

Filed on behalf of Symantec Corporation

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

**DECLARATION OF MATTHEW D. GREEN IN SUPPORT OF PATENT
OWNER'S RESPONSE PURSUANT TO 37 C.F.R. § 42.120**

Symantec Exhibit 2016
Veeam v. Symantec

I, Matthew D. Green, declare as follows:

I. Background and Qualifications

1. I am submitting this report on behalf of Symantec Corporation. I have been retained as a technical expert in connection with the above-captioned action to study and provide my opinions on certain issues related to U.S. Patent No. 7,093,086 (“the ‘086 patent”). I have been asked to provide my opinions regarding the validity of the claims 1, 11, 12 and 22 of the ‘086 patent. My opinions are set forth in detail in this report and in the accompanying Exhibits.

2. Between now and such time that I may be asked to testify, I expect to continue my review, evaluation, and analysis of evidence presented before and/or at the hearing. I expect to review further reports submitted by Veeam’s expert(s). I reserve the right to amend or supplement this report, as appropriate, after considering the opinions set forth in Veeam’s expert report(s). In the event that additional relevant information becomes available to me, I also reserve the right to review and consider that information in further developing or refining my opinions. I further reserve the right to supplement this report as necessary. I also reserve the right to develop materials and exhibits as appropriate for use in helping to demonstrate and explain my opinions in the event that I am asked to testify at trial.

3. My compensation as an expert is in no way dependent upon the results of any investigations I undertake, the substance of any opinion I express, or the ultimate outcome of this case. Barr Group bills Patent Owner for my time by the hour, plus reimbursement for travel and other out-of-pocket expenses incurred during my work on this matter. Barr Group and I are each compensated regardless of the facts I know or discover and/or the conclusions or opinions I reach. I have no personal or financial stake or interest in the outcome of this matter.

4. Attached as Exhibit A to this report is my up-to-date curriculum vitae, which includes a complete list of my publications and past testimony as an expert. The following paragraphs briefly summarize my relevant expertise.

5. I hold a Ph. D. in Computer Science from Johns Hopkins University, a Master of Science degree in Computer Science from Johns Hopkins University and a Bachelor of Arts in Computer Science from Oberlin College. I have authored a number of research papers in top Computer Science journals and conferences, including journals and conferences of the Institute of Electrical and Electronics Engineers (IEEE) and the Association for Computing Machinery (ACM).

6. At present I hold an Assistant Research Professorship at Johns Hopkins University in Baltimore, MD. My professional responsibilities in these positions include: advising graduate students, teaching, and conducting research supported by grants. I am supported as a co-Principal Investigator on National

Science Foundation grant NSF CNS-1010928 as well as grants from DARPA and ONC/HHS. A complete list of my research publications, patents, and grant support is included in Appendix A.

7. Prior to accepting a university position, I worked for a number of years as a software developer and technology consultant. From 1999-2004 I held the position of Senior Technical Staff Member at AT&T Laboratories in Florham Park, NJ, where my responsibilities included developing software for desktop and mobile devices, development of a secure text messaging system for mobile devices, and development work on AT&T's Interactive Voice Response (IVR) system. The latter system was deployed to millions of AT&T customers. From 2005-2011, I served as Principal Analyst and CTO of Independent Security Evaluators, a custom security evaluation and design consultancy. In that position I worked with several clients to develop security solutions for virtual machine based systems such as anti-virus detection systems.

8. I have used my education and my years of experience working in the field of software design, and my understanding of the knowledge, creativity, and experience of a person of ordinary skill in the art in forming the opinions expressed in this report.

II. Information Relied Upon

9. I understand that this *Inter Partes* Review proceeding involves U.S. Patent No. 7,093,086 filed on March 28, 2002 and entitled “Disaster Recovery and Backup using Virtual Machines”.

10. This declaration is intended to provide information and opinions concerning the disclosure in certain prior art references in relation to the ‘086 patent and some of its claims.

11. In preparation for this declaration, I have reviewed and am now familiar with materials from the proceeding, including:

- 11a. The ‘086 patent including the specification and claims;
- 11b. The ‘086 patent’s prosecution history;
- 11c. Petition for *Inter Partes* Review of the ‘086 patent dated February 14, 2013;
- 11d. Declaration of Dr. Prashant Shenoy in Support of Petition for *Inter Partes* Review of the ‘086 patent;
- 11e. U.S. Patent 6,795,966;
- 11f. VMware ESX Server 1.0: User Manual;
- 11g. Getting Started Guide: VMware 2.0 for Linux;
- 11h. Suzuki, Checkpoint for Network Transferable Computer;
- 11i. Wang *et al.*, Integrating Checkpointing with Transaction Processing;
- 11j. Claim Construction Order dated March 3, 2013 (Case 3:12-cv-00700-SI, Document 105);

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