UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS, INC.,

Petitioner,

v.

QOMPLX LLC,

Patent Owner.

Case IPR2026-00363
Patent No. 12,143,424

MOTION FOR JOINDER TO
***INTER PARTES* REVIEW IPR2026-00298**

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I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Palo Alto Networks, Inc. ("Petitioner") respectfully submits this Motion for Joinder ("Motion") with respect to its Petition (Paper 2) (the "Instant Petition") filed on May 14, 2026. Pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122(b), Petitioner requests institution of an *inter partes* review and joinder with the *inter partes* review in *Microsoft Corp. v. Qomplx LLC*, IPR2026-00298 (the "Microsoft IPR") in the event the latter is instituted.

Counsel for Petitioner has conferred with counsel for Microsoft in the Microsoft IPR, and Microsoft does not oppose this motion for joinder so long as Microsoft retains sole authority and control over IPR2026-00298, with Palo Alto Networks taking only a silent understudy role unless and until Microsoft is terminated as a party to the joined IPR proceeding.

Petitioner's request for joinder is timely under 37 C.F.R. § 42.122(b) as the Microsoft IPR has not been instituted. The Instant Petition is also substantively identical to the Microsoft Petition, addressing the same claims, prior art, and grounds for unpatentability that are the subject of the Microsoft IPR. In addition, Petitioner is willing to follow the Microsoft IPR Scheduling Order in the event it is instituted.

Petitioner submits that joinder is appropriate because, in the event the Microsoft IPR is instituted, it will not unduly burden or prejudice the parties to the

Microsoft IPR while efficiently resolving whether claims 1-3, 5, 7, 9-11, and 13 of the ’424 Patent are valid.

II. STATEMENT OF MATERIAL FACTS

1. On August 28, 2025, Patent Owner brought a lawsuit against Microsoft in the Western District of Texas: Case No. 1-25-cv-01383. The complaint alleged infringement of the ’424 Patent.

2. On the same day, Patent Owner also brought a lawsuit against Petitioner in the Eastern District of Texas: Case No. 2-25-cv-00913. The complaint alleged infringement of the ’424 Patent.

3. On March 18, 2026, in IPR2026-00298, Microsoft filed a petition (“Microsoft Petition”) for *inter partes* review requesting cancellation of claims 1-3, 5, 7, 9-11, and 13 of the ’424 Patent.

4. On May 15, 2026, in the instant case IPR2026-00363, Petitioner filed the instant Petition as a copycat of the Microsoft Petition, requesting cancellation of claims 1-3, 5, 7, 9-11, and 13 of the ’424 Patent.

5. The Instant Petition and the Microsoft Petition are substantively identical; they contain the same grounds (based on the same prior art combinations and supporting evidence) against the same claims, using substantially the same evidence and arguments, and rely on the same testimony from the same expert.

III. STATEMENT OF REASONS FOR RELIEF REQUESTED

A. Legal Standard

The Board has the authority under 35 U.S.C. § 315(c) to join a properly filed *inter partes* review petition to an instituted *inter partes* review proceeding. *See* 35 U.S.C. § 315(c). A motion for joinder must be filed within one month of the Board instituting an original *inter partes* review. 37 C.F.R. § 42.122(b). In deciding whether to exercise its discretion and permit joinder, the Board considers several factors, including: (1) the reasons why joinder is appropriate; (2) whether the new petition presents any new grounds of unpatentability; (3) what impact, if any, joinder would have on the trial schedule for the existing review; and (4) how briefing and discovery may be simplified. *See Kyocera Corporation v. Softview LLC*, IPR2013-00004, Paper 15 at 4 (April 24, 2013); Patent Trial and Appeal Board Consolidated Trial Practice Guide (Nov. 2019), 76-78.

B. Petitioners' Motion For Joinder Is Timely

This Motion for Joinder is timely because the Microsoft IPR has not yet been instituted. 37 C.F.R. § 42.122(b). Further, the Instant Petition was filed within the one-year bar set forth in 35 U.S.C. § 315(b) and 37 C.F.R. § 42.101(b).

C. Every Factor Weighs In Favor Of Joinder.

All four factors considered by the Board weigh in favor of joinder. Specifically, the Instant Petition does not present any new grounds of

unpatentability; it is substantively identical to the Microsoft Petition.[1] Further, joinder will have minimal, if any, impact on the trial schedule, as all issues are substantively identical, and Petitioner will accept an "understudy" role unless and until Microsoft is terminated from the proceeding. Lastly, the briefing and discovery will be simplified by resolving all issues in a single proceeding. Accordingly, joinder is appropriate here.

