The patent owner also alleges that other parts of the Lendenmann disclosure teach no relationship between CDS and RPC as it relates to authentication, for example, CDS relies upon DCE rather than RPC (Response at 18, 19). As noted by the third party requester however (Comments at 9), Lendenmann elsewhere consistently teaches that CDS uses RPC. For example Lendenmann states the RPC "is used by most of the other DCE technology components for their network communications." (Lendenmann at 9).

The examiner agrees with the third party's annotation of Lendenmann, Fig. 3, which is reproduced below and which illustrates the DCE (Cell Directory Service) relies upon RPC:



Lendenmann Fig. 3 (Annotated)

The third party requester also notes that's the patent owner's argument that the CDS communicates with the client using a client-server model contradicts Lendenmann, which teaches the CDS uses a "data-sharing model" that uses RPC to communicate over a network.

> In data sharing, the data of the server are sent to the client. … In OSF DCE, **data sharing is built upon RPC**, which is used as the means of transferring data. Both the **Directory Service** and the Distributed File System are **based upon the data-sharing model**.
>
> (Lendenmann at 9) (emphasis added).

3.3.E.5. Dependent Claims 5 and 23

The patent owner's arguments (Response at 10, 11) are based on the premise that the security service is not separate from the CDS and that queries to the CDS do no use RPC, however this view was addressed by the examiner in section 3.3.E. above.

The patent owner also previously argued the examiner does not assert encryption is involved with the ACL and that the examiner mistakenly believes communications with a CDS occurs via RPC and that the various potential security features of RPC allegedly apply to communications between a client and CDS.

The Lendenmann rejections however explain a query from a client to a directory service (CDS) server is made by a RPC, as illustrated in Fig. 15. Moreover, RPC calls rely upon well-known authentication algorithms, such as shared-sect key and public key including supplying the requesting client with a session key and a service ticket encrypted with the server's session key (i.e., digitally signed certificate). The client encrypts the RPC call with the session key, which the server challenges with a randomly generated number, which the client than has to encrypt with the session key and return to the server.

3.3.E.6. Dependent Claim 24

The patent owner argues Lendenmann fail to teach “at least one of the plurality of domain names comprises an indication that the domain name service system supports establishing a secure communication link." Claims 24 and 28 "describe a functional relationship

between the "at least one of the plurality of domain names" and the "domain name service system." (Response at 19, 20).

First, Lendenmann does indeed teach that a domain names comprises an indication that the DNS system supports a secure communication link. *See, e.g.*, p. 23, "/.:/subsys/dce/sec" and "/.:/subsys/dce/sec/master." *See also* the Comments, pp. 11 & 12.

Second, if it is now the patent owner's position that the functional relationship between domain name and the DNS provides the indication rather than the name itself, then the claim permits the domain name, via the functions of domain name lookup and the resulting provision of a certificate, to provide an indication that the DNS supports establishing a secure communication link. See the Lendemann rejection.

On the other hand, if it is the patent owner's position that the name itself provides the indication, then the examiner maintains a "name" indicating that the DNS supports a secure communication link is nonfunctional descriptive material (information) and thus cannot distinguish over the prior art. A "name" comprising an "indication" (as broadly recited) of support for a secure communications link is descriptive material (information) directed to the mere arrangement of data. It is not a data structure (physical or logical relationships among data elements designed to support specific data manipulation functions) that defines a functional interrelationship to a secure communications function. MPEP 2106.01. In order to claim functional descriptive material, the claim should explicitly recite a data structure, such as a domain name comprising a secure top-level domain name (*e.g.*, ".scom" Larson, col. 50, ll. 25-37) and explicitly recite a functional relationship that interrelates the secure top-level domain name to the establishment of a secure communications link. See also MPEP § 2111.05(I)(A).

The examiner declines to find a domain name is patentable.

3.E.7. Dependent Claims 12 and 13

The examiner agrees with the third party requester that CDS uses the PRC model of communications and RPC operate over TCP, where RFC 793 teaches that TCP verifies that received data falls within a moving window of accepted sequence number as is notoriously well-known in the art of TCP communications (Comments at 12, 13).

3.F. Response to Patent Owner and Third Party Requester Comments Regarding Aziz

3.F.1. Claim 1

Client 210 Is Part of a DNS System

The patent owner alleges the examiner's claim interpretation is overly broad because the examiner "incorrectly assumes that any component that supports establishing a secure communication link is necessarily part of the DNS system" (Response at 23) (Supplemental Keromytis Declaration, ¶ 30).

The authorized client 210 in Aziz however does more than merely sending and receiving DNS queries. The DNS system comprises authorized client 210 and the authorized client 210 directly establishes a secure communication with the target. The DNS system thus supports establishing a secure communication link. Specifically, the DNS system is not limited to NS 120, as discussed above (see also Section 3.1). Indeed, the query initiator (authorized client 210) comprises a resolver program (name server software). (Col. 6, l. 61 – col. 7, l. 7 and col. 8, ll.

28-32). The resolver is also part of the DNS system because the resolver performs the following functions: "(1) return the answer to the query if it is available locally; otherwise, (2) find the best servers to ask for the answer, (3) send queries to the servers until one responds; and (4) process the response." *Id.* The resolver thus also caches the response locally in order to minimize the number of queries it has to send to name servers. Thus, the query initiator (e.g., authorized client 210) is part of the DNS system. The query initiator however also establishes the secure communication link with the target (e.g., inside host 130 and firewall 110).

Returning the Address of a Firewall via a SX Record Provides an Indication that the DNS Supports Establishing a Secure Communication

Assuming incorrectly for the sake of argument client 210 is not part of the DNS system, Aziz still teaches that the DNS system (including Fig. 1, local name server 250, outside name server 120, firewall 110, and inside name server 130) supports the establishment of a secure communication link. Aziz teaches providing an "indication" that the DNS system supports a secure communication link, such as by releasing the SX, KEY and SIG records.

Considering only the SX record for the moment (the KEY and SIG records will be addressed in the subsequent section), Aziz explicitly teaches that releasing the address of firewall 110 (SX record) provides an indication that the DNS system supports a secure communication link (col. 5, l. 32 –col. 6, 46) (emphasis added):

> Given the system architecture just described, what happens when application 215 running on authorized client 210 **wants to communicate securely** with protected host 140 in protected zone 180? **Before application 215 can do so, it needs outbound secure message information.** This information, stored on authorized client 210, may include the address of inside host 140, the **address and key of firewall 110**, and the cryptographic protocols to use.

> ....
> according to various embodiments of the invention, the **problem is solved** by enabling authorized clients to dynamically update their outbound secure message information **using information that is stored and maintained in a central location**.
> ....
> The data field of the **SX record contains** the identifier (e.g., n**ame or address) of a "secure exchanger"** associated with the owner of the record. A secure exchanger is a machine that handles secure communications for itself or for another machine (e.g., performs encryption or decryption).
> ....
> Because a firewall frequently performs the secure exchanger function, the term "**firewall 110" will be used herein to refer to a secure exchanger**.
> .....
> Alternatively, a **name server can be configured to return an SX record** in the response that includes the answer to a query for some other record.

Thus in Aziz, the DNS system (comprising NS 120) provides an "indication" in the form of an address of firewall 110 to which a secure communication link is established. The other information providing the "indication" (public keys, digital signature) is discussed in the next section. The DNS system itself provides an indication of support for secure communication by providing information (firewall address, keys, and digital signature) necessary for the query initiator to establish the secure communication with the target. This interpretation is also consistent with the specification of the Larson patent under reexamination, which teaches a DNS system that provides an address to the query initiator so that the initiator can establish a secure communication link to the target bypassing the DNS. For example, the Larson patent under reexamination discloses an embodiment at col. 51, ll. 11-61 (emphasis added):

> SDNS 3313 contains a cross-reference database of secure domain names and corresponding secure network addresses. That is, for each secure domain name, SDNS 3313 stores a computer network address corresponding to the secure domain name. An entity can register a secure domain name in SDNS 3313 so that a user who desires a secure communication link to the website of the entity can automatically obtain the secure computer network address for the secure

> website.
> ....
> **Alternatively**, SDNS 3313 can be accessed through secure portal 3310 "in the clear", that is, without using an administrative VPN communication link. In this situation, secure portal 3310 preferably authenticates the query using any well-known technique, such as a cryptographic technique, before allowing the query to proceed to SDNS 3319. Because the initial communication link in this situation is not a VPN communication link, the reply to the query can be "in the clear." **The querying computer can use the clear reply for establishing a VPN link to the desired domain name.** Alternatively, the query to SDNS 3313 can be in the clear, and SDNS 3313 and gatekeeper 3314 can operate to establish a VPN communication link to the querying computer for sending the reply.

Thus, in one embodiment of the Larson patent under reexamination, the DNS system (SDNS 3313) provides an address to the query initiator "in the clear" so that the initiator can establish a secure communication link (VPN) to the target (web site corresponding to the secure domain name, *e.g.*, server 3322) bypassing SDNS 3313. See Section 3.1.A. for additional details.

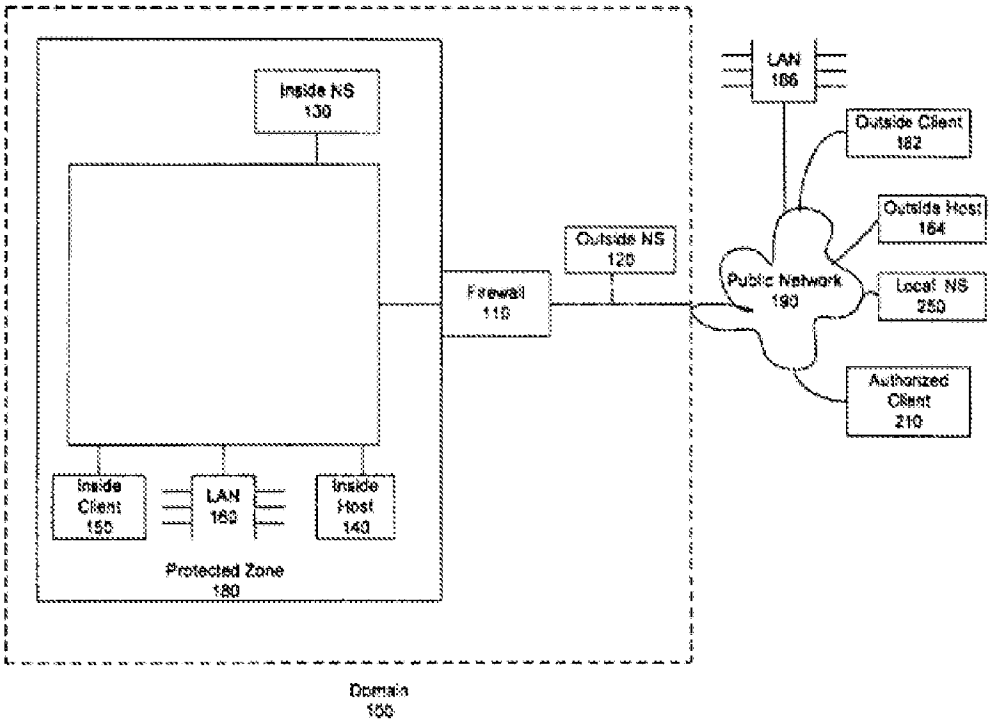
The biggest structural difference between the Larson and Aziz teachings discussed above is that, in Larson, SDNS 3313 "authenticates" the query however this feature is not recited in the independent claims. *See, e.g.*, dependent claim 5, which for the first time recites "authenticate the query..." thus implying by claim differentiation that parent, independent claim 1 need not be interpreted as requiring such an unclaimed feature. Nonetheless, as discussed above, Aziz teaches the query initiator is an "authorized" client 210.

This and other teachings to be discussed in Aziz are hardly directed to a "conventional DNS system." Moreover, prior art may anticipate or render obvious a broadly claimed invention regardless of whether the prior art describes "conventional" technology.

The patent owner counters the SX record is "returned to authorized client 210 based merely on whether the SX record exists for a particular host name, and regardless of whether authorized client 210 supports establishing a secure communication link." (Response at 24) (Supplemental Keromytis Declaration, ¶ 32).

