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ATTORNEYS AT LAW

Veeam Software Corporation
v.
Symantec

**IPR2013-00141, 00142, 00143,
and 00150**

**DEMONSTRATIVES OF PETITIONER
Veeam Software Corporation**

Hearing: May 5, 2014

U.S. Patent No. 7,093,086

IPR2013-00150

Claims 1 and 12

1. A computer readable medium storing a plurality of instructions comprising instructions which, when executed:

(i) capture a state of a first virtual machine executing on a first computer system, the state of the first virtual machine corresponding to a point in time in the execution of the first virtual machine, wherein the first virtual machine comprises at least one virtual disk storing at least one file used by at least one application executing in the first virtual machine, and wherein the state of the first virtual machine comprises the at least one file; and

(ii) copy at least a portion of the state to a destination separate from a storage device to which the first virtual machine is suspendable, wherein suspending the first virtual machine is performed responsive to a suspend command.

12. An apparatus comprising: a first computer system configured to execute at least a first virtual machine, wherein the first computer system is configured to:

(i) capture a state of the first virtual machine, the state corresponding to a point in time in the execution of the first virtual machine, wherein the first virtual machine comprises at least one virtual disk storing at least one file used by at least one application executing in the first virtual machine, and wherein the state of the first virtual machine comprises the at least one file; and

(ii) copy at least a portion of the state to a destination separate from a storage device to which the first virtual machine is suspendable, wherein suspending the first virtual machine is performed responsive to a suspend command.

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Claims 11 and 22

11. The computer readable medium as recited in claim 1 wherein (i) comprises creating a new log of uncommitted updates for each virtual disk in the first virtual machine and creating a memory area to capture writes to a memory of the first virtual machine, such that the first virtual machine can continue executing during (ii).

22. The apparatus as recited in claim 12 wherein (i) comprises creating a new log of uncommitted updates for each virtual disk in the first virtual machine and creating a memory area to capture writes to a memory of the first virtual machine, such that the first virtual machine can continue executing during (ii).

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The independent claims are not limited to "backup"

1. A computer readable medium storing a plurality of instructions comprising instructions which, when executed:

(i) capture a state of a first virtual machine executing on a first computer system, the state of the first virtual machine corresponding to a point in time in the execution of the first virtual machine, wherein the first virtual machine comprises at least one virtual disk storing at least one file used by at least one application executing in the first virtual machine, and wherein the state of the first virtual machine comprises the at least one file; and

(ii) copy at least a portion of the state to a destination separate from a storage device to which the first virtual machine is suspendable, wherein suspending the first virtual machine is performed responsive to a suspend command.

2. The computer readable medium as recited in claim 1 wherein the destination is a **backup medium** coupled to the first computer system and used to **backup data** from the first computer system.

"[T]he backup program 42, the checkpoint program 76, and/or the recovery program 78 (or portions thereof) **may be implemented as part of the VM kernel.**"('086 patent, 14:11-14.)

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Veeam Reply Brief, p. 3

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