

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

Parrot S.A. and Parrot, Inc.

Petitioners,

v.

Drone Technologies, Inc.

Patent Owner

Case IPR2014-00730
U.S. Patent No. 7,584,071

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

**MOTION TO CORRECT EXHIBIT
TO PETITION FOR *INTER PARTES* REVIEW
PURSUANT TO 37 C.F.R. § 42.104(c)**

PETITIONER'S REVISED EXHIBIT LIST

Exhibit #	Reference Name
Ex. 1001	U.S. Patent No. 7,584,071 (the '071 Patent)
Ex. 1002	U.S. Patent No. 5,043,646 ("Smith")
Ex. 1003	French Patent Publication No. 2,789,765 to Potiron
Ex. 1004	Certified English Translation of French Patent No. 2,789,765 ("Potiron")
Ex. 1005	U.S. Patent No. 7,219,861 ("Barr")
Ex. 1006	U.S. Patent No. 6,751,529 ("Fouche")
Ex. 1007	U.S. Patent Application Publication No. 2006/0144994 to Spirov ("Spirov")
Ex. 1008	U.S. Pat. No. 7,145,551 ("Bathiche")
Ex. 1009	U.S. Pat. Pub. No. 2004/0263479 ("Shkolnikov")
Ex. 1010	Expert Declaration of Prof. Raffaello D'Andrea, with Attachments A-C
Ex. 1010, Att. A	U.S. Patent No. 613,809 to Tesla ("Tesla")
Ex. 1010, Att. B	U.S. Patent No. 3,101,569 to Giardina ("Giardina")
Ex. 1010, Att. C	U.S. Patent No. 8,072,417 to Jouanet ("Jouanet")
Ex. 1011	Claim Chart Demonstrating Invalidity of the '071 Patent
Ex. 1012	Declaration of Deborah A. Skolaski
Ex. 1013	Declaration of James E. Hopenfeld
Ex. 1014	Declaration of Prof. Raffaello D'Andrea

Petitioners Parrot S.A and Parrot, Inc. (collectively, “Parrot” or “Petitioner”) file this Motion pursuant to 37 C.F.R. § 42.104(c) to correct a clerical mistake made when assembling Exhibit 1010 of the petition in the instant IPR, namely, the inadvertent omission of Prof. Raffaello D’Andrea’s *Curriculum Vitae* referred to as “Appendix B” in his declaration. During a conference call on February 2, 2015, the Board authorized Petitioner to file this motion by February 9, 2015.

A. Applicable Rule

Pursuant to 37 C.F.R. § 42.104(c), “[a] motion may be filed that seeks to correct a clerical or typographical mistake in the petition. The grant of such motion does not change the filing date of the petition.”

B. Facts Relevant to this Motion

1. On May 6, 2014, Petitioner filed a petition requesting *inter partes* review of U.S. Patent No. 7,584,071 (“the ’071 Patent”) in the instant IPR. On May 9, 2014, the petition was accorded a filing date of May 6, 2014. Paper 3. Patent Owner filed a preliminary response, and, on October 28, 2014, the Board instituted trial with respect to all claims of the ’071 Patent.

2. Prior to filing the IPR petition and its exhibits, the paralegal staff and/or other attorneys on Petitioner’s counsel’s team collected the PDF files that would eventually be assembled into the final exhibits in various shared folders on Osha Liang LLP’s file system. Exh. 1012 (Decl. of Deborah Skolaski), at ¶¶ 2-3.

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These materials included, among other things, Prof. Raffaello D'Andrea's CV, which was supposed to be attached to Prof. D'Andrea's declaration as "Appendix B" in the final exhibit. Exh. 1012 at ¶ 3. Although a copy of Prof. D'Andrea's CV was received and saved in a shared folder prior to PRPS filing, due to a clerical mistake during the assembly of Exhibit 1010, the PDF file of the CV was inadvertently not included in the exhibit. Exh. 1012 at ¶ 4; Exh. 1013 (Decl. of James Hopenfeld) at ¶ 4. This error was unintentional and Petitioner's counsel discovered the error in January 2015, while preparing for Prof. D'Andrea's deposition. Exh. 1012 at ¶ 4; Exh. 1013 at ¶¶ 4-5; and Exh. 1014 (Decl. of Prof. Raffaello D'Andrea) at ¶ 2.

3. Upon discovering the error and after receiving a letter from Patent Owner's counsel regarding another clerical error in a similar exhibit in related proceeding IPR2014-00732, a corrected Exhibit 1010 was prepared, which includes the copy of the PDF file of Prof. D'Andrea's CV at "Appendix B" to his declaration, a new exhibit label to the front page, and additional page-numbering on the attachments to the declaration for ease of reference. Exh. 1012 (Skolaski) at ¶ 5, Exh. 1013 (Hopenfeld) at ¶ 5, Exh. 1014 (D'Andrea) at ¶¶ 2-3. Petitioner served corrected Exhibit 1010 on Drone's counsel on Monday, January 26, 2015. Exh. 1012 (Skolaski) at ¶ 5, Exh. 1013 (Hopenfeld) at ¶ 5.

C. Relief Requested

Petitioner requests that Exhibit 1010 be replaced with corrected Exhibit 1010, a copy of which has been filed with this Motion and which includes Prof. D'Andrea's CV, and that the filing date of the petition remain unchanged.

D. Requested Relief has No Substantial Substantive Effect on Proceeding

“[W]hen determining whether to grant a motion to correct a petition, the Board will consider any substantial substantive effect, including any effect on the patent owner's ability to file a preliminary response.” 77 Fed. Reg. 48680, 48699. Petitioner respectfully submits that filing a replacement for Exhibit 1010 with the CV, which is cited as “Appendix B” within the declaration, will have no substantial substantive effect on the proceeding and did not materially prejudice the Patent Owner. Exhibit 1010 expressly cites Prof. D'Andrea's CV, Patent Owner timely filed its Preliminary Response without raising the error as an issue with the Board or Petitioner, and Prof. D'Andrea's qualifications are not in dispute.

In view of the foregoing, Petitioner asks that this motion be granted.

Dated: February 9, 2015

Respectfully submitted,

/Tammy J. Terry/

James E. Hopenfeld (Reg No. 47,661)

Hopenfeld@oshaliang.com

Tammy J. Terry (Reg No. 69,167)

Terry@oshaliang.com

OSHA LIANG LLP

909 Fannin Street, Suite 3500

Houston, Texas 77010

Tel: 713-228-8600/Fax: 713-228-8778

Counsel for Petitioner

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