As discussed above though, a SX record contains an identifier (e.g., name or address) of a "secure exchanger" associated with the owner of the record. A secure exchanger is a machine that handles secure communications for itself or for another machine (e.g., performs encryption or decryption). The SX record provides an indication that establishment of a secure communication link via the secure exchanger is supported.

The examiner also agrees with the third party requester, who notes the Aziz secure DNS system further includes inside name server 130 and firewall 110.



Aziz Fig. 1

In one embodiment, authorized client 210 requests from NS 120 the address of inside host 140. Instead, the authorized client 210 is given a SX record indicating firewall 110 acts as the secure exchanger for inside name server (NS) 130. The response thus indicates NS 130 (part of the DNS) is capable of establishing a secure communication link via the secure exchanger (firewall 110). "Aziz is not merely returning requested resources…. the authorized client sent a query requesting the IP address for inside host 140…outside NS 120 provides the SX record with information usable to establish a secure communication link with another name server." Comments at 16) (*See also* Aziz at col. 12, ll. 1-20).

Returning Public keys and Digital Signatures via KEY and SIG Records Provides an Indication that the DNS Supports Establishing a Secure Communication

As discussed, the DNS system comprises authorized client 210 and the authorized client 210 directly establishes a secure communication with the target. The DNS system thus supports establishing a secure communication link.

Assuming incorrectly for the sake of argument client 210 is not part of the DNS system, Aziz still teaches that the DNS system (including Fig. 1, local name server 250, outside name server 120, firewall 110, and inside name server 130) supports the establishment of a secure communication link. Aziz also teaches providing an "indication" that the DNS system supports a secure communication link, such as by releasing the SX, KEY and SIG records.

Considering only the KEY and SIG records for the moment (the SX record was addressed above in section 3.3.B), Aziz explicitly teaches that releasing a public key and digital signature provides an indication that the DNS system supports a secure communication link (col. 5, l. 62 - col. 6, l. 10) (emphasis added).

> To **support the need for secure communications**, a version of the Internet Domain Name System ("secure DNS") uses security extensions including KEY and SIG resource record types. The KEY resource record can be used to **distribute public keys** and associated information. That is to say, a KEY record could contain a key, a key name, or an algorithm. The SIG, or "signature," resource record can be used to **authenticate the data in other resource records**. One of the data fields in a SIG record is the "labels" field. This field is the count of how many labels are in the original SIG record owner name as it appears in the zone database (e.g., *.sun.com. has two labels because the null label (".") for root and the wildcard ("*") are not included in the count). This label count can, therefore, be used to derive the original name of a record that was retrieved as the result of wildcard substitution (to be described in detail later). The original name is needed, for example, to verify a digital signature.

Thus, the DNS system itself provides an indication of support for secure communication by providing information (key and digital signature) necessary for the query initiator to establish the secure communication with the target. This interpretation is also consistent with the specification of the Larson patent under reexamination, which teaches a DNS system that provides an address to the query initiator so that the initiator can establish a secure communication link to the target bypassing NS 120. *See* Section 3.1.A. above for additional details.

The biggest structural difference between the Larson and Aziz teachings discussed above (*see also* Section 3.2.A) is that, in Larson, SDNS 3313 "authenticates" the query however this feature is not recited in the independent claims. *See, e.g.*, dependent claim 5, which for the first time recites "authenticate the query..." thus implying by claim differentiation that parent, independent claim 1 need not be interpreted as requiring such an unclaimed feature. Nonetheless, as discussed above, Aziz teaches the query initiator is an "authorized" client 210.

This and other teachings to be discussed in Aziz are hardly directed to a "conventional DNS system." Moreover, prior art may anticipate or render obvious a broadly claimed invention regardless of whether the prior art describes "conventional" technology.

The patent owner counters the that KEY and SIG records are returned "based merely on whether the SX record exists for a particular host name, and regardless of whether authorized client 210 supports establishing a secure communication link." (Response at 25) (see also the Supplemental Keromytis Declaration, ¶ 33).

As discussed above though, the KEY and SIG record contain public encryption keys and authentication data, which are used to establish a secure communication via client 210. The

KEY and SIG records thus provides an indication that establishment of a secure communication link via the secure exchanger is supported.

The examiner also agrees with the third party requester, who again notes that, similarly to SX records, KEY and SIG records are used to establish secure communication links with other DNS devices, such as firewall 110 and inside NS 130.

Building Tunnel Information Tables Provides an Indication that the DNS Supports Establishing a Secure Communication

The patent owner asserts that building information used for secure communications in the resolver program, such as tunnel information tables, fails to provide an indication that the DNS system supports establishing a secure communication link because the client 210 is separate from the DNS system. Rather Aziz teaches a conventional DNS system. (Response at 26 & 27).

As discussed in section 3.F.1 above, the premise of the patent owner's argument is incorrect. The DNS system comprises authorized client 210 because client 210 executes a DNS resolver program. The authorized client 210 (part of the DNS system) then directly establishes a secure communication with the target. The DNS system, comprising the client, thus supports establishing a secure communication link and the prerequisite information, such as tunnel information table residing in the client, provides an indication that the secure communication will be established.

RFC 2065 (DNS-sec) Teaches an "Indication that the Domain Name Service System Supports Establishing a Secure Communication Link"

Aziz teaches the security extension to DNS ("DNS-sec") (RFC 2065) in one embodiment is used to distribute the KEY and SIG records. Col. 6, ll. 11-21. Thus, the patent owner's arguments (Response at 27 & 28) (Supplemental Keromytis Declaration, ¶¶ 35, 36) are unpersuasive for the reasons discussed above, which addressed the distribution of KEY and SIG records. The assertion that the host speaks IPSEC bit in the KEY record provides an indication of support for the establishment of secure communication with the host. The IPSEC bit independently provide the "indication," but the KEY record as a whole also provides the recited indication, as discussed above. The patent owner argues for a distinction between whether the "host speaks using a particular security protocol" and indicating that a "domain name service system supports establishing a secure communication link." (Response at 28). A bit that indicates the host speaks IPSEC however does provide the broadly recited "indication" of support for secure communication. The patent owners arguments are directed to degrees of uncertainty not recited in the claims.

Aziz is an Enabling Reference

The patent owner asserts Aziz lacks "clarity regarding how the secure exchanger and SX records are used" and "guidance on how to potentially initiate a VPN after the tunnel map entry is updated" (Response at 28). However, anticipatory prior art, including non-patent literature, is presumed enabled. Lack of clarity fails to rise to a level of alleged lack of enablement that rebuts this presumption. Moreover, as the third party requester notes, "Aziz teaches the secure

exchanger "handles secure communications for itself or for another machine ." Aziz, col. 6, ll. 30-31. Comments at 16. Thus, in one embodiment the secure exchanger is inside the host. Also, Ziz's statement that the authorized client will "encrypt messages to inside host 140" does not imply an exchanger bypass, thus creating a false dilemma regarding the patent owner's clarity arguments.

3.3.F.2. Dependent Claim 18

The patent owner argues Aziz fails to teach a domain name reserved for secure communication (Supplemental Keromytis Declaration, ¶ 36), but Aziz teaches "network administrator may sometimes also want to permit authorized clients outside the protected zone to communicate with hosts inside the protected zone" (col. 2, ll. 20-22), which Aziz achieves by use of a firewall 110 to handle encrypted communication between an "authorized" client 210 and a host inside protected zone 180 (Fig. 1 and col. 9, ll. 5-7). A host inside the "protected zone" however corresponds to domain names, such as eng.sun.com and corp.sun.com. Col. 1, ll. 58-60. Thus, domain names, such as eng.sun.com, are reserved to a protected zone for the possibility of secure communications with an outside, authorized client, although certainly the initiator is not required to then establish a secure communication link (i.e., take advantage of the reserved domain name). The domain names are "reserved" for secure communication as the term "reserved" is understood to one of ordinary skill in the art contrary to the patent owner's assertion.

3.3.F.3. Response to Patent Owner and Third Party Requester Comments Regarding Aziz in view of Lawton

3.3.F.4. Dependent Claims 3, 4 and 26

As explained in section 3.F.1 above, Aziz teaches that the SX record is returned with the address corresponding to a domain name query. See also col. 6, ll. 48-50. RFC 2065 (DNS-sec) in one embodiment is used to implement the KEY and SIG resource records. Col. 6, ll. 11-23. In DNS-sec, the public key "must be included if space is available" in a type "A" (host address) response record (section 3.7). See RFC 2065, of record in this proceeding. As also explained in sections 3.4.A, the SX and KEY records provide for the establishment of a secure communication link. Thus, in Aziz a domain name enables establishment of a secure communication link. The requester relied upon Lawton to teach publication of a protected domain name (domain name indicates the purpose of the name) so that the domain name would obviously be used enable a secure communication from outside the protected network.

The first part of the patent owner's response are based on the view that the SX, KEY and SIG records do not provide the recited indication, which the examiner addressed in section 3.3.F above. (Response at 29). The examiner referred to Lawton for teaching the publication of Aziz's protected domain names, where the Aziz names support the establishment of secure communication, which is clear in the context of the incorporated rejections. As the requester notes, the domain names of Lawson indicate the purpose of the domain name (Comments at 17, 18), thus Aziz in combination with Lawson teaches secure domain names that indicate the purpose of the domain name (secure communication).

3.3.F.5. Claim 9

The patent owner argues the combination of Aziz in view of Franaszek would have changed the principle of operation of Aziz and moreover Franaszek is nonanalogous art. (Response at 29, 30, citing back to earlier comments). Although the examiner agrees that Franaszek is somewhat further afield than a secondary reference directed to network communications would be, Franaszek is merely being relied upon to teach organizing a plurality of communication paths (which are taught by Aziz) into a hierarchy. Such a broad concept - the need to organize communication paths into a hierarchy – is applicable to both communication networks and computer networks. Moreover, this broad concept, when added to Aziz, does not require Aziz to change its principle of operation. The communication networks taught by Aziz alone would simply be organized hierarchically after the modification. The patent owner also asserts Franaszek is nonanalogous art because it is not reasonably pertinent to the problem recited in the claim of the patent under reexamination, however this is unpersuasive this problem - a need for "easy and convenient" communications - is not claimed, and thus the patent owner's arguments are essentially directed to unclaimed features. The examiner nonetheless agrees with the requester's additional explanation of how Franaszek is pertinent. Comments at 18.

3.3.G. Response to Patent Owner and Third Party Requester Comments Regarding Kiuchi and Pfaffenberger

3.3.G.1. Claim 1

Returning a Public Key of a Secured Proxy Server Teaches an "Indication that the Domain Name Service System Supports Establishing a Secure Communication Link"

As an initial matter, the claim language recites no requirement for a secure communication between a client and target computer. In contrast, see e.g., U.S. Patent No. 6,502,135, where the claim 1 recites "initiating the VPN between the client computer and the target computer" - claim language not present in the subject patent under reexamination.

The patent owner asserts returning the public key of the secure server-side proxy fails to provide an indication that the DNS system itself supports establishing a secure communication link because the secured server-side proxy is separate from the DNS system. Rather, Kiuchi teaches a conventional DNS system. (Response at 31, 32). See also the original Keromytis Declaration, paragraph 56 & 57. See also the Supplemental Keromytis Declaration, ¶¶ 37-41.

The examiner does not agree. Kiuchi teaches providing an "indication" that the DNS system supports a secure communication link, such as by releasing the public key, nonce value and IP address of the secured, server-side proxy.

Considering only the public key or the moment (the IP address will be addressed in the subsequent section), Kiuchi explicitly teaches that releasing the public key of the secure server-side proxy provides an indication that the DNS system supports a secure communication link (p. 65, section 2) (emphasis added):

> A client-side proxy **asks** the C-HTTP name server **whether it can communicate** with the host specified in a given URL. **If the name server confirms that the query is legitimate**, it examines whether the requested server-side proxy is registered in the closed network and is permitted to accept the connection from the client-side proxy. If the connection is permitted, the **C-HTTP name server sends the IP address and public key of the server-side proxy and both request and response Nonce values**. If it is not permitted, it sends a status code which indicates an error.

> If a client-side proxy receives an error status, then it performs DNS lookup, behaving like an ordinary HTTP/1.0 proxy.

