

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

VIRNETX INC.,	§	
	§	
PLAINTIFF,	§	
	§	Civil Action No. 6:10-CV-417
VS.	§	
	§	
CISCO SYSTEMS, INC.,	§	
APPLE INC.,	§	JURY TRIAL DEMANDED
AASTRA USA, INC.,	§	
AASTRA TECHNOLOGIES LTD.,	§	
NEC CORPORATION, AND	§	
NEC CORPORATION OF AMERICA,	§	
	§	
DEFENDANTS.	§	

**JOINT CLAIM CONSTRUCTION CHART PURSUANT TO P.R. 4-5(d)**

Pursuant to P.R. 4-5(d), Plaintiff VirnetX Inc. ("VirnetX") and Defendants, Cisco Systems, Inc. ("Cisco"), Apple Inc. ("Apple"), Aastra USA, Inc. and Aastra Technologies Ltd. ("Aastra Defendants"), NEC Corporation and NEC Corporation of America ("NEC Defendants") (collectively "Defendants"), hereby submit their Joint Claim Construction Chart in accordance with the Court's April 19, 2011 Docket Control Order (Dkt. No. 111).

Attached hereto as Exhibit A is the Joint Claim Construction Chart, that includes the disputed and agreed claim terms and phrases, the parties' respective proposed claim constructions, and a column for the Court's construction of the disputed claim terms and phrases.

JOINT CLAIM CONSTRUCTION CHART PURSUANT TO P.R. 4-5(d)

PAGE 1

McKool 405654v1

DATED: December 21, 2011

Respectfully submitted,

**McKOOL SMITH, P.C.**

/s/ Douglas A. Cawley

Douglas A. Cawley, *Lead Attorney*

Texas State Bar No. 04035500

E-mail: dcawley@mckoolsmith.com

Luke F. McLeroy

Texas State Bar No. 24041455

E-mail: lmcleroy@mckoolsmith.com

Bradley W. Caldwell

Texas State Bar No. 24040630

E-mail: bcaldwell@mckoolsmith.com

Jason D. Cassady

Texas State Bar No. 24045625

E-mail: jcassady@mckoolsmith.com

John Austin Curry

Texas State Bar No. 24059636

E-mail: acurry@mckoolsmith.com

Daniel R. Pearson

Texas State Bar No. 24070398

Email: dpearson@mckoolsmith.com

Stacie L. Greskowiak

Texas State Bar No. 24074311

E-mail: sgreskowiak@mckoolsmith.com

Mitchell R. Sibley

Texas State Bar No. 24073097

Email: msibley@mckoolsmith.com

**McKOOL SMITH P.C.**

300 Crescent Court, Suite 1500

Dallas, Texas 75201

Telephone: (214) 978-4000

Telecopier: (214) 978-4044

Sam F. Baxter

Texas State Bar No. 01938000

E-mail: sbaxter@mckoolsmith.com

**McKOOL SMITH P.C.**

104 East Houston, Suite 300

Marshall, Texas 75670

Telephone: (903) 923-9000

Telecopier: (903) 923-9099

Ramzi R. Khazen  
Texas State Bar No. 24040855  
Email: rkhazen@mckoolsmith.com  
McKool Smith P.C.  
300 W. 6th Street, Suite 1700  
Austin, Texas 78701  
Telephone: (512) 692-8700  
Telecopier: (512) 692-8744

Robert M. Parker  
Texas State Bar No. 15498000  
Email: rmparker@pbatyler.com  
R. Christopher Bunt  
Texas State Bar No. 00787165  
Email: rcbunt@pbatyler.com  
Andrew T. Gorham  
Texas Bar No. 24012715  
Email: tgorham@pbatyler.com  
**PARKER, BUNT & AINSWORTH, P.C.**  
100 East Ferguson, Suite 1114  
Tyler, Texas 75702  
Telephone: (903) 531-3535  
Telecopier: (903) 533-9687

**ATTORNEYS FOR PLAINTIFF  
VIRNETX INC.**

By: /s/ Jon B. Hyland  
Jon B. Hyland, *Lead Attorney*  
jhyland@pattonroberts.com  
State Bar No. 24046131  
Robert D. Katz  
rkatz@pattonroberts.com  
State Bar No. 24057936  
**PATTON ROBERTS, PLLC**  
901 Main St., Suite 3300  
Dallas, Texas 75202  
Telephone: 214-580-3826  
Facsimile: 903-334-7007

**ATTORNEYS FOR DEFENDANTS  
AASTRA TECHNOLOGIES  
LIMITED AND AASTRA USA INC.**

By: /s/ Eric H. Findlay  
Eric H. Findlay (SBN 00789886)  
Brian Craft (SBN 04972020)  
**Findlay & Craft LLP**  
6760 Old Jacksonville Hwy,  
Ste. 101  
Tyler, TX 75703  
Email: efindlay@findlaycraft.com  
Email: bcraft@findlaycraft.com  
Tel: (903)534-1100  
Fax: (903)534-1137

**ATTORNEYS FOR DEFENDANT  
CISCO SYSTEMS, INC.**

OF COUNSEL:

John M. Desmarais (*pro hac vice*)  
jdesmarais@desmaraisllp.com  
Michael P. Stadnick (*pro hac vice*)  
mstadnick@desmaraisllp.com  
**DESMARAIS LLP**  
230 Park Avenue  
New York, NY 10169  
Telephone: (212) 351-3400  
Facsimile: (212) 351-3401

By: /s/ Douglas R. McSwane, Jr.  
Douglas R. McSwane, Jr.  
**POTTER MINTON P.C.**  
State Bar No. 13861300  
110 N. College, Suite 500  
Tyler, Texas 75702  
(903) 597-8311  
(903) 593-0846 fax  
dougmcswane@potterminton.com

Robert M. Masters  
Timothy P. Cremen  
**Paul Hastings LLP**  
875 15th Street NW  
Washington, DC 20005  
202/551-1700  
202/551-1705 (fax)  
timothycremen@paulhastings.com  
brockweber@paulhastings.com

**ATTORNEYS FOR DEFENDANT,  
NEC CORPORATION AND NEC  
CORPORATION OF AMERICA**

By: /s/ Danny L. Williams  
Danny L. Williams - **LEAD**  
**ATTORNEY**  
State Bar No. 21518050  
E-mail: danny@wmalaw.com  
Ruben S. Bains  
Texas Bar No. 24001678  
E-mail: rbains@wmalaw.com  
Drew Kim  
Texas Bar No. 24007482  
E-mail: dkim@wmalaw.com  
**Williams, Morgan & Amerson, P.C.**  
10333 Richmond, Suite 1100  
Houston, Texas 77042  
Telephone: (713) 934-7000  
Facsimile: (713) 934-7011

**ATTORNEYS FOR DEFENDANT  
APPLE INC.**

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who has consented to electronic service on this day, December 21, 2011. Local Rule CV-53(a)(3)(A).

/s/ Jason D. Cassady  
Jason D. Cassady

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.