

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

VIRTAMOVE, CORP.,

Plaintiff,

v.

ORACLE CORP.,

Defendant.

Case No. 7:24-CV-00339-ADA

DEFENDANT ORACLE CORP.'S
SECOND AMENDED PRELIMINARY INVALIDITY CONTENTIONS

Title	Publication Date	Author(s)/Publisher(s)	Short Name
Implementing Network Protocols at User Level	1993	Thekkath SIGCOMM Computer Communication Review	Thekkath
Alpine: A User-Level Infrastructure for Network Protocol Development	2001	Ely 3rd USENIX Symposium on Internet Technologies and Systems (USITS 01)	Ely Presentation
HP C++ Programmer's Guide, Fourth Edition	June 1996	HP	HP C++ Programmer's Guide
HP C/HP-UX Reference Manual, Ninth Edition	June 2000	HP	HP C Compiler Reference Manual
A Secure Linux Platform, in Proceedings of the 5th Annual Linux Showcase & Conference in Oakland, California	Nov. 5-10, 2001	Nigel Edwards, Joubert Berger, Tse Huong Choo HP	Nigel
An Operating System Approach to Securing E-Services, Implementing Trusted Linux, an Ideal Platform for E-Services Application Hosting, 44 Communications of the ACM 2	February 2001	Chris Dalton and Tse Huong Choo ACM	Dalton
Absolute BSD – The Ultimate Guide to FreeBSD	Aug. 2002	M. Lucas No Starch Press	Lucas

3. **PRIOR ART SYSTEMS**

Oracle identifies below the systems or software products presently known to Oracle that anticipate and/or render obvious the asserted claims of the '814 patent and the '058 patent. Oracle incorporates by reference all prior art references cited in the publicly available materials listed

herein. Although Oracle's investigation continues, information available to date indicates that each system or software product was (i) known or used in this country before the alleged invention of the claimed subject matter of the asserted claims; (ii) was in public use and/or on sale in this country and/or was the subject of a printed publication more than one year before the filing date of the patent; and/or (iii) was invented by another who did not abandon, suppress, or conceal, before the alleged invention of the claimed subject matter of the asserted claims. While Oracle is producing publicly available materials uncovered to date regarding these systems, its investigation regarding the functionality embodied in these systems is ongoing. In some of these cases, Oracle may serve subpoenas and/or otherwise request information pertaining to the products and/or software programs (and/or obtain the actual products and/or software programs themselves) once fact discovery begins, and expects to supplement its contentions as additional information is provided, for example through third-party subpoenas and further discovery from VirtaMove.

The following systems or software products, as well as any systems associated with or reflected in any of the patents or publications cited herein, are prior art under at least 35 U.S.C. §§ 102(a), (b), (f), (g), and/or 103.

System prior art to the '814 patent:

System/Service	Date	Person/Entity	Short Name
HPE ServiceGuard and HP-UX	Mar. 2002	HPE	HPE ServiceGuard
HPE Trusted Linux (a/k/a HP Secure OS)	Aug. 27, 2001	HPE	HPE Trusted Linux
Linux vServer	2002	Jacques Gélinas	vServer
Thinstall	2001-2003	Thinstall	Thinstall
Virtuozzo	2002	SWsoft	Virtuozzo
Solaris	2002	Sun Microsystems	Solaris <i>or</i> Solaris Zones
IBM Storage Tank	Jan. 23, 2002	Pease, IBM	IBM Storage Tank

System/Service	Date	Person/Entity	Short Name
FreeBSD	Nov. 1993	Berkeley Software Distribution	FreeBSD

System prior art to the '058 patent:

System/Service	Date	Person/Entity	Short Name
HPE ServiceGuard and HP-UX	Mar. 2002	HPE	HPE ServiceGuard
HPE Trusted Linux (a/k/a HP Secure OS)	Aug. 27, 2001	HPE	HPE Trusted Linux
Linux vServer	2002	Jacques Gélinas	vServer
Thinstall	2001-2003	Thinstall	Thinstall
Virtuozzo	2002	SWsoft	Virtuozzo
Solaris	2002	Sun Microsystems	Solaris <i>or</i> Solaris Zones
FreeBSD	Nov. 1993	Berkeley Software Distribution	FreeBSD
User-Mode-Linux (UML)	1991-2000	Jeff Dike	User-mode Linux

4. ADMITTED PRIOR ART

Statements made by the Applicants in the specification and/or during prosecution of the Asserted Patents and any related patents/applications, such as in the “Background of the Invention” section that describes the related art known to the Applicants, are admissions that can be relied upon for both anticipation and obviousness determinations, regardless of whether the admitted prior art would otherwise qualify as prior art under the statutory categories set forth in 35 U.S.C. § 102. *See* MPEP §§ 2129 and 608.01(c). Oracle reserves the right to rely on Applicants’ “Admitted Prior Art” to demonstrate the invalidity of the Asserted Claims.

For example, the Asserted Patents and/or the alleged inventor(s) thereof admit that all of the following was prior art. Oracle reserves the right to supplement the list of admitted prior art to refer to additional admissions:

Dated: July 17, 2025

Respectfully submitted,

/s/ Jared Bobrow

Jared Bobrow (admitted *pro hac vice*)

CA Bar No. 133712

jbobrow@orrick.com

Bas de Blank (admitted *pro hac vice*)

CA Bar No. 191487

basdeblank@orrick.com

Diana Rutowski (admitted *pro hac vice*)

CA Bar No. 233878

drutowski@orrick.com

Orrick, Herrington & Sutcliffe LLP

1000 Marsh Road

Menlo Park, CA 94025

Tel: (650) 614-7400

Fax: (650) 614-7401

Darryl J. Adams

Slayden Grubert Beard

401 Congress Avenue, Suite 1650

Austin, Texas 78701

Tel: 512-402-3550

Attorneys for Defendant Oracle Corp.