Thus in Kiuchi, the DNS system (comprising the C-HTTP name server) provides an "indication" in the form of public key of a secure server-side proxy to which a secure communication link is established. The other information providing the "indication" (IP address and nonce values) is discussed in the next section. The DNS system itself provides an indication of support for secure communication by providing information (public keys, IP address, nonce values) necessary for the query initiator to establish the secure communication with the target. This interpretation is also consistent with the specification of the Larson patent under reexamination, which teaches a DNS system that provides an address to the query initiator so that the initiator can establish a secure communication link to the target bypassing NS 120. For example, the Larson patent under reexamination discloses an embodiment at col. 51, ll. 11-61 (emphasis added):

> SDNS 3313 contains a cross-reference database of secure domain names and corresponding secure network addresses. That is, for each secure domain name, SDNS 3313 stores a computer network address corresponding to the secure domain name. An entity can register a secure domain name in SDNS 3313 so that a user who desires a secure communication link to the website of the entity can automatically obtain the secure computer network address for the secure website.
> ....
> **Alternatively**, SDNS 3313 can be accessed through secure portal 3310 "in the clear", that is, **without** using an administrative VPN communication link. In this situation, secure portal 3310 preferably authenticates the query using any well-known technique, such as a cryptographic technique, before allowing the query to proceed to SDNS 3319. Because the **initial communication link** in this situation **is not** a VPN communication link, the **reply** to the query can be "**in the clear**." The querying computer **can use the clear reply** for establishing a VPN link to the desired domain name. Alternatively, the query to SDNS 3313 can be in the clear, and SDNS 3313 and gatekeeper 3314 can operate to establish a VPN communication link to the querying computer for sending the reply.

Thus, in this embodiment, the SDNS receives and returns a query "in the clear" before establishing a VPN.

See Section 3.1.A for further details regarding the "in the clear" embodiment.

Thus, in the col. 51, ll. 48-61 embodiment relied upon by the examiner, the computer 3301 queries a single DNS server (SDNS 3313) in the clear and the server responds in the clear without the need for gate keeper 3314 to aid in the establishment of a VPN. The DNS server (SDNS 3313) only interacts with secure portal 3312 (referred to as secure portal 3310 in Fig. 33) to the extent the portal "authenticates the [user's computer] query using any well-known technique, such as a cryptographic technique…." (*Id.*). The DNS server then returns an address to computer 3301, which the computer uses to establish a VPN link to the desired domain name. Thus, a secure server merely providing conventional, authentication services for a user's computer can be considered part of the DNS system, consistent with the patent owner's specification.

Thus, in one embodiment of the Larson patent under reexamination, the DNS system (SDNS 3313) provides an address to the query initiator "in the clear" or encrypted so that the initiator can establish a secure communication link (VPN) to the target (web site corresponding to the secure domain name, *e.g.*, server 3322) bypassing SDNS 3313.

There appears to be no significant structural difference between the Larson and Kiuchi teachings discussed above. Indeed, both teach that the name server authenticates the query, although this feature is not specifically claimed until dependent claim 5.

This and other teachings to be discussed in Kiuchi are hardly directed to a "conventional DNS system." Moreover, prior art may anticipate or render obvious a broadly claimed invention regardless of whether the prior art describes "conventional" technology.

Returning a IP Address of a Secured Proxy Server and Nonce Value Both Teach an "Indication that the Domain Name Service System Supports Establishing a Secure Communication Link"

The patent owner offers similar reasons to those addressed above as to why the IP address fails to provide the claimed indication (e.g., claim interpretation consistent with the specification and disclaimer). (Response at 31, 32) (Supplemental Keromytis Declaration, ¶ 38). *See also* the original Keromytis Declaration, ¶ 58. The examiner finds the present arguments unpersuasive for similar reasons. The examiner notes that the release of the IP address by the C-HTTP name server cannot be viewed in isolation as a conventional domain name query for an IP address. As discussed above, Kiuchi teaches that if a connection to the secure server-side proxy corresponding to the IP address, then the C-HTTP releases an error code and subsequently performs a conventional DNS lookup. Thus, the release of the IP address is in the context of an unconventional DNS lookup for the purpose of determining whether the DNS system can support establishing a secure communication link by releasing the necessary public key, IP address, and nonce value.

The patent owner also previously asserted Kiuchi does not teach that the C-HTTP name server (the alleged DNS system) requests the subsequent DNS lookup outside of the outside of C-HTTP. Instead, it is the client-side proxy that runs the lookup if it receives an 'error status' from the C-HTTP server. The patent owner's argument however is premised on limitation the

claimed DNS "system" to just one device, the C-HTTP name server, which the examiner does not do.

Kiuchi's C-HTTP Name Server Stores Domain Names and Corresponding Network Addresses

The patent argues the C-HTTP fails to send the IP address of the server-side proxy in response to a query because the URL used for the query does not correspond to the server-side proxy but to the resource itself located on an origin server. That is, the C-HTTP name server does not store domain names and "corresponding" network addresses because it responds to a query with the IP address of the server-side proxy. The patent owner argues the C-HTTP name service request includes a field "SERVER-SIDE-PROXY-NAME," but one of ordinary skill in the art would believe this field refers to the URL of the resource on the origin server, not to the domain name of the server-side proxy. Response at 33.

The patent owner's arguments are directed to unclaimed features and thus are unpersuasive. Representative claim 1 recites (emphasis added):

> a domain name service system configured to be connected to a communication network, to store a plurality of **domain names and corresponding network addresses**, to receive **a query for a network address,** and to comprise **an indication that the domain name service system supports establishing a secure communication link**.

The claims do not require the network address to be the actual address of the destination computer. The examiner declines to read this limitation into the claim in order to patentably distinguish the claims over the applied, prior art of record.

Col. 51, ll. 11-18 of the Larson specification, cited by the patent owner, fails to establish that the corresponding network address is the network address of the destination computer, only that the network address "corresponds" to the domain name. As the patent owner notes, a DNS system may sometimes return a different network address that corresponds to the domain name (Response at 34, Larson at col. 39, ll. 46-50), but not to the actual address of the destination computer. See also the patent owner comments, noting the requester's prior admissions that the stored domain name may correspond to a variety of addresses. Comments at 21. DNS system may be configured to point to different types of address for reasons of versatility. Moreover, the incorporated rejection in this proceeding relies upon a direct connection between the proxies as the claim language recites no requirement for a secure communication between a client and target computer. In contrast, see e.g., U.S. Patent No. 6,502,135, where the claim 1 recites "initiating the VPN between the client computer and the target computer" - claim language not present in the subject patent under reexamination.

3.3.G.2. There Are No Deficiencies in Kiuchi for Pfaffenberger to Remedy

The patent owner contends Pfaffenberger fails to remedy the deficiencies in Kiuchi (Response at 35 and 36), but as discussed in sections 3.3 above, Kiuchi is not deficient in the manner asserted by the patent owner.

3.3.G.3 Dependent Claims 8 and 9

The patent owner argues Kiuchi fails to teach the C-HTTP name server is connectable to the virtual private network between the client-side proxy and the server-side proxy. (Response at 36). This assertion however depends upon incorrectly interpreting the recited DNS "system" to mean just one device – the C-HTTP name server. *See also* Section 3.1 above. See also the requester's rebuttal. (Comment at 23).

3.3.G.4. Dependent Claim 24

Kiuchi teaches the domain name for a secured C-HTTP host is "another.server.in.closed.network," which provides an indication that the host (server) corresponding to name (closed) is secure at least to the extent it is "closed." The name server (within the DNS system) resolves the name into an address and public key corresponding to the secure host in order to support the establishment of a connection to the secure (closed) server. The domain name therefore also indicates that a DNS system will resolve the domain name into an IP address and public key to support the establishment of a connection to the secure (closed) server.

Moreover, a domain "name" comprising an "indication" (as broadly recited) of support for a secure communications link is descriptive material directed to the mere arrangement of data. The examiner declines to find the content of a domain name patentable subject matter. *See* Section 3.E.6 for further details.

The patent owner counters the domain name "another.server.in.closed.network" is not the name of the C-HTTP name server and thus cannot comprise an indication that the DNS supports establishing a secure communication link (Response at 36), but as discussed in Section 3.1 above, the claimed DNS "system" cannot be reasonably be limited to just one device. Moreover, as the requester notes (Comments at 23,24), the "C-HTTP name server itself has a domain name of 'Name.Server.CSCRG', (Kiuchi at 73, col. 2). This name is not valid in the general Internet domain system, and instead is valid only in the secure C-HTTP closed network."

The patent owner also argues that, regardless, no domain name in Kiuchi includes the "indication" feature because "by the time Kicuhi's alleged domain name is displayed, the C-HTTP name server has already resolved it into an address." (Supplemental Keromytis Declaration, ¶ 42). The argument however reads significant new limitations ("and wherein the indication is displayed before the domain name is resolved into an IP address") into the claim in order to distinguish over the applied prior art.

3.3.G.5. Dependent Claim 27

The patent owner asserts Kiuchi as modified fails to teach establishing a secure link between a "first location and a second location transparently to a user at the first location." Although the patent owner notes the client-side proxy that processes the requester for the user is located at the same institution as the user, "communication is not between the user agent and the server-side proxy." Response at 38.

The patent owner's arguments are directed to unclaimed features and thus are unpersuasive. Representative claims 1 and 27 recite (emphasis added):

> Claim 1. A system for providing a domain name service for establishing a secure communication link, the system comprising: a domain name service system configured to be connected to a communication network, to store a plurality of domain names and corresponding network addresses, to receive a query for a network address, and to comprise **an indication that the domain name service system supports establishing a secure communication link**.
>
> Claim 27. The system of claim 1, wherein the domain name service system is configured to enable **establishment of a secure communication link between a first location and a second location** transparently to a user at the first location.

Thus, the claims fail to recite communication between a first location corresponding to the location of the query and second location corresponding to the ultimate destination. The incorporated rejection in this proceeding relies upon a direct connection between the proxies as the claim language recites no requirement for a secure communication between a client and target computer. In contrast, see e.g., U.S. Patent No. 6,502,135, where the claim 1 recites "initiating the VPN between the client computer and the target computer" - claim language not present in the subject patent under reexamination.

3.4. Secondary Considerations of Non-obviousness

Nexus

The patent owner has not established a *nexus* between the secondary evidence and the claimed invention. MPEP 716.01.b. The patent owner argues there is substantial evidence of secondary considerations to demonstrate nonobviousness regarding claims 1-35 and 60, but fails to describe with particularity how the evidence specifically relates to the subject matter of any of the claims. (Response at 44 & 45). The Declaration by Robert Dunham Short III, filed with the

Response, (the "Short Declaration") mentions some of the limitations in claims 1, 8, 9, 16 and 27, but then asserts the long-felt need was for a "system that could be easily and correctly used to enable secure communications." Paragraph 3. It is not clear how this highly generalized need specifically relate to the limitations of the mentioned claims (*nexus*), moreover nothing is stated about the remaining claims 2-7, 10-15, 17-26 and 28-60. For example, no claims recite the user "easily" and "correctly" enabling secure communications.

The patent owner counters claim 1 recites "a domain name service for establishing a secure communication link" and "comprising an indication that the domain name service system supports establishing a secure communication link." These features, it is argued, allow for "easily and correctly establishing a secure communication link using a method that is familiar to the users." Response at 44. The "Federal Circuit has repeatedly found a nexus where the evidence of secondary considerations pertains to benefits flowing from the claimed invention, even if those benefits are not expressly recited in the claims." Response at 45. The patent owner's arguments however fail this test. The alleged benefits (easily and correctly establishing a secure communication link using a method that is familiar to the users) do not "flow" from claims broadly reciting "comprising an indication that the domain name service system supports establishing a secure communication link." If it were otherwise, any number of alleged benefits could be said to flow from broadly worded claims, such that broad claims established a broad nexus.

