

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 IPR2014-00732
Patent 8,106,748

**PATENT OWNER'S RESPONSE TO PETITION FOR
INTER PARTES REVIEW OF U.S. PATENT NO. 8,106,748
CASE IPR2014-00732**

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EXHIBIT LIST

Exhibit No.	Description	Date Filed
1001	U.S. Patent 8,106,748	5/6/2014
1002	U.S. Patent 5,043,646	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. Publication No. 2006/0144994	5/6/2014
1006	<i>Exhibit Intentionally Left Blank</i>	n/a
1007	U.S. Patent No. 7,219,861	5/6/2014
1008	U.S. Patent No. 6,751,529	5/6/2014
1009	U.S. Patent No. 7,145,551	5/6/2014
1010	U.S. Publication No. 2004/263479	5/6/2014
1011	Declaration of Dr. Raffaello D'Andrea (Attachments A-C)	5/6/2014
1011, Att. A	U.S. Patent No. 613,809 to Tesla ("Tesla")	5/6/2014
1011, Att. B	U.S. Patent No. 3,101,569 to Giardina ("Giardina")	5/6/2014
1011, Att. C	U.S. Patent No. 8,072,417 ("Jouanet")	5/6/2014
1011 (<i>corrected</i>)	Corrected Declaration of Dr. Raffaello D'Andrea	2/9/2015
1012	Claim Chart	5/6/2014
1013	Declaration of Deborah Skolaski	2/9/2015
1014	Declaration of James Hopenfeld	2/9/2015
1015	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

I. SPIROV FAILS AS A PRIMARY REFERENCE

Spirov fails as the primary reference because, contrary to Petitioners' representation, it does not disclose "two configurations, each implemented using the same remote controller." Paper No. 1, at 20; Ex. 1011, ¶ 77.

The absence in Spirov of two configurations in the same controller is critical because, without multiple configurations, there is no need for a "configuration switch" mandated by claim 1 of the '748 Patent. Ex. 1001, col. 7, l. 54. After all, there is nothing to switch between.

This also explains why Petitioners could not identify any such switch in Spirov, and resorted to claiming that it was "inherently disclosed." Ex. 1011, ¶ 78.

Without multiple configurations in the same controller, no person of ordinary skill in the art would have any reason (or way) to add a configuration switch to Spirov. Spirov thus fails as the primary reference, and the obviousness rejections based on Spirov therefore fail as well.

A. Petitioners' Citations to Spirov Do Not Support Their Contentions

To support their argument, Petitioners were forced to claim that Spirov describes two configurations, each implemented using the same remote controller.

Petitioners' declarant provided the necessary proffer:

77. Spirov necessarily discloses a switch module to select between configurations. Spirov describes two configurations, each implemented using the same remote

controller. Each configuration corresponds to a module as described in claim 1. In the first configuration, the yaw, roll, and pitch are determined by a sensor arrangement (*i.e.*, sensing module), which in turn is comprised of accelerometers and other sensing devices. Pet. Ex. 1005 at ¶¶ 0077 and 0087. In the second configuration, the yaw is determined by a thumb-activated yaw control (*i.e.*, a manual input module), while roll and pitch are determined by the sensor arrangement (*i.e.*, a combination of the first acceleration sensing module and the manual input module). Pet. Ex. 1005 at ¶¶ 0070 and 0082. A switch necessarily exists because the remote controller includes both thumb activated yaw control (Figs. 3 and 22a) and sensed yaw control (Figs. 29 and 31).

Ex. 1011, ¶ 77 (emphasis added). Spirov, however, does not “describe[] two configurations, each implemented using the same remote controller,” and a review of Petitioners’ citations demonstrates that fact.

To begin with, the word “configuration” is not used in Spirov in any context that would suggest the “two configurations, each implemented using the same remote controller.”¹ Ex. 1005.

Petitioners’ own citations similarly fail to support the notion that Spirov describes two configurations. The first citation (quoted above) is to paragraph 0077 of Spirov. Ex. 1005. That paragraph is a continuation of the discussion that Spirov begins at paragraph 0073 relating to the remote-controlled aircraft, not the

¹ Similarly, Spirov does not use the word “mode” and only uses the term “switch” in connection with the phrases “tilt switch,” “switching frequency of the duty cycle,” and “switching magnetic flux.” Ex. 1005.

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