

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

QOMPLX LLC,
Patent Owner.

Case IPR2026-00326
Patent 12,301,628

**PATENT OWNER'S UNOPPOSED MOTION TO REQUEST SUBMISSION
OF PATENT OWNER'S PRELIMINARY RESPONSE ON JULY 8, 2026**

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. STATEMENT OF RELIEF REQUESTED (37 C.F.R. § 42.22(A)(1)). ..	1
III. STATEMENT OF MATERIAL FACTS (37 C.F.R. § 42.22(C)).	1
IV. ARGUMENT	4
V. CONCLUSION	8

TABLE OF AUTHORITIES

	Page(s)
AGENCY DECISIONS	
<i>Arthrex, Inc. v. P Tech, LLC</i> , IPR2022-00786, Paper 13 (Mar. 7, 2023)	7
<i>Dr. Falk Pharma GmbH v. Ellodi Pharmas., L.P.</i> , IPR2024-01197, Paper 40 (Oct. 27, 2025)	7
<i>Huawei Device Co., Ltd. v. Maxell, Ltd.</i> , IPR2018-00209, Paper 17 (Aug. 30, 2018)	8
<i>Integrated DNA Techs., Inc. v. Tecan Genomics, Inc.</i> , IPR2025-00015, Paper 45 (Oct. 16, 2025)	7
<i>Integrated DNA Techs., Inc. v. Tecan Genomics, Inc.</i> , IPR2025-00016, Paper 45 (Oct. 16, 2025)	7
<i>Microsoft Corp. v. Smart Skins LLC</i> , IPR2016-00404, Paper 11 (Aug. 2, 2016)	8
<i>Nitro Fluids, L.L.C. v. Cameron Int’l Corp.</i> , IPR2020-00691, Paper 11 (June 30, 2020)	8
REGULATIONS	
37 C.F.R. § 42.6(b)	4
37 C.F.R. § 42.6(b)(1)	5
37 C.F.R. § 42.6(b)(2)(i)	1, 8

EXHIBIT LIST	
2001	Declaration of Nathan Lowenstein in Support of Notice of Intent
2002	Declaration of Colette Woo in Support of Notice of Intent
2003	Declaration of Sam Malek, Ph.D.
2004	Relationship, MERRIAM-WEBSTER.COM DICTIONARY, https://www.merriam-webster.com/dictionary/relationship (accessed July 8, 2026) [Merriam Webster – Relationship]
2005	Event, MERRIAM-WEBSTER.COM DICTIONARY, https://www.merriam-webster.com/dictionary/event (accessed June 10, 2026) [Merriam Webster – Event]
2006	July 8, 2026 Email Serving Patent Owner’s Preliminary Response and Exhibits 2003–2005 on Petitioner [7/8/26 Service Email]
2007	July 8, 2026 Email Notifying the Board of Service of Patent Owner’s Preliminary Response and Exhibits 2003–2005 [7/8/26 Board Notice Email]
2008	July 8, 2026 Email Transmitting Patent Owner’s Preliminary Response and Exhibits 2003–2005 to the Board [7/8/26 Transmittal Email]
2009	July 9, 2026 Meet-and-Confer Email Correspondence Regarding Patent Owner’s Request for Authorization to Correct the POPR Filing Date [7/9/26 Meet-and-Confer Email]
2010	July 23, 2026 Email Correspondence Granting Patent Owner’s Request for Authorization to File a Motion to Correct the POPR Filing Date [Authorization Correspondence]

All emphases are added unless otherwise stated.

I. INTRODUCTION

Patent Owner respectfully moves for its Preliminary Response to the Petition (“POPR”) and Exhibits 2003-2005 to be accepted as filed on July 8, 2026. The documents were served on Petitioner and transmitted to the Board electronically via the Internet as email attachments on July 8, but could not be filed via P-TACTS until the next day because of a P-TACTS service outage.