Long Felt Need

As noted by the requester (Comment at 31), the alleged need for a "system that could be easily and correctly used to enable secure communications" is such a broad need that the patent owner has not demonstrated whether the prior art, such as Lendenmann, Aziz, Kiuchi and Pfaffenberger, satisfied this need. If limitations such as "an indication that the domain name service system supports establishing a secure communication link" identified by the patent owner allow the user to in some unspecified manner to "easily" and "correctly" enable secure communications, then it would seem various prior art DNS security feature in the applied prior art would also allow the user to "easily" and "correctly" enable secure communications in a same, similar or different manner. The long-felt need must not have been satisfied by another before the invention by patent owner. MPEP 716.04.II. See also the Requester's Comments, p. 29. For example, the requester points to the Pfaffenberger applied prior art of record, which states:

> Notwithstanding the security and validation problems that are still holding back many would-be Web vendors, a few pioneers have gotten into the act (for some samples, see the next chapter). They're using Netscape's secure servers to implement Netscape's security scheme, sans SET.
>
> You'll know when you access a secure server because you'll see the dialog box shown in Figure 24.1. This dialog box informs you that you are accessing a secure document. In addition, the broken key on the status bar is suddenly made whole.
>
> ....
>
> Another way you can tell that you've accessed a secure server is to look at the Location box: A secure server's URL begins with https://.

Response at 28, 29 (Pfaffenberger at 405, 406).

Thus, Pfaffenberger provides evidence that the alleged need for the user to easily and correctly enable secure communications was met at least circa the publication date of Pfaffenberger regarding Netscape browser and secure-server technology.

Commercial Success

The patent owner alleges commercial success, but attributes the commercial success to the licensing of a patent family not specifically identifying any claim in the subject patent under reexamination. Short Declaration, paragraph 12. Thus, the patent owner has not provided established a *nexus* between the evidence of commercial success and the claims of the patent under reexamination.

The requester also notes the patent owner has not provided evidence that the licenses were taken for other reasons not related to the claims of the invention, such as whether the license was a business cost-benefit analysis in regard to defending an infringement suit, whether the terms of the license were favorable to the licensee in some manner not related to the claimed invention, market information in regard to the number of products sold under licenses and not sold under a license, etc. Comments at 26, 27.

Skepticism of Experts and Praise

Similarly, the patent owner alleges the skepticism of experts and praise, but identifies no claims describing subject matter of which the experts were skeptical or for which praise was given. Short Declaration, paragraphs 13-16. Thus, the patent owner has not provided

established a *nexus* between the evidence of commercial success and the claims of the patent under reexamination. The requester also notes the patent owner has not provided objective evidence of industry-wide praise. Comments at 27.

The examiner also notes the declarant was Robert Short, who is the patent owner's Chief Technology Officer, thus raising a question as to whether the declaration was self-interested thereby according less weight.

4. Decisions Favorable to Patentability

4.1. The Rejection of Claim 11 As Obvious Over Lendenmann in View of Martin Is Withdrawn

The patent owner is correct that the incorporated 103 rejection over Lendenmann in view of Martin is deficient for failing to teach an "network address hopping regime that is used to pseudo randomly change network addresses in packets transmitted…." See the earlier Response, filed June 1, 2012, pp. 24 & 25. While the requester asserts the Martin secondary reference teaches changing the source address in the packets transmitted, the incorporated rejection does not address how this change implements a network address "hopping" regime. The term "network address *hopping* regime" cannot be meaningfully interpreted without referring to the specification, which discloses a communicating pair of nodes *hopping* to mutually agreed-upon source and destination addresses selected from a block of IP addresses using an algorithm and a randomization seed. *See* Larson, col. 39, ll. 52-55, which refers back to previous discussions of address hopping. One such discussion extensively occurs at col. 17, ll. 11-26.

4.2 The Rejection of Claims 11-13 As Obvious Over Aziz in View of Martin Is Withdrawn

The patent owner is correct that the incorporated 103 rejection over Aziz in view of Martin is deficient for failing to teach an "network address hopping regime that is used to pseudo randomly change network addresses in packets transmitted…." (claim 11) and "comparing a value in each data packet transmitted...." (claim 12). Response, pp. 46-48. While the requester asserts the Martin secondary reference teaches changing the source address in the packets transmitted, the incorporated rejection does not address how this change implements a network address "hopping" regime. The term "network address *hopping* regime" cannot be meaningfully interpreted without referring to the specification, which discloses a communicating pair of nodes *hopping* to mutually agreed-upon source and destination addresses selected from a block of IP addresses using an algorithm and a randomization seed. *See* Larson, col. 39, ll. 52-55, which refers back to previous discussions of address hopping. One such discussion extensively occurs at col. 17, ll. 11-26. Regarding claims 12 and 13, the incorporated rejection admits that neither Aziz or Martin teach comparing the source of the data packets ("value in each data packet") as coming from one of the range of valid values recited in the claims ("moving window of valid values") or comparing a discriminator field in a header of each data packet to a table of valid discriminator fields maintained for a first device. See, e.g., pages 99 and 100 of the incorporated claim chart attached as Exhibit F-2 to the Request.

4.3. The Rejection of Claim 11 As Obvious Over Kiuchi in View of Pfaffenberger and Martin Is Withdrawn

The patent owner is correct that the incorporated 103 rejection over Kiuchi in view of Pfaffenberger and Martin is deficient for failing to teach an "network address hopping regime that is used to pseudo randomly change network addresses in packets transmitted…." (claim 11). While the requester asserts the Martin secondary reference teaches changing the source address in the packets transmitted, the incorporated rejection does not address how this change implements a network address "hopping" regime. The term "network address *hopping* regime" cannot be meaningfully interpreted without referring to the specification, which discloses a communicating pair of nodes *hopping* to mutually agreed-upon source and destination addresses selected from a block of IP addresses using an algorithm and a randomization seed. *See* Larson, col. 39, ll. 52-55, which refers back to previous discussions of address hopping. One such discussion extensively occurs at col. 17, ll. 11-26.

5. Claims Not Examined

As discussed above regarding the decision mailed September 17, 2014, no further rejection of claims 36-59 of the Larson patent will be made in the present reexamination proceeding. The withdrawal of these rejections is not a "non-adoption of" or a "determination not to make" these rejections within the meaning of 37 CFR 41.61. Any notice of appeal or cross-appeal of the present determination not to make or maintain a rejection of claims 36-59 of the Larson patent will be held to be defective.

6. Information Disclosure Statement Filed Oct. 1, 2014

The examiner notes that MPEP 2256, under the heading "Prior Art Patents and Printed Publications Reviewed by Examiner in Reexamination" states, in part:

> Where patents, publications, and other such items of information are submitted by a party (patent owner or requester) in compliance with the requirements of the rules, **the requisite degree of consideration to be given to such information will be normally limited by the degree to which the party filing the information citation has explained the content and relevance of the information**. The initials of the examiner placed adjacent to the citations on the form PTO/SB/08A and 08B or its equivalent, without an indication to the contrary in the record, do not signify that the information has been considered by the examiner any further than to the extent noted above. [Emphasis added.]

Additionally, MPEP 609.05(b) states:

> The information contained in information disclosure statements which comply with both the content requirements of 37 CFR 1.98 and the requirements, based on the time of filing the statement, of 37 CFR 1.97 will be considered by the examiner. Consideration by the examiner of the information submitted in an IDS means that **the examiner will consider the documents in the same manner as other documents in Office search files are considered by the examiner while conducting a search of the prior art in a proper field of search**. The initials of the examiner placed adjacent to the citations on the ** PTO/SB/08A and 08B or its equivalent mean that the information has been considered by the examiner to the extent noted above. [Emphasis added.]

With this, the examiner notes that the approximately 1400 prior art references listed in the Information Disclosure Statements submitted on October 1, 2014 has been considered by the examiner to at least the "degree to which the party filing the information citation has explained the content and relevance of the information", and in "the same manner as other documents in Office search files are considered by the examiner while conducting a search of the prior art in a proper field of search" (see attached PTO/SB/08A's).

7. Conclusion

This is a RIGHT OF APPEAL NOTICE (RAN); see MPEP § 2673.02 and § 2674. The decision in this Office action as to the patentability or unpatentability of any original patent claim, any proposed amended claim and any new claim in this proceeding is a FINAL DECISION.

No amendment can be made in response to the Right of Appeal Notice in an *inter partes* reexamination. 37 CFR 1.953(c). Further, no affidavit or other evidence can be submitted in an *inter partes* reexamination proceeding after the right of appeal notice, except as provided in 37 CFR 1.981 or as permitted by 37 CFR 41.77(b)(1). 37 CFR 1.116(f).

Each party has a **thirty-day or one-month time period, whichever is longer**, to file a notice of appeal. The patent owner may appeal to the Board of Patent Appeals and Interferences with respect to any decision adverse to the patentability of any original or proposed amended or new claim of the patent by filing a notice of appeal and paying the fee set forth in 37 CFR 41.20(b)(1). The third party requester may appeal to the Board of Patent Appeals and Interferences with respect to any decision favorable to the patentability of any original or proposed amended or new claim of the patent by filing a notice of appeal and paying the fee set forth in 37 CFR 41.20(b)(1).

In addition, a patent owner who has not filed a notice of appeal may file a notice of cross appeal within **fourteen days of service** of a third party requester's timely filed notice of appeal and pay the fee set forth in 37 CFR 41.20(b)(1). A third party requester who has not filed a notice of appeal may file **a notice of cross appeal within fourteen days of service** of a patent owner's timely filed notice of appeal and pay the fee set forth in 37 CFR 41.20(b)(1).

Any appeal in this proceeding must identify the claim(s) appealed, and must be signed by the patent owner (for a patent owner appeal) or the third party requester (for a third party requester appeal), or their duly authorized attorney or agent.

Any party that does not file a timely notice of appeal or a timely notice of cross appeal will lose the right to appeal from any decision adverse to that party, but will not lose the right to file a respondent brief and fee where it is appropriate for that party to do so. If no party files a timely appeal, the reexamination prosecution will be terminated, and the Director will proceed to issue and publish a certificate under 37 CFR 1.997 in accordance with this Office action.

The Patent Owner is reminded of the continuing responsibility under 37 CFR 1.985(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving the subject Alden patent throughout the course of this reexamination proceeding. The Third Party Requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding through the course of this reexamination proceeding. See MPEP § 2686 and 2686.04.

All correspondence relating to this inter partes reexamination proceeding should be directed:

By Mail to:	Mail Stop *Inter Partes* Reexam Attn: Central Reexamination Unit Commissioner of Patents United States Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450
By FAX to:	(571) 273-9900 Central Reexamination Unit
By hand:	Customer Service Window Randolph Building 401 Dulany St. Alexandria, VA 22314

By EFS-Web:

Registered users of EFS-Web may alternatively submit such correspondence via the electronic filing system EFS-Web, at

https://efs.uspto.gov/efile/myportal/efs-registered

EFS-Web offers the benefit of quick submission to the particular area of the Office that needs to act on the correspondence. Also, EFS-Web submissions are "soft scanned" (i.e., electronically uploaded) directly into the official file for the reexamination proceeding, which offers parties the opportunity to review the content of their submissions after the "soft scanning" process is complete.

Any inquiry concerning this communication or earlier communications from the examiner, or as to the status of this proceeding, should be directed to the Central Reexamination Unit at telephone number (571) 272-7705.

Signed:
/Roland G. Foster/
Roland G. Foster
Central Reexamination Unit, Primary Examiner
Electrical Art Unit 3992
(571) 272-7538

Conferee: /Joseph R. Pokrzywa/
Primary Examiner, CRU 3992

Conferee:
/ALEXANDER KOSOWSKI/
Supervisory Patent Examiner, Art Unit 3992

Reexamination	Application/Control No.	Applicant(s)/Patent Under Reexamination
	95001851	7418504
	Certificate Date	Certificate Number

Requester Correspondence Address:	☐ Patent Owner	☒ Third Party

David L. McCombs
HAYNES AND BOONE, LLP, IP SECTION
2323 Victory Avenue, Suite 700
Dallas, TX 75219

LITIGATION REVIEW ☒	r.g.f. (examiner initials)	01/04/2015 (date)
Case Name		Director Initials
VirnetX v. Cisco et al., 610cv417, pending.		
VirnetX v. Mitel et al., 611cv18, closed.		
VirnetX v. SAI, 6:12cv855, pending.		
VirnetX v SAI, 6:13cv211, pending..		
VirnetX v. SAI, 6:13cv351, closed.		
VirnetX v. Apple, 6:13mc37, open.		
VirnetX v. Apple, 9:13mc80769, closed.		
Apple v. VirnetX, IPR2015-00188, pending.		
Apple v. VirnetX, IPR2015-00189, pending.		
Microsoft v. VirnetX, IPR2014-00612, pending.		

