

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 REQUEST FOR REHEARING OF
THIS BOARD'S FINAL WRITTEN DECISION [37 CFR § 42.71(d)(2)]**

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")	5/6/2014
1010, Att. B	U.S. Patent No. 3,101,569 ("Giardina")	5/6/2014
1010, Att. C	U.S. Patent No. 8,072,417 ("Jouanet")	5/6/2014
1010 (corrected)	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 Prof. Raffaello D'Andrea	6/10/2015
1015	Prof. D'Andrea Deposition Transcript (Jan. 8, 2015)	6/10/2015
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

Exhibit No.	Description	Date 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
2016	Mot. to Correct & Decls. from IPR 2014/00732	2/16/2015
2017	Memorandum Order from District Court Proceeding	6/17/2015
2018	Email from Dr. Raffaello D' Andrea to James Hopenfeld dated April 30, 2014 from IPR 2014/00732	6/17/2015

It is clear from the Final Written Decision (Paper No. 27) that this Honorable Board misapprehended the determinative difference between what is disclosed in the Smith reference (Ex. 1002) and what is claimed in the challenged patent, U.S. Patent No. 7,584,071 (“the ‘071 Patent,” Ex. 1001). Specifically, this Honorable Board misinterpreted Patent Owner’s analysis of Smith to be a characterization of the claimed invention. Below, Patent Owner explains how the Board misapprehended that argument, and how it resulted in the Board incorrectly finding claims 1-3 and 5-14 to be unpatentable.

Pursuant to 37 C.F.R. § 42.71(d)(2), Patent Owner respectfully requests rehearing of this Honorable Board’s Final Written Decision.

I. THE BOARD’S CONSTRUCTION OF “MOTION” REQUIRES SMITH TO DETERMINE CHANGES IN ORIENTATION TO ANTICIPATE

Claim 1 requires that a motion detecting module “detect[] the remote controller’s motion.” This Honorable Board determined 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; Paper No. 27 at 13.¹ Using this construction, the Board held that claims 1-3 and 5-14 of the ‘071 Patent are unpatentable as anticipated by Smith.

¹ While Patent Owner does not agree with that construction, the arguments presented in the response and here demonstrate that under this construction, Smith cannot anticipate any of the claims of the ‘071 Patent.

It is undisputed that Smith discloses a remote controller that sends only single, discrete direction control signals, and then only when the drive switch and the joystick are activated simultaneously:

The direction control signal is sent from the remote controller only when both the drive switch and the joystick are activated simultaneously. Smith Patent at col. 5, lines 14-17 and col. 5, lines 37-40.

Ex. 2014 (Smith Dec.), ¶ 15 (emphasis added). Petitioners' expert, Dr. D'Andrea, agreed. Ex. 2012, 306:24-307:7.

Further, Smith discloses determining only the *instantaneous* orientation of the remote controller at the time it sent the direction control signal:

In my Patent, we were only concerned with the orientation of the joystick with respect to magnetic North in generating the direction control signal. We accomplished this by determining the direction that the joystick is pressed with respect to the remote controller and the instantaneous orientation of the remote controller with respect to magnetic North.

Ex. 2014, ¶ 14 (emphasis added).

Since the remote controller in Smith only sends discrete and instantaneous determinations of orientation, and does not retain them, it cannot detect motion which, as construed by the Board, requires determining changes in orientation. Thus, the only way Smith could determine changes in orientation is by comparing the remote controller's orientation at two points in time. Petitioner's expert Dr. D'Andrea recognized this fact and conceded that to determine a change in a

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