

McDermott Will & Emery

Boston Brussels Chicago Düsseldorf Houston London Los Angeles Miami Milan
Munich New York Orange County Rome San Diego Silicon Valley Washington, D.C.
Strategic alliance with MWE China Law Offices (Shanghai)

Toby H. Kusmer, P.C.
Attorney at Law
tkusmer@mwe.com
+1 617 535 4065

September 14, 2012

VIA E-MAIL TO TGOODE@ATIS.ORG

Mr. Thomas Goode
ATIS General Counsel
ATIS
1200 'G' Street, NW, Suite 500
Washington, D.C. 20005

Re: Statement of Patent Holder, VirnetX, Inc.

Dear Mr. Goode:

I write to amend the list of Technical Specifications recited in the Revised List sent to ATIS on August 28, 2012. In addition to the ten that were listed therein, the following eight Technical Specifications should be added:

11. 3GPP TS 23.234, "3GPP system to Wireless Local Area Network (WLAN) interworking; System description," Release 11 or Prior Release,
12. 3GPP TS 24.234, "3GPP system to Wireless Local Area Network (WLAN) interworking; WLAN User Equipment (WLAN UE) to network protocols; Stage 3," Release 11 or Prior Release,
13. 3GPP TS 32.593, "Telecommunication management; Home enhanced Node B (HeNB) Operations, Administration, Maintenance and Provisioning (OAM&P); Procedure flows for Type 1 interface HeNB to HeNB Management System (HeMS)," Release 11 or Prior Release,
14. 3GPP TS 33.401, "3GPP System Architecture Evolution (SAE); Security architecture," Release 11 or Prior Release,
15. 3GPP TS 33.234, "3G security; Wireless Local Area Network (WLAN) interworking security," Release 11 or Prior Release,
16. 3GPP TS 43.318, "Generic Access Network (GAN); Stage 2," Release 11 or Prior Release, and
17. 3GPP TS 44.318, "Generic Access Network (GAN); Mobile GAN interface layer 3 specification," Release 11 or Prior Release.

In addition, we are adding the follow release: "3GPP TS 32.583 ("Telecommunication management; Home Node B (HNB) Operations, Administration, Maintenance and

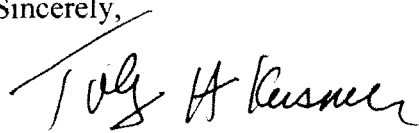
Mr. Thomas Goode
September 14, 2012
Page Four

Provisioning (OAM&P); Procedure flows for Type 1 interface HNB to HNB Management System (HMS)”) Release 11.”

Enclosed herewith is a Second Revised List. This Second Revised List is to replace the Revised List submitted previously. The amendment also updates the version number for 3GPP TS 32.583 from “Release 10 or Prior Release” to “Release 11 or Prior Release.”

Should you have any questions or seek further clarification, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Toby H. Kusmer". The signature is written in a cursive style with a long horizontal stroke at the beginning.

Toby H. Kusmer, P.C.

cc: Mr. Kendall Larsen, President and CEO, VirnetX Inc.
Mr. Sameer Mathur, VP of Corporate Development and Marketing, VirnetX Inc.

Second Revised List

Re: Page 1 of VirnetX, Inc.'s June 17, 2011 Statement of Patent Holder, section: Work Item(s), Standard(s) and/or Technical Specification(s)

With reference to ETSI STANDARD(S) or TECHNICAL SPECIFICATION(S) No:

This Statement of Patent Holder applies to the following specifications (each, a "Specification") in the 3GPP LTE, SAE project:

