IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

QOMPLX LLC, Plaintiff, v. MICROSOFT CORPORATION, Defendant.	Case No. 25-CV-01383-ADA JURY TRIAL DEMANDED

PLAINTIFF QOMPLX'S PRELIMINARY INFRINGEMENT CONTENTIONS

MICROSOFT CORP.
EXHIBIT 1013

Pursuant to the Court's March 5, 2025 Standing Order Governing Proceedings (OGP)—Patent Cases, Plaintiff Qomplx LLC ("Qomplx") provides the following disclosure of its preliminary infringement contentions with regard to U.S. Patent Nos. 12,143,424 ("the '424 Patent"); 12,218,934 ("the '934 Patent"); 12,231,426 ("the '426 Patent"); 12,301,627 ("the '627 Patent"); 12,301,628 ("the '628 Patent"); and 11,539,663 ("the '663 Patent"). The foregoing patents are referenced collectively herein as the "Asserted Patents."

I. BACKGROUND

These preliminary infringement contentions and associated disclosures ("Preliminary Infringement Contentions") are based on the limited, publicly available information about aspects of the systems, services, products, and activities of Defendant Microsoft Corp. ("Microsoft") that Qomplx has been able to obtain through its investigation to date. Although Qomplx has undertaken diligent and substantial efforts in excess of a reasonable investigation to prepare these Preliminary Infringement Contentions, the configuration, structure, and operation of Microsoft's systems, services, products, and activities, including at least the products defined in Exhibits A-I, are in significant part confidential, proprietary, and not completely visible to Qomplx. Microsoft has not disclosed numerous such confidential and proprietary details to Qomplx. Qomplx has accordingly endeavored to provide at least a reasonable level of detail in these Preliminary Infringement Contentions based on information available to it. The absence of discovery thus far in this action has necessarily limited the possible breadth and depth of these Preliminary Infringement Contentions. Qomplx reserves all rights to amend these Preliminary Infringement Contentions based on information subsequently produced by Microsoft or otherwise discovered by Qomplx.

Accordingly, the presently accused systems, services, products, and activities, and the patent claims that Qomplx asserts they infringe as disclosed herein, include only those

systems, services, products, activities, and patent claims of which Qomplx can be presently aware based on Qomplx's present understanding. Qomplx anticipates that information it may learn in the future, including via discovery obtained from Microsoft, may result in identification of additional instances of Microsoft's infringement, including additional infringing systems, services, products, and activities, as well as additional infringed patent claims. Qomplx also understands that it is possible that such new information could prove inconsistent with public information that Qomplx has reasonably relied upon in performing its analyses to date despite Qomplx's best efforts, necessitating amendment, including supplementation, of this disclosure. Qomplx reserves all rights to amend and supplement this disclosure based on analyses made in the course of this lawsuit, including in view of discovery or additional factual investigation, in view of the Court's claim construction rulings, in view of any disclosures or contentions made by Microsoft, and in view of any other circumstances as they may require.

II. CLAIM CHARTS

Attached as Exhibits A-I are charts setting forth Qomplx's preliminary contentions regarding where in the Accused Products[1] each element of the asserted claims of the Asserted Patents is found, together with an identification of the patent claims presently asserted ("Asserted Claims") and the systems, services, products, activities and other instrumentalities presently believed to infringe, at the level of detail available to Qomplx. All claims of the patents should be considered likely to become asserted in this case unless and until Qomplx notifies Microsoft in writing that Qomplx is not asserting such claims, including for purposes of identifying claim terms for construction.

[1] The term "Accused Products" herein refers to all of the products identified in Exhibits A-I.

Exhibits A-I are intended to be understood by persons of ordinary skill in the art. Qomplx reserves the right to rely on technical documents to further clarify the terms and technologies referenced in these Preliminary Infringement Contentions in its future expert reports and trial evidence, among others. Several elements of the Asserted Claims may be satisfied by more than one component, structure, process, instrumentality, or action found or taken by Microsoft in the Accused Products. The preliminary claim charts provided herewith may therefore include alternative contentions and theories. For example, where multiple aspects of a product are identified as corresponding to a particular claim element, the multiple aspects should be viewed as alternative or supplemental to one another.

