

Jon Strang

From: Bill R. Miras
Sent: Thursday, September 05, 2013 9:19 PM
To: 'joe.richetti@bryancave.com'; 'lgkurland@bryancave.com'
Cc: Lori Gordon; Mike Lee; Byron Pickard
Subject: IPR2013-00150: Service of Supplemental Evidence
Attachments: Certificate of Service IPR2013-00150.pdf

Counsel:

We are electronically serving Petitioner Veeam's supplemental evidence, which is immediately available via [this link](https://www.hightail.com/download/OGhmTkFuT2JGR0dybHNUQw) (<https://www.hightail.com/download/OGhmTkFuT2JGR0dybHNUQw>). Because this evidence (over 2 gigabytes) exceeds the size limitations of our mail system we are unable to transmit it via email. If you have any problems with this transmittal, please let us know immediately.

Thanks,

Bill Miras | Litigation Paralegal | **Sterne, Kessler, Goldstein and Fox P.L.L.C.** | 1100 New York Avenue NW, Suite 800 Washington, DC 20005 |
Email: bmiras@skgf.com | **Direct: 202.772.8778** | Main: 202.371.2600 | Secretary - Cecilia Zhang: 202.772.8682 |
<http://www.skgf.com/home.php>

VEEAM 1015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VEEAM SOFTWARE CORPORATION,
Petitioner

v.

SYMANTEC CORPORATION
Patent Owner

Case IPR2013-00150
Patent 7,093,086

SERVICE OF SUPPLEMENTAL EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(2), Petitioner Veeam Software Corporation (“Veeam”) hereby serves electronically the following supplemental evidence in response to the objection served by Patent Owner on August 21, 2013. This evidence is being served within ten business days of the service of the objection.

1. Declaration of Daniel S. Block including:

Exhibit A: Photographs of the VMware ESX 1.0 media kit, including its packaging and contents.

Exhibit B: Photographs of the VMware Workstation 2.0 for Linux Systems media kit including its packaging and contents.

Exhibit C: August 26, 2013 Affidavit of Christopher Butler, Office Manager at Internet Archive.

Exhibit D: July 15, 2013 Affidavit of Christopher Butler, Office Manager at Internet Archive.

Exhibit E: August 29, 2013 Affidavit of Christopher Butler, Office Manager at Internet Archive.

Exhibit F: Image of VMware ESX Server 1.0.1 included with VMware ESX 1.0 media kit.

Exhibit G: Image of VMware ESX Server 1.0.1d included with VMware ESX 1.0 media kit.

Exhibit H: Image of VMware Workstation for Linux Systems Version 2.0 included with VMware Workstation 2.0 media kit.

2. June 7, 2013 Affidavit of Christopher Butler, Office Manager at Internet Archive including Exhibits A, B, and C.

3. July 15, 2013 Affidavit of Christopher Butler, Office Manager at Internet Archive including Exhibit A.

4. August 26, 2013 Affidavit of Christopher Butler, Office Manager at Internet Archive including Exhibit A.
5. August 29, 2013 Affidavit of Christopher Butler, Office Manager at Internet Archive including Exhibit A.
6. September 4, 2013 Declaration of Tom Sightler including:

Exhibit A: A copy of Veeam 1006 IPR of U.S. Patent No. 7,093,086.
7. *VMware 2 for Linux* by Jason Compton, Prima Publishing (2000), ISBN: 0-7615-2764-8.
8. Image of CD included with *VMware 2 for Linux* by Jason Compton, ISBN: 0-7615-2764-8 including gettingstarted_2_linux.pdf dated July 12, 2000.
9. United States Copyright Office, Copy of Assignment, Certificate of Recordation dated March 6, 2002 for *VMware 2 for Linux* by Jason Compton published on August 24, 2000.
10. United States Copyright Office, Copy of Assignment dated March 6, 2002 for *VMware 2 for Linux*, ISBN 0-7615-2754-8.
11. Declaration by Dr. Prashant Shenoy including:

Exhibit 1: Affidavit of Christopher Butler, Office Manager at Internet Archive including Exhibits A, B, and C.

Exhibit 2: A copy of the recovered version of PDF file in Exhibit 1 obtained from Internet Archive.

Exhibit 3: A copy of the native version of VEEAM_1006 previously submitted in the above captioned matter.

Exhibit 4: A copy of Adobe Systems Inc., PDF REFERENCE (3d 2001).
12. IPSJ SIG Technical Report Vol. 2001, No. 79, ISSN 0919-6072, by Information Processing Society of Japan Inc., dated August 10, 2001 (Japanese).

13. English Translation of cover page, table of contents, and “Checkpoint for Network Transferable Computer” included in IPSJ SIG Technical Report Vol. 2001, No. 79, ISSN 0919-6072.
14. Certification that the English Translation of cover page, table of contents, and “Checkpoint for Network Transferable Computer” included in IPSJ SIG Technical Report Vol. 2001, No. 79, ISSN 0919-6072 is true and accurate.
15. A copy of DIGEST OF PAPERS: TWENTY-SEVENTH ANNUAL INTERNATIONAL SYMPOSIUM ON FAULT-TOLERANT COMPUTING (1997) including “Integrating Checkpointing with Transaction Processing” by Wang et al.

Upon request, Veeam will make its copy of *VMware 2 for Linux* by Jason Compton, Prima Publishing (2000), ISBN: 0-7615-2764-8 including the CD available for inspection.

Veeam notes that Patent Owner’s objection to VEEAM 1004 and its hearsay objections to VEEM 1005, VEEAM 1012, VEEAM 1006, VEEAM 1007-1009, and VEEAM 1010 fail to “identify the grounds for the objection with sufficient particularity to allow correction in the form of supplemental evidence” as required by 37 C.F.R. § 42.64(b)(1). Veeam therefore reserves the right to further supplement its evidence should Patent Owner provide sufficient detail to permit Veeam to respond with supplemental evidence.

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