

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

---

**VIRNETX INC.,**  
*Appellant*

**v.**

**CISCO SYSTEMS, INC.,**  
*Appellee*

---

2019-1671

---

Appeal from the United States Patent and Trademark  
Office, Patent Trial and Appeal Board in No. 95/001,679.

---

**ON MOTION**

---

Before REYNA, *Circuit Judge*.

**O R D E R**

VirnetX Inc. moves to remand this appeal to the Patent Trial and Appeal Board for reconsideration in light of this court's decision in *VirnetX Inc. v. The Mangrove Partners Master Fund, Ltd.*, No. 17-1368, 2019 WL 2912776 (Fed. Cir. July 8, 2019). Cisco Systems, Inc. opposes.

The court deems it the better course for the parties to address the issue in their merits briefs.

Accordingly,

IT IS ORDERED THAT:

(1) The motion is denied for the purpose of having the parties address these issues in their briefs.

(2) The stay is lifted. The appellant must file its brief within 40 days of the date of filing of this order.

FOR THE COURT

October 01, 2019  
Date

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

s24