

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TEXTRON SPECIALIZED VEHICLES, INC.,
Petitioner,

v.

SZ DJI TECHNOLOGY CO., LTD.,
Patent Owner.

IPR2023-01287
Patent 11,482,121 B2

Before MICHAEL R. ZECHER, FRANCES L. IPPOLITO, and
NATHAN A. ENGELS, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5(a)

I. DISCUSSION

Petitioner, Textron Specialized Vehicles, Inc. (“Textron”), submitted a request via email for authorization to file a four (4) page preliminary reply to Patent Owner’s Preliminary Response (Paper 6, “Prelim. Resp.”).

Ex. 3001. More specifically, Textron requests a four (4) page preliminary reply that is narrowly tailored to address the arguments for the claim term “restriction region” presented by Patent Owner, SZ DJI Technology Co., Ltd. (“SZ DJI”), in its Preliminary Response. *See* Prelim. Resp. 3–5, 7–9. Textron notes that the Board granted a similar request to file a preliminary reply narrowly tailored to address the same claim term in related IPR2023-01217. *See Textron Specialized Vehicles Inc. v SZ DJI Tech. Co. Ltd.*, IPR2023-01217, Paper 8 (PTAB Nov. 20, 2023) (Order granting additional preliminary briefing).

SZ DJI opposes Textron’s request to file a preliminary reply.

Ex. 3001. SZ DJI, however, requests authorization to file a preliminary sur-reply of equal length if the Board grants Textron’s request to file a preliminary reply. *Id.*

For purposes of consistency with the decision by the Board in IPR2023-01217, we authorize Textron to file a four page preliminary reply narrowly tailored to address the arguments for the claim term “restriction region” presented by SZ DJI in its Preliminary Response. *See* Prelim. Resp. 3–5, 7–9. We determine that Textron has satisfied the good cause standard for filing a preliminary reply because we will benefit from further briefing on the proper construction of the claim term “restriction region,” which was an issue first raised by SZ DJI in its Preliminary Response. *See* 37 C.F.R. § 42.108(c) (“A petitioner may seek leave to file a reply to the preliminary

response in accordance with [37 C.F.R.] §§ 42.23 and 42.24(c). Any such request must make a showing of good cause.”) We also authorize SZ DJI to file a four page preliminary sur-reply narrowly tailored to address the same.

II. ORDER

Accordingly, it is hereby:

ORDERED that Textron is authorized to file a four page preliminary reply no later than Thursday, December 28th, 2023; and

FURTHER ORDERED that SZ DJI is authorized to file a four page preliminary sur-reply no later than Friday, January 5th, 2024.

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