

NOTE: This disposition is nonprecedential.

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

VIRNETX INC.,
Appellant

v.

APPLE, INC.,
Appellee

2016-1480

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in No. 95/001,949.

Decided: December 9, 2016

IGOR VICTOR TIMOFEYEV, Paul Hastings LLP, Wash-
ington, DC, argued for appellant. Also represented by
NAVEEN MODI, JOSEPH PALYS, DANIELLE RUTH ACKER
SUSANJ, DANIEL ZEILBERGER.

JOHN C. O'QUINN, Kirkland & Ellis LLP, Washington,
DC, argued for appellee. Also represented by NATHAN S.
MAMMEN; JEFFREY PAUL KUSHAN, Sidley Austin LLP,
Washington, DC.

Before O'MALLEY, MAYER, and WALLACH, *Circuit Judges*.

O'MALLEY, *Circuit Judge*.

This appeal concerns the validity of VirnetX Inc.'s ("VirnetX") U.S. Patent No. 8,051,181 ("the '181 patent"), disclosing technology for establishing secure communication over networks. Apple Inc. ("Apple") challenged all claims of the '181 patent in a request for *inter partes* reexamination, Control No. 95/001,949. The Patent and Trademark Office granted reexamination and rejected all 29 claims as unpatentable. On appeal, the Patent Trial and Appeal Board ("the Board") affirmed. Specifically, the Board's final decision found claims 1–12, 14, 15, and 17–29 anticipated by U.S. Patent No. 6,496,867 to Beser ("Beser"), claims 1, 2, 7–9, 12–17, 19–21, and 24–29 anticipated by U.S. Patent No. 6,131,121 to Mattaway ("Mattaway"), and claims 1–15, 18–23, and 28–29 anticipated by U.S. Patent No. 6,557,037 to Provino ("Provino"). VirnetX now appeals to this court.

After full review of the record and careful consideration, we find no error in the Board's claim constructions or findings with respect to the Mattaway and Provino references, which together cover all claims of the '181 patent. We do not, therefore, need to reach the merits of the Board's decision with respect to Beser.

AFFIRMED