

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)
Case IPR2014-00732 (Patent 8,106,748 B2)¹

Before HOWARD B. BLANKENSHIP, MATTHEW R. CLEMENTS, and
CHRISTOPHER M. KAISER, *Administrative Patent Judges*.

CLEMENTS, *Administrative Patent Judge*.

ORDER
Conduct of the Proceedings
37 C.F.R. § 42.5

¹ We exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

IPR2014-00730 (Patent 7,584,071 B2)

IPR2014-00732 (Patent 8,106,748 B2)

A conference call in the above proceedings was held on December 3, 2014, between respective counsel for the parties and Judges Blankenship, Clements, and Kaiser. Counsel for Patent Owner requested the call to seek an order from the Board that Petitioner's expert, Dr. Raffaello D'Andrea, appear for deposition on January 12, 2015 (Petitioner's proposed date) in Pittsburgh, and that Due Date 1 be extended two weeks until February 4, 2015.

On the call, counsel for Patent Owner explained that Dr. D'Andrea resides in Switzerland, that his deposition was first requested during the initial conference call on November 13, 2014, and that counsel for Petitioner offered only two dates—January 9 or January 12, 2015—and only one U.S. location—Boston, Massachusetts. Neither Patent Owner's nor Petitioner's counsel is located in Boston. Patent Owner indicated that Petitioner had refused its request for an extension of Due Date 1 by two weeks, even with a commensurate extension of Due Date 2. Patent Owner also indicated that it was willing to pay for Dr. D'Andrea's airfare from Boston to Pittsburgh, and that it could conduct the deposition on Sunday, January 11, 2015.

Counsel for Petitioner explained that the limited dates and location are the result of its effort to make Dr. D'Andrea available in a reasonable location—i.e., within the United States. Counsel for Petitioner indicated that it has also offered to make Dr. D'Andrea available on other dates either in Zurich or by videoconference. Counsel for Petitioner also indicated that Dr. D'Andrea has a return flight from Boston to Switzerland on January 12, 2015, that precludes a deposition in Pittsburgh on that day.

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Patent Owner's response is due January 21, 2015. Petitioner's proposed dates for the deposition of Dr. D'Andrea—January 9 and January 12—are less than two weeks before Patent Owner's Response is due, leaving inadequate time for Patent Owner to incorporate the deposition evidence into its Patent Owner Response.

During the call, counsel for both parties agreed to an extension of both Due Date 1 and Due Date 2 by two weeks to February 4, 2015, and to April 21, 2015, respectively. Also, we ordered the deposition of Dr. D'Andrea to occur on January 9, 2015, at the offices of Patent Owner's counsel in Pittsburgh, unless the parties reach an alternative agreement. Patent Owner will pay the cost, within reason, of commercial, round-trip airfare for Dr. D'Andrea to travel between Boston and Pittsburgh.

If the parties agree on a location at which to conduct the deposition on January 11 or January 12, 2015, the deposition may proceed on the agreed date at the agreed location. We encourage both parties to keep in mind that this is merely the first in a series of depositions in these proceedings, and to negotiate accordingly.

ORDER

It is:

ORDERED that the deposition of Dr. D'Andrea will occur on January 9, 2015, at the offices of Patent Owner's counsel in Pittsburgh, unless the parties reach an alternative agreement;

FURTHER ORDERED that Due Date 1 is extended two weeks to February 4, 2015, and that Due Date 2 is extended two weeks to April 21, 2015; and

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FURTHER ORDERED that Patent Owner will pay the cost, within reason, of commercial, round-trip airfare for Dr. D'Andrea to travel between Boston and Pittsburgh.

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