Reexamination	Application/Control No.	Applicant(s)/Patent Under Reexamination
	95001851	7418504
	Certificate Date	Certificate Number

LITIGATION REVIEW ☒	r.g.f. (examiner initials)	01/04/2015 (date)
Case Name		Director Initials
Microsoft v. VirnetX, IPR2014-00614, pending.		
Microsoft v. VirnetX, IPR2014-00613, pending.		
RPX v. VirnetX, IPR2014-00176, not instituted.		
RPX v. VirnetX, IPR2014-00177, not instituted.		
Apple v. VirnetX, IPR2013-00393, not instituted.		
Apple v. VirnetX, IPR2013-00394, not instituted.		

COPENDING OFFICE PROCEEDINGS	
TYPE OF PROCEEDING	NUMBER
1. Inter Partes Reexamination	95001788

IDS Form PTO/SB/08: Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 59

Complete if Known	
Control Number	95/001,851
Filing Date	December 13, 2011
First Named Inventor	Victor Larson
Art Unit	3992
Examiner Name	Roland G Foster
Attorney Docket Number	11798.0007

U.S. PATENTS

Tab No.	Examiner Initials	Cite No.	Document Number Number-Kind Code *(if known)*	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		A163	4,677,434	06-30-1978	Fascenda	
		A164	4,405,829	09-20-1983	Rivest	
		A165	4,912,762	03-27-1990	Lee et al.	
		A166	5,007,051	04-09-1991	Dolkas et al.	
		A167	5,070,528	12-03-1991	Hawe et al.	
		A168	5,345,439	09-06-1994	Marston	
		A169	5,412,730	05-02-1995	Jones	
		A170	5,416,842	05-16-1995	Aziz	
		A171	5,420,926	05-30-1995	Low et al.	
		A172	5,444,782	08-22-1995	Adams, Jr. et al.	
		A173	5,455,861	10-03-1995	Faucher et al.	
		A174	5,530,758	06-25-1996	Marino, Jr. et al.	
		A175	5,623,601	04-22-1997	Vu	
		A176	5,636,139	06-03-1997	McLaughlin et al.	
		A177	5,689,566	11-18-1997	Nguyen	
		A178	5,781,550	07-14-1998	Templin et al.	
		A179	5,805,820	09-08-1998	Bellovin et al.	
		A180	5,812,670	09-22-1998	Micali	
		A181	5,884,038	03-16-1999	Kapoor	
		A182	5,884,270	03-16-1999	Walker et al.	
		A183	5,889,863	03-30-1999	Weber	
		A184	5,915,087	06-22-1999	Hammond et al.	
		A185	5,940,393	08-17-1999	Duree et al.	
		A186	5,961,593	10-05-1999	Gabber et al.	
		A187	5,974,454	10-26-1999	Apfel et al.	
		A188	6,003,084	12-14-1999	Green et al.	
		A189	6,011,579	01-04-2000	Newlin	
		A190	6,016,504	01-18-2000	Arnold et al.	
		A191	6,023,510	02-08-2000	Epstein	
		A192	6,032,118	02-29-2000	Tello et al.	
		A193	6,055,236	04-25-2000	Nessett et al.	

Examiner Signature	/Roland Foster/	Date Considered	01/04/2015

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

 ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /R.F./

IDS Form PTO/SB/08: Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 2 of 59

Complete if Known	
Control Number	95/001,851
Filing Date	December 13, 2011
First Named Inventor	Victor Larson
Art Unit	3992
Examiner Name	Roland G Foster
Attorney Docket Number	11798.0007

U.S. PATENTS

Tab No.	Examiner Initials	Cite No.	Document Number Number-Kind Code *(if known)*	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		A194	6,055,518	04-25-2000	Franklin et al.	
		A195	6,055,575	04-25-2000	Paulsen et al.	
		A196	6,058,250	05-02-2000	Harwood et al.	
		A197	6,065,049	05-16-2000	Beser et al.	
		A198	6,012,088	06-04-2000	Li et al.	
		A199	6,073,175	06-06-2000	Tavs et al.	
		A200	6,111,883	08-29-2000	Terada et al.	
		A201	6,148,342	11-14-2000	Ho	
		A202	6,151,628	11-21-2000	Xu et al.	
		A203	6,154,839	11-28-2000	Arrow et al.	
		A204	6,182,227	01-30-2001	Blair et al.	
		A205	6,182,072	01-30-2001	Leak et al.	
		A206	6,182,141	01-30-2001	Blum et al.	
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Examiner Name	Roland G Foster
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Tab No.	Examiner Initials	Cite No.	Document Number Number-Kind Code *(if known)*	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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First Named Inventor	Victor Larson
Art Unit	3992
Examiner Name	Roland G Foster
Attorney Docket Number	11798.0007

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	D1416	Request for Inter Partes Reexamination of Patent Number 7,490,151 filed on July 25, 2011, Requester Apple Inc. – Exhibit E3: Declaration of James Chester, 13 pages (2011)	
	D1417	Request for Inter Partes Reexamination of Patent Number 7,490,151 filed on July 25, 2011, Requester Apple Inc. – Exhibit A: Curriculum Vitae of James Chester, 4 pages	
	D1418	Request for Inter Partes Reexamination of Patent Number 7,490,151 filed on July 25, 2011, Requester Apple Inc. – Exhibit E1: Declaration of Chris Hopen, 5 pages	
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	D1459	IPR2013-00349 Inter Partes Review of Patent Number 6,502,135 filed on June 12, 2013, Petitioner Apple Inc., – Exhibit 1005: Declaration of Chris Hopen Regarding Prior Art and U.S. Patent Number 6,502,135, 25 pages (2013)	
	D1460	IPR2013-00349 Inter Partes Review of Patent Number 6,502,135 filed on June 12, 2013, Petitioner Apple Inc., – Exhibit 1006: Declaration of James Chester, 26 pages (2013)	
	D1461	IPR2013-00354; Inter Partes Review of Patent Number 7,490,151 filed on June 17, 2013, Petitioner Apple Inc., – Petition for Inter Partes Review, 73 pages	
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	D1464	IPR2013-00354; Inter Partes Review of Patent Number 7,490,151 filed on June 14, 2013, Petitioner Apple Inc., – Exhibit 1006: Declaration of James Chester, 26 pages (2013)	
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	D1473	IPR2013-00375; Inter Partes Review of Patent Number 6,502,135 filed on June 23, 2013, Petitioner New Bay Capital, LLC., – Exhibit 1014: Trial Transcript (Morning Session) of November 1, 2012, 146 pages	
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	D1487	IPR2013-00393; Inter Partes Review of Patent Number 7,418,504 filed on July 1, 2013, Petitioner Apple Inc., – VirnetX Exhibit 2015: ITU-T Recommendation X.500, "Series Data Networks," 32 pages (2008)	
	D1488	IPR2013-00394; Inter Partes Review of Patent Number 7,418,504 filed on July 1, 2013, Petitioner Apple Inc., – Petition for Inter Partes Review of US Patent No 7,418,504, 73 pages	
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	D1490	IPR2013-00394; Inter Partes Review of Patent Number 7,418,504 filed on July 1, 2013, Petitioner Apple Inc., - Exhibit 1005: Hopen Declaration, 25 pages (2013)	
	D1491	IPR2013-00394; Inter Partes Review of Patent Number 7,418,504 filed on July 1, 2013, Petitioner Apple Inc., - Exhibit 1006: Chester Declaration, 26 pages (2013)	
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	D1497	IPR2013-00398; Inter Partes Review of Patent Number 7,921,211 filed on July 1, 2013, Petitioner Apple Inc., Exhibit 1003: Declaration of Michael Fratto regarding Patent Number 7,921,211, 204 pages (2013)	
	D1498	IPR2013-00398; Inter Partes Review of Patent Number 7,921,211 filed on July 1, 2013, Petitioner Apple Inc., Exhibit 1005: Declaration of Chris Hopen, 25 pages (2013)	
	D1499	IPR2013-00398; Inter Partes Review of Patent Number 7,921,211 filed on July 1, 2013, Petitioner Apple Inc., Exhibit 1006: Declaration of James Chester, 26 pages (2013)	
	D1500	IPR2014-00176; Inter Partes Review of Patent Number 7,418,504 filed on November 20, 2013, Petitioner RPX Corporation; Petition for Inter Partes Review, 60 pages	
	D1501	IPR2014-00176; Inter Partes Review of Patent Number 7,418,504 filed on November 20, 2013, Petitioner RPX Corporation; Exhibit 1003; Declaration of Michael Fratto Regarding U.S. Patent Number 7,418,504, 242 pages (2013)	
	D1502	IPR2014-00176; Inter Partes Review of Patent Number 7,418,504 filed on November 20, 2013, Petitioner RPX Corporation; Exhibit 1005; Declaration of Christ Hopen, 25 pages (2013)	
	D1503	IPR2014-00176; Inter Partes Review of Patent Number 7,418,504 filed on November 20, 2013, Petitioner RPX Corporation; Exhibit 1006; Declaration of James Chester, 26 pages (2013)	
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	D1508	IPR2014-00172; Inter Partes Review of Patent Number 6,502,135 filed on November 20, 2013, Petitioner RPX Corporation; Petition for Inter Partes Review, 67 pages	
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	D1511	IPR2014-00172; Inter Partes Review of Patent Number 6,502,135 filed on November 20, 2013, Petitioner RPX Corporation; Exhibit 1006: Declaration of James Chester, 26 pages (2013)	
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	D1516	IPR2014-00173; Inter Partes Review of Patent Number 7,490,151 filed on November 20, 2013, Petitioner RPX Corporation; Petition for Inter Partes Review, 72 pages	

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	D1517	IPR2014-00173; Inter Partes Review of Patent Number 7,490,151 filed on November 20, 2013, Petitioner RPX Corporation; Exhibit 1003:Declaration of Michael Fratto Regarding U.S. Patent Number 6,502,135, 352 pages (2013)	
	D1518	IPR2014-00173; Inter Partes Review of Patent Number 7,490,151 filed on November 20, 2013, Petitioner RPX Corporation; Exhibit 1005: Declaration of Chris Hopen Regarding Prior Art and U.S. Patent Number 7,490,151, 23 pages (2013)	
	D1519	IPR2014-00173; Inter Partes Review of Patent Number 7,490,151 filed on November 20, 2013, Petitioner RPX Corporation; Exhibit 1006: Declaration of James Chester, 26 pages (2013)	
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	D1521	IPR2014-00175; Inter Partes Review of Patent Number 7,921,211 filed on November 20, 2013, Petitioner RPX Corporation; Exhibit 1003:Declaration of Michael Fratto Regarding U.S. Patent Number 6,502,135, 209 pages (2013)	
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	D1523	IPR2014-00175; Inter Partes Review of Patent Number 7,921,211 filed on November 20, 2013, Petitioner RPX Corporation; Exhibit 1006: Declaration of James Chester, 26 pages (2013)	
	D1524	IPR2014-00177; Inter Partes Review of Patent Number 7,418,504 filed on November 20, 2013, Petitioner RPX Corporation; Petition for Inter Partes Review, 63 pages	
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	D1527	IPR2014-00177; Inter Partes Review of Patent Number 7,418,504 filed on November 20, 2013, Apple Inc.; Exhibit 1006: Declaration of James Chester, 26 pages (2013)	
	D1528	IPR2014-00237; Inter Partes Review of Patent Number 8,504,697 filed on November 20, 2013, Apple Inc.; Petition for Inter Partes Review, 72 pages	
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	D1533	IPR2014-00237; Inter Partes Review of Patent Number 8,504,697 filed on November 20, 2013, Apple Inc; Exhibit 1066: WAP Architecture Version 30, 20 pages (1998)	
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	D1539	IPR2014-00237; Inter Partes Review of Patent Number 8,504,697 filed on November 20, 2013, Apple Inc; Exhibit 1072: Microsoft Press, Microsoft Computer Dictionary Fourth Edition, 9 pages (1999)	
	D1540	IPR2014-00237; Inter Partes Review of Patent Number 8,504,697 filed on November 20, 2013, Apple Inc; Exhibit 1075: IBM Session Initiation Protocol, 4 pages (2013)	
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	D1543	IPR2014-00238; Inter Partes Review of Patent Number 8,504,697 filed on November 20, 2013, Apple Inc; Exhibit 1003: Declaration of Michael Fratto Regarding U.S. Patent Number 8,504,697, 240 pages (2013)	
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	D1545	IPR2014-00238; Inter Partes Review of Patent Number 8,504,697 filed on November 20, 2013, Apple Inc; Exhibit 1006: Declaration of James Chester, 26 pages (2013)	
	D1546	IPR2014-00401; Inter Partes Review of Patent Number 7,188,180 filed on February 4, 2014, Petitioner Microsoft Corporation., – Petition for Inter Partes Review, 62 pages	
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	D1551	IPR2014-00403; Inter Partes Review of Patent Number 7,987,274 filed on February 4, 2014, Petitioner Microsoft Corporation., – Petition for Inter Partes Review, 58 pages	
	D1552	IPR2014-00403; Inter Partes Review of Patent Number 7,987,274 filed on February 4, 2014, Petitioner Microsoft Corporation., - Exhibit 1002: Excerpts from the Prosecution History of USP 7,987,274 filed 5/21/2013.	
	D1553	IPR2014-00404; Inter Partes Review of Patent Number 7,987,274 filed on February 4, 2014, Petitioner Microsoft Corporation., – Petition for Inter Partes Review, 58 pages	
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	D1557	IPR2014-00405; Inter Partes Review of Patent Number 7,987,274 filed on February 4, 2014, Petitioner Microsoft Corporation., - Exhibit 1013: Order of Dismissal dated 5/25/2010	
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	D1559	VirnetX v. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013, 43 pages	
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	D1564	VirnetX v. Microsoft, Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 59: BorderManager vs. Claims of the '151 Patent, 18 pages	
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	D1571	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 103: NetMeeting vs. Claims of the '180 Patent, 35 pages	
	D1572	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 104: NetMeeting vs. Claims of the '211 Patent, 47 pages	
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	D1574	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 106: NetMeeting vs. Claims of the '504 Patent, 48 pages	
	D1575	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 107: EverLink vs. Claims of the '151 Patent, 39 pages	
	D1576	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 108: Special Anthology vs. Claims of the '135 Patent, 4 pages	
	D1577	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 109: Gauntlet for IRIX vs. Claims of the '135 Patent, 62 pages	
	D1578	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 110: Gauntlet for IRIX vs. Claims of the '211 Patent, 111 pages	