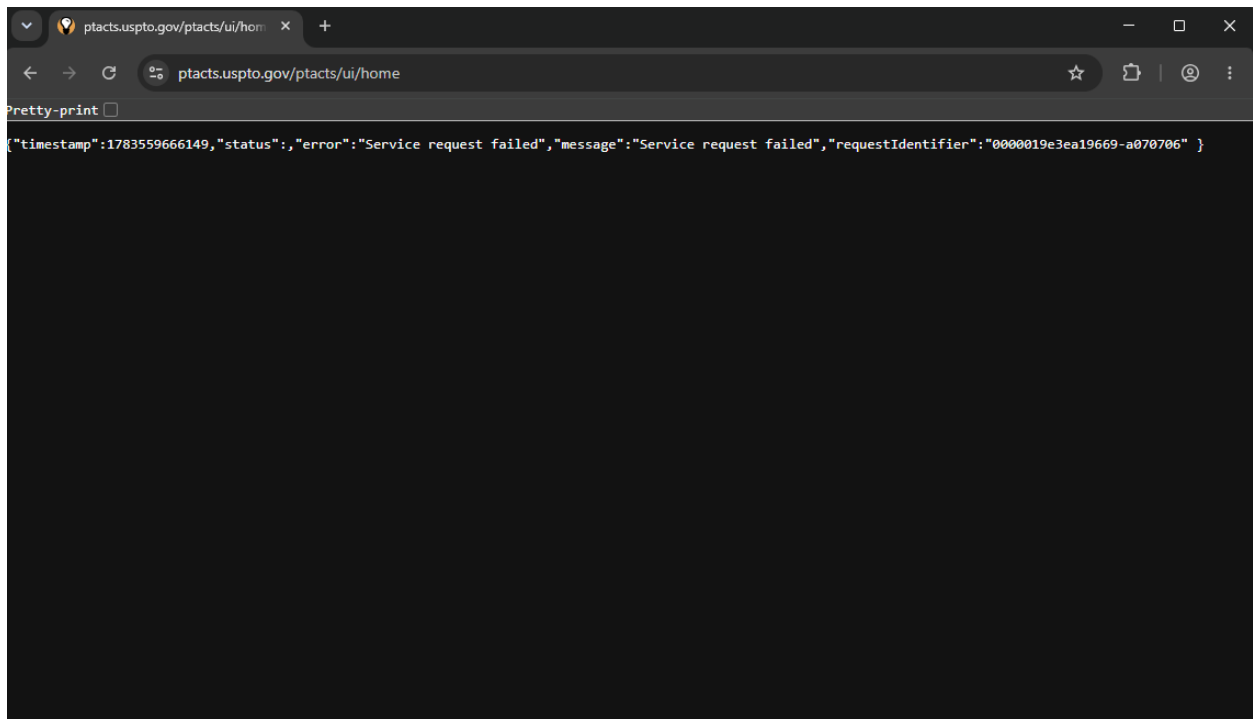
The Board authorized this Motion by email on July 23, 2026. The parties have met and conferred, and Petitioner states that it does not oppose this Motion.