Further, as of the service of these Preliminary Infringement Contentions, Qomplx has not been able to inspect the implementation specifications of the Accused Products, such as their source code, which specifications are largely or entirely proprietary and confidential to Microsoft. Accordingly, Qomplx has not necessarily been able to ascertain all of the names, boundaries, delineations, or scopes of all relevant architectural elements of the Accused Products, such as applications, libraries, scripts, databases, containers, images, or communications protocols used in the implementations of the Accused Products. Nor has Qomplx necessarily been able to identify all Microsoft products that utilize all such elements. Upon receiving a reasonable opportunity to analyze source code and other discovery about the implementation of the Accused Products, Qomplx may learn that one or more systems, services, products, or activities not presently named as Accused Products appear to infringe the Asserted Claims, or that one or more component, structure, process, instrumentality, or action of one or more Accused Products not presently identified in the preliminary claim charts should appropriately be identified as part of Qomplx's theories of infringement. Qomplx reserves the right to amend these Preliminary Infringement Contentions, including

the preliminary claim charts provided herewith, upon making such discoveries in the course of its ongoing diligent analysis of infringement.

For example, Microsoft Fabric is believed to infringe the ’424 Patent, as charted in Exhibit A. Qomplx believes that additional analysis of implementational details that are not publicly available and that are not presently available to it may reveal that other Microsoft systems, such as Entra, Defender, MSEM, and Fusion are based on a platform that infringes the ’424 Patent. Qomplx reserves the right to assert the ’424 Patent, and other patents asserted in this case, against any such instrumentalities that it finds infringing after analysis of information not previously available to it. Qomplx expressly reserves the right to amend, revise, or supplement these disclosures for at least any of the following reasons: production of discovery, including, but not limited to, discovery concerning the Accused Products (such as technical specifications and source code, among others); Microsoft’s disclosure of its claim construction positions, invalidity contentions, or non-infringement contentions; the Court’s construction of any of the Asserted Claims or any other legal determination of other issues; analysis undertaken or determinations made based in whole or part on the foregoing; or for any other permissible reason.

These Preliminary Infringement Contentions provide examples of infringement that illustrate Qomplx’s infringement theories. These examples, however, are non-limiting and are included to assist in disclosing and understanding Qomplx’s infringement theories. The specific instrumentalities and operations selected for the most detailed discussions in the accompanying charts are, as explained in the charts and as further addressed in this document, to be understood as representative of all other instrumentalities with structures, operation, or other charted characteristics that do not differ from the instrumentalities charted in ways material to Qomplx’s theories of infringement.

III. DOCTRINE OF EQUIVALENTS

Qomplx alleges that each element of each asserted claim of the Asserted Patents is literally present in the Accused Products.

Microsoft has not yet disclosed any positions it might take regarding non-infringement or reasons therefor. Nor has Microsoft yet identified any specific elements of the claims that it asserts are not satisfied by the Accused Instrumentalities or reasons therefor. To the extent that any differences are alleged to exist between the asserted claims and the Accused Microsoft Products in the future, Qomplx presently expects based on the analysis it has been able to conduct that such differences will be insubstantial—Qomplx expects that once the relevant facts have been disclosed and appropriate analyses are conducted, the Microsoft Accused Products will be found to perform exactly or substantially the same function as recited in the claims, in exactly or substantially the same way as recited in the claims, to yield exactly or substantially the same result as contemplated by the claims. Thus, should the Court find any of the claim elements not satisfied literally, the Accused Products are expected to infringe under the doctrine of equivalents.

Qomplx has endeavored to provide herein a complete disclosure of its infringement theories, and presently does not anticipate that any claim will require Qomplx to rely on the doctrine of equivalents. Because any analysis under the doctrine of equivalents is likely to depend on information not presently available to Qomplx, and on positions that Microsoft might take that cannot reasonably presently be foreseen by Qomplx, Qomplx reserves the right to assert infringement under the doctrine of equivalents. For example, Qomplx may assert infringement under the doctrine of equivalents in response to noninfringement arguments advanced by Microsoft.

