

From: [wg_tech](#) on behalf of [Webmaster](#)
To: [Precedential Opinion Panel Request](#)
Subject: Precedential Opinion Panel (POP) Amicus Request Form
Date: Tuesday, June 21, 2022 3:23:30 PM

Name = Robert P Taylor

Affiliation = RPT Legal Strategies PC

Client represented = USIJ

Case number = IPR2022-00182

Case name = Palo Alto v. Centripetal

Paper number = 13

Type of amicus = Supporting POP Review

Brief description = USIJ supports the request by Centripetal Networks, Inc., seeking rehearing of the PTAB decision to institute an IPR with respect to Patent No. 9,917,856. Once a patent owner has been victorious in an infringement trial and is dealing with the complex issues raised on appeal by the infringer, it will do enormous damage to the reputation and integrity of the USPTO to allow a third party – without any interest in the underlying proceeding or the patent – to initiate an IPR merely to pressure the patent owner for some collateral benefit. It is well within the discretionary authority of the Director to prevent this type of abuse of post-grant procedures, and we respectfully urge the POP to review the institution decision before forcing Centripetal to defend this patent yet again.

The reputation of the USPTO in the inventor community is extremely important. The predictability and reliability of patent protection is an absolute requirement before entrepreneurs and their investors can justify the risky investment of time and resources in pursuing new and unproven technologies that require a long development period, particularly where the technology is easily copied once its feasibility is proven. For many reasons, the reliability of U.S. patents has diminished significantly over the last 15 years, and as a result our country has fewer and fewer investors and entrepreneurs willing to pursue the most strategically important new technologies, preferring instead to pursue opportunities with less risk and that do not require patents. This is an impending disaster for our nation, as other countries seek feverishly to replace the U.S. as the predominant global power in key technologies and industries.

One of the primary factors in this loss of trust in U.S. patents is traceable to the AIA. While the original justification to Congress for PGRs and IPRs was that “bad patents” were inhibiting innovation, the reality is that the very best patents became the target of these procedures, because these were the patents that large infringers actually feared. In numerous situations, infringers were able to abuse the IPR procedures in ways never intended by Congress. Patent owners were subjected to multiple IPRs challenging the same claims, gamesmanship by infringers in coordinated use of both the IPR procedures and motion practice in Federal court, and the use of surrogates to challenge patents. Rather than making litigation less expensive, as Congress intended, these abusive tactics made litigation more expensive.

Even though Congress chose not to impose a standing requirement for the filing of an IPR petition, surely Congress did not intend to allow predatory third parties to use the victory of the patent owner in litigation as a lever for extorting some collateral benefit for themselves. That was the clearly the purpose in the Open Sky proceeding a few weeks ago, and it certainly appears the same here.

Relationship to a party to the proceeding = None

I certify that I am submitting this amicus form within seven business days of entry of the Notification of POP request into the case docket or patent application file = Yes

Signature = /Robert P Taylor/

IPR2022-00182
Ex. 3009

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