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Complete if Known	
Control Number	95/001,851
Filing Date	December 13, 2011
First Named Inventor	Victor Larson
Art Unit	3992
Examiner Name	Roland G Foster
Attorney Docket Number	11798.0007

NON-PATENT LITERATURE DOCUMENTS

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	D1579	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 111: Gauntlet for IRIX vs. Claims of the '504 Patent, 119 pages	
	D1580	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 112: Gauntlet System vs. Claims of the '135 Patent, 24 pages	
	D1581	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 113: Gauntlet System vs. Claims of the '151 Patent, 23 pages	
	D1582	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 108: Gauntlet System vs. Claims of the '180 Patent, 36 pages	
	D1583	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 115: Gauntlet System vs. Claims of the '211 Patent, 67 pages	
	D1584	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 116: Gauntlet Systems vs. Claims of the '504 Patent, 69 pages	
	D1585	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 117: Gauntlet Systems vs. Claims of the '274 Patent, 16 pages	
	D1586	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 123: IntraPort System vs. Claims of the '274 Patent, 24 pages	
	D1587	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 129: Overview vs. Claims of the '274 Patent, 12 pages	
	D1588	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 135: Schulzrinne vs. Claims of the '274 Patent, 14 pages	
	D1589	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 141: Solana vs. Claims of the '274 Patent, 17 pages	
	D1590	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 147: Atkinson vs. Claims of the '274 Patent, 15 pages	
	D1591	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 153: Marino vs. Claims of the '274 Patent, 11 pages	
	D1592	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 159: Valencia (213) vs. Claims of the '274 Patent, 13 pages	
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	D1600	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 213: Cisco's Prior Art PIX System vs. Claims of the '151 Patent, 37 pages	
	D1601	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 214: Cisco's Prior Art PIX System vs. Claims of the '211 Patent, 104 pages	

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	D1602	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 244: Understanding OSF DCE 1.1 for AIX and OS/2 (APP_VX0556531-804) vs. Claims of the '274 Patent, 26 pages	
	D1603	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 228: Abadi vs. Claims of the '135 Patent, 12 pages	
	D1604	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 229: Abadi vs. Claims of the '180 Patent, 16 pages	
	D1605	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 230: Abadi vs. Claims of the '151 Patent, 10 pages	
	D1606	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 231: Abadi vs. Claims of the '274 Patent, 11 pages	
	D1607	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 237: Kiuchi vs. Claims of the '274 Patent, 30 pages	
	D1608	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 243: Aziz vs. Claims of the '274 Patent, 37 pages	
	D1609	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 248: RFC 2543 vs. Claims of the '180 Patent, 48 pages	
	D1610	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 249: RFC 2543 vs. Claims of the '274 Patent, 28 pages	
	D1611	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 252: Wesinger vs. Claims of the '180 Patent, 42 pages	
	D1612	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 253: Wesinger vs. Claims of the '274 Patent, 23 pages	
	D1613	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 257: Provino vs. Claims of the '180 Patent, 17 pages	
	D1614	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 258: U.S. Patent Number 6,557,037 vs. Claims of the '504 Patent, 17 pages	
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	D1616	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 261: Provino vs. Claims of the '274 Patent, 15 pages	
	D1617	VirnetX vs. Microsoft; Defendant's Preliminary Invalidity Contentions dated 11/14/2013; Exhibit 262: NT4 System vs. Claims of the '135 Patent, 22 pages	
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	D1719	Microsoft Claim Chart of U.S. Patent 6,502,135; vs. RFC 2230 (November 1997) U.S. Patent No. 5,511,122 (April 23, 1996)	
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	D1721	Microsoft Claim Chart of U.S. Patent 6,502,135; vs. CIS/DCOM as described in: Microsoft Corp., Cariplo: Distributed Component Object Model, references (1996-1999)	
	D1722	Microsoft Claim Chart of U.S. Patent 6,502,135; vs. Bhattacharya et al., "An LDAP Schema for Configuration and Administration of IPSec Based Virtual Private Networks (VPNs)", IETF Internet Draft (October 1999) ("LDAP Schema for IPSec based VPNs publication")	
	D1723	Microsoft Claim Chart of U.S. Patent 6,502,135; vs. Onion Routing references (1996, 1997, 1999	
	D1724	Microsoft Claim Chart of U.S. Patent 6,502,135; vs. Aventail references (1997-1999)	
	D1725	Microsoft Claim Chart of U.S. Patent No. 6,502,135; vs. C. Huitema et al., "Simple Gateway Control Protocol," Version 1.0 (May 5, 1998) ("SGCP")	
	D1726	Microsoft Claim Chart of U.S. Patent No. 6,502,135; vs. Microsoft VPN Technology references (1997-1999)	
	D1727	Microsoft Claim Chart of U.S. Patent No. 6,502,135; vs. Dynamic VPN ("DVPN") references (1997-2001)	
	D1728	Microsoft Claim Chart of U.S. Patent No. 6,502,135; vs. R.G. Moskowitz, "Network Address Translation Issues with IPsec," Internet Draft, Internet Engineering Task Force, February 6, 1998 ("Moskowitz")	
	D1729	Microsoft Claim Chart of U.S. Patent No. 6,502,135; vs. F-Secure VPN and F-Secure VPN references (1996, 1998, 1999)	
	D1730	Microsoft Claim Chart of U.S. Patent No. 6,502,135; vs. Atkinson et al., "Security Architecture for the Internet Protocol," Network Working Group, RFC 2401 (November 1998) ("RFC 2401")	
	D1731	Microsoft Claim Chart of U.S. Patent No. 6,502,135; vs. RFC 2543 and Internet Drafts (1999)	

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Control Number	95/001,851
Filing Date	December 13, 2011
First Named Inventor	Victor Larson
Art Unit	3992
Examiner Name	Roland G Foster
Attorney Docket Number	11798.0007

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	D1732	Microsoft Claim Chart of U.S. Patent No. 6,502,135; vs. AltaVista Tunnel and/or the AltaVista Firewall references (1997, 1998)	
	D1733	Microsoft Claim Chart of U.S. Patent No. 6,502,135; vs. Henning Schulzrinne, Personal Mobility for Multimedia Services in the Internet, Proceedings of the European Workshop on Interactive Distributed Multimedia Systems and Services (1996) ("Schulzrinne 96")	
	D1734	Microsoft Claim Chart of U.S. Patent No. 6,502,135; vs. Schulzrinne U.S. Pat. No. 6,937,597 (August 30, 2005)	
	D1735	Microsoft Claim Chart of U.S. Patent No. 6,502,135; vs. J.M. Galvin, "Public Key Distribution with Secure DNS," Proceedings of the Sixth USENIX UNIX Security Symposium, San Jose, California (July 1996) ("Galvin")	
	D1736	Microsoft Claim Chart of U.S. Patent No. 6,502, 135; vs. Naganand Doraswamy, Implementation of Virtual Private Network (VPNs) with IP Secrity [sic] <draft-ietf-ipsec-vpn-00.txt> (March 12, 1997) ("Doraswamy")	
	D1737	Microsoft Claim Chart of U.S. Patent No. 6,502,135; vs. FreeS/WAN references (1996)	
	D1738	Microsoft Claim Chart of U.S. Patent No. 6,502,135; vs. H. Orman et al., Re: 'Re: DNS? Was Re: Key Management, Anyone?, IETF IPSec Working Group Mailing List Archive (8/96 - 9/96) ("Orman DNS"); J. Gilmore et al., Re: Key Management, anyone? (DNS keying) IETF IPSec Working Group Mailing List Archive (8/96 - 9/96)	
	D1739	Microsoft Claim Chart of U.S. Patent No. 6,502,135; vs. the Automotive Network exchange ("ANX) references (1997, 1999)	
	D1740	Microsoft Claim Chart of U.S. Patent No. 6,502,135; vs. The Defense Information Systems Agency, Secret Internet Protocol router Network (SIPRNET)[1] references (1998, 2000)	
	D1741	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. U.S. Patent Application No. 09/399,753 ("the Miller Application") as published in U.S. Pub. No. 2005/0055306 (Priority Date: 09/22/98)	
	D1742	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. R. Atkinson, "An Internetwork Authentication Architecture," Naval Research Laboratory, Center for High Assurance Computing Systems (8/5/93) ("Atkinson NRL")	
	D1743	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Donald Eastlake, Domain Name System Security Extensions, IETF DNS Security Working Group (December 1998), available at http://www.watersprings.org/pub/id/draft-ietf-dnssec-secext2-07.txt ("DNSSEC-7")	
	D1744	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Goldschlag et al., "Privacy on the Internet," Naval Research Laboratory, Center for High Assurance Computer Systems (1997) ("Goldschlag I")	
	D1745	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Goldschlag et al., "Hiding Routing Information," Workshop on Information Hiding, Cambridge, UK (May 1996) ("Goldschlag II")	
	D1746	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Goldschlag et al., "Onion Routing for Anonymous and Private Internet Connection," Naval Research Laboratory, Center for High Assurance Computer Systems (January 28, 1999) ("Goldschlag III)	
	D1747	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. M.G. Reed, et al., "Proxies for Anonymous Routing," 12th Annual Computer Security Applications Conference, San Diego, CA Dec. 9-13, 1996 ("Reed")	

[1] SIPRNET is a U.S. Government Internet Protocol network for the transport of information classified as SECRET. SIPRNET was built starting in 1995, and contains domain names bearing the ".smil" designation. Microsoft has subpoenaed information from the Department of Defense and others relationg to SIPRNET, and reserves the right to amend its contentions to take any additional information about SIPRNET that it receives into account.

