UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

PARTEC AG,
Patent Owner.

IPR2025-00318
Patent No. 11,537,442

JOINT MOTION TO TERMINATE PROCEEDING

EXHIBIT LIST

LIST OF NEWLY FILED EXHIBITS

Exhibits concurrently filed with Joint Motion To Terminate Proceedings:

No.	Description
1036	Confidential Settlement Agreement, dated May 6, 2026

LIST OF PREVIOUSLY FILED EXHIBITS

No.	Description
1001	U.S. Patent No. 11,537,442 ("**'442 patent**")
1002	File History of U.S. Patent No. 11,537,442
1003	Declaration of Darrell Long, dated December 20, 2024 ("**Long Decl.**" or "**Long**")
1004	U.S. Patent App. Pub. No. U.S. 2013/0282787 ("**Lippert**")
1005	John R. Budenske et al., *A Method for the On-Line Use of Off-Line Derived Remappings of Iterative Automatic Target Recognition Tasks onto a Particular Class of Heterogeneous Parallel Platforms*, The Journal of Supercomputing, Vol. 12, No. 4 (Oct. 1998) ("**Budenske**")
1006	U.S. Patent App. Pub. No. U.S. 2018/0074855 ("**Kambatla**")
1007	Yu-Kwong Kwok et al., *A Semi-Static Approach to Mapping Dynamic Iterative Tasks onto Heterogeneous Computing Systems*, Journal of Parallel and Distributed Computing (2005) ("**Kwok**")
1008	Mitchell D. Theys et al., *Mapping Tasks onto Distributed Heterogeneous Computing Systems Using a Genetic Algorithm Approach*, Solutions to Parallel and Distributed Computing Problems (A. Zomaya, F. Ercal & S. Olariu eds., 2001) ("**Theys**")
1009	U.S. Patent No. 3,496,551 ("**Driscoll**")

No.	Description
1010	Yuan-Chieh Chow and Walter H. Kohler, *Models for Dynamic Load Balancing in a Heterogeneous Multiple Processor System*, IEEE Transactions on Computers, Vol. C-28, No. 5 (May 1979) ("**Chow**")
1011	David M. Nicol and Paul F. Reynolds, Jr., *Optimal Dynamic Remapping of Data Parallel Computations*, IEEE Transactions on Computers, Vol. 39, No. 2 (Feb. 1990) ("**Nicol**")
1012	Arun C. Murthy, et al., Apache Hadoop YARN (2014) ("**Murthy**")
1013	Morris Jette and Mark Grondona, *SLURM: Simple Linux Utility for Resource Management*, ClusterWorld Conference and Expo ("**Jette**")
1014	Norbert Eicker et al., *The DEEP Project: An Alternative Approach to Heterogeneous Cluster-Computing in the Many-Core Era*, Concurrency and Computation: Practice and Experience (2016) ("**Eicker**")
1015	U.S. Patent App. Pub. No. U.S. 2017/0262319 ("**Newburn**")
1016	Carsten Clauss et al., *Dynamic Process Management with Allocation-internal Co-Scheduling towards Interactive Supercomputing*, Proceedings of the First Workshop on Co-Scheduling of HPC Applications (2016) ("**Clauss**")
1017	Declaration of Rachel J. Watters dated December 13, 2024 ("**Watters Decl.**")
1018	Samik Raychaudhuri, *Introduction to Monte Carlo Simulation*, Proceedings of the 2008 Winter Simulation Conference (2008) ("**Raychaudhuri**")
1019	David W. Bauer, Jr. and Mojdeh Mohtashemi, *An Application of Parallel Monte Carlo Modeling for Real-Time Disease Surveillance*, Proceedings of the 2008 Winter Simulation Conference (2008) ("**Bauer**")
1020	List of Challenged Claims
1021	U.S. Patent No. 5,881,227 ("**Brenner**")
1022	U.S. Patent No. 7,047,299 ("**Curtis**")

No.	Description
1023	N. Metropolis, *The Beginning of the Monte Carlo Method*, Los Alamos Science, Special Issue (1987) ("**Metropolis**")
1024	U.S. District Court, Eastern District of Texas, Calendar Events Set for 4/1/2026-4/30/2026, Judge Robert W. Schroeder, III, Presiding
1025	Time to Milestones Report, Judge Robert W. Schroeder, III, DocketNavigator, https://search.docketnavigator.com/patent/judge/15325/15?print=true (last visited Dec. 19, 2024)
1026	Judge Schroeder Calendar Events June 15, 2026 (last visited May 14, 2025)
1027	Petitioner Sotera Stipulation, Served May 9, 2025
1028	Jane C. Blake, *Digital Technical Journal* (Vol. 10, No. 1, 1998)
1029	Joint Claim Construction Statement, *Partec AG, et al. v. Microsoft Corp*., Case No. 2:24-cv-00433-RWS-RSP (E.D. Tex) (Sept. 19, 2025)
1030	Plaintiffs' Opening Claim Construction Brief*, Partec AG, et al. v. Microsoft Corp.*, Case No. 2:24-cv-00433-RWS-RSP (E.D. Tex.) (Oct. 31, 2025)
1031	Plaintiffs' Reply Claim Construction Brief, *Partec AG, et al. v. Microsoft Corp.*, Case No. 2:24-cv-00433-RWS-RSP (E.D. Tex.) (Nov. 21, 2025)
1032	Claim Construction Hearing Transcript, *Partec AG, et al. v. Microsoft Corp.*, Case No. 2:24-cv-00433-RWS-RSP (E.D. Tex.) (Dec. 12, 2025)
1033	Intel Xeon Phi Coprocessor x200 Product Family Datasheet (Apr. 2017)
1034	Mellanox InfiniBand FAQ (Dec. 2014)
1035	Claim Construction Order, *Partec AG, et al., v. Microsoft Corporation*, Case No. 2:24-cv-00433-RWS-RSP (E.D. Tex., Feb. 17, 2026)