1. 3GPP TS 23.003, "Numbering, addressing and identification," Release 11 or Prior Release,
2. 3GPP TS 32.583, "Telecommunication management; Home Node B (HNB) Operations, Administration, Maintenance and Provisioning (OAM&P); Procedure flows for Type 1 interface HNB to HNB Management Systems (HMS)," Release 11 or Prior Release,
3. 3GPP TS 33.203, "3G security: Access security for IP-based services," Release 12 or Prior Release,
4. 3GPP TS 33.210, "3G Security: Network Domain Security (NDS); IP network layer security," Release 12 or Prior Release,
5. 3GPP TS 33.328, "IP Multimedia Subsystem (IMS) media plane security," Release 10 or Prior Release,
6. 3GPP TS 33.141, "Presence service; Security," Release 12 or Prior Release,
7. 3GPP TS 33.222, "Generic Authentication Architecture (GAA); 3G Security: Access to network application functions using Hypertext Transfer Protocol over Transport Layer Security (HTTPS)," Release 11 or Prior Release,
8. 3GPP TS 26.237, "IP Multimedia Subsystem (IMS) based Packet Switch Streaming (PSS) and Multimedia Broadcast/Multicast Service (MBMS) User Service; Protocols," Release 11 or Prior Release,
9. 3GPP TS 24.228, "Signaling flows for the IP multimedia call control based on Session Initiation Protocol (SIP) and Session Description Protocol (SDP); Stage 3," Release 5 or Prior Release,
10. 3GPP TS 23.228, "IP Multimedia Subsystem (IMS); Stage 2," Release 11 or Prior Release,
11. 3GPP TS 23.234, "3GPP system to Wireless Local Area Network (WLAN) interworking; System description," Release 11 or Prior Release,
12. 3GPP TS 24.234, "3GPP system to Wireless Local Area Network (WLAN) interworking; WLAN User Equipment (WLAN UE) to network protocols; Stage 3," Release 11 or Prior Release,
13. 3GPP TS 32.593, "Telecommunication management; Home enhanced Node B (HeNB) Operations, Administration, Maintenance and Provisioning (OAM&P); Procedure flows for Type 1 interface HeNB to HeNB Management System (HeMS)," Release 11 or Prior Release,
14. 3GPP TS 33.401, "3GPP System Architecture Evolution (SAE); Security architecture," Release 11 or Prior Release,
15. 3GPP TS 33.234, "3G security; Wireless Local Area Network (WLAN) interworking security," Release 11 or Prior Release,
16. 3GPP TS 43.318, "Generic Access Network (GAN); Stage 2," Release 11 or Prior Release, and
17. 3GPP TS 44.318, "Generic Access Network (GAN); Mobile GAN interface layer 3 specification," Release 11 or Prior Release.

Mr. Thomas Goode
September 14, 2012
Page Four

VirnetX is not a member of ATIS or 3GPP and reserves the right to file additional or updated statement(s) with respect to specifications in the 3GPP LTE, SAE project, including additional specifications that may be or become relevant to VirnetX's patents or patent applications as they are developed and come to VirnetX's attention.

DM_US 38883790-1.077580.0087

McDermott Will & Emery

Boston Brussels Chicago Düsseldorf Houston London Los Angeles Miami Milan
Munich New York Orange County Rome San Diego Silicon Valley Washington, D.C.
Strategic alliance with MWE China Law Offices (Shanghai)

Toby H. Kusmer, P.C.
Attorney at Law
tkusmer@mwe.com
+1 617 535 4065

August 28, 2012

VIA E-MAIL TO TGOODE@ATIS.ORG

Mr. Thomas Goode
ATIS General Counsel
ATIS
1200 'G' Street, NW, Suite 500
Washington, D.C. 20005

Re: Statement of Patent Holder, VirnetX, Inc.

Dear Mr. Goode:

Thank you for your phone call earlier today regarding my letter to you dated August 10, 2012. I write to confirm that VirnetX is amending the list of Technical Specifications recited in VirnetX's June 17, 2011 Statement of Patent Holder ("Statement"). In addition to the seven that were originally listed, the following three Technical Specifications are added:

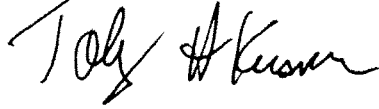
8. 3GPP TS 26.237, "IP Multimedia Subsystem (IMS) based Packet Switch Streaming (PSS) and Multimedia Broadcast/Multicast Service (MBMS) User Service; Protocols"
9. 3GPP TS 24.228, "Signaling flows for the IP multimedia call control based on Session Initiation Protocol (SIP) and Session Description Protocol (SDP); Stage 3"
10. 3GPP TS 23.228, "IP Multimedia Subsystem (IMS); Stage 2"

Enclosed herewith is a Revised List. This Revised List is to replace the list originally submitted in the Statement under the "Work Item(s), Standard(s) and/or Technical Specification(s) heading. The amendment also updates the version numbers and titles of the Technical Specifications identified previously.

