

NOTE: This order is nonprecedential.

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

In re: VIRNETX INC.,
Petitioner

2016-119

On Petition for Writ of Mandamus to the United States Patent and Trademark Office in Nos. IPR2015-01046, IPR2015-01047.

ON PETITION

Before LOURIE, BRYSON, and MOORE, *Circuit Judges*.
MOORE, *Circuit Judge*.

ORDER

At Mangrove Partners Master Fund, Ltd.'s requests, the Patent Trial and Appeal Board instituted *inter partes* review of two patents owned by VirnetX Inc. The Board subsequently granted Apple Inc.'s requests to institute review of the same patents and join them with the Mangrove proceedings. VirnetX Inc. seeks a writ of mandamus directing the Board to revoke its joinder decisions. VirnetX also asks this court to stay proceedings before the Board pending resolution of its petition. Apple, Mangrove, and the Director of the United States Patent and

Trademark Office all oppose. Having considered the papers, we deny the petition without prejudice to VirnetX raising its arguments on appeal after the Board issues its final written decision.

Accordingly,

IT IS ORDERED THAT:

(1) The petition for a writ of mandamus is denied.

(2) The court's temporary stay is lifted. The motion for a stay of proceedings is denied.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court