

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  
Granting Requests for Oral Argument  
*37 C.F.R. § 42.70*

Petitioner SZ DJI Technology Co., Ltd., and Patent Owner Autel Robotics USA LLC each requested oral argument in this *inter partes* review trial pursuant to 37 C.F.R. § 42.70. Papers 22, 23. Upon consideration, the parties' requests are *granted* as specified and set forth in this Order.

Oral arguments will commence at **1:30 pm Eastern time on August 13, 2020, by video**. The parties are directed to contact the Board at least 10 days in advance of the hearing if there are any concerns about disclosing confidential information. The Board will provide a court reporter for the hearing, and the reporter's transcript will constitute the official record of the hearing.

If at any time during the proceeding, you encounter technical or other difficulties that fundamentally undermine your ability to adequately represent your client, please let the panel know immediately, and adjustments will be made.<sup>1</sup>

To facilitate planning, each party must contact PTAB Hearings at [PTABHearings@uspto.gov](mailto:PTABHearings@uspto.gov) five business days prior to the oral hearing date to receive video set-up information. As a reminder, all arrangements and the expenses involved with appearing by video, such as the selection of the facility to be used from which a party will attend by video, must be borne by that party. If a video connection cannot be established, the parties will be provided with dial-in connection information, and the oral hearing will be conducted telephonically.

If one or both parties would prefer to participate in the oral hearing telephonically, they should notify PTAB Hearings at the above email

---

<sup>1</sup> For example, if a party is experiencing poor video quality, the Board may provide alternate dial-in information.

address five business days prior to the hearing to receive dial-in connection information.

Each party will have sixty (60) minutes of total oral argument time. Patent Owner filed a non-contingent Motion to Amend. *See* Paper 17 (Patent Owner's Revised Motion to Amend). Thus, the patentability of the original challenged claims is not at issue in this proceeding. Based on the issues presented, Petitioner will open the hearing by presenting its case regarding the unpatentability of the proposed substitute claims. Petitioner may reserve some, but not more than half, of its argument time for rebuttal. Thereafter, Patent Owner will present its case and respond to Petitioner's argument. Patent Owner may reserve some, but no more than half, of its argument time for sur-rebuttal. Next, Petitioner may use any time it has reserved for rebuttal to respond to Patent Owner's specific arguments presented at the hearing. Patent Owner may then use any reserved time for sur-rebuttal to respond to Petitioner's arguments. The parties are reminded that arguments made during rebuttal and sur-rebuttal periods must be responsive to arguments the opposing party made in its immediately preceding presentation. The parties also are reminded that during the hearing, the parties "may only present arguments relied upon in the papers previously submitted." Patent Trial and Appeal Board Consolidated Trial Practice Guide, November 2019 Update, p. 86.<sup>2</sup>

Demonstrative exhibits shall be served on opposing counsel at least seven (7) business days before the oral argument, pursuant to 37 C.F.R. § 42.70(b), and filed with the Board no later than two (2) business days

---

<sup>2</sup> Available at <https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf>.

before the argument. All pages of demonstrative exhibits should be clearly marked with the legend “DEMONSTRATIVE EXHIBIT—NOT EVIDENCE.” The parties are directed to *St. Jude Medical, Cardiology Division, Inc. v. The Board of Regents of the University of Michigan*, IPR2013-00041, Paper 65 (PTAB Jan. 27, 2014), for guidance regarding the appropriate content of demonstrative exhibits.

The Board expects that the parties will meet and confer in good faith to resolve any objections to demonstrative exhibits, but if such objections cannot be resolved the parties may file any objections to demonstratives with the Board at least two (2) business days before the argument. The objections should identify with particularity which portions of the demonstrative exhibits are subject to objection and include a one-sentence statement of the basis for each objection. No argument or further explanation is permitted. The Board will consider any objections and schedule a conference call if deemed necessary. Otherwise, the Board will reserve ruling on the objections. Any objection to demonstrative exhibits that is not timely presented will be considered waived.

The Board generally expects lead counsel for each party to be present by video at the oral hearing. Any counsel of record may present the party’s argument as long as that counsel is present by video.

Any special requests for audio-visual equipment should be directed to [PTABHearings@uspto.gov](mailto:PTABHearings@uspto.gov). A party may also indicate any special requests related to appearing at a video oral hearing, such as a request to accommodate visual or hearing impairments, and indicate how the PTAB may accommodate the special request. Any special requests must be

presented in a separate communication not less than five (5) days before the hearing.

Please unmute yourself only when speaking. The panel will have access to all papers filed with the Board, including demonstratives. During the oral hearing, the parties are advised to identify clearly and specifically each demonstrative referenced (e.g., by slide or screen number) to ensure the clarity and accuracy of the court reporter's transcript. In addition, the parties are advised to identify themselves each time they speak. Furthermore, the remote nature of the oral hearing may also result in an audio lag, and so the parties are advised to observe a pause prior to speaking, so as to avoid speaking over others.

Members of the public may request to listen in on this oral hearing. If resources are available, the Board generally expects to grant such requests. If either party objects to the Board granting such requests, for example, because confidential information may be discussed, the party must notify the Board by contacting [PTABHearings@uspto.gov](mailto:PTABHearings@uspto.gov) at least five business days prior to the oral hearing date.

In light of the foregoing, it is ORDERED that oral argument, conducted pursuant to the procedures outlined above, shall commence at 1:30 pm Eastern time on August 13, 2020, by video.

IPR2019-00846  
Patent 9,260,184 B2

PETITIONER:

Lori A. Gordon  
Steve W. Peters  
KING & SPALDING LLP  
lgordon@kslaw.com  
speters@kslaw.com  
DJI-PTAB@kslaw.com

PATENT OWNER:

Timothy Bickham  
John L. Abramic  
Matthew Bathon  
Harold H. Fox  
Gretchen P. Miller  
STEPTOE & JOHNSON LLP  
tbickham@steptoe.com  
jabramic@steptoe.com  
mbathon@steptoe.com  
hfox@steptoe.com  
gmiller@steptoe.com