APPENDIX A

NOTE: This disposition is nonprecedential.

United States Court of Appeals
for the Federal Circuit

VIRNETX INC., LEIDOS, INC.,
Plaintiffs-Appellees

v.

CISCO SYSTEMS, INC.,
Defendant

APPLE INC.,
Defendant-Appellant

2018-1197

Appeal from the United States District Court for the Eastern District of Texas in No. 6:10-cv-00417-RWS, Judge Robert Schroeder, III.

JUDGMENT

JEFFREY A. LAMKEN, MoloLamken LLP, Washington, DC, argued for all plaintiffs-appellees. Plaintiff-appellee VirnetX Inc. also represented by JAMES A. BARTA, RAYINER HASHEM, MICHAEL GREGORY PATTILLO, JR.; ALLISON MILEO GORSUCH, New York, NY;

BRADLEY WAYNE CALDWELL, JASON DODD CASSADY, JOHN AUSTIN CURRY, Caldwell Cassady & Curry, Dallas, TX.

DONALD SANTOS URRABAZO, Urrabazo Law, P.C., Los Angeles, CA, for plaintiff-appellee Leidos, Inc. Also represented by ANDY TINDEL, Mann, Tindel & Thompson, Tyler, TX.

WILLIAM F. LEE, Wilmer Cutler Pickering Hale and Dorr LLP, Boston, MA, argued for defendant-appellant. Also represented by REBECCA A. BACT, MARK CHRISTOPHER FLEMING, LAUREN B. FLETCHER; THOMAS GREGORY SPRANKLING, Palo Alto, CA; BRITTANY BLUEITT AMADI, Washington, DC.

THIS CAUSE having been heard and considered, it is ORDERED and ADJUDGED:

PER CURIAM (PROST, *Chief Judge*, MOORE and REYNA, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

January 15, 2019
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court

APPENDIX B

In the United States District Court for the Eastern District of Texas Tyler Division

VIRNETX INC. and SCIENCE APPLICATIONS INTERNATIONAL CORPORATION,	§	
Plaintiffs,	§	**CAUSE NO. 6:10-CV-417**
vs.	§	SEALED
APPLE INC.,	§	UNSEALED 10-13-2017
Defendant.	§	

MEMORANDUM OPINION AND ORDER

Before the Court are the following motions:

- Defendant Apple Inc.'s ("Apple") Rule 50(a) Motion for Judgment as a Matter of Law on Damages (Docket No. 1018);[1]

- Apple's Rule 50(a) Motion for Judgment as a Matter of Law of No Infringement (Docket No. 1019);

- Plaintiff VirnetX, Inc.'s ("VirnetX") Post-Trial Brief Regarding Willfulness (Docket No. 1047);

- Apple's Omnibus Motion for Judgment as a Matter of Law Under Rule 50(b) (Docket No. 1062); and

- VirnetX's Motion for Entry of Judgment and Equitable Relief (Docket No. 1063).

Having considered the parties' written submissions and argument at the November 22, 2016 post-trial hearing, and for the reasons stated below, the Court rules as follows:

- Apple's Rule 50(a) Motion for Judgment as a Matter of Law on Damages (Docket No. 1018) is **DENIED-AS-MOOT**;

[1] Unless noted otherwise, all references to the docket refer to Case No. 6:10-cv-417.

- Apple's Rule 50(a) Motion for Judgment as a Matter of Law of No Infringement (Docket No. 1019) is **DENIED-AS-MOOT**;

- VirnetX's request in its Post-Trial Brief Regarding Willfulness that the Court find that willful infringement (Docket No. 1047) is **GRANTED**;

- Apple's Omnibus Motion for Judgment as a Matter of Law Under Rule 50(b) (Docket No. 1062) is **DENIED**; and

- VirnetX's Motion for Entry of Judgment and Equitable Relief (Docket No. 1063) is **GRANTED**.

BACKGROUND

On August 11, 2010, VirnetX filed this action against Apple alleging that Apple infringed U.S. Patent Nos. 6,502,135 ("the '135 Patent"), 7,418,504 ("the '504 Patent"), 7,490,151 ("the '151 Patent"), and 7,921,211 ("the '211 Patent") (collectively, "the asserted patents"). The '135 and '151 Patents generally describe a method of transparently creating a virtual private network ("VPN") between a client computer and a target computer, while the '504 and '211 Patents disclose a secure domain name service. On November 6, 2012, a jury found that Apple's accused VPN on Demand and FaceTime features infringed the asserted patents and that the asserted patents were not invalid ("2012 jury verdict"). Docket No. 790.

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