

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SZ DJI TECHNOLOGY CO., LTD.  
Petitioner,

v.

AUTEL ROBOTICS USA LLC,  
Patent Owner.

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IPR2019-00343  
Patent 9,260,184 B2

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

CHAGNON, *Administrative Patent Judge.*

ORDER

Authorizing Patent Owner's Motion to Submit Supplemental Information  
*37 C.F.R. §§ 42.5, 42.123(b)*

A conference call in this proceeding was held on December 18, 2019, including Judges Chagnon and Ross, as well as counsel for both parties. The purpose of the call was to discuss Patent Owner's request for authorization to file a motion to submit supplemental information under 37 C.F.R.

§ 42.123(b). Patent Owner explained that the supplemental information it seeks to submit is cross-examination testimony of both parties' experts in an International Trade Commission investigation involving U.S. Patent No. 9,260,184. Petitioner opposes the request. Based on the information discussed during the call, the Board determines additional briefing would be helpful in making a decision with respect to the supplemental information.

Accordingly, we grant Patent Owner's request to file a motion to submit supplemental information under 37 C.F.R. § 42.123(b). Petitioner may file an opposition. No reply is authorized. The parties are reminded that this authorization to file the motion does not necessarily mean the motion will be granted nor that the evidence will be considered.

We also discussed the timing of Patent Owner's sur-reply brief, which the parties currently have stipulated has a due date of December 30, 2019. *See* Paper 20. This deadline remains unchanged. Should the Board grant Patent Owner's motion to submit supplemental information, details regarding an opportunity to comment on the evidence will be provided.

It is

ORDERED that Patent Owner's sur-reply to Petitioner's reply is due December 30, 2019;

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ORDERED that Patent Owner is authorized to file a motion to submit supplemental information under 37 C.F.R. § 42.123(b). Patent Owner's motion is limited to five (5) pages and is due by December 23, 2019;

FURTHER ORDERED that Petitioner's opposition is limited to five (5) pages and is due by December 31, 2019;

FURTHER ORDERED that the supplemental information that is the subject of Patent Owner's motion shall be submitted as one or more exhibit(s) with the motion; and

FURTHER ORDERED that the supplemental information exhibit(s) shall not be cited in any papers other than the motion and opposition being authorized by this Order, unless and until the motion is granted or leave to do so is otherwise granted.

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