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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

VIRTAMOVE, CORP.,

Plaintiff,

v.

HEWLETT PACKARD ENTERPRISE
COMPANY,

Defendant.

Case No. 2:24-cv-00093-JRG-RSP
(Lead Case)

VIRTAMOVE, CORP.,

Plaintiff,

v.

INTERNATIONAL BUSINESS MACHINES
CORP.,

Defendant.

Case No. 2:24-CV-00064-JRG-RSP
(Member Case)

EXPERT REPORT OF ERIC KOSKINEN, Ph.D.

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1. INTRODUCTION

1. I have been retained as an independent expert witness by Russ, August and Kabat LLP on behalf of VirtaMove, Corp. (“VirtaMove”) to testify as a technical expert in the above captioned case. I understand that U.S. Patents No. 7,519,814 (“the ’814 patent”), and No. 7,784,058 (“the ’058 patent”) are asserted by VirtaMove against the defendants in this case, which I will refer to collectively as the “Asserted Patents.” This report is directed at defendant International Business Machines Corp. (“IBM”).
2. In this expert report, I provide opinions regarding the Asserted Patents, and IBM’s infringement of the currently asserted claims of the Asserted Patents. I expect to testify at trial on these issues, as set forth in this report and in any supplemental reports or declarations that I may prepare for this litigation in the future. I also expect to testify at trial with respect to the matters addressed by any expert testifying on behalf of IBM, if asked about these matters by the Court or by the parties’ counsel. I may also testify on other matters relevant to this case, if asked by the Court or by the parties’ counsel.
3. To ensure that my opinions are complete and accurate, I reserve the right to supplement or amend this report if additional facts and information that affect my opinions become available. Such information may include, for example, materials produced in this litigation, and information and documents relevant to this case that IBM has not yet disclosed. I may also supplement or amend my report or opinions in response to additional discovery or other events, and may rebut expert reports submitted by IBM.
4. My work in this case is being billed at my normal hourly consulting rate of \$650, with reimbursement for actual expenses. My compensation is not related to the outcome of any proceeding involving these Asserted Patents. I have no personal interest in the outcome of the case.

2. QUALIFICATIONS

5. My qualifications can be found in my curriculum vitae, which includes a summary of my professional and educational background, and which can be found in **Exhibit A**.
6. I am an Associate Professor at Stevens Institute of Technology and, for over a decade, have served as a consultant, providing software-related services to law firms and corporations. Previously, I was a Lecturer/Researcher at Yale and a Professor at New York University. I completed an undergraduate degree (with Highest Honors) in Computer Science and Physics from The College of William and Mary, received a Master’s degree in Computer Science from Brown University, and completed a Ph.D. in Computer Science from the University of Cambridge.
7. I have been working in the fields of computer science and software engineering since 2001, including the years 2005-2013 when I completed the Master’s degree and the Doctorate mentioned previously.
8. I have work experience in all phases of commercial software design and operation, including requirements engineering, software architecture, software engineering, software

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instrumentalities associated with IKS would still be functionally related to the accused instrumentalities in that the bare metal servers operate in tandem with the accused instrumentalities, and benefits from infringement enabled by the patents-in-suit flow to the bare metal servers.

411. Indeed, the evidence demonstrates that bare metal servers at least form a functional relationship with IKS, with bare metal servers providing a computational role for the containers. *See, e.g.*, IBM_VM_000001775 at -81 (“Option to provision worker nodes as bare metal servers for compute-intensive workloads such as data, GPU, and AI.”); IBM_VM_000025526 at -31 (“Deploying Kubernetes involves clusters, the building blocks of Kubernetes architecture. Clusters are made up of nodes, each representing a single compute ... either a physical machine (bare metal server) or a VM.”); *see also* Sprague Tr. 113:9-115:13 (confirming that with respect to IBM_VM_000025526 the “service architecture and components contain bare metal”), 129:18-23 (“Q: And so—and you testified earlier today that bare metal servers are related to IBM Cloud Kubernetes service, right? A. It’s—looks like it’s part of the service.”); *see also, supra* IBM’s Accused Instrumentalities, Infringement of the ’814 Patent by IBM, Infringement of the ’058 Patent by IBM, Technical Benefits of Asserted Patents, Overview of the ’814 Patent and the Benefits of its Claimed Invention, Overview of the ’058 Patent and the Benefits of its Claimed Invention.
412. This same evidence also demonstrates that virtual servers at least form a functional relationship with IKS, with virtual servers providing a computational role for the containers. *See id.* My infringement analysis also includes their use of virtual servers. Even if for some reason, certain of the virtual servers are found not to be a part of the infringing unit, it is my opinion that virtual servers packaged with the accused instrumentalities associated with IKS would still be functionally related to the accused instrumentalities in that the virtual operate in tandem with the accused instrumentalities, and benefits from infringement enabled by the patents-in-suit flow to the virtual servers.

19. CONCLUSION

413. The opinions and conclusions expressed in this declaration represent my current opinions and conclusions, and the bases thereof. They may be revised and/or supplemented should additional information or insights become available to me.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed on June 23, 2025 at Brooklyn, New York.



Eric Koskinen