II. STATEMENT OF RELIEF REQUESTED (37 C.F.R. § 42.22(A)(1)).

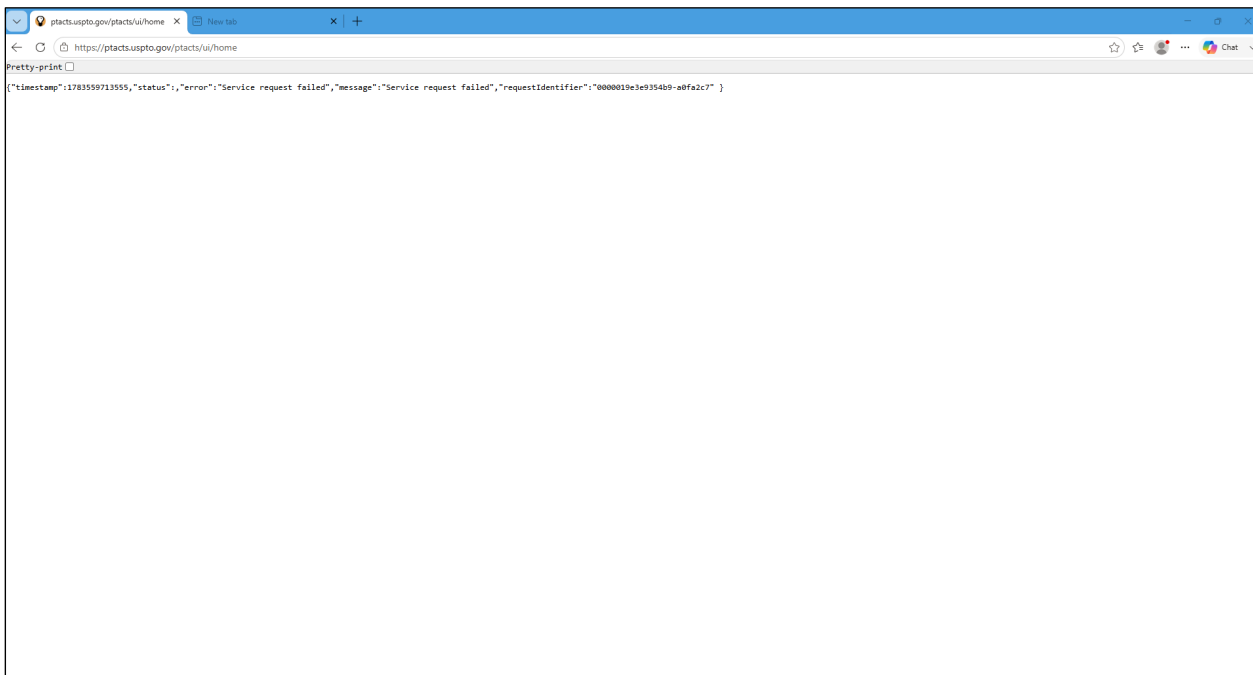
Patent Owner requests acceptance of the POPR due July 8, 2026 as timely filed, based on filing by means other than P-TACTS under 37 C.F.R. § 42.6(b)(2)(i).

III. STATEMENT OF MATERIAL FACTS (37 C.F.R. § 42.22(c)).

1. The Notice of Filing Date Accorded in this case (Paper 5) provides that Patent Owner could file its POPR by July 8, 2026 (“July 8”).
2. On July 8, Patent Owner’s counsel (“Counsel”) at or about 6 pm in the Pacific Time Zone where Counsel are located, completed and signed the POPR, accompanied by Exhibits 2003-2005 (“POPR”).
3. At about 6 pm local time, Counsel attempted to access P-TACTS to file the POPR but encountered the error message below instead:



4. Continuous attempts to access P-TACTS on other computers and/or browsers until midnight Eastern Time yielded similar error messages:



5. Counsel consulted the USPTO website and located a page titled “Filing documents during an outage” which contained a section titled “Alternative methods of filing for PTAB Patent Trial and Case Tracking System (P-TACTS).”¹
6. Pursuant to the instructions for “Alternative methods of filing for PTAB Patent Trial and Case Tracking System (P-TACTS),” at 7:16 pm local time, Counsel served the POPR on counsel for Petitioner via email by the parties’ agreement, with a certificate of service identifying July 8 as the filing date. Ex. 2006 [7/8/26 Service Email].
7. Pursuant to the instructions for “Alternative methods of filing for PTAB Patent Trial and Case Tracking System (P-TACTS),” at 7:16 pm local time, Counsel notified the Board of the service of the POPR and exhibits by email, copying opposing counsel, at Trials@uspto.gov. Ex. 2007 [7/8/26 Board Notice Email].
8. At 7:16 pm local time, Counsel also transmitted to the Board copies of the POPR and exhibits as attachments to a separate email, copying opposing counsel, to Trials@uspto.gov. Ex. 2008 [7/8/26 Transmittal Email].
9. On July 9, at about 8:57 am local time, Counsel contacted PTAB Staff by phone, who stated that P-TACTS had suffered a system-wide outage the evening before and confirmed that Trials@uspto.gov had

