

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SZ DJI TECHNOLOGY CO., LTD.,
Petitioner

v.

AUTEL ROBOTICS USA LLC,
Patent Owner

IPR2019-00846
U.S. Patent No. 9,260,184

**PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Petitioner, SZ DJI Technology Co. Ltd., objects to the admissibility of the following evidence submitted by Patent Owner Autel Robotics USA LLC. 37 C.F.R. § 42.64(b)(1). These objections are being timely filed within 5 business days after service of the evidence. Petitioner asks the Patent Trial and Appeal Board to deny the admission and consideration of the following documents on the following bases:

Exhibit 2001 – Declaration of Dr. Charles F. Reinholtz

Petitioner objects to paragraph 53 of the Reinholtz Declaration to the extent Patent Owner relies on it for the truth of the matter asserted. Petitioner objects to paragraph 53 as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Petitioner objects to paragraphs 53 and 54 of the Reinholtz Declaration as irrelevant under FRE 401 and 402 because they do not tend to make any fact more or less probable. To the extent Patent Owner relies on these paragraphs to support patentability of any claim, these paragraphs are irrelevant because they purport to describe a DJI UAV not mentioned or referenced in Sasaki and that is not evidence of the state of the art or the knowledge of a skilled artisan around the time of the purported invention. Petitioner also objects to these paragraphs under FRE 403 because their probative value is substantially outweighed by a danger of unfair prejudice and confusing the issues.

Petitioner objects to the Reinholtz Declaration to the extent it relies on Exhibits 2005 and 2006, including references in ¶¶53, 54, and Appendix B because they are inadmissible under FRE 401, 402, 403, 801, and 802, as discussed below, and/or are inadmissible as not qualified to be the basis for an expert opinion under FRE 703. Therefore, these portions of the Reinholtz Declaration are inadmissible under FRE 702 and FRE 703.

Exhibit 2005 – Excerpts from Transcript of ITC Hearing

Petitioner objects to this document as irrelevant under FRE 401 and 402 because it does not tend to make any fact more or less probable. To the extent Patent Owner relies on this document to support patentability of any claim, it is irrelevant because it purports to describe a DJI UAV not mentioned or referenced in Sasaki and that is not evidence of the state of the art or the knowledge of a skilled artisan around the time of the purported invention. Petitioner also objects to this document under FRE 403 because its probative value is substantially outweighed by a danger of unfair prejudice and confusing the issues.

Exhibit 2006 – Reinholtz Video

Petitioner objects to this document as irrelevant under FRE 401 and 402 because it does not tend to make any fact more or less probable. To the extent Patent Owner relies on this document to support patentability of any claim, it is irrelevant because it purports to describe a DJI UAV unrelated to Sasaki and is not

evidence of the state of the art or the knowledge of a skilled artisan around the time of the purported invention. Petitioner also objects to this document under FRE 403 because its probative value is substantially outweighed by a danger of unfair prejudice and confusing the issues.

Respectfully submitted,

/Lori A. Gordon/

Lori A. Gordon, Reg. No. 50,633
Attorney for Petitioner

KING & SPALDING LLP
1700 Pennsylvania Avenue N.W.
Washington, DC 20006-4707
(202) 737-0500

Date: January 17, 2020

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PETITIONER'S
OBJECTIONS TO PATENT OWNER'S EVIDENCE** was served via electronic
mail on January 17, 2020, in its entirety on the following:

Timothy C. Bickham
Steptoe & Johnson LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
Tel: (202) 429-5517
Fax: (202) 429-3902
tbickham@steptoe.com
Autel-DJI-PGR@steptoe.com

/Lori A. Gordon/

Lori A. Gordon
Reg. No. 50,633
Attorney for Petitioner

KING & SPALDING LLP
1700 Pennsylvania Avenue N.W.
Washington, DC 20006-4707
(202) 737-0500

January 17, 2020