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Paper 56
Entered: August 27, 2026

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AXON ENTERPRISE, INC., DEDRONE HOLDINGS, INC., and SKYDIO, INC.,
Petitioner,

v.

AIRSPACE DEFENSE, INC.,
Patent Owner.

IPR2025-00525 (Patent 10,713,959 B2)[1]
IPR2025-00530 (Patent 10,249,199 B2)
IPR2025-00629 (Patent 10,514,711 B2)

Before MICHAEL R. ZECHER, BARRY L. GROSSMAN, and SCOTT C. MOORE, *Administrative Patent Judges*.

MOORE, *Administrative Patent Judge*.

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

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[1] This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be docketed in each case. The Parties are not authorized to use this style of caption for any subsequent papers.

On August 25, 2026, an oral hearing was held in the above-captioned proceedings. During the hearing, counsel for Petitioner indicated that a recent U.S. Court of Appeals for the Federal Circuit decision could have implications on these proceedings. Specifically, Petitioner indicated in *Dental Monitoring SAS v. Align Tech.*, 2026 WL 2291181 (Fed. Cir. Aug. 10, 2026), the Federal Circuit overruled Board precedent, and held that for a patent or published patent application to be entitled to the effective filing date of a provisional patent application under 35 U.S.C. § 102(d)(2), it was necessary to show that the provisional application provided written description support for at least one claim in the patent or published patent application. In view of this intervening case law, Petitioner requested permission to submit claim charts demonstrating that the Beard reference in IPR2025-00525, and the Witmarsh and Falk references in IPR2025-00530, satisfy this new requirement.

The Board has reviewed the *Dental Monitoring* case and agrees that this decision constitutes intervening case law that may impact the prior art status of the references discussed above. Accordingly, the Board grants Petitioner's request.

Petitioner may file a claim chart in IPR2025-00525, and a single filing that includes two claim charts in IPR2025-00530. The charts may include only one claim for each reference, and shall identify succinctly and non-argumentatively how the relevant provisional application provides written description support for each element of that claim. Petitioner shall file these claim charts not later than September 1, 2026.

On or before September 3, 2026, Patent Owner shall send an e-mail to Trials@uspto.gov (copying Petitioner) indicating whether or not Patent Owner intends to dispute that the claims chosen by Petitioner are adequately supported by the relevant provisional applications in the manner required by *Dental Monitoring*. In the event Patent Owner informs the Board that it does not contest Petitioner's contentions, Patent Owner need not take any further action. In the event Patent Owner informs the Board that it does contest Petitioner's contentions, it shall file a response of not more than three pages in the relevant proceeding or proceedings. Any such response shall be filed on or before September 10, 2026.

IT IS SO ORDERED.

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