The Board routinely grants motions for joinder in view of pending litigations involving the same patent and the same parties. *See, e.g., Amazon Web Services, Inc. v. Ziklag IP LLC*, IPR2026-00047, Paper 8 at 2-7 (PTAB April 22, 2026) (granting motion for joinder of an Instant Petition in view of co-pending lawsuit); Apple *Inc. v. Uniloc 2017 LLC*, IPR2020-00224, Paper 10 at 2-7 (PTAB April 6, 2020) (same); *Apple Inc. v. INVT SPE LLC*, IPR2019-00958, Paper 9 at 2-13 (PTAB May 30, 2019) (same); *Celltrion, Inc. v. Genentech, Inc.*, IPR2018-01019, Paper 11 at 2-15 (PTAB Oct. 30, 2018) (same); *Huawei Device Co., Ltd. v. Uniloc Luxembourg S.A.*, IPR2017-02090, Paper 9 at 2- 12 (PTAB March 6, 2018) (same); *Pfizer, Inc. v. Genentech, Inc.*, IPR2017-02063, Paper 25 at 4-8 (PTAB Feb. 21,

[1] Indeed, for the most part, the Instant Petition is a word-for-word copy of the Microsoft Petition; changes were made only in a few instances to account for the different parties and different positioning of the parties.

2018) (same); *General Motors LLC v. Neo Wireless LLC*, IPR2023-00963, Paper 10 at 2-20 (PTAB Dec. 6, 2023) (same); *T-Mobile USA, Inc. v. Dali Wireless, Inc.*, IPR2023-00830, Paper 7 at 2-11 (PTAB Oct. 11, 2023) (same); *Cooler Master Co., Ltd. v. Asektek Danmark A/S*, IPR2023-00667, Paper 6 at 2-13 (PTAB Aug. 28, 2023) (same).

1. Joinder Is Appropriate With The Microsoft IPR.

Joinder with the Microsoft IPR in the event it is instituted is appropriate because the Instant Petition involves the same patent, challenges the same claims, relies on the same testimony from the same expert, and is based on the same grounds and combinations of prior art submitted in the Microsoft Petition. The Instant Petition is substantively identical to the Microsoft Petition, containing only minor differences unrelated to the merits of the proposed grounds. There are no changes to the facts, citations, evidence, or arguments presented in the Instant Petition in relation to the grounds of the Microsoft Petition. Because these proceedings are substantively identical, good cause exists for joining this proceeding with the Microsoft IPR so that the Board can efficiently resolve all grounds in both the Instant and Microsoft Petitions in a single proceeding. Moreover, the Microsoft Petition presents compelling unpatentability challenges, resolving the merits of the Microsoft Petition is in the interest of justice, and joinder is appropriate in such circumstances. *Code200 v. Bright Data Ltd.*, IPR2022-00861, Paper 19 at 39.

2. Petitioner Proposes No New Grounds Of Unpatentability.

The Instant Petition does not present any new grounds of unpatentability. The Instant Petition is substantively identical to the Microsoft Petition. The Instant Petition presents the unpatentability of the same claims of the same patent in the same way as the Microsoft Petition. The Board "routinely grants motions for joinder where the party seeking joinder introduces identical arguments and the same grounds raised in the existing proceeding." *Samsung Elecs. Co. v. Raytheon Co.*, IPR2016-00962, Paper 12 at 9 (PTAB Aug. 24, 2016) (internal quotations and citations omitted) (emphasis original); *see also STMicroelectronics, Inc. v. Lone Star Silicon Innovations, LLC*, IPR2018-00436, Paper 7 at 5 (PTAB May 4, 2018) (granting joinder and reasoning, "[w]e rely in particular, on Petitioner's representation that its Petition is 'substantially identical'…challenges the same claims based on the same prior art and the same grounds of unpatentability….").

3. Joinder Will Not Unduly Burden Or Negatively Impact The Microsoft IPR Trial Schedule.

Because the Instant Petition is substantively identical to the Microsoft Petition, with the same grounds applied to the same claims, there would be no new issues for Patent Owner to address in the event the Microsoft IPR is instituted and joinder is granted. Due to the same issues being presented in the Microsoft Petition, Patent Owner will not be required to present any additional responses or arguments. *LG v. Memory Integrity, LLC*, IPR2015-01353, Paper 11, at 6 (Oct. 5, 2015)

(granting IPR and motion for joinder where "joinder should not necessitate any additional briefing or discovery from Patent Owner beyond that already required in [the original IPR]."); *see also id.*, Paper 4 at 5–7.

Patent Owner's responses will also not be negatively impacted because the issues presented in the Microsoft Petition are identical to the issues presented in the Instant Petition. Patent Owner will not be required to provide any additional analysis or arguments beyond what it will already provide in responding to the Microsoft Petition. Also, because the Instant Petition relies on the same expert and a substantively identical declaration, only a single deposition would be needed for the proposed joined proceeding in the event the Microsoft IPR is instituted.

