

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.

PGR2019-00014 (Patent 9,979,000 B2)
PGR2019-00016 (Patent 10,044,013 B2) ¹

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

FRANKLIN, *Administrative Patent Judge*.

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

¹ We exercise our discretion to issue one order to be entered in each case.
The parties are not authorized to use this style heading without prior Board
approval.

PGR2019-00014 (Patent 9,979,000 B2)
PGR2019-00016 (Patent 10,044,013 B2)

In each of the above-captioned cases, Petitioner and Patent Owner have requested oral argument pursuant to 37 C.F.R. § 42.70. PGR2019-00014, Papers 25, 26; PGR2019-00016, Papers 27, 28. Upon consideration, the requests are granted, as specified in this Order.

A consolidated oral argument for the above-captioned cases will commence at **9:30 AM Eastern Time on Thursday, February 20, 2020**, at the USPTO Headquarters on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. The argument will be open to the public for in-person attendance that will be accommodated on a first-come, first-served basis. The Board will provide a court reporter for the argument, and the reporter's transcript will constitute the official record of the argument. To facilitate planning, each party must send an email message to PTABHearings@uspto.gov at least five (5) business days prior to the hearing if the number planning to attend the argument in-person for its side (attorneys and others) *exceeds five people*.

Each side will have sixty (60) minutes to present arguments for both cases. To the extent issues do not overlap between the cases, the parties are expected to clearly identify issues relating solely to one case. Petitioner bears the ultimate burden of proof that the claims at issue in these post-grant reviews are unpatentable. Therefore, Petitioner will open the argument by addressing the pending grounds of unpatentability. Patent Owner will then have the opportunity to respond to Petitioner's arguments. Petitioner may reserve rebuttal time, not to exceed half the time allotted to it for argument. Petitioner is cautioned that rebuttal time may only be used to respond to issues raised during Patent Owner's argument. Patent Owner may present a short sur-rebuttal argument, not to exceed ten (10) minutes, to address any issues raised during Petitioner's rebuttal.

PGR2019-00014 (Patent 9,979,000 B2)
PGR2019-00016 (Patent 10,044,013 B2)

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 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.

One or more members of the panel may attend oral argument remotely by use of two-way audio-visual communication equipment. The parties are reminded that counsel must identify clearly and specifically each demonstrative exhibit (e.g., by slide or screen number) referenced during the argument to assist any remote judges in following the presentation, and to ensure the clarity and accuracy of the reporter’s transcript.

PGR2019-00014 (Patent 9,979,000 B2)
PGR2019-00016 (Patent 10,044,013 B2)

The Board expects lead counsel for each party to be present in person at the oral argument. Any counsel of record, however, may present the party's argument. If any party anticipates that its lead counsel will not be attending the oral argument, the parties should request a joint telephone conference with the Board no later than two (2) business days prior to the oral argument to discuss the matter.

A party may request remote video attendance for one or more of its other attendees to view the hearing from any USPTO location, such as the Texas Regional Office in Dallas, Texas; the Rocky Mountain Regional Office in Denver, Colorado; the Elijah J. McCoy Midwest Regional Office in Detroit, Michigan; and the Silicon Valley Office in San Jose, CA. To request remote video viewing, a party must send an email message to PTABHearings@uspto.gov no later than ten (10) business days prior to the hearing, indicating the requested location and the number planning to view the hearing from the remote location. The Board will notify the parties if the request for video viewing is granted. Note that it may not be possible to grant the request due to the availability of resources.

Any special requests for audio-visual equipment should be directed to PTABHearings@uspto.gov. A party may also indicate any special requests related to appearing at an in-person oral argument, such as a request to accommodate physical needs that limit mobility or visual or hearing impairments, and indicate how the Board may accommodate the special request. Requests for special equipment will not be honored unless presented in a separate communication directed to the above email address not less than five (5) business days before the argument.

PGR2019-00014 (Patent 9,979,000 B2)
PGR2019-00016 (Patent 10,044,013 B2)

In consideration of the foregoing, it is hereby:

ORDERED that the parties' requests for oral argument are granted subject to the conditions set forth in this Order; and

FURTHER ORDERED that a consolidated oral argument, conducted pursuant to the procedures outlined above, shall commence at 9:30 am Eastern Time on February 20, 2020.

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