

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC.,
Petitioner,

v.

VIRTAMOVE CORP.,
Patent Owner.

IPR2025-00566
U.S. Patent No. 7,519,814

DECLARATION OF JACQUES GÉLINAS

I, Jacques Gélinas, hereby declare:

1. I am making this declaration at the request of Petitioner Amazon.com, Inc. (“Amazon”).

2. I am being compensated for my time on this case based on my standard hourly consulting rate. My compensation is not contingent on the content of my testimony or the outcome of these proceedings. I do not own any stock in Amazon and, to my knowledge, I have no financial interest in Amazon.

3. I hold a Bachelor’s degree in Mechanical Engineering from Polytechnique Montréal, which I earned in 1982. I am now retired after a long career in IT and software development, including more than 25 years at Croesus Finansoft, where I most recently served as the Vice President of Technology.

4. I am the creator of the Linux VServer project, a containerization system for Linux. I wrote the original code and documentation for VServer and publicized the project on my website (www.solucorp.qc.ca). The VServer website was available to the public at least as early as October 2001.

5. In October 2001, I sent a message to the Linux Kernel Mailing List announcing the VServer project and linking to my VServer website. A true and correct copy of the message I sent is being submitted as Exhibit 1017. I chose to publicize the VServer project through the Linux Kernel Mailing List because I knew

that the Mailing List was very popular and widely read by software developers around the world.

6. My message to the Mailing List was also publicized on the link aggregator website Slashdot, which was also very popular and widely read by software developers around the world. A post about the VServer project, which linked to my VServer website, was published by Slashdot on November 7, 2001. A true and correct copy of the Slashdot post is being submitted as Exhibit 1018.

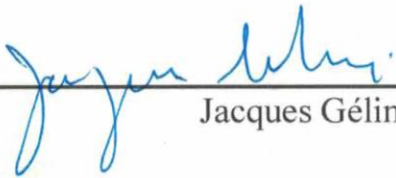
7. Following my announcement to the Linux Mailing List and the post on Slashdot, both of which included a link to my VServer website, I noticed that traffic to the website spiked dramatically. I recall in particular that my VServer website received 120,000 requests in a single day shortly after the post on Slashdot. This type of spike in traffic to websites featured on Slashdot was commonly known as the “Slashdot effect.” I recall being quite proud that my website did not crash under the added traffic.

8. A true and correct copy of pages from my VServer website, preserved by the Internet Archive’s Wayback Machine, is being submitted as Exhibit 1007. This exhibit accurately captures the content of my website in the period between December 22, 2001, and August 14, 2002, when the Wayback Machine archived the pages. The website shown in this exhibit is the same website that was linked in my Linux Kernel Mailing List announcement and the Slashdot post.

9. The portion of Exhibit 1007 entitled “Virtual private servers and security contexts” accurately shows content captured from my web site on June 6, 2002. The portion entitled “vserver Howto/FAQ” accurately shows the content captured from my web site on June 15, 2002 for the first question, August 14, 2002 for the second question, and December 22, 2001 for the third question. Thus, all of these pages in Exhibit 1007 were publicly available on my website by August 14, 2002.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 29, 2025 at BROWNSBURG-CHATHARA, Canada.



Jacques Gélinas