Joinder of this proceeding with the Microsoft IPR in the event it is instituted would not unduly burden or negatively impact the trial schedule in any meaningful way. Further, even if a small adjustment of the trial schedule were necessary, this is already provided for in the rules and is a routine undertaking by parties in IPR proceedings. *See* 37 C.F.R. § 42.100(c). Thus, a slight adjustment in the trial schedule, should one be needed, is not enough of a reason to deny joining the present Instant Petition with the Microsoft IPR in the event it is instituted.

4. Procedures To Simplify Briefing And Discovery

The Microsoft Petition and the Instant Petition present identical grounds of rejection, including the same prior art combinations against the same claims.

Additionally, Petitioner explicitly agrees to take an "understudy" role if the Microsoft IPR is instituted, as described by the Board:

> "(a) all filings by [Petitioner] in the joined proceeding [will] be consolidated with [the filings of the petitioner in the Microsoft IPR], unless a filing solely concerns issues that do not involve [the petitioner in the Microsoft IPR]; (b) [Petitioner] shall not be permitted to raise any new grounds not already instituted by the Board in the [Microsoft IPR], or introduce any argument or discovery not already introduced by [the petitioner in the Microsoft IPR]; (c) [Petitioner] shall be bound by any agreement between [Patent Owner] and [the petitioner in the Microsoft IPR] concerning discovery and/or depositions; and (d) [Petitioner] at deposition shall not receive any direct, cross-examination or redirect time beyond that permitted for [the petitioner in the Microsoft IPR] alone under either 37 C.F.R. § 42.53 or any agreement between [Patent Owner] and [the petitioner in the Microsoft IPR]."

See IPR2014-00550, Paper 38 at 5 (Apr. 10, 2015).

Petitioner will assume the primary role only if Microsoft ceases to participate in the Microsoft IPR following institution. Counsel for Petitioner has conferred with counsel for Microsoft, and Microsoft does not object to Petitioner joining IPR2026-00298 in an "understudy" role in the event of institution. By Petitioner accepting an "understudy" role, Patent Owner and Petitioner would be able to comply with any

trial schedule issued by the Board following institution and avoid any duplicative efforts by the Board or the Patent Owner. These steps will minimize any potential complications or delay that may result due to joinder. *See, e.g.*, *Garmin Int'l, Inc. v. Philips North Am. LLC*, IPR2020-00910, Paper 8 at 45, 47-50 (PTAB Nov. 19, 2020) (granting joinder where petitioners agreed to accept an "understudy" role); *STMicroelectronics*, IPR2018-00436, Paper 7 at 5 (similar).

IV. GENERAL PLASTIC IS INAPPLICABLE AND FAVORS INSTITUTION

In *General Plastic*, the Board set forth a series of factors that may be analyzed for follow-on petitions to help conserve the finite resources of the Board. In the current motion, Petitioner merely seeks to join, in the event it is instituted, Microsoft's proceeding in an understudy rule and does not present any new grounds. The PTAB has previously found that such circumstances "effectively neutralize[]" a *General Plastic* analysis. *See Apple Inc. v. Uniloc 2017 LLC*, IPR2018-00580, Paper 13 at 10 (PTAB Aug. 21, 2018) (instituting a joinder Instant Petition where petitioner agreed to assume a passive understudy role, and noting such circumstances "effectively neutraliz[es] the *General Plastic* factors"); *see also Celltrion, Inc. v. Genetech, Inc.*, IPR2019-01019, Paper 11 at 10 (PTAB Oct. 30, 2018) (noting the joinder motion "effectively obviates any concerns of serial harassment and unnecessary expenditures of resources") and *Code200*, Vidal Remand (Paper 18)

(finding roadmapping and other *General Plastic* concerns generally inapplicable or of limited relevance when a motion for joinder presents a Instant Petition).

Prior to the Petition in the instant case, Petitioner had not previously filed a Petition seeking *inter partes* review of the '424 Patent. Thus, the *General Plastic* factors counsel against discretionary denial, *i.e.*, in favor of instituting the present IPR and joining it with the Microsoft IPR. *General Plastic Indus. Co., Ltd. v. Canon Kabushiki Kaisha*, IPR2016-01357, slip op. at 16 (PTAB Sept. 6, 2017) (Paper 19) (precedential as to § II.B.4.i); *cf. Apple Inc. v. Uniloc 2017 LLC*, IPR2020-00854, Paper 9 (Oct. 28, 2020) (precedential) (denying motion for joinder and denying Instant Petition because Petitioner has previously filed a Petition challenging same claims and patent).

V. CONCLUSION

For the foregoing reasons, Petitioner respectfully requests the Board grant Petitioner's Petition and Motion for Joinder with the Microsoft IPR in the event it is instituted.

Date: May 15, 2026

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 15, 2026, true and correct copies of the foregoing document was served in its entirety on the Patent Owner at the following address of record as listed on PAIR via Priority Mail Express® or Express Mail:

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Courtesy copies were also sent via electronic mail to Patent Owner's counsel of record in the related district court proceeding:

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Dated: May 15, 2026

/s/ James M. Glass
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