

From: [Trials](#)
To: andrew.mason@klarquist.com; [Frank Morton-Park](#); [Kenneth Weatherwax](#); [Nathan Lowenstein](#); [Colette Woo](#); [Parham Hendifar](#); Qomplx_IPRs@lowensteinweatherwax.com; [Samuel Thacker](#); [Todd M. Siegel](#); [Msft-Qomplx](#); [Stephanie R. Fulk](#)
Cc: [Trials](#)
Subject: RE: IPR2026-00183 (Microsoft v. Qomplx): Petitioner Request for Authorization to File Preliminary Reply
Date: Thursday, May 7, 2026 2:40:35 PM
Attachments: [image001.png](#)
[image002.png](#)

Counsel,

Petitioner is authorized to file a 5-page preliminary reply in IPR2026-00183, due no later than May 12, 2026, limited to addressing the claim terms Petitioner identifies in its April 30, 2026 email. Patent Owner is authorized to file a 5-page preliminary sur-reply in IPR2026-00183 due no later than May 15, 2026, limited to addressing the same issues.

The parties should file their briefs as papers in P-TACTS. The parties are not authorized to file any evidence at this time.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571) 272-5366



From: andrew.mason@klarquist.com <andrew.mason@klarquist.com>
Sent: Thursday, April 30, 2026 11:22 PM
To: Director_DI <Director_DI@uspto.gov>
Cc: [Kenneth Weatherwax](mailto:Kenneth.Weatherwax@lowensteinweatherwax.com) <weatherwax@lowensteinweatherwax.com>; [Nathan Lowenstein](mailto:Nathan.Lowenstein@lowensteinweatherwax.com) <lowenstein@lowensteinweatherwax.com>; [Colette Woo](mailto:Colette.Woo@lowensteinweatherwax.com) <woo@lowensteinweatherwax.com>; [Parham Hendifar](mailto:Parham.Hendifar@lowensteinweatherwax.com) <hendifar@lowensteinweatherwax.com>; Qomplx_IPRs@lowensteinweatherwax.com; [Samuel Thacker](mailto:Samuel.Thacker@klarquist.com) <Samuel.Thacker@klarquist.com>; [Todd M. Siegel](mailto:Todd.Siegel@klarquist.com) <todd.siegel@klarquist.com>; [Frank Morton-Park](mailto:Frank.Morton-Park@klarquist.com) <Frank.Morton-Park@klarquist.com>; [Msft-Qomplx](mailto:Msft-Qomplx@klarquist.com) <Msft-Qomplx@klarquist.com>; [Stephanie R. Fulk](mailto:Stephanie.Fulk@klarquist.com) <Stephanie.Fulk@klarquist.com>
Subject: IPR2026-00183 (Microsoft v. Qomplx): Petitioner Request for Authorization to File Preliminary Reply

CAUTION: This email has originated from a source outside of USPTO. PLEASE CONSIDER THE SOURCE before responding, clicking on links, or opening attachments.

Dear Honorable Director,

In IPR2026-00183, Petitioner Microsoft Corporation respectfully requests authorization to file an 8-page preliminary reply to the Patent Owner Preliminary Response (Paper 12, “POPR”). Petitioner promptly informed Patent Owner of its intent to seek this reply within 4 business days of receiving the POPR. Should the Board grant this request, Petitioner would not oppose an equal-length sur-reply by Patent Owner.

Good cause exists because the POPR advances new narrowing claim-scope positions that are inconsistent with the plain and ordinary meaning of the claims in view of the intrinsic evidence, and relies on extrinsic testimonial evidence and other exhibits. Petitioner had no notice of these positions prior to filing the Petition on January 14, 2026.

Petitioner seeks to address the following arguments advanced in the POPR:

1. **“midserver”** (POPR at 1-2, 4-12). The POPR argues that the claimed “midserver” is required to “run[] one or more containerized services” (POPR at 8). Petitioner could not have foreseen this narrow construction at least because it is inconsistent with the prosecution history, where the applicant specifically deleted “run one or more containerized services” from independent claims 1 and 4 (EX1002, 411-412) “to more clearly teach the functions of the midserver” (EX1002, 415). While Patent Owner argues this narrow construction in district court, it only informed Microsoft of this construction on March 2, 2026.
2. **“single data stream”** (POPR at 13-16). The POPR argues that the claimed “single data stream” requires “continuous streaming” that excludes packetized data transmission, relying on extrinsic evidence (EX2024-EX2025). Petitioner could not have foreseen this argument at least because the construction is inconsistent with the specification, which discloses sending “data packets over a computer network” (EX1001, 20:31-32), and the argument relies on a mischaracterization of the prior art as limited to a single data packet rather than a stream of “data packets” (e.g., EX1004, [0059]-[0062]). Patent Owner has not advocated a construction of this term in district court.
3. **“establish a secure network connection”** (POPR at 17-32). The POPR argues that the claimed “establish[ing] a secure network connection” requires “device-specific authentication” where an identifier is tied to a particular physical device (e.g., POPR at 24-27). Petitioner could not have foreseen this construction and its related motivation-to-combine arguments (POPR at 27-32) at least because the construction is inconsistent with the claim’s plain meaning and the specification, which describes the secure network connection more broadly (e.g., EX1001, 9:48-52), and because the arguments rely on a mischaracterization of prior art Maturana as restricted to a physical-device embodiment despite that Maturana expressly discloses virtual machine embodiments (EX1004, [0042]). Patent Owner has not advocated a construction of this term in district court.

Petitioner should be allowed a reply to address these newly advanced positions, including showing why they are inconsistent with the intrinsic record and why the ground presented in the Petition nevertheless satisfies the claims even under these unduly narrow constructions. Because Patent Owner alleges these issues are dispositive, focused briefing from both sides will aid the Director in making the institution

decision.

Petitioner has conferred with counsel for Patent Owner, which opposes this request and provided the following position: Patent Owner objects to Petitioner's email which contains improper argument in violation of the Board's rules and fails to show good cause. Petitioner has the burden to address claim construction and should have addressed reasonably foreseeable issues in the Petition. Patent Owner does not advance new claim constructions but applies the claims consistent with the intrinsic record and responds to Petitioner's positions. The request is also untimely, addresses multiple issues, and seeks excessive pages. To the extent any request is granted, Patent Owner believes the preliminary reply should be no more than 5 pages, consistent with the preliminary replies in IPR2026-00182 and -00184, and requests a sur-reply of equal length.

Respectfully submitted,
Andy Mason
Lead Counsel for Petitioner Microsoft

Andy Mason | Partner

D. 503.473.0804

PD Patent Defenses | *A Legal Research Tool for Patent Lawyers*