

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PARROT S.A. and PARROT, INC.,
Petitioner,

v.

DRONE TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2014-00730
Patent 7,584,071 B2

Before HOWARD B. BLANKENSHIP, MATTHEW R. CLEMENTS, and
CHRISTOPHER M. KAISER, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

DECISION
Patent Owner's Request for Rehearing
37 C.F.R. § 42.71(d)

Patent Owner, Drone Technologies, Inc., filed a Request for Rehearing (Paper 28, "Req. Reh'g") of the Board's Final Written Decision entered October 20, 2015 (Paper 27, "Decision"). The requirements for a rehearing are set forth in 37 C.F.R. § 42.71(d), which provides in relevant part:

A party dissatisfied with a decision may file a single request for rehearing without prior authorization from the Board. The burden of showing a decision should be modified lies with the party challenging the decision. The request must specifically identify all matters the party believes the Board misapprehended or overlooked, and the place where each matter was previously addressed in a motion, an opposition, or a reply.

In our Decision we concluded, based in principal part on consideration of the '071 patent's disclosure, that determining a change in orientation with respect to magnetic North is at least *within the scope of* "detect[ing] the remote controller's motion" as recited in illustrative claim 1. Decision 6–8. Patent Owner argues that the Board erred by not reading a requirement of "storing or retaining" a previous orientation into the claimed "detect[ing] the remote controller's motion." Req. Reh'g 6–8.

In our Decision, we noted Patent Owner's argument that an applied reference, Smith,¹ did not disclose retaining the orientation after it sends a signal. Decision 12. We noted, further, that Patent Owner did not address how the supposed requirement of storing a previous orientation might be consistent with the disclosure of the '071 patent. *Id.* at 12–13. Patent Owner argues that our "observation that Patent Owner does not cite to support in the [']071 Patent for the supposed requirement of storing a previous orientation for comparison in Smith is misplaced." Req. Reh'g 7. Although we agree that Patent Owner does not "have the burden" of providing support in the challenged patent for the claimed subject matter (*id.*), in our Decision we evaluated Patent Owner's arguments with respect to what the claims require, in light of the evidence before us, which includes

¹ US 5,043,646 (Ex. 1002).

the disclosure of the '071 patent. Patent Owner still makes no attempt to explain how the supposed requirement of “storing or retaining” a previous orientation is consistent with the invention that the '071 patent describes.

“A long line of cases indicates that evidence intrinsic to the patent—particularly the patent’s specification, including the inventors’ statutorily-required written description of the invention—is the primary source for determining claim meaning.” *Astrazeneca AB v. Mut. Pharm. Co.*, 384 F.3d 1333, 1336 (Fed. Cir. 2004); *see also Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996) (The specification is “the single best guide to the meaning of a disputed [claim] term.”). We are not persuaded that we misapprehended or overlooked any matter in reaching our decision.

Patent Owner’s request for rehearing is *denied*.

IPR2014-00730
Patent 7,584,071 B2

For Petitioner:

James E. Hopenfeld
hopenfeld@oshaliang.com

Tammy J. Terry
terry@oshaliang.com

For Patent Owner:

Gene A. Tabachnick
gtabachnick@beckthomas.com

James G. Dilmore
jdilmore@beckthomas.com