

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
Patent 7,584,071

**PATENT OWNER'S RESPONSE TO PETITION FOR
INTER PARTES REVIEW OF U.S. PATENT NO. 7,584,071
CASE IPR2014-00730**

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EXHIBIT LIST

Exhibit No.	Description	Date Filed
1001	U.S. Patent 7,584,071	5/6/2014
1002	U.S. Patent 5,043,646 ("Smith")	5/6/2014
1003	French Patent No. 2789765	5/6/2014
1004	Certified Translation of French Patent No. 2789765	5/6/2014
1005	U.S. Patent No. 7,219,861 ("Barr")	5/6/2014
1006	U.S. Patent No. 6,751,529 ("Fouche")	5/6/2014
1007	U.S. Publication No. 2006/0144994 ("Spirov")	5/6/2014
1008	U.S. Patent No. 7,145,551 ("Bathiche")	5/6/2014
1009	U.S. Publication No. 2004/263479 ("Shkolnikov")	5/6/2014
1010	Declaration of Raffaello D'Andrea (Attachments A-C)	5/6/2014
1010, Att. A	U.S. Patent No. 613,809 ("Tesla")	
1010, Att. B	U.S. Patent No. 3,101,569 ("Giardina")	
1010, Att. C	U.S. Patent No. 8,072,417 ("Jouanet")	
1010 (<i>corrected</i>)	Corrected Declaration of Dr. Raffaello D'Andrea	2/9/2015
1011	Claim Chart	5/6/2014
1012	Declaration of Deborah Skolaski	2/9/2015
1013	Declaration of James Hopenfeld	2/9/2015
1014	Declaration of Dr. Raffaello D'Andrea	2/9/2015
2001	D'Andrea Deposition Exhibit – Declaration Signature Page, '071	Not filed
2002	D'Andrea Deposition Exhibit – Appendix A, Materials Considered by Dr. Raffaello D'Andrea	Not filed
2003	D'Andrea Deposition Exhibit – Smith Patent	Not filed
2004	D'Andrea Deposition Exhibit – Potiron Patent, French	Not filed
2005	D'Andrea Deposition Exhibit – Translations Certification	Not filed
2006	D'Andrea Deposition Exhibit – Declaration, '071	Not filed
2007	D'Andrea Deposition Exhibit – Lee Patent, '071	Not filed
2008	D'Andrea Deposition Exhibit – Bathiche Patent	Not filed
2009	D'Andrea Deposition Exhibit – Declaration, '748	Not filed
2010	D'Andrea Deposition Exhibit – Parrot Exhibits 1011 and 1010	Not filed
2011	D'Andrea Deposition Exhibit – Lee Patent, '748	Not filed
2012	Transcript of Dr. Raffaello D'Andrea Deposition	2/11/2015
2013	Declaration of Robert Sturges	2/11/2015
2014	Declaration of Jay Smith, III	2/11/2015
2015	Definition for term "motion"	2/11/2015

I. SMITH DOES NOT ANTICIPATE THE CLAIMS

Smith does not anticipate claims 1-5 and 10-14 of the '071 Patent for at least three important reasons:

1. No “determining a change in orientation”. Petitioners persuaded this Honorable Board that, under the broadest reasonable interpretation, “determining a change in orientation” is within the scope of the claimed “detect[ing] the remote controller’s motion.” Paper No. 8 at 7. Smith determines orientation but, significantly, Smith does not disclose “determining a change in orientation.” As a result, Smith cannot disclose “detect[ing] the remote controller’s motion” under the operative construction. No less of an authority than Smith himself explains. *See* Ex. 2014 (Smith Decl.), ¶¶ 14, 16, 21-22.

2. No “difference of motion”. Claim 4 of the '071 Patent requires using (i) the signal sent by the remote controller, and (ii) the remote-controlled device’s terrestrial magnetism sensing signal to get the “difference of motion between the remote-controlled device and the remote controller.” Ex. 1001, col. 8, ll. 34-40. This Honorable Board construed “difference of motion” to mean “relative motion.” Paper No. 8 at 10. Smith, however, does not (indeed cannot) disclose “relative motion” because the signal sent by the remote controller in Smith contains no information about the remote controller’s

motion. The signal sent by the remote controller in Smith, therefore, could not (even if Smith wanted to) be used to get the “relative motion” as required by claim 4. *See* Ex. 2014 (Smith Decl.), ¶ 21.

3. No detection in the X-, Y-, and Z-axes. At page 8 of the Institution Decision, this Honorable Board quoted a section of the '071 Patent specification that explains, *inter alia*, “[t]he terrestrial magnetism sensing module 31 consists of a magnetic sensor to detect the remote controller’s terrestrial magnetism in the X, Y and Z axes.” Paper No. 8 at 8 (quoting Ex. 1001, col. 3, l. 47 – col. 4, l. 19) (emphasis added). All parties agree that Smith does not “detect the remote controller’s terrestrial magnetism in the X, Y and Z axes.” *See* Section I.C., *infra*. For Smith to anticipate, this Honorable Board would need to construe the claims in a manner “that excludes the preferred embodiment [which] ‘is rarely, if ever, correct and would require highly persuasive evidentiary support.’” *Adams Respiratory Therapeutics, Inc. v. Perrigo Co.*, 616 F.3d 1283, 1290 (Fed. Cir. 2010) (quoting *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1583–84 (Fed. Cir. 1996)).

A. Smith Does Not “Determine Changes In Orientation”

In physics, “motion” is defined as “a change in position of an object with respect to time.” Ex. 2015 (emphasis added).¹ Consistent with this

¹ Available at [http://en.wikipedia.org/wiki/Motion_\(physics\)](http://en.wikipedia.org/wiki/Motion_(physics)).

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