I. STATEMENT OF RELIEF REQUESTED

Pursuant to 35 U.S.C. § 317; 37 C.F.R. §§ 42.72, 42.74; and authorization provided by the Board on May 11, 2026 (Exhibit 3005), Petitioner Microsoft Corporation ("Petitioner") and Patent Owner Partec AG ("Patent Owner") (collectively, the "Parties") jointly move for termination of this *inter partes* review proceeding (IPR2025-00318, the "Proceeding"), without prejudice to either Party.

The Parties have reached a settlement and are concurrently filing a true copy of their sole settlement agreement (Confidential Exhibit 1036) along with a request that it be kept separate and treated as "business confidential information" pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c).

Prior to filing this motion, undersigned counsel for Petitioner obtained permission from undersigned counsel for Patent Owner to file this motion and request jointly on behalf of the Parties.

II. JOINT MOTION FOR TERMINATION

Petitioner filed its petition for *inter partes* review on December 20, 2024 (Paper 1), and the Board issued a Notice of Filing Date Accorded on January 16 2025 (Paper 5). The Board entered institution on June 12, 2025 (Paper 9). Patent Owner filed its Response on September 30, 2025 (Paper 16). Oral argument was held on April 14, 2026. The Board has not yet entered a final written decision.

On May 6, 2026, the parties entered into a settlement agreement resolving

their disputes regarding *inter alia* U.S. Patent No. 11,537,442, including an agreement to terminate this *inter partes* review. *See* Confidential Exhibit 1036.

Upon finalizing the settlement agreement, the Parties promptly informed the Board on May 7, 2026, and sought permission to file this motion and a corresponding request to treat the settlement agreement as business confidential information. The Board authorized these filings in a responsive email on May 11, 2026. On May 8, 2026, the Parties filed a joint motion to stay all deadlines and a notice of settlement in the District Court case, and on May 11, 2026, the Parties filed a corrected joint motion to stay all deadlines and a notice of settlement. On May 12, 2026, the District Court granted the corrected joint motion to stay all deadlines. In view of the settlement agreement, there is no litigation contemplated between Patent Owner and Petitioner.

Termination of this Proceeding is appropriate because (i) all pending disputes between the Parties have been resolved by the settlement agreement; (ii) the Board has not yet decided the merits of this proceeding; and (iii) the Parties jointly make this motion and request under 35 U.S.C. § 317. *See* Patent Trial and Appeal Board Consolidated Trial Practice Guide (November 2019), page 86, Section II (N) ("There are strong public policy reasons to favor settlement between the parties to a proceeding. […] The Board expects that a proceeding will terminate after the filing of a settlement agreement, unless the Board has already decided the merits of the

proceeding." (citing 35 U.S.C. § 317(a)).

Pursuant to 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(b), a true copy of the Parties' settlement agreement (Confidential Exhibit 1036) is being filed concurrently with this motion and request. As discussed in the Parties' concurrently filed Joint Request to Treat the Parties' Settlement Agreement as Business Confidential Information, the Parties request that settlement agreement be treated as business confidential information. There are no other agreements or understandings, oral or written, between the Parties made in connection with, or in contemplation of, the termination of the Proceeding.

III. CONCLUSION

For at least the above-noted reasons, termination is appropriate under 35 U.S.C. § 317 and 37 C.F.R. §§ 42.72 and 42.74, and the Parties jointly move the Board to terminate this Proceeding. As provided by 35 U.S.C. § 317(a) and 37 C.F.R. § 42.73(d), and because Patent Owner and Petitioner jointly request this termination, no estoppel under 35 U.S.C. § 315(e) shall attach to Petitioner.

Respectfully submitted,

Dated: May 13, 2026

By: /Andrew M. Mason/

Andrew M. Mason (Reg. No. 64,034)
andrew.mason@klarquist.com
KLARQUIST SPARKMAN, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204

Tel: 503-595-5300
Fax: 503-595-5301

Counsel for Petitioner

By: /Michael F. Heim/
Michael F. Heim (Reg. No. 32,702)
mheim@hpcllp.com
HEIM, PAYNE & CHORUSH, LLP
609 Main Street, Suite 3200
Houston, TX 77002
Tel: 713-221-2000

Counsel for Patent Owner

CERTIFICATE OF SERVICE
IN COMPLIANCE WITH 37 C.F.R. § 42.6(E)(4)

The undersigned certifies that on May 13, 2026, a complete copy of the **JOINT MOTION TO TERMINATE PROCEEDING** and **EXHIBIT 1036** were served on counsel for the Patent Owner via electronic mail as follows:

Michael H. Heim
Christopher L. Limbacher
Heim, Payne & Chorush, LLP
609 Main Street, Suite 3200
Houston, TX 77002
Email: mheim@hpcllp.com
climbacher@hpcllp.com

By: /Andrew M. Mason/
Andrew M. Mason (Reg. No. 64,034)
andrew.mason@klarquist.com
KLARQUIST SPARKMAN, LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Tel: 503-595-5300
Fax: 503-595-5301

Counsel for Petitioner