Examiner Signature	/Roland Foster/	Date Considered	01/04/2015

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	D1748	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. D. MacDonald et al., "PF_KEY Key Management API, Version 2," Network Working Group, RFC 2367 (July 1998) ("RFC 2367")	
	D1749	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Onion Routing, "Investigation of Route Selection Algorithms," available at http://www.onion-router.net/Archives/Route/index.html ("Route Selection")	
	D1750	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Scott et al., Virtual Private Networks, O'Reilly and Associates, Inc., 2nd ed. (Jan. 1999) ("Scott VPNs")	
	D1751	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Syverson et al., "Private Web Browsing," Naval Research Laboratory, Center for High Assurance Computer Systems (June 2, 1997) ("Syverson")	
	D1752	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. SafeNet VPN Products ("SafeNet VPN Products,") (1999-2000)	
	D1753	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. "Building a Microsoft VPN: A Comprehensive Collection of Microsoft Resources," FirstVPN, (Jan 2000) ("First VPN Building a Microsoft VPN publication")	
	D1754	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Publicly Available DNS-Related Correspondence dated September 7, 1993 to September 20, 1993 ("DNS-related Correspondence")	
	D1755	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. DNS SRV references (1996, 1998, 1999, 2000)	
	D1756	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. U.S. Pat. No. 5,898,830 ("Wesinger '830 Patent")	
	D1757	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Global VPN references (1999)	
	D1758	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Kaufman et al., Implementing IPsec: Making Security Work on VPNs, Intranets, and Extranets, (Copyright 1999) ("Implementing IPsec")	
	D1759	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. PGP Security, Finding Your Way Through the VPN Maze (1999) ("PGP")	
	D1760	Microsoft Claim Chart of U.S. Patent No. 6,839,759); vs. Safe Surfing: How to Build a Secure World Wide Web Connection, IBM Int'l Technical Support Organization (March 1996) ("Safe Surfing")	
	D1761	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. U.S. Provisional Patent Application No. 60/134,547 (filed May 17,1999) ("Sheymov")	
	D1762	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Data Fellows F-Secure VPN ("F-Secure VPN+ Publication")	
	D1763	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. U.S. Pat. No. 5,950,195 ("Stockwell '195 Patent'")	
	D1764	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. B. Patel et al., "DHCP Configuration of IPSEC Tunnel Mode, "IPSEC Working Group, Internet Draft 02 (10/15/1999) ("Patel")	
	D1765	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. SSL VPNs ("SSL VPNs") references (1996-1997)	
	D1766	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Gauntlet Firewall ("Gauntlet FW") references (19995, 1996, 1999)	
	D1767	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Caronni et al., U.S. Patent No. 5,822,434 October 13, 1998 (filed June 18, 1996) ("'434 patent)	
	D1768	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. U.S. Pat. No. 5,311,593 ("'593 patent")	
	D1769	Microsoft Claim Chart of U.S. Patent No. 6,839,759; RFC 2230 (November 1997) U.S. Pat. No. 5,511,122 (April 23, 1996)	

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	D1770	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Check Point FW as described in: Goncalves et al., Check Point FireWall-1 Administration Guide, McGraw-Hill Companies (2000) available at http://www.books24x7.com/book/id_762/viewer_r.asp?bookid=762&chunkid=410651062 (Goncalves, Check Point FW); Check Point Software Technologies Ltd. (1999) (Checkpoint FW)	
	D1771	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. CIS/DCOM references (1996, 1997, 1998, 1999)	
	D1772	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Bhattacharya et al., "An LDAP Schema for Configuration and Administration of IPSec Based Virtual Private Networks (VPNs)", IETF Internet Draft (October 1999) ("LDAP Schema for IPSec based VPNs publication")	
	D1773	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Onion Routing references (1996, 1997, 1999)	
	D1774	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Aventail references (1996, 1997, 1999)	
	D1775	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. C. Huitema et al., "Simple Gateway Control Protocol," Version 1.0 (May 5, 1998) ("SGCP")	
	D1776	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Microsoft VPN Technology references (1997-1999)	
	D1777	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Dynamic VPN ("DVPN") references (1997-2001)	
	D1778	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. R.G. Moskowitz, "Network Address Translation Issues with IPsec," Internet Draft, Internet Engineering Task Force, February 6, 1998 ("Moskowitz")	
	D1779	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Ted Harwood, Windows NT Terminal Server and Citrix MetaFrame (New Riders 1999) ("Windows NT Harwood")	
	D1780	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Todd W. Mathers and Shawn P. Genoway, Windows NT Thin Client Solutions: Implementing Terminal Server and Citrix MetaFrame (Macmillan Technical Publishing 1999) ("Windows NT Mathers")	
	D1781	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. F-Secure VPN and F-Secure VPN+ references (1996-1999)	
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	D1783	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Atkinson et al., "Security Architecture for the Internet Protocol," Network Working Group, RFC 2401 (November 1998) ("RFC 2401")	
	D1784	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. U.S. Pat. No. 6,079,020 ("VPNet '020 Patent")	
	D1785	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. U.S. Pat. No. 6,173,399 ("VPNet '399 Patent")	
	D1786	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. U.S. Pat. No. 6,226,748 ("VPNet '748 Patent")	
	D1787	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. U.S. Pat. No. 6,226,751 ("VPNet '751 Patent")	
	D1788	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Aboba et al., "Securing L2TP using IPSEC," PPPEXT Working Group, Internet Draft (February 2, 1999) ("L2TP/IPSEC")	
	D1789	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. AltaVista Tunnel and/or the AltaVista Firewall references (1997, 1998)	
	D1790	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Henning Schulzrinne, Personal Mobility for Multimedia Services in the Internet, Proceedings of the European Workshop on Interactive Distributed Multimedia Systems and Services (1996) ("Schulzrinne 96")	

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				First Named Inventor	Victor Larson
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Sheet	32	of	59	Attorney Docket Number	11798.0007

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	D1791	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. U.S. Pat. No. 6,701,437 ("VPNet '437 Patent")	
	D1792	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. WatchGuard references (2000)	
	D1793	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. J.M. Galvin, "Public Key Distribution with Secure DNS," Proceedings of the Sixth USENIX UNIX Security Symposium, San Jose, California (July 1996) ("Galvin")	
	D1794	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. Naganand Doraswamy, Implementation of Virtual Private Network (VPNs) with IP Secrity [sic.] <draft-ietf-ipsec-vpn-00.txt> (March 12, 1997) ("Doraswamy")	
	D1795	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. FreeS/WAN references (1996)	
	D1796	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. H. Orman et al., Re: 'Re: DNS? Was Re: Key Management, anyone?, IETF IPSec Working Group Mailing List Archive (8/96 – 9/96) ("Orman DNS"); J. Gilmore et al., Re: Key Management, anyone? (DNS keying) IETF IPSec Working Group Mailing List Archive (8/96 – 9/96)	
	D1797	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. The Defense Information Systems Agency, Secret Internet Protocol Router Network (SIPRNET) references (1998, 2000)	
	D1798	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. Donald Eastlake, Domain Name System Security Extensions, IETF DNS Security Working Group (December 1998), available at http://www.watersprings.org/pub/id/draft-ietf-dnssec-secext2-07/txt ("DNSSEC-7")	
	D1799	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. Goldschlag et al., "Privacy on the Internet," Naval Research Laboratory, Center for High Assurance Computer Systems (1997) ("Goldschlag I")	
	D1800	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. Goldschlag et al., "Hiding Routing Information," Workshop on Information Hiding, Cambridge, UK (May 1996) ("Goldschlag II")	
	D1801	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. Goldschlag et al., "Onion Routing for Anonymous and Private Internet Connection," Naval Research Laboratory, Center for High Assurance Computer Systems (January 28, 1999) ("Goldschlag III")	
	D1802	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. M.G. Reed, et al. "Proxies for Anonymous Routing," 12th Annual Computer Security Applications Conference, San Diego, CA Dec. 9-13, 1996 ("Reed")	
	D1803	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. D. McDonald et al., "PF_KEY Key Management API, Version 2," Network Working Group, RFC 2367 (July 1998) ("RFC 2367")	
	D1804	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. Onion Routing, "Investigation of Route Selection Algorithms," available at http://www.onion-router.net/Archives/Route/index.html ("Route Selection")	
	D1805	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. Scott et al., Virtual Private Networks, O'Reilly and Associates, Inc., 2nd ed. (Jan. 1999) ("Scott VPNs")	
	D1806	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. Syverson et al., "Private Web Browsing," Naval Research Laboratory, Center of High Assurance Computer Systems (June 2, 1997) ("Syverson")	
	D1807	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. "IPSec Minutes from Montreal," IPSEC Working Group Meeting Notes, http://sandleman.ca/ipsec/1996/08/msg00018.html (June 1996)	
	D1808	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. "Building a Microsoft VPN: A Comprehensive Collection of Microsoft Resources," FirstVPN, (Jan 2000) ("First VPN Building a Microsoft VPN publication")	
	D1809	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. DNS SRV references (1996, 1998, 1999, 2000)	

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	D1810	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. U.S. Pat. No. 5,898,830 ("Wesigner '830 Patent")	
	D1811	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. Kaufman et al., Implementing IPsec: Making Security Work on VPNS, Intranets, and Extranets (Copyright 1999) ("Implementing IPsec")	
	D1812	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. Safe Surfing: How to Build a Secure World Wide Web Connection, IBM Int'l Technical Support Organization (March 1996) ("Safe Surfing")	
	D1813	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. U.S. Provisional Patent Application No. 60/134,547 (filed May 17, 1999) ("Sheymov")	
	D1814	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. Data Fellows F-Secure VPN ("F-Secure VPN+ Publication)	
	D1815	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. U.S. Pat. No. 5,950,195 ("Stockwell '195 Patent")	
	D1816	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. B. Patel et al., "DHCP Configuration of IPSEC Tunnel Mode," IPSEC Working Group, Internet Draft 02 (10/15/1999) ("Patel")	
	D1817	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. SSL VPNs ("SSL VPNs") references (1996, 1999)	
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	D1820	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. Caronni et al., U.S. Patent No. 5,822,434 October 13, 1998 (filed June 18, 1996) ("'434 patent")	
	D1821	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. U.S. Pat. No. 6,005,574 ("'574 patent")	
	D1822	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. RFC 2230 (November 1997) ("KX Records"); U.S. Pat. No. 5,511,122 (April 23, 1996)	
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	D1824	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. Battacharya et al., "An LDAP Schema for Configuration and Administration of IPSec Based Virtual Private Networks (VPNs)", IETF Internet Draft (October 1999) ("LDAP Schema for IPSec based VPNs publication")	
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	D1828	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. R.G. Moskowitz, "Network Address Translation Issues with IPsec," Internet Draft, Internet Engineering Task Force, February 6, 1998 ("Moskowitz")	
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	D1830	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. AltaVista Tunnel and/or the AltaVista Firewall references (1997); Birrell et al., U.S. Pat. No. 5,805,803, Sep. 8, 1998 (filed May 13, 1997)	
	D1831	Microsoft Claim Chart of U.S. Patent No. 7,188,180; vs. Henning Schulzrinne, Personal Mobility for Multimedia Services in the Internet, Proceedings of the European Workshop on Interactive Distributed Multimedia Systems and Services (1996) ("Schulzrinne 96")	

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NON-PATENT LITERATURE DOCUMENTS			
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Complete if Known	
Control Number	95/001,851
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First Named Inventor	Victor Larson
Art Unit	3992
Examiner Name	Roland G Foster
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NON-PATENT LITERATURE DOCUMENTS

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First Named Inventor	Victor Larson
Art Unit	3992
Examiner Name	Roland G Foster
Attorney Docket Number	11798.0007

NON-PATENT LITERATURE DOCUMENTS

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Filing Date	December 13, 2011
First Named Inventor	Victor Larson
Art Unit	3992
Examiner Name	Roland G Foster
Attorney Docket Number	11798.0007