Mr. Thomas Goode
August 28, 2012
Page Two

Should you have any questions or seek further clarification, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Toby H. Kusmer". The signature is written in a cursive style with a large initial "T" and a stylized "H".

Toby H. Kusmer, P.C.

cc: Mr. Kendall Larsen, President and CEO, VirnetX Inc.
Mr. Sameer Mathur, VP of Corporate Development and Marketing, VirnetX Inc.

Revised List

Re: Page 1 of VirnetX, Inc.'s June 17, 2011 Statement of Patent Holder, section: Work Item(s), Standard(s) and/or Technical Specification(s)

With reference to ETSI STANDARD(S) or TECHNICAL SPECIFICATION(S) No:

This Statement of Patent Holder applies to the following specifications (each, a "Specification") in the 3GPP LTE, SAE project:

1. 3GPP TS 23.003, "Numbering, addressing and identification," Release 11 or Prior Release,
2. 3GPP TS 32.583, "Telecommunication management; Home Node B (HNB) Operations, Administration, Maintenance and Provisioning (OAM&P); Procedure flows for Type 1 interface HNB to HNB Management Systems (HMS)," Release 10 or Prior Release,
3. 3GPP TS 33.203, "3G security: Access security for IP-based services," Release 12 or Prior Release,
4. 3GPP TS 33.210, "3G Security: Network Domain Security (NDS); IP network layer security," Release 12 or Prior Release,
5. 3GPP TS 33.328, "IP Multimedia Subsystem (IMS) media plane security," Release 10 or Prior Release,
6. 3GPP TS 33.141, "Presence service; Security," Release 12 or Prior Release,
7. 3GPP TS 33.222, "Generic Authentication Architecture (GAA); 3G Security: Access to network application functions using Hypertext Transfer Protocol over Transport Layer Security (HTTPS)," Release 11 or Prior Release,
8. 3GPP TS 26.237, "IP Multimedia Subsystem (IMS) based Packet Switch Streaming (PSS) and Multimedia Broadcast/Multicast Service (MBMS) User Service; Protocols," Release 11 or Prior Release,
9. 3GPP TS 24.228, "Signaling flows for the IP multimedia call control based on Session Initiation Protocol (SIP) and Session Description Protocol (SDP); Stage 3," Release 5 or Prior Release, and
10. 3GPP TS 23.228, "IP Multimedia Subsystem (IMS); Stage 2," Release 11 or Prior Release.

VirnetX is not a member of ATIS or 3GPP and reserves the right to file additional or updated statement(s) with respect to specifications in the 3GPP LTE, SAE project, including additional specifications that may be or become relevant to VirnetX's patents or patent applications as they are developed and come to VirnetX's attention.

McDermott Will & Emery

Boston Brussels Chicago Düsseldorf Houston London Los Angeles Miami Milan
Munich New York Orange County Rome San Diego Silicon Valley Washington, D.C.
Strategic alliance with MWE China Law Offices (Shanghai)

Toby H. Kusmer, P.C.
Attorney at Law
tkusmer@mwe.com
+1 617 535 4065

June 17, 2011

VIA E-MAIL TO TGOODE@ATIS.ORG

Mr. Thomas Goode
ATIS General Counsel
ATIS
1200 'G' Street, NW, Suite 500
Washington, D.C. 20005

Re: Statement of Patent Holder, VirnetX, Inc.

Dear Mr. Goode:

Thank you for your letter dated May 6, 2011, responding to the Statement of Patent Holder submitted by VirnetX, Inc to ATIS on March 14, 2011 intended to supplement the prior Statement of Patent Holder submitted by VirnetX, Inc to ATIS on December 1, 2009 (collectively, the "Prior Statements").

In view of the issues raised in your letter, VirnetX is submitting a revised Statement of Patent Holder attached ("Revised Statement of Patent Holder") to include the 3GPP TS23.003 and 3GPP TS32.583 specifications for release 10 (or prior release, if applicable) in the list of Specifications. VirnetX has also updated the list of patents in the Annex based on its current understanding of the Specifications listed in the Revised Statement of Patent Holder to list only those patent families that include patents or applications VirnetX currently believes are or may become essential to implement one or more of the listed Specifications.

