

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

QOMPLX LLC,
Patent Owner.

IPR2026-00326
Patent 12,301,628

PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b), Microsoft Corporation (“Petitioner”) hereby submits the following objections to the evidence filed by Patent Owner prior to institution. Petitioner’s objections apply equally to Patent Owner’s reliance on this evidence in any subsequently filed documents in this proceeding. These objections are timely, having been filed and served within ten business days of institution of trial on September 2, 2026.

Exhibit	Objections
Exhibit 2003 Declaration of Sam Malek, Ph.D.	FRE 401-403: Each paragraph in Exhibit 2003 lacks relevance, confuses the issues, and risks unfair prejudice to the extent not cited in support of an argument made in the patent owner response in this proceeding. Any probative value is substantially outweighed by the risk of misleading the Board. FRE 401-403, 702: At ¶¶54-55, Dr. Malek relies on Exhibits 2004 and 2005 to purportedly establish the “ordinary meanings” of “relationship” and “event” relevant to his opinions as of April 22, 2021. Exhibits 2025 and 2026 purport to be webpages retrieved in 2026. Dr. Malek provides no evidence or analysis establishing that the definitions displayed in 2026 were the definitions in use as of April 2021 and the testimony therefore lacks sufficient facts or data and a reliable basis for applying those materials to the relevant temporal and technical context.

Exhibit	Objections
	FRE 702, 37 C.F.R. §42.65: The declaration includes testimony on patent law and practice. FRE 702, 37 C.F.R. §42.65: At ¶¶63-64, Dr. Malek offers unsupported technical opinions concerning SSH connection state, termination of SSH connections, the information purportedly inferable from Brezinski's graph, and the manner in which the '628 patent purportedly would maintain or update a "HasSession" relationship. Dr. Malek identifies no technical authority, data, testing, disclosed methodology, or other underlying factual basis establishing these assertions.
Exhibit 2004	FRE 401-403: Exhibit 2004 purports to be a Merriam-Webster dictionary webpage retrieved July 8, 2026. The exhibit contains no evidence identifying when the displayed definition was adopted or demonstrating that the definition was unchanged before the 2026 retrieval date. FRE 901: Petitioner further objects under FRE 901 because Patent Owner has not submitted evidence sufficient to establish that Exhibit 2004 is an accurate and complete reproduction of the Merriam-Webster webpage as it appeared on the asserted date or at any relevant earlier date.
Exhibit 2005	FRE 401-403: Exhibit 2004 purports to be a Merriam-Webster dictionary

Exhibit	Objections
	webpage retrieved June 10, 2026. The exhibit contains no evidence identifying when the displayed definition was adopted or demonstrating that the definition was unchanged before the 2026 retrieval date. FRE 901: Petitioner further objects under FRE 901 because Patent Owner has not submitted evidence sufficient to establish that Exhibit 2005 is an accurate and complete reproduction of the Merriam-Webster webpage as it appeared on the asserted date or at any relevant earlier date.

Respectfully submitted,

Dated: September 17, 2026

By: /Andrew M. Mason/

Andrew M. Mason, Reg. No. 64,034
andrew.mason@klarquist.com

Counsel for Petitioner

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

The undersigned certifies that on September 17, 2026, a copy of the
PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE was
served on counsel for the Patent Owner as follows:

Kenneth J. Weatherwax
Parham Hendifar
Lowenstein & Weatherwax LLP
1016 Pico Boulevard
Santa Monica, CA 90405
Email: weatherwax@lowensteinweatherwax.com
hendifar@lowensteinweatherwax.com
Qomplx_IPRs@lowensteinweatherwax.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