NON-PATENT LITERATURE DOCUMENTS

EXAMINER INITIALS	CITE NO.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	TRANSLATION
	D2332	Aziz et al., "Simple Key-Management for Internet Protocols," IPSEC Working Group, Internet Draft (1996)	
	D2333	Karn et al., "Photuris: Session-Key Management Protocol," Network Working Group, Internet Draft (1997)	
	D2334	Microsoft Claim Chart of U.S. Patent No. 6,839,759; vs. the Automative Network eXchange ("ANX) references (1997, 1999)	
	D2335	Akamatsu et al., "Construction of Infrastructure for Global R&D," Omron Technics, 38(3) Consecutive No. 127 (1998)	
	D2336	Zimmerer et al., "MIME Media Types for ISUP and QSIG Objects," Network Working Group, Request for Comments: 3204 (2001)	
	D2337	Karn et al, "Photuris: Extended Schemes and Attributes," Network Working Group, Request for Comments: 2523 (1999)	
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	D2342	Mockapetris, "Domain Names – Implementation and Specification," Network Working Group, Request for Comments: 883 (1983)	
	D2343	Handley, "Session Invitation Protocol," Internet Engineering Task Force, Internet Draft (1996)	
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	D2346	Agreement dated June 8, 1999 between Microsoft and Limelight Regarding Event Rental Charge.	
	D2347	Microsoft Netmeeting Conferencing Software, San Diego State University, Case Study Library (1999)	
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	D2349	Compatible Systems Corporation; CompatiView 4 Reference Guide 1995-1997	
	D2350	Remote Access VPN User Authentication Model – VPN/VLAN Textbook, September 11, 1999." (English Abstract not Available)	
	D2351	Cisco PIX Firewall Series 1992-1999	
	D2352	IPR2014-00481; Inter Partes Review of Patent Number 7,188,180 filed on March 7, 2014, Petitioner Apple Inc., – Petition for Inter Partes Review, 65 pages	
	D2353	IPR2014-00481; Inter Partes Review of Patent Number 7,188,180 filed on March 7, 2014, Petitioner Apple Inc., – Exhibit 1029: Declaration of Michael Fratto Regarding U.S. Patent Number 7,188,180, 233 pages (2014)	
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	D2355	IPR2014-00482; Inter Partes Review of Patent Number 7,188,180 filed on March 7, 2014, Petitioner Apple Inc., – Exhibit 1029: Declaration of Michael Fratto Regarding U.S. Patent Number 7,188,180, 233 pages (2014)	
	D2356	IPR2014-00483; Inter Partes Review of Patent Number 7,987,274 filed on March 7, 2014, Petitioner Apple Inc., – Petition for Inter Partes Review, 63 pages	
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	D2362	IPR2014-00485; Inter Partes Review of Patent Number 8,051,181 filed on March 7, 2014, Petitioner Apple Inc., – Exhibit 1029: Declaration of Michael Fratto, 448 pages (2014)	
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	D2368	IPR2014-00485; Inter Partes Review of Patent Number 8,051,181 filed on March 7, 2014, Petitioner Apple Inc., – Exhibit 1071: Parties' Joint List of Proposed Construction of Remaining Disputed Claim Terms dated 2/25/2013	
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	D2379	Trial Transcript in *VirnetX Inc. v. Apple Inc.*, 6:10-cv-417 (E.D. Tex. Oct. 31, 2012 to Nov. 6, 2012)	
	D2380	VirnetX's Opening Claim Construction Brief, *VirnetX Inc. v. Apple Inc.*, 6:11-cv-563, 6:12-cv-855 (E.D. Tex. Mar. 24, 2014)	
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	D2387	IPR2014-00610 – Ex. 1004 Guerin CV filed April 10, 2014 (15 pages)	
	D2388	IPR2014-00612 – Petition for *Inter Partes* Review of Patent Number 7,418,540 filed on April 14, 2014 by Petitioner Microsoft Corp. (66 pages)	
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	D2398	IPR2014-00616 – Petition for *Inter Partes* Review of Patent Number 7,921,211 filed on April 11, 2014 by Petitioner Microsoft Corp. (65 pages)	
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	D2401	Institution Decision in IPR2014-00237 mailed May 14, 2014 (34 pages)	
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	D2404	Curry Declaration in *VimetX Inc. v. Apple Inc.*, Case No. 6:11-cv-00563 (E.D Tex. Mar. 24, 2014) (3 pages)	
	D2405	Ex. D, VirnetX, Inc. Opening Brief in support of its Construction of Claims in *VimetX Inc. v. Microsoft Corporation*, Case No. 6:07-cv-00080-LED (E.D Tex. Dec. 30, 2008) (54 pages)	
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	D2407	Ex. F, Transcript of Claim Construction Markman Hearing in *VimetX Inc. v. Microsoft Corporation*, Case No. 6:07-cv-00080-LED (E.D Tex. Feb. 17, 2009) (94 pages)	
	D2408	Ex. G, Declaration of Mark T. Jones, PH.D for Opening Brief in *VimetX Inc. v. Microsoft Corporation*, Case No. 6:07-cv-00080-LED (E.D Tex. Dec. 30, 2009) (33 pages)	
	D2409	Ex. H, Declaration of Mark T. Jones, PH.D for Reply Brief in *VimetX Inc. v. Microsoft Corporation*, Case No. 6:07-cv-00080-LED (E.D Tex. Feb. 3, 2009) (183 pages)	
	D2410	Ex. I, Virnetx's Opening Claim Construction Brief in *VimetX Inc. v. Cisco Systems, Inc.*, Case No. 6:10-cv-00417 (E.D Tex. Nov. 4, 2011) (37 pages)	
	D2411	Ex. J, Virnetx's Reply Claim Construction Brief in *VimetX Inc. v. Cisco Systems, Inc.*, Case No. 6:10-cv-00417 (E.D Tex. Dec. 19, 2011) (14 pages)	
	D2412	Ex. K, Transcript of Claim Construction Markman Hearing in *VimetX Inc. v. Cisco Systems, Inc.*, Case No. 6:10-cv-00417 (E.D Tex. Jan. 5, 2012) (124 pages)	
	D2413	Ex. L, Declaration of Mark T. Jones, PH.D for Opening Brief in *VimetX Inc. v. Cisco Systems, Inc.*, Case No. 6:10-cv-00417 (E.D Tex. Nov. 3, 2011) (17 pages)	
	D2414	Ex. M, Virnetx's Opening Claim Construction Brief in *VimetX Inc. v. Mitel Networks Corporation* et al., Case No. 6:11-cv-00018 (E.D Tex. May 21, 2012) (29 pages)	
	D2415	Ex. N, Virnetx's Reply Claim Construction Brief in *VimetX Inc. v. Mitel Networks Corporation* et al., Case No. 6:11-cv-00018 (E.D Tex. June 25, 2012) (14 pages)	
	D2416	Ex. O, Transcript of Claim Construction Markman Hearing in *VimetX Inc. v. Cisco Systems, Inc.*, and *Mitel Networks Corporation* et al., Case No. 6:10-cv-00417 (E.D Tex. July 12, 2012) (169 pages)	
	D2417	Ex. P, Declaration of Mark T. Jones, PH.D for Opening Brief in *VimetX Inc. v. Mitel Networks Corporation* et al., Case No. 6:11-cv-00018 (E.D Tex. May 20, 2012) (8 pages)	
	D2418	Ex. Q, Patent Owner's Response to Office Action of September 26, 2012 (65 pages)	
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	D2420	Apple's Responsive Claim Construction Brief in *VimetX Inc. v. Apple, Inc.*, Case No. 6:12-cv-00855-LED (E.D Tex. Apr. 21, 2014) (36 pages)	
	D2421	Declaration of Akshay S. Deoras in support of Apple's Responsive Claim Construction Brief in *VimetX Inc. v. Apple, Inc.*, Case No. 6:12-cv-00855-LED (E.D Tex. Apr. 21, 2014) (4 pages)	
	D2422	Ex. 7, Memorandum Opinion in *VimetX Inc. v. Microsoft Corporation*, Case No. 6:07-cv-00080 (E.D Tex. Jul. 30, 2009) (36 pages)	

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	D2423	Ex. 8, Memorandum Opinion and Order in *VimetX Inc. v. Cisco Systems, Inc.*, Case No. 6:10-cv-00417-LED (E.D Tex. Apr. 25, 2012) (32 pages)	
	D2424	Ex. 9, Memorandum Opinion and Order in *VimetX Inc. v. Mitel Networks Corporation*, Case No. 6:11-cv-00018-LED (E.D Tex. Aug. 1, 2012) (14 pages)	
	D2425	Ex. 10, Cisco's Reply Claim Construction Brief in *VimetX Inc. v. Cisco Systems, Inc.*, Case No. 6:10-cv-00417 LED (E.D Tex. Dec. 7, 2011) (38 pages)	
	D2426	Ex. 11, Declaration of John P. Kelly for Reply Brief in *VimetX Inc. v. Cisco Systems, Inc.*, Case No. 6:10-cv-00417 LED (E.D Tex. Dec. 5, 2011) (7 pages)	
	D2427	Ex. 12, OA Closing Prosecution regarding U.S. Patent No. 7,418,504 (55 pages)	
	D2428	Ex. 13, Resp to 9-26-12 OA regarding U.S. Patent No. 7,418,504 (65 pages)	
	D2429	Ex. 14, 12-26-12 Resp to 9-26-12 OA regarding U.S. Patent No. 7,921,211 (68 pages)	
	D2430	Ex. 15, 12-26-13 Appeal Brief regarding U.S. Patent No. 7,418,504 (87 pages)	
	D2431	Ex. 16, Exerpt of VirnetX's 4-21-14 Corrected IC regarding U.S. Patent No. 8,504,697(3 pages)	
	D2432	Ex. 17, Application No. 13/339,257 regarding U.S. Patent No. 8,504,697 (94 pages)	
	D2433	Ex. 18, Final Rejection dated 12-10-12 regarding U.S. Patent No. 8,504,697 (9 pages)	
	D2434	Ex. 19, 2-27-13 Resp. to Final Rejection of 12-10-12 regarding U.S. Patent No. 8,504,697 (9 pages)	
	D2435	Ex. 20, 5-16-13 Notice of Allowance regarding U.S. Patent No. 8,504,697 (9 pages)	
	D2436	Ex. 21, Excerpt of Am. Heritage Dictionary 2000	
	D2437	Ex. 22, Excerpt of Webster's II New College Dictionary 2001	
	D2438	Ex. 23, 10-8-10 Request for Cont Examination & Resp	
	D2439	Declaration of John P. Kelly for Reply Brief in *VimetX Inc. v. Apple, Inc.*, Case No. 6:12-cv-00855 LED (E.D Tex. Apr. 21, 2014) (8 pages)	
	D2440	Virnetx's Final Reply Claim Construction Brief in *VimetX Inc. v. Apple Inc.*, Case No. 6:11-cv-00563 (E.D Tex. Apr. 28, 2014) (13 pages)	
	D2441	Ex. A, John P. Kelly Expert report regarding NonInfringement in *VimetX Inc. v. Cisco Systems, Inc.*, Case No. 6:10-cv-00417 LED (4 pages)	
	D2442	Apple's Notice of Filing Hearing Presentation Slides in *VimetX Inc. v. Apple, Inc.*, Case No. 6:12-cv-00855 LED (E.D Tex. May. 20, 2014) (3 pages)	

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	D2443	Ex. A, Markman Hearing Presentation Slides in *VimetX Inc. v. Apple, Inc.*, Case No. 6:12-cv-00855 LED (E.D Tex. May. 20, 2014) (141 pages)	
	D2444	Ex. B, MPSJ on Invalidity Counterclaims Presentation Slides in *VimetX Inc. v. Apple, Inc.*, Case No. 6:12-cv-00855 LED (E.D Tex. May. 20, 2014) (40 pages)	
	D2445	Markman Order in *VimetX Inc. v. Apple, Inc.*, Case No. 6:12-cv-00855 LED (E.D Tex. Aug. 8, 2014) (10 pages)	
	D2446	Order Grantng in Part and Denying in Party VirnetX's MPSJ in *VimetX Inc. v. Apple, Inc.*, Case No. 6:12-cv-00855 LED (E.D Tex. Aug. 8, 2014) (10 pages)	
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	D2448	*VimetX, Inc. v. Apple, Inc.*, Appeal No. 2013-1489 (Fed. Cir. Sep. 16, 2014) (41 pages)	

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	95001851	7418504
	Examiner	Art Unit
	ROLAND FOSTER	3992

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Symbol	Date	Examiner

CPC COMBINATION SETS - SEARCHED		
Symbol	Date	Examiner

US CLASSIFICATION SEARCHED			
Class	Subclass	Date	Examiner

SEARCH NOTES		
Search Notes	Date	Examiner
Search not updated.	1/4/2015	r.g.f.

INTERFERENCE SEARCH			
US Class/ CPC Symbol	US Subclass / CPC Group	Date	Examiner