With respect to the issue raised in your letter regarding U.S. Patent Application Serial No. 12/201,873, entitled "System and Method for Automatic Tariff Negotiation," VirnetX notes that this application is now abandoned. Therefore, this application is not included in the Annex.

With respect to the issue raised in paragraph 2 of your letter, the Revised Statement of Patent Holder includes language indicating that the licensing assurance is irrevocable.

The Revised Statement of Patent Holder replaces both of the Prior Statements, which are intended to be superseded and withdrawn. VirnetX is pleased to submit the Revised Statement of Patent Holder attached. We believe that this should resolve each of the issues raised in your letter. However, please do not hesitate to contact me if you have any further questions.

Mr. Thomas Goode
June 15, 2011
Page Two

Sincerely,

A handwritten signature in black ink, appearing to read 'Toby H. Kusmer', with a long horizontal flourish extending to the right.

Toby H. Kusmer, P.C.

cc: Sameer Mathur

DM_US 28675360-5.077580.0087

STATEMENT OF PATENT HOLDER

Patent Holder/Organization:

Legal Name VirnetX, Inc., a Delaware corporation (“VirnetX”)

Contact:

Name: Kendall Larsen, Chief Executive Officer

Address: VirnetX, Inc.
5615 Scotts Valley Drive, Suite 110
Scotts Valley, California 95066

Tel: (831) 438-8200

Fax: (831) 438-8700

E-mail: licensing@virnetx.com

Work Item(s), Standard(s) and/or Technical Specification(s)

This Statement of Patent Holder applies to Release 10 (or a Prior Release, if applicable) of the following specifications (each, a “Specification”) in the 3GPP LTE, SAE project:

1. 3GPP TS 23.003, “3G Security; Access security for IP-based services,” Release 10 or Prior Release
2. 3GPP TS 32.583, “Procedure flows for Type 1 interface HNB to HNB Management Systems (HMS),” Release 10 or Prior Release
3. 3GPP TS 33.203, “3G security: Access security for IP-based services,” Release 10 or Prior Release
4. 3GPP TS 33.210, “3G Security: Network Domain Security; IP network layer security,” Release 10 or Prior Release
5. 3GPP TS 33.328, “3G Security: IP Multimedia Subsystem (IMS) media plane security,” Release 10 or Prior Release
6. 3GPP TS 33.141, “3G Security: Presence service; Security,” Release 10 or Prior Release
7. 3GPP TS 33.222, “3G Security: Access to network application functions using Hypertext Transfer Protocol over Transport Layer Security (HTTPS),” Release 10 or Prior Release

VirnetX is not a member of ATIS or 3GPP and reserves the right to file additional or updated statement(s) with respect to specifications in the 3GPP LTE, SAE project, including additional specifications that may be or become relevant to VirnetX’s patents or patent applications as they are developed and come to VirnetX’s attention.

Patents/Published Applications

Identification of patents and published applications is set forth in the attached Statement of Patent Holder Annex. VirnetX has filed, and may continue to file, U.S. and foreign applications including applications (such as continuations, continuation-in-parts, and divisionals) that may claim priority to or be based upon one or more of the identified patents and applications listed in the attached Statement of Patent Holder Annex, some of which may not yet be published and that are, or may become, essential to implement one or more of the Specifications listed above. Because the breadth and scope of claims of any patent application that may eventually issue are uncertain, and because Specifications may be subject to change before finally being adopted, VirnetX makes no representation at this time as to the essentiality of any of the VirnetX patents or applications to any of the Specifications listed above. This Statement of Patent Holder is provided to 3GPP to declare to the 3GPP organization and its members that compliance with any of the above Specifications as may be eventually adopted may require use of one or more inventions covered by these or other patents or patent applications of VirnetX.

