

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS, INC.,
Petitioner,

v.

QOMPLX LLC,
Patent Owner.

IPR2026-00363
Patent 12,143,424 B1

Before JUSTIN T. ARBES, HUNG H. BUI, and SHARON FENICK,
Administrative Patent Judges.

BUI, *Administrative Patent Judge.*

DECISION
Granting Petitioner's Motion for Joinder
35 U.S.C. § 315(c); 37 C.F.R. § 42.122

INTRODUCTION

On May 15, 2026, Palo Alto Networks, Inc. (“Petitioner”) filed a Petition (Paper 1, “Pet.”), seeking an *inter partes* review of claims 1–3, 5, 7, 9–11, and 13 of U.S. Patent No. 12,143,424 B1 (Ex. 1001, “the ’424 patent”). The Director granted institution of *inter partes* review. Paper 12.

Along with the Petition, Petitioner also filed a Motion for Joinder, seeking to join as a party to *Microsoft Corp. v. Qomplx LLC*, IPR2026-00298 (the “Microsoft IPR”). Paper 3 (“Motion” or “Mot.”). Qomplx LLC (“Patent Owner”) did not oppose the joinder Motion.

As explained below, we *grant* Petitioner’s unopposed Motion for Joinder.

DISCUSSION

Joinder in an *inter partes* review is subject to the provisions of 35 U.S.C. § 315(c):

(c) JOINDER.—If the Director institutes an *inter partes* review, the Director, in his or her discretion, may join as a party to that *inter partes* review any person who properly files a petition under section 311 that the Director, after receiving a preliminary response under section 313 or the expiration of the time for filing such a response, determines warrants the institution of an *inter partes* review under section 314.

In the earlier Microsoft IPR, Microsoft Corporation (“Microsoft”) filed a petition for an *inter partes* review, challenging claims 1–3, 5, 7, 9–11, and 13 of the ’424 patent. IPR2026-00298, Paper 2. The Director instituted trial in that case. IPR2026-00298, Paper 15.

To join Petitioner to the instituted Microsoft IPR, the Board first determines whether the Petition “warrants” institution under § 314. *See Facebook, Inc. Windy City Innovations, LLC*, 973 F.3d 1321, 1332 (Fed.

Cir. 2020). As noted, the Director granted institution of *inter partes* review. See Paper 12. The Board then determines whether to exercise “discretion to decide whether to ‘join as a party’ the joinder applicant,” who is the Petitioner in this proceeding. See *Facebook*, 973 F.3d at 1332. Petitioner in this case timely filed the Petition and the Motion for Joinder on May 15, 2026, which was no later than one month after the institution of the Microsoft IPR (which in fact occurred on July 28, 2026). See Papers 1, 3; Microsoft IPR, Paper 15; 37 C.F.R. § 42.122(b).

As moving party, Petitioner bears the burden of proving that it is entitled to the requested relief. 37 C.F.R. § 42.20(c). A motion for joinder should (1) set forth the reasons joinder is appropriate; (2) identify any new grounds of unpatentability asserted in the petition; and (3) explain what impact (if any) joinder would have on the trial schedule for the existing review. See *Kyocera Corp. v. SoftView, LLC*, IPR2013-00004, Paper 15 at 4 (PTAB Apr. 24, 2013).

We determine that Petitioner has met its burden of showing that joinder is appropriate. Petitioner represents, and Patent Owner does not dispute, that both the Petition and the supporting declaration (by Mark Crovella, Ph.D., Ex. 1003) in this proceeding are “substantively identical” to those in the Microsoft IPR. Mot. 1, 3–8.

Petitioner also represents that joinder will not impact the Microsoft IPR schedule. See, e.g., Mot. 3 (“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.”), 4–5 (“the Instant Petition does not

present any new grounds of unpatentability; it is substantively identical to the Microsoft Petition,” moreover, “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”), 7 (“The Instant Petition does not present any new grounds of unpatentability. . . . The Instant Petition presents the unpatentability of the same claims of the same patent in the same way as the Microsoft Petition.”), 8 (“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,” also noting that “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” and “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.”).

