

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.

Case PGR2019-00014
Patent 9,979,000 B2

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

FRANKLIN, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Motion to Submit Supplemental Information
37 C.F.R. § 42.223(a)

I. INTRODUCTION

With our authorization, Petitioner, SZ DJI Technology Co., Ltd., filed a motion to submit supplemental information in the form of a certificate of translation for Exhibit 1010, an English translation of Exhibit 1009 (“Ichiba”). Paper 13, 2. Petitioner confirms that Patent Owner, Autel Robotics USA LLC, does not oppose the motion. *Id.* at 1.

II. ANALYSIS

As the moving party, Petitioner bears the burden of proving that it is entitled to the requested relief in its motion. 37 C.F.R. § 42.20(c). Under 37 C.F.R. § 42.223(a), a party may file a motion to submit supplemental information if: (1) the request for authorization to file the motion is made within one month of the date the trial was instituted; and (2) the supplemental information is relevant to a claim for which trial has been instituted.

Based upon our review, we find that Petitioner’s request for authorization to file the motion was timely, as it was submitted on June 21, 2019, within one month of the institution decision, dated May 22, 2019. Paper 9. Additionally, we find that the supplemental information which Petitioner seeks to submit is relevant to a claim for which trial has been instituted because the supplemental information is a certificate of translation for the English translation of Ichiba. Paper 13, 2. Ichiba serves as a prior art reference for two of the unpatentability grounds challenging claims instituted in this *inter partes* review. Paper 9. According to Petitioner, the supplemental information helps to confirm the reliability of the Ichiba translation submitted as Exhibit 1010 because the certificate of translation provides the credentials of the translator, includes his affirmation that he translated the document from Japanese to English, and is sworn to be true

PGR2019-00014
Patent 9,979,000 B2

under the penalties for perjury under Section 1001 of Title 18 of the United States Code. Paper 13, 2. We agree.

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner's unopposed motion to submit a certificate of translation for Exhibit 1010 as supplemental information under 37 C.F.R. § 42.223(a) is *granted*.

PETITIONER:

Lori A. Gordon
Steve W. Peters
Matthew Edward Carey
KING & SPALDING LLP
lgordon@kslaw.com
speters@kslaw.com
mcarey@kslaw.com

PATENT OWNER:

Timothy C. Bickham
Matthew Bathon
STEPTOE & JOHNSON LLP
tbickham@steptoe.com
mbathon@steptoe.com