Licensing Statement

In the event that a proposed Specification is finally adopted and published by 3GPP and ATIS as a standard (“Approved Standard”), and that VirnetX’s identified patent(s) or patent application(s) include issued claims or issue with claims whose use is necessary and essential for compliance with the Approved Standard as set forth in the Specification (“Necessary Patent Claims”), VirnetX agrees upon request to make available a non-exclusive license to such Necessary Patent Claims under reasonable terms and conditions that are free of any unfair discrimination, with compensation, to applicants desiring to utilize the license for the purpose of implementing the Approved Standard as set forth in the Specification. The foregoing licensing statement does not apply to (a) any portions of products or systems the purpose or function of which is not required for compliance with the Approved Standard, or

(b) enabling technologies that might be necessary to make or use a product but which are not set forth in the Approved Standard. The foregoing licensing statement is subject to applicant reciprocity. Any negotiations and licenses may be subject to confidentiality obligations and other reasonable terms. The licensing assurance set forth in this paragraph is irrevocable.

DM_US 28971074-3.077580.0095

IPR Information Statement Annex

Proprietor	Application No.	Publication No.	Patent/Application Title	Country of registration	FURTHER INFORMATION		
					Application No.	Publication No.	Country of registration
VirnetX Inc.	10/259,494	7,490,151	Establishment of a Secure Communication Link based on a Domain Name Service (DNS) Request	United States	10/702,486	7,188,180	United States
					10/714,849	7,418,504	United States
					09/504,783	6,502,135	United States
					10/401,551	7,133,930	United States
					09/429,643	7,010,604	United States
					11/839,969	7,933,990	United States
					11/924,460		United States
					10/082,164	6,618,761	United States
					10/401,888	6,907,473	United States
					10/082,285	6,834,310	United States
					10/702,580	6,826,616	United States
					11/301,022		United States
					11/679,416		United States
					11/839,987		United States
					10/702,522	6,839,759	United States
					11/839,937		United States
					11/840,560	7,921,211	United States
					13/049,552		United States
					11/840,508	7,945,654	United States
					13/080,680		United States
11/839,937		United States					
13/080,684		United States					
10/259,494	7,490,151	United States					
13/075,081		United States					
US1999/025325		PCT (Japan, Canada, Australia, EPC)					
2000-580,350	4451566	Japan					
2009-246,033		Japan					
2,349,519		Canada					
2,723,504		Canada					
2000-014553	761,388	Australia					
1999-971,606.1	1,125,419	EP Patent validated in Germany, France, United Kingdom, Italy					
2009-246,033		Japan					
US1999/025323		PCT (Japan, Canada, Australia, EPC)					

IPR Information Statement Annex

Proprietor	Application No.	Publication No.	Patent/Application Title	Country of registration	FURTHER INFORMATION		
					Other members of this PATENT FAMILY, if any *		
					Application No.	Publication No.	Country of registration
					2000-580354 2011-081416 2011-081417 2,349,520 2000-016003 1999-958,693.6	Japan Japan Japan Canada Australia EP Patent Validated in Germany, France, United Kingdom	Japan Japan Japan Canada Australia EP Patent Validated in Germany, France, United Kingdom
VirnetX Inc.	2001-910,528.7		Agile Network Protocol for Secure Communications with Assured System Availability	EPC Contracting States	2010-011949.4 US2001/004340 2001-560,062 2010-003518.7	PCT (Japan, EPC) Japan EP	PCT (Japan, EPC) Japan EP
VirnetX Inc.	2001-932,629.7		Protocol for Secure Communication	EPC Contracting States	US2001/013261 2001-583,006 2010-239225 2011-085051 2011-085052 2006-014,499.5 2006-014,500.0 2007-109112.7 2007-109113.6 2010-012356 2010-012357 2010-012236	PCT (Japan, EPC) Japan Japan Japan Japan EPC Contracting States EPC Contracting States Hong Kong Hong Kong EP EP	PCT (Japan, EPC) Japan Japan Japan Japan EPC Contracting States EPC Contracting States Hong Kong Hong Kong EP EP
VirnetX Inc.	2001-932,628.9	1,284,079	Secure Domain Name Registration	EP Patent Validated in Switzerland, Germany, United Kingdom, Italy, Netherlands	US2001/013260 2002-501,144 2010-239197 2011-053414 2011-083415 2005-0102086.5 2010-184542.8 2010-184502.2	PCT (Japan, EPC) Japan Japan Japan Japan EPC Contracting States EP EP	PCT (Japan, EPC) Japan Japan Japan Japan EPC Contracting States EP EP