

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORP.,
Petitioner,

v.

VIRTAMOVE, CORP.,
Patent Owner.

Case No. IPR2025-00851
Patent No. 7,519,814

JOINT MOTION TO TERMINATE

Mail Stop Patent Board
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

INDEX OF EXHIBITS

Exhibit No.	Description
1001	U.S. Patent No. 7,519,814 (“the ’814 patent”)
1002	Declaration of Dr. Darrell Long, Ph.D. (EX. 1002 in IPR2025-00563)
1003	Osman et al., <i>The Design and Implementation of Zap: A System for Migrating Computing Environments</i> , 5 Proc. of the Symposium on Operating Systems Design and Implementation (2002) (“Osman”)
1004	U.S. Patent No. 7,437,556 (“Tucker”)
1005	U.S. Provisional Patent Application No. 60/469,558 (“Tucker Provisional”)
1006	U.S. Patent Publication No. 2002/0171678A1 (“Bandhole”)
1007	Virtual Private Servers and Security Contexts (“Gélinas”)
1008	File history of the ’814 patent
1009	Solaris 9 press release from Sun Microsystems
1010	B. Walters, “VmWare Virtual Platform.” Linux Journal, 1999.
1011	Soltesz et al., <i>Container-based operating system virtualization: a scalable, high-performance alternative to hypervisors</i> (2007)
1012	D. Price and A. Tucker. <i>Solaris zones: Operating system support for consolidating commercial workloads</i> . In Proceedings of the 18th Usenix LISA Conference, 2004.
1013	U.S. Provisional Patent Application No. 60/502,619
1014	U.S. Provisional Patent Application No. 60/512,103
1015	Declaration of Rachel Watters Regarding Osman
1016	Declaration of Jacques Gélinas Regarding Linux VServer

Exhibit No.	Description
1017	Message to Linux Kernel Mailing List Regarding Linux VServer
1018	Slashdot post Regarding Linux VServer
1019	Petitioner's Opening Claim Construction Brief in <i>VirtaMove, Corp. v. Amazon.com, Inc. et al.</i> , No. 7:24-cv-30-ADA-DTG (W.D. Tex.) (the "Amazon Litigation")
1020	Patent Owner's Sur-Reply Claim Construction Brief from the Amazon Litigation
1021	Excerpts from deposition of named inventor Donn Rochette
1022	J. Ball, "Managing Initscripts with Red Hat's chkconfig." Linux Journal, 2001.
1023	Kravetz, et al. "Enhancing Linux scheduler scalability." <i>Proceedings of the Ottawa Linux Symposium, Ottawa, CA. 2001.</i>
1024	Scheduling order from the Amazon Litigation
1025	Order cancelling <i>Markman</i> hearing in the Amazon Litigation
1026	Order granting transfer in the Amazon Litigation
1027	Curriculum vitae of Dr. Darrell Long
1028	Plaintiff VirtaMove Corp.'s Preliminary Disclosure of Asserted Claims and Infringement Contentions, in <i>VirtaMove Corp. v. Microsoft Corp.</i> , 7:24-cv-00338 (W.D. Tex.) (Mar. 28, 2025)
1029	Confidential Settlement Agreement

Petitioner Microsoft Corporation (“Microsoft”) and Patent Owner VirtaMove, Corp. (“Patent Owner” or “VirtaMove”) (collectively “the parties”) have entered into an agreement (“Agreement”) that resolves all underlying disputes between the parties involving U.S. Patent No. 7,519,814 (“the ’814 Patent”). All pending related litigations between the parties have been or will be dismissed. The Agreement is the only agreement or understanding between the parties made in connection with, or in contemplation of, the termination of this inter partes review.

In an email dated August 21, 2025, the Board authorized the parties to file (a) a joint motion to terminate and (b) a joint request to treat the Agreement as business confidential information.

As authorized, the parties jointly move that the Board terminate the above-captioned inter partes review, including Microsoft’s participation in that review. Pursuant to 35 U.S.C. § 317(a), “[a]n inter partes review instituted under this chapter shall be terminated with respect to any petitioner upon the joint request of the petitioner and the patent owner, unless the Office has decided the merits of the proceeding before the request for termination is filed.” Here, termination is appropriate because the Board has not yet issued a decision on institution in this inter partes review.

No other party’s rights would be prejudiced by the termination of this inter partes review. The parties are not aware of any other pending proceeding involving the subject patent that would be affected by the requested termination of this

proceeding.

Pursuant to 35 U.S.C. 317(b) and 37 C.F.R. § 42.74(b), the parties certify that they are filing concurrently herewith, as Ex. 1029, a true copy of the Agreement between the parties related to the subject patent, and a joint request to treat that agreement as business confidential information and to keep that agreement separate from the file of the involved patent, pursuant to 35 U.S.C. 317(b) and 37 C.F.R. § 42.74(c). The Agreement does not reference any other agreement and is the entire agreement between the parties. Ex. 1029, Section 5.19 (“Entire Agreement”).

In view of the above, the parties respectfully request that the Board grant the parties’ joint motion to terminate this inter partes review, including Microsoft’s participation in that review. The parties further request that the Board grant their joint request to treat the Agreement as business confidential information and keep it separate from the file of the involved patent.

Respectfully submitted,

Date: August 21, 2025

/s/ James M. Heintz

James M. Heintz, Reg. No. 41,828
DLA Piper LLP
One Fountain Square
11911 Freedom Drive, Suite 300
Reston, VA 20190-5602
P: +1 703 773 4000
F: +1 703 773 5000

*Attorney for Petitioner Microsoft
Corporation.*

Dated: August 21, 2025

/s/ James Milkey

Reza Mirzaie
rmirzaie@raklaw.com
Marc A. Fenster
mfenster@raklaw.com
Neil A. Rubin
nrubin@raklaw.com
James Milkey
jmilkey@raklaw.com
RUSS AUGUST & KABAT
12424 Wilshire Boulevard, 12th Floor
Los Angeles, CA 90025

Qi (Peter) Tong
ptong@raklaw.com
RUSS AUGUST & KABAT
4925 Greenville Ave, Suite 200
Dallas, TX 75206
Attorney for Patent Owner VirtaMove, Corp.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document has been served via electronic mail upon the following on August 21, 2025:

rak_virtamove@raklaw.com

DLA-MicroIPR-VirtaM@us.dlapiper.com

Dated: August 21, 2025

Respectfully Submitted,

/s/ James M. Heintz

James M. Heintz, Reg. No. 41,828

DLA Piper LLP

One Fountain Square

11911 Freedom Drive, Suite 300

Reston, VA 20190-5602

P: +1 703 773 4000

F: +1 703 773 5000

Attorney for Petitioner