

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
Washington, DC 20549

FORM 8-K

CURRENT REPORT

Pursuant to Section 13 or 15(d) of  
The Securities Exchange Act of 1934

Date of Report (Date of earliest event reported)  
February 10, 2020

**VirnetX Holding Corporation**  
(Exact name of registrant as specified in its charter)

Delaware  
(State or other jurisdiction of incorporation)

001-33852  
(Commission File Number)

77-0390628  
(IRS Employer Identification No.)

308 Dorla Court, Suite 206  
Zephyr Cove, Nevada 89448  
(Address of principal executive offices, including zip code)

(775) 548-1785  
(Registrant's telephone number, including area code)

Not Applicable  
(Former name or former address, if changed since last report)

Check the appropriate box below if the Form 8-K filing is intended to simultaneously satisfy the filing obligation of the registrant under any of the following provisions (see General Instruction A.2):

- Written communications pursuant to Rule 425 under the Securities Act (17 CFR 230.425)
- Soliciting material pursuant to Rule 14a-12 under the Exchange Act (17 CFR 240.14a-12)
- Pre-commencement communications pursuant to Rule 14d-2(b) under the Exchange Act (17 CFR 240.14d-2(b))
- Pre-commencement communications pursuant to Rule 13e-4(c) under the Exchange Act (17 CFR 240.13e-4(c))

Securities registered pursuant to Section 12(b) of the Act:

Title of each class	Trading Symbol(s)	Name of each exchange on which registered
Common Stock, par value \$0.0001	VHC	NYSE American LLC

Indicate by check mark whether the registrant is an emerging growth company as defined in as defined in Rule 405 of the Securities Act of 1933 (§ 230.405 of this chapter) or Rule 12b-2 of the Securities Exchange Act of 1934 (§ 240.12b-2 of this chapter).

Emerging growth company

If an emerging growth company, indicate by check mark if the registrant has elected not to use the extended transition period for complying with any new or revised financial accounting standards provided pursuant to Section 13(a) of the Exchange Act.

**ITEM 8.01. OTHER EVENTS.**

On February 11, 2020, VirnetX Holding Corporation issued a press release entitled “VirnetX Prevails at Federal Appeals Court as Apple’s Requests for Rehearings are Denied.” A copy of the press release is attached as Exhibit 99.1 and incorporated herein by reference.

**ITEM 9.01. FINANCIAL STATEMENTS AND EXHIBITS**

(d) Exhibits

<u>Exhibit No.</u>	<u>Description</u>
<a href="#">99.1</a>	Press Release, dated February 11, 2020, entitled “VirnetX Prevails at Federal Appeals Court as Apple’s Requests for Rehearings are Denied.”

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## **VirnetX Prevails at Federal Appeals Court as Apple's Requests for Rehearings are Denied**

### ***En Banc and Panel Rehearing Requests Denied***

ZEPHYR COVE, Nevada, – February 11, 2020 – VirnetX™ Holding Corporation (NYSE AMERICAN: VHC), an Internet security software and technology company, announced today that the U.S. Court of Appeals for the Federal Circuit (the “Federal Circuit”) issued an order denying Apple’s petition for panel and en banc rehearing of the decision issued in Appeal No. 2019-1050. Previously, in the appeal, the Federal Circuit affirmed-in-part and reversed-in-part a judgment issued against Apple by the United States District Court for the Eastern District of Texas.

In its opinion in this case, the Federal Circuit affirmed the district court’s ruling that Apple was precluded from challenging the validity of the asserted patents. Apple, the Court held, had unsuccessfully litigated the same issues in a previous case, and was barred from reprising those challenges. The Federal Circuit also affirmed the jury’s finding that Apple’s VPN-on-Demand feature infringes U.S. Patent Nos. 6,502,135 and 7,490,151. The Federal Circuit reversed, however, the finding that Apple’s FaceTime feature infringes U.S. Patent Nos. 7,418,504 and 7,921,211.

The Federal Circuit’s opinion remanded the case to the district court for an assessment of whether a new trial was required on damages, given the reversal of the infringement finding as to FaceTime. The Court noted, however, that Apple had sold about 418 million units, including “over 384 million units having both FaceTime and VPN on Demand,” and “34 million units having only FaceTime.”

“We are extremely pleased with the Federal Court’s decision to deny Apple’s requests for an en banc and panel rehearing,” said Kendall Larsen, VirnetX CEO and President.

### **About VirnetX**

VirnetX Holding Corporation is an Internet security software and technology company with patented technology for secure communications including 4G LTE and 5G security. The Company’s software and technology solutions, including its secure domain name registry and Gabriel Connection Technology™, are designed to facilitate secure communications and to create a secure environment for real-time communication applications such as instant messaging, VoIP, smart phones, eReaders and video conferencing. The Company’s patent portfolio includes over 115 U.S. and international patents and over 50 pending applications. For more information, please visit [www.virnetx.com](http://www.virnetx.com)

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## **Forward Looking Statements**

Statements in this press release that are not statements of historical or current fact, including statements regarding the strength of VirnetX's intellectual property, constitute "forward-looking statements" within the meaning of the Private Securities Litigation Reform Act of 1995. Such forward-looking statements are based on expectations, estimates and projections about the markets in which the Company operates, management's beliefs, and certain assumptions made by management and involve known and unknown risks, uncertainties and other unknown factors that could cause the actual results of the Company to be materially different from the historical results or from any future results expressed or implied by such forward-looking statements, including but not limited to (1) the outcome of any legal proceedings that have been or may be initiated by the Company or that may be initiated against the Company; including pending and future inter partes review proceedings in the Patent and Trademark Office (2) the ability to capitalize on the Company's patent portfolio and generate licensing fees and revenues; (3) the ability of the Company to be successful in entering into licensing relationships with its targeted customers on commercially acceptable terms; (4) potential challenges to the validity of the Company's patents underlying its licensing opportunities; (5) the ability of the Company to achieve widespread customer adoption of the Company's Gabriel Communication Technology™ and its secure domain name registry; (6) the level of adoption of the 3GPP Series 33 security specifications; (7) whether or not the Company's patents or patent applications may be determined to be or become essential to any standards or specifications in the 3GPP LTE, SAE project or otherwise; (8) the extent to which specifications relating to any of the Company's patents or patent applications may be adopted as a final standard, if at all; and (9) the possibility that Company may be adversely affected by other economic, business, and/or competitive factors. In addition to statements which explicitly describe such risks and uncertainties, readers are urged to consider statements labeled with the terms "believes," "belief," "expects," "intends," "anticipates," or "plans" to be uncertain and forward-looking. The forward-looking statements contained herein are also subject generally to other risks and uncertainties that are described from time to time in the Company's reports and registration statements filed with the Securities and Exchange Commission, including those under the heading "Risk Factors" in Company's Annual Report on Form 10-K filed on March 19, 2019 and Quarterly Report on Form 10-Q filed with the SEC on November 8, 2019. Many of the factors that will determine the outcome of the subject matter of this press release are beyond the Company's ability to control or predict. Except as required by law, the Company is under no duty to update any of the forward-looking statements after the date of this press release to conform to actual results.

### **Contact:**

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