Discovery in this matter is ongoing and Qomplx had not received any discovery from Microsoft as of the date of this disclosure. Qomplx expressly reserves the right to supplement and revise its contentions regarding infringement under the doctrine of equivalents based on additional information obtained through discovery or otherwise.

III. INDIRECT INFRINGEMENT

In addition to direct infringement, on information and belief, Microsoft has also indirectly infringed and continues to indirectly infringe the Asserted Patents as provided in 35 U.S.C. § 271(b), including at least by inducing others, such as Microsoft's customers and end-users, in this District and elsewhere in the United States, to use the Accused Products in manners that infringe the Asserted Patents. On information and belief, Microsoft induces such direct infringement through its affirmative acts of making, using, directing an entity to use, selling, offering to sell, and/or importing the Accused Products, as well as by advertising the Accused Products and providing instructions, documentation, and other information to its customers and end-users to encourage and teach them how to use the Accused Products, including but not limited to by Microsoft providing in-store and online technical support, marketing materials, product manuals, advertisements, and other product documentation. At least as of service upon it of the Complaint, Microsoft performs these affirmative acts with knowledge of the Asserted Patents and with the intent, or willful blindness, that the induced acts directly infringe the Asserted Patents.

Additionally, on information and belief, Microsoft has further indirectly infringed and continues to indirectly infringe the Asserted Patents, as provided by 35 U.S.C. § 271(c), by contributing to direct infringement committed by others, such as Microsoft's customers and end-users, in this District and elsewhere in the United States. Microsoft's affirmative acts of selling and offering to sell the Accused Products in this District and elsewhere in the United States, and causing the Accused Products to be manufactured, used, sold, and offered for sale, contribute to Microsoft's customers and end-users using the Accused Products, such that the Asserted Patents

are directly infringed. The accused components in the Accused Products are material to the inventions claimed in the Asserted Patents, are not staple articles or commodities of commerce, have no substantial non-infringing uses, and, at least as of service upon it of the Complaint, are known by Microsoft to be especially made or adapted for use in the infringement of the Asserted Patents during at least the post-service period. Similarly, at least as of service upon it of the Complaint, Microsoft performs these affirmative acts with knowledge of the Asserted Patents and with the intent, or willful blindness, that they cause direct infringement of the Asserted Patents. Qomplx hereby incorporates by reference into this document Exhibits A-I the entirety of its August 28, 2025 complaint in the above-captioned action.

IV. PRODUCTION OF DOCUMENTS

Qomplx is producing documents currently in its possession, custody or control evidencing conception and reduction to practice for each claimed invention and a copy of the file history for each Asserted Patent.

Qomplx's efforts to collect such documents from third parties, including the previous assignee(s) of the Asserted Patents, remain ongoing. Qomplx will promptly produce to Microsoft any such non-privileged documents that it may receive after the date of these Preliminary Infringement Contentions.

V. PRIORITY DATES

At a minimum, the Asserted Claims of the '424 Patent are entitled to a priority date of at least as early as October 28, 2015.

At a minimum, the Asserted Claims of the '934 Patent are entitled to a priority date of at least as early as October 19, 2017.

At a minimum, the Asserted Claims of the '426 Patent are entitled to a priority date of at least as early as October 19, 2017.

At a minimum, the all Asserted Claims of the ’627 Patent are entitled to a priority date of at least as early as January 30, 2020, except for Claims 2, 3, 11, 12, and13, which are entitled to a priority date of at least as early as April 22, 2021.

At a minimum, the Asserted Claims of the ’628 Patent are entitled to a priority date of at least as early as April 22, 2021.

At a minimum, the Asserted Claims of the ’663 Patent are entitled to a priority date of at least as early as May 14, 2019.

Dated: November 24, 2025

Respectfully submitted,

/s/ Ian R. Washburn

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CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2025, the foregoing document was served on counsel of record in this action, via email.

/s/ Aron Berger
Aron Berger