¹ Available at <https://www.uspto.gov/patents/apply/filing-online/filing-documents-during-outage>.

received Counsel's emails from July 8. Staff also advised Counsel to file the POPR on P-TACTS and that an email authorizing a motion to amend the filing date would be forthcoming shortly.

10. Following this advice, at about 9:15 am local time, Counsel uploaded the POPR and Exhibits 2003-2005 to P-TACTS.
11. At approximately 9:19 am local time, Counsel served the POPR and Exhibits 2003-2005 to Petitioner's counsel again.
12. At approximately 9:48 am local time, Patent Owner met and conferred with Petitioner via email. Patent Owner advised that Patent Owner would ask the panel to authorize it to file a motion to amend the filing date of the POPR and asked whether Petitioner opposed. Petitioner responded, "Microsoft does not oppose the below email request seeking leave to file the motion." Ex. 2009 [7/9/26 Meet-and-Confer Email].
13. On July 9, at 11:18 am local time, Patent Owner emailed a request to authorize this motion, which the Board granted on July 23. Ex. 2010 [Authorization Correspondence].
14. On July 24, the parties met and conferred via email, and Petitioner stated that it would not oppose this Motion.

IV. ARGUMENT

Patent Owner respectfully requests under Rule 42.6(b) that the POPR and accompanying exhibits be accorded the date on the certificate of service, July 8, 2026, as the filing date. Petitioner does not oppose this Motion.

P-TACTS was unavailable to Patent Owner for submission of the POPR due to a service outage. SOF, ¶¶ 3-4, 9. Nonetheless, because Patent Owner complied with the alternate filing procedure as described on the USPTO's website, the POPR should be granted the filing date of July 8.

Rule 42.6(b)(1) provides: "Unless otherwise authorized, submissions are to be made to the Board electronically via the Internet according to the parameters established by the Board and published on the Web site of the Office." Email may of course be sent to the Board electronically via the Internet to Trials@uspto.gov. However, the parameters established by the Board and published on the Web site of the Office provide that IPR papers, to be deemed properly filed, ordinarily must be submitted via P-TACTS accessible via the Web page.

The Board's published parameters provide procedures for filing petitions or other documents if P-TACTS is unavailable:

Alternative methods of filing for PTAB Patent Trial and Case Tracking System (P-TACTS)

If you have a deadline for filing an AIA trial petition filing and/or other associated documents in a pending AIA case and you cannot file electronically via P-TACTS, you must use an alternative filing method. Specifically, AIA trial petitions and/or other associated documents may be served on opposing counsel via email. The Board should be notified of the service by email copying opposing counsel: Trials@uspto.gov. The email notification to the Board should NOT include attachments.

Notification to the Board of petitions served via email must include:

- name of point of contact;
- email address of point of contact;
- patent number to which the petition corresponds (or application number in the case of a derivation proceeding);
- application number of the patent;
- petitioner's application number (in the case of a derivation proceeding);
- number of claims challenged;
- type of trial proceeding;
- power of attorney; and
- fee, e.g., a deposit account authorization.

In addition, if a petition or document is served via email or other means, it must be followed by a later-filed motion requesting acceptance of the submission once P-TACTS is available. The petition or document will be accorded the date on the certificate of service as the identified filing date. 37 C.F.R. § 42.6(b). It is important to note that a petition will not be accorded a filing date unless it is accompanied by a payment of the appropriate fees (e.g., a deposit account authorization).

