

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORP.,
Petitioner,

v.

VIRTAMOVE, CORP.,
Patent Owner.

Case No. IPR2025-00854
Patent No. 7,784,058

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

TABLE OF EXHIBITS

Exhibit No.	Description
1001	U.S. Patent No. 7,784,058 (“the ’058 patent”)
1002	Declaration of Dr. Darrell Long, EX. 1002 in IPR2025-00561
1003	David Ely et al., <i>Alpine: A User-Level Infrastructure for Network Protocol Development</i> , Proc. 3rd USENIX Symposium on Internet Technologies and Systems (USITS ’01) (2001) (“Ely”)
1004	Paul R. Eggert & D. Stott Parker, <i>File Systems in User Space</i> , Proc. USENIX Winter 1993 Conference (1993) (“Eggert”)
1005	John R. Levine, <i>Linkers & Loaders</i> (2000) (“Levine”)
1006	Chandramohan A. Thekkath, et al., <i>Implementing Network Protocols at User Level</i> , 23 ACM SIGCOMM Computer Comm. Rev., 64-73 (1993) (“Thekkath”)
1007	David Ely et al., <i>Alpine: A User-Level Infrastructure for Network Protocol Development</i> , 3rd USENIX Symposium on Internet Technologies and Systems (USITS ’01) (“Ely Presentation”)
1008	Excerpts from the ’058 patent’s file history
1009	Arindam Banerji et al., <i>Protected Shared Libraries – a New Approach to Modularity and Sharing</i> , Proc. USENIX Annual Technical Conf. (USENIX 1997) 59-75 (“Banerji”)
1010	Excerpts of UNIX System V Release 3 Programmer’s Guide
1011	Excerpts of SunOS 4.1 Release Manual
1012	Excerpts of Solaris and SunOS System Interfaces Guide
1013	Excerpts of Sun Linker and Libraries Guide
1014	Linux Release Notes
1015	FreeBSD 3.3 Linker Information
1016	Excerpts of Windows API Guide Reference Volume 3 (1992)

1017	Scheduling order from <i>VirtaMove, Corp. v. Amazon.com, Inc. et al.</i> , No. 7:24-cv-30-ADA-DTG (W.D. Tex.) (the “Amazon Litigation”)
1018	Order cancelling <i>Markman</i> hearing in the Amazon Litigation
1019	Order granting transfer in the Amazon Litigation
1020	Arnold, J. Q., “Shared Libraries on UNIX System V”, Summer Conference Proceedings, Atlanta 1986, USENIX Association, 1986.
1021	FreeBSD 3.0 Release Notes
1022	FreeBSD 3.3 Release Notes
1023	FreeBSD System Calls Manual – “select(2)”
1024	Curriculum Vitae of Dr. Darrell Long
1025	Declaration of Sylvia D. Hall-Ellis
1026	Wayback Machine – USITS ’01 Home Page
1027	Amazon’s Opening Claim Construction Brief in the Amazon Litigation
1028	Wayback Machine – USITS ’01 Alpine Abstract
1029	Australian Unix User Group Newsletter, Vol. 8, No. 5 excerpts
1030	Declaration of Rachel J. Watters
1031	<i>Ex Parte</i> Reexamination Request
1032	Order Granting Request for <i>Ex Parte</i> Reexamination
1033	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)
1034	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. 7,784,058 (“the ’058 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. 1034, 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. 1034, 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