

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
Patent 9,260,184 B2

Before ERICA A. FRANKLIN, JENNIFER MEYER CHAGNON, and
AVELYN M. ROSS, *Administrative Patent Judges*.

CHAGNON, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding; Modified Scheduling Order
37 C.F.R. § 42.5

On January 10, 2020, Patent Owner filed a Motion to Amend and requested preliminary guidance under the Board’s pilot program for motion to amend practice. *See* Paper 10; *see also* Notice Regarding a New Pilot Program Concerning Motion to Amend Practice and Procedures in Trial Proceedings under the America Invents Act before the Patent Trial and Appeal Board, 84 Fed. Reg. 9497 (Mar. 15, 2019) (“MTA Pilot Program Notice”).

The parties previously stipulated to change DUE DATE 2 to April 3, 2020. *See* Paper 8. The schedule is further modified as shown below (dates in bold are changed by this Order). The details of each due date are described in the Scheduling Order for this proceeding (Paper 7, 7–8).

DUE DATE 2	April 3, 2020
DUE DATE 3	May 15, 2020
DUE DATE 4	May 22, 2020
DUE DATE 5	June 5, 2020
DUE DATE 6	June 10, 2020
DUE DATE 7	June 15, 2020
DUE DATE 8	June 24, 2020

Notwithstanding the instructions in the Scheduling Order, the parties may not stipulate to any additional changes to the portion of DUE DATE 2 related to Petitioner’s opposition to the motion to amend, or the portion of DUE DATE 3 related to Patent Owner’s reply to an opposition to a motion to amend (or Patent Owner’s revised motion to amend), without prior authorization from the Board.

Further, notwithstanding the instructions in the Scheduling Order and the instructions in the MTA Pilot Program Notice, after the Board issues preliminary guidance on the motion to amend, if Patent Owner files neither a reply to the opposition to the motion to amend nor a revised motion to amend at DUE DATE 3, Petitioner may file a reply to the Board's preliminary guidance, no later than *two (2) weeks* after DUE DATE 3. Patent Owner may file a sur-reply in response to Petitioner's reply to the Board's preliminary guidance, no later than *two (2) weeks* after Petitioner's reply. Other instructions in the Scheduling Order and the MTA Pilot Program Notice regarding these papers remain unchanged. *See* MTA Pilot Program Notice at 9502; Paper 7, 5.

As a reminder, if Patent Owner files a revised motion to amend, the Board shall enter a revised scheduling order setting the briefing schedule for that revised motion and adjusting other due dates as needed. *See* MTA Pilot Program Notice at 9501, App. 1B; Paper 7, 5.

It is hereby:

ORDERED that the Scheduling Order (Paper 7) is modified as discussed above.

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