

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SZ DJI TECHNOLOGY CO., LTD. and PARROT INC.,
Petitioners,

v.

DRONE-CONTROL, LLC,
Patent Owner.¹

Case IPR2018-00204 (Patent 8,200,375 B2)
Case IPR2018-00205 (Patent 8,380,368 B2)
Case IPR2018-00206 (Patent 8,649,918 B2)
Case IPR2018-00207 (Patent 9,079,116 B2)
Case IPR2018-00208 (Patent 9,568,913 B2)

Before PATRICK R. SCANLON, FRANCES L. IPPOLITO, and
TIMOTHY J. GOODSON, *Administrative Patent Judges*.

GOODSON, *Administrative Patent Judge*.

ORDER
Conduct of the Proceedings
37 C.F.R. § 42.5

¹ Synergy Drone LLC was previously listed as Patent Owner in these proceedings. *See, e.g.*, Case IPR2018-00204, Paper 18 (Patent Owner Response). Patent Owner filed updated mandatory notices indicating that Drone-Control, LLC is the Patent Owner. *See* Case IPR2018-00204, Paper 32, 1. Drone-Control, LLC is represented by the same counsel that previously represented Synergy Drone LLC in these proceedings. *Id.* at 2.

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As permitted by the Hearing Order in these cases (*see* Paper 28, 4),² the parties filed a Joint List of Objections to Demonstratives. *See* Paper 35.

The Joint List indicates that Patent Owner intends to use toy helicopters as physical demonstratives at the hearing, and that Petitioners object to these physical demonstratives because they were not discussed in briefing, and because Petitioners are unaware of how Patent Owner will characterize them. *Id.* at 1; *see also* Ex. 2007 (photograph of toy helicopter Patent Owner seeks to use at hearing). Patent Owner will be permitted to make use of these physical demonstratives to illustrate background technological concepts. However, we remind Patent Owner that two of the three members of the panel will be participating in the hearing remotely via video link. As such, Patent Owner may wish to reconsider whether the use of these physical demonstratives is the most effective manner for communicating background concepts. *See* Trial Practice Guide August 2018 Update, p. 21 (“The Board has found that elaborate demonstrative exhibits are more likely to impede than help an oral argument.”).³ We also reiterate that the physical demonstratives are not evidence in the proceedings, will not be relied on in the Final Decisions, and cannot be used to introduce new arguments or evidence that are not already presented in the briefing. *See id.* (“Demonstrative exhibits used at the final hearing are aids to oral argument

² For simplicity, this Order cites only to the papers in Case IPR2018-00204. The other proceedings include similar or identical papers.

³ Available at www.uspto.gov/sites/default/files/documents/2018_Revised_Trial_Practice_Guide.pdf.

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and not evidence Demonstrative exhibits cannot be used to advance arguments or introduce evidence not previously presented in the record.”).

The Joint List also reflects other objections from the parties to the other party’s slides. *See* Paper 35, 1. After considering these objections, we do not require the parties to make any changes to their slides in advance of the hearing. In rendering our Final Decisions, however, we will bear these objections in mind as we consider whether the arguments presented at the hearing were adequately briefed before the hearing.

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