

No. 19-832

---

---

IN THE  
**Supreme Court of the United States**

APPLE INC.,  
*Petitioner,*

v.

VIRNETX INC., LEIDOS, INC.,  
*Respondents.*

---

**On Petition for a Writ of Certiorari  
to the United States Court of Appeals  
for the Federal Circuit**

---

**BRIEF IN OPPOSITION**

---

DONALD URRABAZO  
URRABAZO LAW, P.C.  
2029 Century Park East  
Suite 400  
Los Angeles, CA 90067  
(310) 388-9099  
durrabazo@ulawpc.com

*Counsel for Leidos, Inc.*

JEFFREY A. LAMKEN  
*Counsel of Record*  
MICHAEL G. PATTILLO, JR.  
RAYINER I. HASHEM  
JAMES A. BARTA  
MOLOLAMKEN LLP  
The Watergate, Suite 660  
600 New Hampshire Ave., N.W.  
Washington, D.C. 20037  
(202) 556-2000  
jlamken@mololamken.com

*Counsel for VirnetX Inc.*

*(Additional Counsel Listed on Inside Cover)*

---

---

WILSON-EPES PRINTING CO., INC. – (202) 789-0096 – WASHINGTON, D.C. 20002

JORDAN A. RICE  
MOLOLAMKEN LLP  
300 North LaSalle Street  
Suite 5350  
Chicago, IL 60654

*Counsel for VirnetX Inc.*

## QUESTIONS PRESENTED

The questions presented are:

1. Whether the expert's estimate of patent-infringement damages satisfied the requirement that patent damages must be apportioned to the value provided by the infringed patents.
2. Whether Apple demonstrated intervening circumstances warranting reconsideration of the damages judgment once the Federal Circuit issued decisions upholding the validity of patent claims that Apple infringes, where Apple conceded below that those claims fully support the entire damages award.

(i)

**PARTIES TO THE PROCEEDINGS BELOW**

Petitioner Apple Inc. was the defendant in the district court and the appellant in the court of appeals. Respondents VirnetX Inc. and Leidos, Inc., were the plaintiffs in the district court and the appellees in the court of appeals.

Cisco Systems, Inc., was a defendant in the district court. It did not participate in the proceedings before the court of appeals.

**CORPORATE DISCLOSURE STATEMENT**

Pursuant to this Court's Rule 29.6, respondent VirnetX Inc. states that it is a subsidiary of VirnetX Holdings Corp. and that no other company owns 10% or more of its stock. Respondent Leidos, Inc. states that it is a subsidiary of Leidos Holdings, Inc. and that no other company owns 10% or more of its stock.

# 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.