If P-TACTS is down during normal business hours, a party may contact the Board and request a one-day extension of time for due dates that are set by rule or orders of the Board. 37 C.F.R. § 42.5. In the unlikely event that an administrative patent judge is not available to rule on the extension, the Board may grant an extension the day after the paper is due. However, no extensions of time will be granted for any statutory time period.

P-TACTS was not available to Patent Owner on July 8 for filing its POPR in this case because of a service outage. As a result, P-TACTS was unavailable that

day for filing the POPR. Patent Owner satisfied the alternate filing procedure specified in the USPTO's "Alternative methods of filing."

- The POPR and exhibits were served on July 8, with that date on the certificate of service. SOF, ¶ 6.
- On the same date, Patent Owner notified the Board of service of the POPR and its associated exhibits by email, copying Petitioner's counsel, including all information required under the USPTO's "Alternative methods of filing." SOF, ¶ 7.
- To ensure the documents were submitted to the Board electronically via the Internet on July 8, Patent Owner transmitted the documents as attachments to a separate email, copying Petitioner's counsel. SOF, ¶ 8.
- The very next morning, when P-TACTS was back in service, Patent Owner uploaded copies of the documents to P-TACTS. SOF, ¶¶ 9-10.
- The present "motion requesting acceptance of the submission once P-TACTS is available" is filed timely pursuant to Board order. SOF, ¶ 13.

The Board has routinely accepted filings submitted under similar circumstances. *See, e.g., Dr. Falk Pharma GmbH v. Ellodi Pharmas., L.P.*, IPR2024-01197, Paper 40 (Oct. 27, 2025); *Integrated DNA Techs., Inc. v. Tecan Genomics, Inc.*, IPR2025-00015 & -00016, Paper 45 (Oct. 16, 2025); *Arthrex, Inc. v. P Tech., LLC*, IPR2022-00786, Paper 13 (Mar. 7, 2023); *Nitro Fluids, L.L.C. v.*

Cameron Int'l Corp., IPR2020-00691, Paper 11 (June 30, 2020); *Huawei Device Co., Ltd. v. Maxell, Ltd.*, IPR2018-00209, Paper 17 (Aug. 30, 2018); *Microsoft Corp. v. Smart Skins LLC*, IPR2016-00404, Paper 11 (Aug. 2, 2016).

Thus, it is respectfully submitted that the Board should deem the POPR and exhibits timely filed on July 8.

V. CONCLUSION

Having followed the Board's alternative filing procedures, Patent Owner respectfully requests acceptance of its POPR in this matter and that the POPR be accorded July 8, 2026, as the filing date of the Patent Owner's Preliminary Response (including exhibits thereto), pursuant to 37 C.F.R. § 42.6(b)(2)(i) and the Board's alternative filing procedure.

Respectfully submitted,

/ Kenneth J. Weatherwax /
Kenneth J. Weatherwax (Reg. No. 54,528)
Nathan Lowenstein, *pro hac vice* pending
Colette Woo, *pro hac vice* pending
LOWENSTEIN & WEATHERWAX LLP

Date: July 24, 2026

CERTIFICATE OF SERVICE

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

**PATENT OWNER'S UNOPPOSED MOTION TO REQUEST SUBMISSION
OF PATENT OWNER'S PRELIMINARY RESPONSE ON JULY 8, 2026**

EXHIBITS 2006–2010

The names and addresses of the parties being served are as follows:

Andrew M. Mason	andrew.mason@klarquist.com
Cameron D. Clawson	cameron.clawson@klarquist.com
Caitlin C. Potter	caitlin.potter@klarquist.com
Frank Morton-Park	frank.morton-park@klarquist.com
Todd M. Siegel	todd.siegel@klarquist.com
Samuel B. Thacker	samuel.thacker@klarquist.com
	Msft-Qomplx@klarquist.com

Respectfully submitted,

/ Michael Cosley /

Date: July 24, 2026