

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS, INC., CISCO SYSTEMS, INC.,
and KEYSIGHT TECHNOLOGIES, INC.,
Petitioners,*

v.

CENTRIPETAL NETWORKS, INC.,
Patent Owner.

IPR2022-00182
Patent 9,917,856 B2

Before BRIAN J. McNAMARA, AARON W. MOORE, and
STEVEN M. AMUNDSON, *Administrative Patent Judges*.

AMUNDSON, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
Authorizing Briefing for Motion for Recusal and Vacatur
37 C.F.R. § 42.5

* Cisco Systems, Inc. filed a petition and a motion for joinder in IPR2022-01151 and has been joined as a petitioner in this proceeding. Keysight Technologies, Inc. filed a petition and a motion for joinder in IPR2022-01199 and has been joined as a petitioner in this proceeding.

Palo Alto Networks, Inc. (“PAN”) filed a Petition requesting an *inter partes* review of claims 1, 24, and 25 in U.S. Patent No. 9,917,856 B2 (Exhibit 1001, “the ’856 patent”) under 35 U.S.C. §§ 311–319. Paper 2. Centripetal Networks, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 6. The Board instituted an *inter partes* review of claims 1, 24, and 25 in the ’856 patent. Paper 11.

In IPR2022-01151, the Board granted a petition and a motion for joinder to this proceeding filed by Cisco Systems, Inc. (“Cisco”). Paper 39.

In IPR2022-01199, the Board granted a petition and a motion for joinder to this proceeding filed by Keysight Technologies, Inc. (“Keysight”). Paper 41.

Hence, this Order refers to PAN, Cisco, and Keysight collectively as “Petitioners.”

On December 30, 2022, Patent Owner filed a Motion for Recusal and Vacatur. Paper 37 (“Motion”). Contrary to the Board’s rules, however, Patent Owner did not obtain (or even seek) Board authorization before filing that Motion. *See* 37 C.F.R. § 42.20(b). Shortly, after filing that Motion, Patent Owner’s counsel emailed the Board stating that Patent Owner (1) “filed a motion authorized under 5 U.S.C. 556(b)(3)” and (2) “alternatively requests that the Board authorize the motion under 37 C.F.R. 42.20.” Ex. 3015.

On January 3, 2023, PAN’s counsel emailed the Board stating that “Patent Owner’s motion comes as a surprise as [PAN] was never contacted for a proper meet-and-confer, nor was Patent Owner authorized to file the motion—by the panel or under 5 U.S.C. 556(b)(3), as Patent Owner incorrectly contends.” Ex. 3016. PAN’s counsel states that PAN opposes

Patent Owner's Motion and requests authorization to file an opposition to that Motion. *Id.*

Under the circumstances here, the Board authorizes Petitioners to file a single opposition to Patent Owner's Motion.

ORDER

Accordingly, it is

ORDERED that Petitioners are authorized to file a single opposition to the Motion for Recusal and Vacatur no longer than ten pages on or before January 13, 2023; and

FURTHER ORDERED that Patent Owner is not authorized to file a reply to the opposition to the Motion for Recusal and Vacatur.

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