

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS, INC.,
Petitioner,

v.

CENTRIPETAL NETWORKS, INC.,
Patent Owner.

IPR2022-00182
Patent 9,917,856 B2

Before BRIAN J. McNAMARA, *Administrative Patent Judge*.

Withdrawal of Judge Brian J. McNamara from Panel
Conduct of the Proceeding
37 C.F.R. § 42.5

On December 30, 2022, without having sought the requisite authorization, Centripetal Networks, Inc. (“Patent Owner”), filed a Motion for Recusal and Vacatur. Paper 37 (“Motion”). On January 3, 2023, Palo Alto Networks (“Petitioner”) e-mailed the Board stating that “Patent Owner’s Motion comes as a surprise as [PAN] was never contacted for a proper meet and confer.” Ex. 3016. Today, the panel authorized Petitioner to respond to the Motion. Paper 42.

Patent Owner’s Motion urges that the entire panel be recused and the Decision to Institute (Paper 11) be vacated because the financial disclosures of Administrative Patent Judge Brian J. McNamara state that he owns Cisco stock¹ and receives retirement payments from Foley & Lardner LLP, who Patent Owner alleges has done lobbying work for Cisco Systems, Inc. (“Cisco”).² Patent Owner does not allege that Foley & Lardner has any interest in the outcome of this particular proceeding, that any Foley attorney has participated in this proceeding,³ or that any retirement payments to me are specifically tied to any matter involving Cisco or any other party to this proceeding, or even to Cisco’s success generally. Cisco was not a party to this case when Patent Owner filed its Motion.⁴

¹ The subject financial disclosure states that the amount of Cisco stock owned is between \$1,000 and \$15,000. The value of the stock is less than 0.04% of the value of the assets reported on the financial disclosure.

² Patent Owner contends that in 2021 Cisco paid Foley & Lardner up to \$100,000 for lobbying work. Motion 4 (citing, e.g., Ex. 2037). Foley & Lardner’s 2021 revenue is reported to be \$1,024,834,000. *See* <https://www.law.com/law-firm-profile/?id=106&name=Foley-Lardner>.

³ My conflict list already instructs the Board to recuse me from any matter where Foley & Lardner participates.

⁴ Cisco was joined to this proceeding earlier today. Paper 39.

The financial disclosure information Patent Owner cites has been a matter of public record for ten years. Each year the Office of Government Ethics (OGE) reviewed and approved those financial disclosures. OGE requires recusal from any matter where the financial disclosure indicates an interest exceeding \$15,000. That is not the case here. Foley & Lardner's retirement payments to the undersigned are not contingent on any specific matter and the firm does not provide retirees its current list of clients, which, like any large law firm, changes from day to day. In short, Patent Owner's Motion is without merit.

As stated above, however, earlier today the panel authorized Petitioner to respond to Patent Owner's Motion. In order to reduce the number of issues and simplify the briefing, I withdraw from the panel effective immediately and will not further participate in this proceeding. A substitute judge will be appointed to replace me.

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