

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

QOMPLX LLC,
Patent Owner.

Case IPR2026-00183
Patent 11,539,663

PATENT OWNER'S PRELIMINARY SUR-REPLY

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All emphases in quotations are added unless otherwise stated.

I. “MIDSERVER.”

“Midserver” Is Lexicographically Defined. The POPR demonstrated that “midserver” is lexicographically defined in the ’663’s “Definitions” section to require a server that, *inter alia*, “runs one or more containerized services.” Ex. 1001 [’663] 12:66-13:4; POPR, 4-13. The Petition did not apply that definition and failed to prove that Maturana’s alleged “midserver” runs any containerized services. POPR, 9-12; Pet., 39-41.

The Reply acknowledges that the ’663 patent’s Definitions section “describes a ‘midserver,’” Reply, 1, but argues that the prosecution history removes the “containerized services” requirement because Applicant deleted language from the claims. Reply, 1-2. That argument fails. Patent Owner is not “restoring” deleted claim language; it is applying the express definition of “midserver,” a term that remains in claims 1 and 4. Petitioner identifies no prosecution statement redefining “midserver,” disclaiming the Definitions section, or stating that deletion of the “containerized services” phrase—as opposed to the added operational limitations—distinguished Bonomi. Ex. 1002 [Pros.-Hist.] 411-12, 415, 497. Applicant’s statements that the amendments taught midserver “functions” or “operation” do not negate a definition that itself defines the server by the services it runs and the functions those services perform.

Nor did Applicant need to retain duplicative claim language; because

“midserver” is a defined term, redundantly reciting both “midserver” and its definition in the claims would add confusion rather than clarity. Microsoft cites no authority supporting its contention that the mere removal of duplicative claim language without any accompanying disclaimer precludes a lexicographic definition. Indeed, Petitioner’s cases are inapposite as none of them involve a clear lexicographical definition like the one found in the ’663. For example, in *Laryngeal Mask Co. v. Ambu*, 618 F.3d 1367 (Fed. Cir. 2010), the CAFC looked to the prosecution history only after it “concluded that the patentee did not act as his own lexicographer in this case by clearly defining a claim term.” *Id.*, 1372-73. Here, the patentee clearly defined “midserver” and acted “as his own lexicographer”; that definition is controlling.

The Untimely Reply Theory Is Wrong. Petitioner newly argues that Kashyap’s OVF/OVA virtualization teachings satisfy the “containerized services” requirement because OVAs were allegedly known as “container technology for distributing VMs.” Reply, 2-3. But Petitioner must make its case in the Petition and the Petition never argued that virtualization technology, OVAs, OVF packaging, or virtual-machine deployment constituted “containerized services.” *See generally* Pet. Nor did the Petition argue that Kashyap modifies Maturana’s cloud-agent services into “containerized services.” *Id.*

In any event, the Reply still does not show that the alleged midserver “runs

one or more containerized services.” Ex. 1001 [’663] 12:66-13:4. At most, Petitioner argues that OVF/OVA is a container for distributing a VM. Reply, 2-3. But Petitioner does not explain how distributing a “self-contained computing environment” (Ex. 1005 [Kashyap] [0002]) is the same as a containerized service running on the midserver. Petitioner never identifies which Maturana cloud-agent service is containerized or how Kashyap’s VM packaging makes that service a “containerized service.” Petitioner therefore fails to show that its combination satisfies the lexicographic definition, even under its untimely Reply theory.

II. “A SINGLE DATA STREAM.”

The Petition argued that Maturana/Kashyap teaches “a single data stream” “because ‘data from multiple sensors measuring related aspects of an automation system can be identified and *aggregated into a single cloud upload packet* by cloud agent 202.’” Pet., 58 (quoting Ex. 1004, [0054]). The POPR explained that Petitioner never established that transmitting a single packet constitutes a “single data stream.” POPR, 13-16. Critically, in Reply, Petitioner does not dispute that a single cloud upload packet does not teach a “single data stream,” confirming that the ’663 specification describes “the sending and receiving of data *packets*” and extrinsic evidence describes “a *series* of data *elements*.” Reply, 3.

Rather than defend its original single-packet theory, Petitioner mischaracterizes the POPR’s argument as requiring a “continuous non-packetized

transport protocol” and as “isolat[ing] Maturana’s description of a ‘single cloud upload packet[.]’” *Id.*, 3. But PO never offered such a construction (POPR, 13-16), and it was Petitioner that “isolate[d]” and relied upon Maturana’s description of a single upload packet. Pet., 58. Petitioner cites new passages of Maturana to argue that it “teaches the claimed single data stream,” but these relate to data from “multiple sources” and “torrential data streams,” and at best teach transmission through multiple data streams, not “a *single* data stream.” Reply, 3. Despite this, the Reply ends by reaffirming that Petitioner “identified Maturana’s aggregation of multiple sensor sources into *a single cloud upload packet* ... as a single data stream.” *Id.*, 3-4. The Reply thus confirms that the Petition itself did not demonstrate that the asserted disclosures satisfy the claimed “single data stream.”

III. “ESTABLISH[ING] A SECURE CONNECTION WITH AN EXTERNAL NETWORK.”

The Reply confirms that Maturana/Kashyap does not teach the limitation.

The POPR demonstrated that Petitioner’s “secure connection” theory relied upon Maturana’s device-identification methodology tied to specific physical devices and that the proposed combination undermines that device-specific authentication approach. In Reply, Petitioner mischaracterizes the POPR’s argument as “requir[ing] physical-device-specific authentication.” Reply, 4. Patent Owner offered no such construction.

As the POPR explained, the Petition relies upon Maturana's handshaking methodology which requires a physical device identifier. POPR, 18-21. Petitioner does not dispute that Maturana's handshaking methodology requires a physical device identifier. *See* Reply, 4-5. The Reply cites Maturana's mention of "HTTPS/SSL, certificate authority enabled transmission, and/or unique identity using MAC addresses" (*id.*) but does not address the POPR's showing that the Petition relied exclusively on Maturana's handshaking methodology. POPR, 18-19. That the Reply must shift theories confirms that the Petition's theory failed.

The Reply confirms there is no motivation to combine. Here, the Reply improperly exceeds the scope of the Board's authorization, which was "limited to addressing the claim terms" identified in Petitioner's email requesting briefing on "narrowing claim-scope positions." Ex. 3001, 1-2. In any event, the POPR demonstrated that Kashyap's virtualization techniques break Maturana's hardware-specific technique. POPR, 21-27. In Reply, Petitioner argues that "Maturana contemplates virtualization," and the combination "preserves ... Maturana's security model." Reply, 5. But the issue is not whether virtualization in general would break Maturana's handshake, but rather whether the proposed modifications in view of Kashyap's specific techniques would. In the combination, the identifier would no longer be tied to the underlying physical machine, but instead would be assigned under Kashyap's virtualization techniques. POPR, 24-27.

Respectfully submitted,

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Date: May 18, 2026

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the following document was served by electronic service, by agreement between the parties, on the date below:

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