Petitioner represents that it is willing to accept a limited, “‘understudy’ role” to Microsoft (the petitioner in the Microsoft IPR) such that Petitioner “will assume the primary role only if Microsoft ceases to participate in the Microsoft IPR following institution.” Mot. 9. Petitioner represents that “Microsoft does not object to Petitioner joining IPR2026-00298 in an ‘understudy’ role.” *Id.*; *see also id.* at 1 (“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.”). As indicated above,

Patent Owner did not file an opposition to Petitioner's joinder Motion. *See* 37 C.F.R. § 42.25 (setting default filing times).

Petitioner represents that in its understudy role:

(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].

Mot. 9.

Under these circumstances, we agree with Petitioner that joinder is appropriate and will not unduly impact the ongoing trial in the Microsoft IPR. Moreover, joinder promotes economy and efficiency, thereby reducing the burden on the Patent Owner and on the limited resources of the Board, as compared to distinct, parallel proceedings.

We limit Petitioner's participation in the Microsoft IPR as follows: (1) the original petitioner in the Microsoft IPR (Microsoft) is responsible for all petitioner filings in the proceeding until such time that it is no longer an entity in the proceeding, and (2) Petitioner is bound by all filings by Microsoft in the proceeding, except for (a) filings regarding termination or settlement, and (b) filings where Petitioner receives permission to file an independent paper. Petitioner must obtain prior Board authorization to file

any paper or take any action on its own in the proceeding, so long as Microsoft remains as a non-terminated petitioner in the proceeding. This arrangement promotes the just and efficient administration of the ongoing trial in the Microsoft IPR, and protects the interests of Microsoft as original petitioner in IPR2026-00298 and of Patent Owner.

ORDER

Accordingly, it is

ORDERED that Petitioner's Motion for Joinder (Paper 3) is granted, and Petitioner is hereby joined as a petitioner in IPR2026-00298;

FURTHER ORDERED that the Scheduling Order entered in IPR2026-00298 (Paper 16), including any schedule changes allowed by the Scheduling Order and agreed to by the original parties in that proceeding, shall continue to govern the trial schedule in IPR2026-00298;

FURTHER ORDERED that all further filings shall be made only in IPR2026-00298;

FURTHER ORDERED that Petitioner's role in IPR2026-00298 shall be limited as stated in Petitioner's Motion for Joinder (Paper 3) unless and until Microsoft Corporation is terminated from IPR2026-00298;

FURTHER ORDERED that the case caption in IPR2026-00298 for all further submissions shall be changed to add Palo Alto Networks, Inc. as a named Petitioner, and to indicate by footnote the joinder of Palo Alto Networks, Inc. to IPR2026-00298, as indicated in the attached sample; and

FURTHER ORDERED that a copy of this Decision shall be entered into the record of IPR2026-00298.

FOR PETITIONER:

James Glass
Quincy Lu
QUINN EMANUEL URQUHART & SULLIVAN, LLP
jimglass@quinnemanuel.com
quincylu@quinnemanuel.com

FOR PATENT OWNER:

Kenneth Weatherwax
Parham Hendifar
Nathan Lowenstein (admitted *pro hac vice*)¹
Colette Woo (admitted *pro hac vice*)
Dennis Courtney (admitted *pro hac vice*)
LOWENSTEIN & WEATHERWAX LLP
weatherwax@lowensteinweatherwax.com
hendifar@lowensteinweatherwax.com
lowenstein@lowensteinweatherwax.com
woo@lowensteinweatherwax.com
courtney@lowensteinweatherwax.com

¹ The notices of intent for each of the *pro hac vice* attorneys (Papers 8, 9, and 10) are hereby acknowledged.

Sample Case Caption

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² Palo Alto Networks, Inc. filed a petition and a motion for joinder in IPR2026-00363, and has been joined as a petitioner in this proceeding.