

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

VIRNETX INC., and	§	
SCIENCE APPLICATIONS	§	
INTERNATIONAL CORPORATION,	§	
	§	
Plaintiffs,	§	C.A. No. 6:10-cv-00417-RWS
	§	
v.	§	<u>JURY TRIAL DEMANDED</u>
	§	
APPLE INC.,	§	
	§	
Defendant.	§	

**PLAINTIFF VIRNETX INC.’S NOTICE REGARDING AGREED BILL OF COSTS,
ATTORNEYS’ FEES, AND PREJUDGMENT INTEREST**

Pursuant to the Court’s September 29, 2017 Order (Dkt. No. 1079), VirnetX Inc. (“VirnetX”) hereby files this Notice Regarding Agreed Bill of Costs, Attorneys’ Fees, and Prejudgment Interest.

On September 29, 2017, the Court entered Final Judgment against Apple. Dkt. 1082. The Court also awarded costs, certain attorneys’ fees, and prejudgment interest to VirnetX, and directed the parties to meet and confer regarding these amounts. Dkt. 1079 at 55-57. Accordingly, the parties have met and conferred and have reached agreements on all amounts. There are no disputes for the Court to resolve regarding these issues. Apple has had the opportunity to review this filing, and does not dispute the figures listed herein, or that the calculations are agreed. Apple drafted the text included as Footnote 1 herein.

Thus, VirnetX’s costs, attorneys’ fees related to the September 2016 trial, and prejudgment interest are detailed on Exhibit A and are as follows:

1) Agreed Bill of Costs

- a. Fees for transcripts (28 U.S.C. § 1920(2)).....\$47,257.73
- b. Witness Fees (28 U.S.C. § 1920(3))\$10,675.80
- c. Copying Fees (28 U.S.C. § 1920(4))\$18,147.60
- d. Compensation of Court-appointed experts (28 U.S.C. § 1920(6))\$46,372.70
- e. Other costs (Agreed Bill of Costs following 2012 trial, Dkt. 830).....\$207,881.00

2) Other Agreed Items

- a. Attorneys’ Fees related to September 2016 trial.....\$1,783,626.75
- b. Prejudgment Interest \$93,914,142.00¹

3) Total\$96,028,103.58

DATED: October 13, 2017.

Respectfully submitted,

/s/ Jason D. Cassidy
Bradley W. Caldwell
Texas Bar No. 24040630
Email: bcaldwell@caldwellcc.com
Jason D. Cassidy
Texas Bar No.
Email: jcassady@caldwellcc.com
John Austin Curry
Texas Bar No. 24059636

¹ While Apple does not dispute the amounts calculated herein, Apple reserves its right to appeal the Court’s Order awarding costs, attorney’s fees, and pre-judgment interest Dkt. 1079. With respect to prejudgment interest, Apple agrees only that this calculation accurately follows the methodology in the Court’s Order at Dkt. 1079, but Apple does not agree that this methodology is correct and further reserves its right to appeal the Court’s methodology for calculating prejudgment interest.

Email: acurry@caldwellcc.com
CALDWELL CASSADY & CURRY
2101 Cedar Springs Road, Suite 1000
Dallas, TX 75201
Telephone: (214) 888-4848
Facsimile: (214) 888-4849

Robert M. Parker
Texas State Bar No. 15498000
Email: rmparker@pbatyler.com
R. Christopher Bunt
Texas State Bar No. 00787165
Email: rcbunt@pbatyler.com
Charles Ainsworth
Texas State Bar No. 00783521
Email: charley@pbatyler.com
PARKER, BUNT & AINSWORTH, P.C.
100 East Ferguson, Suite 1114
Tyler, Texas 75702
Telephone: (903) 531-3535
Telecopier: (903) 533-9687

T. John Ward, Jr.
Texas State Bar No. 00794818
Claire Abernathy Henry
Texas State Bar No. 24053063
WARD, SMITH, & HILL PLLC
1507 Bill Owens Parkway
Longview, Texas 75604
(903) 757-6400
(903) 757-2323 (fax)
jw@jwfirm.com
wh@wsfirm.com
claire@wsfirm.com

**ATTORNEYS FOR PLAINTIFF
VIRNETX INC.**

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) on October 13, 2017. As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Jason D. Cassady
Jason D. Cassady

CERTIFICATE OF CONFERENCE

The undersigned certifies that counsel for VirnetX and counsel for Apple have conferred regarding the relief herein and that Apple agrees to the amounts in this notice, subject to Footnote 1.

/s/ Daniel R. Pearson
Daniel R. Pearson