

Filed on behalf of: VirnetX Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner

v.

VIRNETX INC.  
Patent Owner

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Case IPR2015-00866  
Patent No. 8,458,341

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**PATENT OWNER'S OBJECTIONS TO  
PETITIONER'S EXHIBITS**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner VirnetX Inc. submits the following objections to certain exhibits submitted by Apple Inc. (“Petitioner”) in Case No. IPR2015-00866. Patent Owner’s objections apply equally to Petitioner’s reliance on these exhibits in any subsequently-filed documents. These objections are timely, having been served within ten business days of the Board’s decision to institute a trial in this proceeding.

**Exhibits 1005, 1022, 1023, and 1043**

Patent Owner objects to Exhibit 1005 under Rules 401-403 of the Federal Rules of Evidence to the extent that Exhibit 1005 contains testimony unrelated to the grounds of rejection on which the Board instituted *inter partes* review. *See, e.g.*, at least testimony relating to U.S. Patent Nos. 8,516,131 and 8,560,705, *Aventail, Brand*, and RFC 2543. Patent Owner similarly objects to Exhibits 1022, 1023, and 1043 under Rules 401-403 of the Federal Rules of Evidence because they contain testimony unrelated to the grounds of rejection on which the Board instituted *inter partes* review. Patent Owner further objects to Exhibits 1022, 1023, and 1043 under Rule 802 of the Federal Rules of Evidence because the testimony in these Exhibits constitutes inadmissible hearsay.

**Exhibits 1003, 1004, 1010-1041, 1043-1048, 1050, 1051, 1053, and 1054**

Patent Owner objects to Exhibits 1003, 1004, 1010-1041, 1043-1048, 1050, 1051, 1053, and 1054 under Rules 401-403 of the Federal Rules of Evidence on

the grounds that these exhibits contain evidence not relevant to issues in this proceeding because the evidence lacks a nexus to the grounds of rejection on which the Board has instituted *inter partes* review.

**Exhibits 1002-1004, 1006, 1010-1041, 1043-1048, 1050, 1051, 1053, and 1054**

Patent Owner objects to Exhibits 1002-1004, 1006, 1010-1041, 1043-1048, 1050, 1051, 1053, and 1054 under Rules 401-403 of the Federal Rules of Evidence because Petitioner never relied on these exhibits in the Petition.

Dated: October 15, 2015

Respectfully submitted,

/Joseph E. Palys/  
Joseph E. Palys  
Registration No. 46,508

Counsel for VirnetX Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on this 15th day of October 2015, a copy of the foregoing Patent Owner's Objections to Petitioner's Exhibits was served by electronic mail upon the following:

Counsel for Apple Inc.:

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Dated: October 15, 2015

Respectfully submitted,

/Joseph E. Palys/  
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