

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS, INC.,
Petitioner,

v.

QOMPLX LLC,
Patent Owner.

Case IPR2026-00362
Patent 11,539,663

PATENT OWNER'S PRELIMINARY SUR-REPLY

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All emphases in quotations are added unless otherwise stated.

The Office should deny institution here as it did in IPR2026-00183.

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, 12:66-13:5; POPR, 4-13. The Petition failed to apply that definition and prove that Maturana’s alleged “midserver” runs any containerized services. POPR, 9-12; Pet., 39-41. In Reply, Petitioner again ignores that definition and 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 the claims. Petitioner identifies no prosecution statement redefining “midserver,” disclaiming the Definitions section, or stating that deletion of “containerized services” rather than the added limitations distinguished Bonomi. Ex. 1002, 411-12, 415, 497. Applicant’s statements that the amendments taught midserver “functions” or “operation” do not negate a definition that defines the server by the services it runs and the functions the 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. Petitioner cites no

authority supporting its contention that the mere removal of duplicative claim language without any accompanying disclaimer precludes a lexicographic definition. Petitioner's reliance on *Thorner* only confirms that the '663 patent lexicographically defines "midserver" in a "clear and explicit statement." *Thorner v. Sony Computer Entm't Am. LLC*, 669 F.3d 1362, 1367-68 (Fed. Cir. 2012). The "Definitions" section sets "Midserver" off in quotation marks and states what "'Midserver' as used herein means." Ex. 1001, 12:66-13:5; see *Alnylam Pharms., Inc. v. Moderna, Inc.*, 138 F.4th 1326, 1333 (Fed. Cir. 2025). Petitioner's cases are inapposite as none of them involve a clear lexicographical definition like the one here. 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 argues that the '663 gives examples of "containerized services" "which are software components..." Reply, 2. From this, Petitioner argues that it explained how Maturana teaches "containerized services" because "various functional components" on Maturana's "cloud agent" allegedly perform "the same functions of the 'containerized services' described in the patent." *Id.* But neither Maturana nor the Petition call these "various functional

components” “containerized.” *See* Ex. 1004; Pet. And that something may be a software component does not also make it containerized.

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] 12:66-13:5. 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 ... can be identified and *aggregated into a single cloud upload packet* by cloud agent 202.’” Pet., 59 (quoting Ex. 1004, [0054]). The POPR explained that Petitioner never established that transmitting a single packet constitutes a “single data stream.” POPR, 13-17. 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.

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.* But PO never offered a construction (POPR, 13-16), and it was Petitioner that “isolate[d]” and relied upon Maturana’s single upload packet. Pet., 58. Petitioner cites new passages of Maturana, but these relate to data from “multiple sources” and “torrential data streams,” and at best teach multiple data streams, not “a *single* data stream.” Reply, 3. Despite this, the Reply reaffirms that Petitioner “identified Maturana’s ... *single cloud upload packet* ... as a single data stream.” *Id.*, 3-4. The Reply thus confirms that the Petition 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 the Petition’s failure. The POPR showed Petitioner’s

“secure connection” theory relied on Maturana’s device-identification method tied to specific physical devices and that the proposed combination undermines that approach. In Reply, Petitioner mischaracterizes the POPR’s argument as requiring “a specific authentication through a physical-device identifier.” Reply, 4. Patent Owner offered no such construction. As the POPR explained, and Petitioner does not dispute, the Petition relies upon Maturana’s handshaking method which requires a physical device identifier. POPR, 18-21; *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 Petitioner relied exclusively on Maturana’s handshake method. 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. The POPR demonstrated that Kashyap’s virtualization techniques break Maturana’s hardware-specific technique. *Id.*, 22-27. 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: September 14, 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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