Nos. 19-1434, 19-1452, 19-1458

In the Supreme Court of the United States

United States of America,

Petitioner,

v.

Arthrex, Inc., et al.,

Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Federal Circuit

BRIEF AMICUS CURIAE OF TIVO CORPORATION IN SUPPORT OF RESPONDENT ARTHREX

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(Additional Captions Listed on Inside Cover)

Smith & Nephew, Inc., et al., *Petitioners*,

v.

Arthrex, Inc., et al.,

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Arthrex, Inc.,

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ARGUMENT				
I.	pro	The inter partes review regime has failed to provide a satisfactory forum for adjudicating patent rights		
	A.	pa att de	tent infringers frequently abuse the inter rtes review process to conduct multiple cacks on the validity of patents, thereby priving patent owners of quiet title over eir inventions	
	B.	car pa alt	e Board's extraordinarily high claim- ncellation rates confirm that the inter rtes review process is not a neutral ernative to adjudication of patent rights in leral court	
		1.	Contrary to the suggestion of several amici, the Board's claim-cancellation rates are much higher than those of district courts	
		2.	The high affirmance rate of Board decisions reflects the forgiving standard of review on appeal—not necessarily accuracy on the part of the Board	

II. The Federal Circuit's removal of administrative patent judges' tenure protections exacerbates the problems inherent in the inter partes review regime			
A. The court of appeals' remedy undermines the independence of administrative patent judges, contravening longstanding principles of administrative adjudication			
B. Subjecting administrative patent judges to at- will removal magnifies problematic structural biases already present in the inter partes review process			
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<i>Aetna Life Ins. Co. v. Lavoie,</i> 475 U.S. 813 (1986)
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