

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE
UNITED STATES PATENT AND TRADEMARK OFFICE

PALO ALTO NETWORKS, INC., CISCO SYSTEMS, INC., and
KEYSIGHT TECHNOLOGIES, INC.,
Petitioner,

v.

CENTRIPETAL NETWORKS, INC.,
Patent Owner.

IPR2022-00182
Patent 9,917,856 B2

Before JOHN A. SQUIRES, *Under Secretary of Commerce for Intellectual
Property and Director of the United States Patent and Trademark Office.*

ORDER

Denying Request for Director Review and Directing the Patent Trial and
Appeal Board to Assign a New Panel on Remand

Almost four years ago, on May 25, 2022, the Board issued a Decision granting institution of *inter partes* review (“IPR”) (Paper 11), and subsequently, the Board granted institution in IPR2022-01151 and IPR2022-01199 and joined Cisco Systems, Inc. (“Cisco”) and Keysight Technologies, Inc. (“Keysight”), as Petitioners to this IPR. IPR2022-01151, Paper 12 (“Cisco Institution Decision”); IPR2022-01199, Paper 41. On May 23, 2023, the Board issued a Final Written Decision (“Decision,” Paper 67) determining that all challenged claims were unpatentable, which Centripetal Networks, Inc. (“Patent Owner”) appealed. On October 22, 2025, the United States Court of Appeals for the Federal Circuit issued a decision on Patent Owner’s appeal, vacating the Final Written Decision and remanding the case to the Board for further proceedings on the merits. *Centripetal Networks, LLC v. Palo Alto Networks, Inc.*, 156 F.4th 1368, 1372, 1380–81 (Fed. Cir. 2025); Paper 72.

The Federal Circuit vacated the Decision after determining that the Board “failed to properly consider evidence of copying.” *Centripetal*, 156 F.4th at 1381. The court explained that Patent Owner had introduced into the record some testimony from a district court proceeding involving Cisco and Patent Owner, but the Board did not address that evidence in the Decision because “the district court’s decision had been vacated” and the Board “stated that it was ‘not in a position to evaluate the entirety of the litigation record, weigh witness testimony, and make a factual finding about copying.’” *Id.* at 1381. The court concluded that was an error. *Id.*

In addition to addressing Patent Owner’s merits arguments, the Federal Circuit addressed Patent Owner’s arguments as to the allegedly belated recusal of a panel member following institution of trial. *Centripetal*,

156 F.4th at 1374. Although the court found no reversible error in the Board’s recusal analysis, the court noted that, “[a]t oral argument, Appellees expressly stated that they did not object to a new panel of APJs hearing this case if remanded,” and that, “[g]iven this concession, on remand, the Director should consider whether to assign this case to new APJs.” *Id.* at 1381.

The IPR is now back before the Office. On February 18, 2026, Patent Owner filed a request for Director Review of the Cisco Institution Decision that also seeks de-institution of this proceeding. Paper 74 (“Request”). Patent Owner argues that good cause exists for waiving the original deadline to request Director Review and that de-instituting this IPR is, among other things, “consistent with the Office’s current policies.” *Id.* at 1–2. Patent Owner further argues that the Board abused its discretion by “refus[ing] to consider whether administrative attacks filed on the heels of a district court verdict [that the ’856 patent claims are valid] thwart the goals of the AIA.” *Id.* at 1.

Patent Owner is correct the Office disfavors repeat challenges of patents. However, this IPR is the first post-grant proceeding in the Office challenging the ’856 patent. Thus, this case is unlike *Verizon Connect Inc. v. Omega Patents, LLC*, IPR2023-01162, Paper 40 at 2 (Director June 3, 2025), which was de-instituted because the Office, and other tribunals, already had considered the patentability of the challenged claims and the claims stood rejected based on a different final written decision.

In addition, although Patent Owner points to the March 2021 district court decision finding that the ’856 patent was not invalid and that Cisco had willfully infringed the patent, that decision was vacated on appeal. And, as

Patent Owner acknowledges, the litigation “remains pending.”¹ Request 3, 6.

Patent Owner is also correct that, under current precedent, Cisco and Keysight may not have been joined as Petitioners to this IPR because they were time-barred. *See Realtek Semiconductor Corp. v. ParkerVision, Inc.*, IPR2025-00324, Paper 11 at 3 (Director June 25, 2025) (precedential) (“Petitions filed by time-barred parties should proceed only in exceptional circumstances.”). But, even if I were to dismiss those parties as Petitioners, the IPR would remain ongoing as to Palo Alto Networks, Inc.

For these reasons, Director Review is not appropriate here.

Nevertheless, in view of the Federal Circuit’s express invitation to “consider whether to assign this case to new APJs,” *Centripetal*, 156 F.4th at 1381, I order a new panel to be assigned on remand in accordance with the Board’s Standard Operating Procedure (“SOP”) 1.²

Accordingly, it is:

ORDERED that the request for Director Review (Paper 74) is denied; and

FURTHER ORDERED that the Board shall assign a new panel on remand following the procedures set forth in the Board’s SOP 1.

¹ On June 7, 2023, the district court issued an order granting Cisco’s motion to stay the litigation as to the ’856 patent. *See Centripetal Networks, Inc. v. Cisco Sys., Inc.*, No. 2:18-cv-94, Dkt. 715 (E.D. Va. June 7, 2023).

² Available at https://www.uspto.gov/sites/default/files/documents/sop1_r16_final.pdf.

IPR2022-00182
Patent 9,917,856 B2

FOR PETITIONER IPR2022-00182:

Adam Kwon
Andrew T. Radsch
MUNGER, TOLLES & OLSON LLP
Adam.kwon@mto.com
Andrew.radsch@mto.com

FOR PETITIONER IPR2022-01151:

Theodore M. Foster
David L. McCombs
Gregory P. Huh
HAYNES AND BOONE, LLP
ipr.theo.foster@haynesboone.com
david.mccombs.ipr@haynesboone.com
gregory.huh.ipr@haynesboone.com

FOR PETITIONER IPR2022-01199

Gerard M. Donovan
Peter J. Chassman
Jonathan I. Detrixhe
Sidharth Kapoor
REED SMITH LLP
gdonovan@reedsmith.com
pchassman@reedsmith.com
jdetrixhe@reedsmith.com
skapoor@reedsmith.com

FOR PATENT OWNER:

James Hannah
Jeffrey Price
Jenna Fuller
HERBERT SMITH FREEHILLS
jhannah@hsfkramer.com
jprice@hsfkramer.com
jfuller@hsfkramer.com

IPR2022-00182
Patent 9,917,856 B2

Bradley C. Wright
Scott M. Kelly
John R. Hutchins
BANNER & WITCOFF, LTD.
bwright@bannerwitcoff.com
skelly@bannerwitcoff.com
jhutchins@bannerwitcoff.com