

From: [wg_tech](#) on behalf of [Webmaster](#)
To: [Precedential Opinion Panel Request](#)
Subject: Precedential Opinion Panel (POP) Amicus Request Form
Date: Tuesday, June 14, 2022 9:59:50 PM

Name = Josh Malone

Affiliation = independent inventor

Client represented = none

Case number = IPR2022-00182

Case name = Palo Alto v. Centripetal

Paper number = 13

Type of amicus = Supporting POP Review

Brief description = I urge the Director to grant rehearing to reverse the institution decision in this case. The decision to institute has stripped the patent of its presumption of validity and is likely to lead to invalidation. Over 80% of final decisions result in revocation of claims. Quality patents such as this one are easily upheld in Article III courts, but often invalidated in AIA trials. From my experience and observations the reasons include a lower burden of proof, institutional bias, technical incompetence, pecuniary interest, and subjective hindsight obviousness. Regardless of the reasons, it is quite clear that institution in cases such as this introduces substantial risk for the patent owner.

The petitioner Palo Alto and likely beneficiary Cisco are not small businesses availing themselves of the provisions of the America Invents Act to defend themselves against frivolous claims of a patent troll. They are multi-billion dollar corporations entirely capable of defending themselves in first-filed cases in Article III courts. This is nowhere near Congress's intent for the AIA. The panel has allowed petitioner to weaponize the PTAB in order to devalue the hard-earned and duly-granted intellectual property rights of the innovative patent owner.

This agency chartered with promoting innovation by securing to inventors the exclusive right to our discoveries has preliminarily decided to switch sides and jeopardize the patent it previously thoroughly examined and lawfully granted.

In my own experience, the PTAB instituted review of a number of my patents that had been thoroughly examined and upheld in numerous rulings in a first-filed action in district court. As a result of the PTAB, the case involving one of my patents was stayed and eventually settled due to the delay and cost imposed by the USPTO's determination to interfere in the dispute. By instituting trials in cases such as these the USPTO is discouraging innovation and doing harm to the economy.

Most importantly, the USPTO instituting AIA trials on patents under active adjudication by an Article III court – particularly when the patent challenger is a well-healed corporate infringer – is demoralizing for inventors. The USPTO is supposed to support inventors and promote innovation, but all too frequently betrays us when we are on the verge of success. The Congressional record is clear that this was not the intent of the AIA, and the statute explicitly requires that the Director “shall consider the effect on the economy, [and] the integrity of the patent system” in prescribing regulations.

Inventors have lost confidence in the USPTO because of cases like this. This is why we are protesting, burning patents, boycotting, signing petitions, filing comments, organizing, and calling on Congress to abolish the PTAB. At the very least, the Director should grant rehearing and reverse this decision to demonstrate a change in course at the agency.

IPR2022-00182
Ex. 3006

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 = /Josh Malone/

Troubleshooting information:

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