IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DRONE TECHNOLOGIES, INC.	)	
	)	
Plaintiff,	)	Civil Action No. _____
	)	
v.	)	
	)	**JURY TRIAL DEMANDED**
	)	
PARROT S.A. and PARROT, INC.	)	**FILED ELECTRONICALLY**
	)	
Defendants.	)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Drone Technologies, Inc. ("Drone Technologies"), through its undersigned

counsel, alleges the following as its Complaint against Defendants Parrot S.A. and Parrot, Inc.

JURISDICTION AND VENUE

1.   This Complaint alleges patent infringement under 35 U.S.C. § 271.

2.   This Court has subject matter jurisdiction for patent claims pursuant to 28 U.S.C.

§§ 1331 and 1338.

3.   This Court has personal jurisdiction over Defendants, because Defendants have

established minimum contacts with the forum by purposely availing themselves of the laws and

benefits of the forum, and the exercise of jurisdiction over the Defendants would not offend

traditional notions of fair play and substantial justice. On information and belief, Defendants

have voluntarily conducted business in this judicial district.

4.   Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) and/or

1400, because Defendants are each subject to personal jurisdiction in this judicial district.

THE PARTIES

5.   Plaintiff Drone Technologies is a Taiwanese company having its registered office at No. 14, Ln. 50, Sec. 3, Nangang Rd., Nangang Dist., Taipei City 11510, Taiwan, Republic of China.

6.   Upon information and belief, Defendant Parrot S.A. is a French société anonyme (public limited company) with a principal place of business at 174-178 quai de Jemmapes, 75010 Paris, France.

7.   Upon information and belief, Defendant Parrot, Inc. is a New York corporation with a principal place of business at 28446 Franklin Road, Southfield, MI 48034. Defendant Parrot, Inc. is a fully-owned subsidiary of Defendant Parrot, S.A.

8.   Upon information and belief, Defendants are doing business, have carried out business, and have had other contacts within this judicial district. For example, Defendants' allegedly infringing devices are sold within this judicial district.

BACKGROUND

9.   Drone Technologies is the owner of United States Patent No. 7,584,071 ("the '071 patent"), entitled "Remote-Controlled Motion Apparatus with Sensing Terrestrial Magnetism and Remote Control Apparatus Therefor." A true and correct copy of the '071 patent is attached hereto as Exhibit A.

10.   Drone Technologies is the owner of United States Patent No. 8,106,748 ("the '748 patent"), entitled "Remote-Controlled Motion Apparatus with Acceleration Self-Sense and Remote Control Apparatus Therefor." A true and correct copy of the '748 patent is attached hereto as Exhibit B.

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11.   The '071 patent and the '748 patent relate to remote control systems comprising a remote controller and a remote-controlled device, such as a remote-controlled toy airplane or helicopter.

12.   The '071 patent relates to remote control systems that utilize magnetometers to control movement of the remote-controlled device based on movement of the remote controller.

13.   The '748 patent relates to remote control systems that utilize accelerometers to control movement of the remote-controlled device based on movement of the remote controller.

14.   Upon information and belief, Defendants Parrot, S.A. and Parrot, Inc. have sold and have offered to sell in the United States, and/or have imported into the United States the Parrot AR.Drone and the Parrot AR.Drone 2.0 (collectively, "the Parrot Drones"), and will continue to do so unless enjoined by this court.

15.   The Parrot Drones are toy drones that can be remotely-controlled using a smartphone or a tablet with the Parrot FreeFlight application ("app") downloaded onto it.

16.   Upon information and belief, Defendants Parrot S.A. and Parrot, Inc. provide the Parrot FreeFlight app for Android devices and Apple devices.

17.   By utilizing the magnetometers and accelerometers in a smartphone or tablet to detect motion and position of the smartphone or tablet, the Parrot FreeFlight app enables a smartphone or tablet to control movement of a Parrot Drone by tilting the smartphone or tablet.

18.   The product packaging and user manuals for the Parrot AR.Drone 2.0 instruct users to download the Parrot FreeFlight app onto a smartphone or tablet, in order to operate the Parrot AR.Drone 2.0 using the smartphone or tablet as a remote controller.

19.   Defendants Parrot, S.A. and Parrot, Inc. were on notice of a patent infringement allegation by Diane Lee, Drone Technologies' predecessor in interest with respect to the '071

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patent and the '748 patent, as early as September 29, 2012, when Apple Inc. notified Parrot S.A. that Ms. Lee believed the Parrot FreeFlight app infringed her patents.

20.   Defendants Parrot, S.A. and Parrot, Inc. were aware of the '071 patent and the '748 patent at least as early as January 4, 2013, when Ms. Lee informed Parrot S.A. that she believed Parrot S.A. was infringing the '071 patent and the '748 patent.

21.   On March 12, 2013, in response to Ms. Lee's infringement allegations, Apple removed the FreeFlight app from its App Store.

22.   On April 3, 2013, Apple informed Ms. Lee that Apple had "learned that Parrot has made changes to their app to resolve the matter," and that "the app may be returned to sale in the App Store."

23.   Upon information and belief, Defendant Parrot S.A. on April 9, 2013 issued a statement to customers stating: "AR.FreeFlight 2.2 was removed from iTunes last month due to the need for patents' clarification on accelerometer and absolute control. In the meantime, we have enriched AR.Race2 App (version 2.2) with a free piloting mode in order for our customers using iOS devices to continue flying the AR.Drone. We'll keep you updated. Sincerely, Parrot Team."

24.   Upon information and belief the AR.Race2 App (version 2.2) did not include functionality to allow Parrot Drone users to control a Parrot Drone by utilizing a smartphone or tablet's accelerometers or magnetometers.

25.   Upon information and belief, after the accelerometer and absolute control features were removed from Parrot's apps for piloting the Parrot Drones with Apple devices, various Parrot Drone customers complained about the removal of those features and demanded that those features be returned.

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26.   On May 4, 2013, Defendants' counsel informed Ms. Lee that Parrot S.A. rewrote its apps for Apple devices and that "[n]one of the re-written applications in the Apple store use the accelerometers or the magnetometer in the iPhone to operate the AR.Drone."

27.   On May 5, 2013, Defendants' counsel reiterated to Ms. Lee and represented to Apple that: "Parrot has re-written every single one of its AR.Drone-related apps such that that [sic] neither the accelerometers nor the magnetometer of the iPhone are used. As such, your patents do not cover the new apps and it is clear there is no infringement."

28.   On June 25, 2013, FreeFlight version 2.3.0 for Apple devices was released, announcing "[a]ccelerometer piloting mode and absolute control is back."

29.   On June 26, 2013, Apple informed Ms. Lee that the FreeFlight app would be returned for sale to the App Store, "in part due to representation by the developer that the app, as recently modified, no longer infringes your intellectual property rights."

COUNT I – INFRINGEMENT OF THE '071 PATENT

30.   Drone Technologies realleges each and every allegation set forth in Paragraphs 1 through 29 inclusive, and incorporates them herein by this reference.

31.   Users of the Parrot Drones in the United States directly infringe the '071 patent by making and using the claimed systems of the '071 patent when they download the Parrot FreeFlight app onto a smartphone or tablet and control a Parrot Drone using the smartphone or tablet, in accordance with the instructions provided by Defendants on the product packaging and user manuals for the Parrot Drones.

32.   Defendants Parrot S.A. and Parrot, Inc.'s sale, offer for sale, and/or importation of the Parrot Drones, with instructions to make and use the claimed systems of the '071 patent, induces infringement of the '071 patent under 35 U.S.C. § 271(b).

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