

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.

PGR 2019-00014
PGR 2019-00016
Patent 9,979,000 B2
Patent 10,044,013 B2

Record Of Oral Hearing
Held: February 20, 2020

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

IPR2019-00014
IPR2019-00016
Patent 9,979,000 B2
Patent 10,044,013 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

LORI A. GORDON, ESQUIRE
STEVE W. PETERS, ESQUIRE
King & Spalding LLP.
1700 Pennsylvania Avenue NW, 2nd Floor
Washington, D.C. 20006

ON BEHALF OF THE PATENT OWNER:

HAROLD H. FOX, ESQUIRE
ANDREW XUE, ESQUIRE
JOHN L. ABRAMIC, ESQUIRE
Steptoe & Johnson LLP.
1330 Connecticut Avenue NW
Washington, D.C. 20036

The above-entitled matter came on for hearing on Thursday, February 20, 2020, commencing at 9:30 a.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia.

1 PROCEEDINGS

2 - - - - -

3 USHER: All Rise.

4 JUDGE CHAGNON: Please be seated. Good morning, this is the
5 combined final hearing for PGR2019-00014 related to U.S. Patent No.
6 9,979,000, and PGR2019-00016 related to U.S. Patent No. 10,044,013.

7 I am Judge Chagnon. We are joined remotely by Judges Franklin and
8 Ross this morning. Counsel, could you please step up to the podium and
9 introduce yourselves.

10 MS. GORDON: Good morning, Your Honors. I'm Lori Gordon. I'm
11 from the law firm of King and Spalding and I'm going to be arguing today
12 on behalf of Petitioner; and with me at Counsel Table is Steve Peters, also
13 from King & Spalding.

14 MR. FOX: Good morning, Your Honors. My name is Harold Fox,
15 Steptoe & Johnson, representing Patent Owner Autel. With me at the table
16 is Andrew Xue and lead counsel, John Abramic, is also present.

17 JUDGE CHAGNON: Thank you so much. So, let's quickly go over
18 the ground rules this morning. The same as yesterday, each party has 60
19 minutes to present their arguments today.

20 Petitioner will go first, and you may reserve time for rebuttal; and
21 then Patent Owner will follow, and you may reserve up to 10 minutes for
22 sur-rebuttal as well today.

23 Again, please remember during your presentations to say what slide
24 number you're presenting as our remote judges cannot see the screen here in
25 the room, but they can follow along.

1 And please refrain from interrupting each other during your
2 presentations today, if you have any objections, you can address those
3 during your own time. So, Ms. Gordon, would you like to reserve time
4 today?

5 MS. GORDON: Yes, I would. Can we reserve 25 minutes, please?

6 JUDGE CHAGNON: I'll set the clock for 35 minutes to start.

7 Whenever you're ready, go right ahead.

8 MS. GORDON: Okay. Good morning, Your Honors. I'd like to turn
9 first to our Slide Number 5. Very few disputes remain between the parties in
10 these two proceedings.

11 There is no dispute between the parties that the combination of the
12 Phantom 2 Manual and Kondo discloses every limitation of all the
13 challenged claims of the Triple Zero Patent, and all the challenged claims of
14 the 013 Patent.

15 There's also no dispute between the parties that the combination of
16 Saika and Ichiba discloses every limitation of Claims 1 through 9, and 12 of
17 the Triple Zero Patent, and Claims 1 through 17, and 21 through 24 of the
18 013 Patent.

19 And there's no dispute between the parties that the combination of
20 Saika, Ichiba, and Phelps discloses every limitation of Claims 10 and 11 of
21 the Triple Zero Patent and Claims 18 through 20 of the 013 Patent.

22 The Triple Zero Patent and the 013 Patent share the same
23 specification so throughout my presentation I'll refer to them generally as
24 the challenged patents.

1 In the remaining disputes in this proceeding between the parties are
2 substantially the same in both proceedings, so we will address them together
3 today.

4 The remaining disputes can be broking into three groups, first whether
5 Kondo and Ichiba are analogous art to the challenged patents; second,
6 whether a POSITA would have been motivated to combine the references as
7 proposed by Petitioner; and third, whether Claims 1 through 12 of the Triple
8 Zero Patent, and Claims 22 through 24 of the 013 Patent are indefinite.

9 Petitioner would like to focus our discussion here today on this first
10 two disputes and rest on our Briefs on the indefiniteness grounds presented
11 in both proceedings.

12 Turning to Slide Number 12, I'd like to start with the issue
13 surrounding analogous art. The Federal Circuit has set forth two separate
14 criteria, or tests, for determining whether a reference is analogous art.

15 First test is whether the reference was within the field of the
16 inventor's endeavor. If the answer is yes, the reference is analogous.

17 The second criteria, or test, if the reference is not within the field of
18 endeavor, is the reference reasonably pertinent to the particular problem with
19 which the inventor was involved.

20 Petitioner established in both proceedings that Kondo and Ichiba are
21 analogous to the field of endeavor of the challenged patents.

22 Turning to Slide 8, the challenged patents in the background section
23 describe a prior art method for securing a battery into a battery compartment
24 of the device, and they describe the use of a sealing board.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.