

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  
Motion to Correct Exhibit 1010  
*37 C.F.R. § 42.104(c)*

IPR2014-00730  
Patent 7,584,071 B2

Petitioner has filed an authorized motion to correct Exhibit 1010 pursuant to 37 C.F.R. § 42.104(c). Paper 14 (“Mot.”). Patent Owner opposes the motion to correct. Paper 16 (“Opposition”). Petitioner has replied to the opposition. Paper 17 (“Reply”).

The Board’s rules allow for the correction of clerical mistakes in a petition. Specifically, 37 C.F.R. § 42.104(c) provides: “A motion may be filed that seeks to correct a clerical or typographical mistake in the petition. The grant of such a motion does not change the filing date of the petition.” “[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.” Changes to Implement Inter Partes Review Proceedings, Post-Grant Review Proceedings, and Transitional Program for Covered Business Method Patents; Final Rule, 77 Fed. Reg. 48,680, 48,699 (Aug. 14, 2012).

Petitioner filed its Petition (Paper 1) in this proceeding on May 6, 2014. Petitioner filed, as part of its petition, Exhibit 1010, the Declaration of Dr. Raffaello D’Andrea, which referenced Dr. D’Andrea’s Curriculum Vitae as being attached to the Declaration as “Appendix B.” The CV is not found in Exhibit 1010. Petitioner submits that the error was unintentional and was discovered in January 2015, while preparing for Dr. D’Andrea’s deposition during trial. Mot. 2.

Although the CV was received and placed in a shared electronic folder prior to PRPS filing, the PDF file of the CV was inadvertently not included in the Exhibit. Mot. 2; Ex. 1013 ¶ 4 (Declaration of lead counsel); Ex. 1012 ¶ 4

IPR2014-00730  
Patent 7,584,071 B2

(Declaration of law firm's lead paralegal). Petitioner requests that Exhibit 1010 be replaced with corrected Exhibit 1010 (filed Feb. 9, 2015), which includes the CV.  
Mot. 3.

Patent Owner's Opposition discusses weight and admissibility of Dr. D'Andrea's Declaration but does not address, or otherwise respond to, the apparent inadvertent error of failing to upload the CV. Patent Owner does not dispute any of the assertions regarding failure to upload the CV that Petitioner makes in its motion. Nor does Patent Owner argue that failure to include the CV with the Declaration had any substantial substantive effect on this proceeding, such as affecting Patent Owner's ability to file a preliminary response. We are persuaded that the failure to upload the CV with Exhibit 1010 was a clerical or typographical mistake and the type of action that may be corrected under 37 C.F.R. § 42.104(c). Accordingly, Petitioner's motion to correct Exhibit 1010 is *granted*.

It is

ORDERED that Petitioner's motion to correct Exhibit 1010 is granted; and

FURTHER ORDERED that Corrected Exhibit 1010 (filed Feb. 9, 2015) replaces original Exhibit 1010.

IPR2014-00730  
Patent 7,584,071 B2

PETITIONER:

James E. Hopenfeld  
Tammy J. Terry  
OSHA LIANG LLP  
[hopenfeld@oshaliang.com](mailto:hopenfeld@oshaliang.com)  
[terry@oshaliang.com](mailto:terry@oshaliang.com)

PATENT OWNER:

Gene Tabachnick  
James Dilmore  
BECK & THOMAS, P.C.  
[gtabachnick@beckthomas.com](mailto:gtabachnick@beckthomas.com)  
[jdilmore@beckthomas.com](mailto:jdilmore@beckthomas.com)