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14 *Attorneys for Plaintiff Flying Heliball, LLC*

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17 **IN THE UNITED STATES DISTRICT COURT**  
18 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

19  
20 FLYING HELIBALL, LLC, a  
21 California limited liability company,

22 *Plaintiff,*

23  
24 vs.

25 SPIN COPTER, INC., a California  
26 corporation

27 *Defendant.*  
28

Case No: 2:23-cv-1778

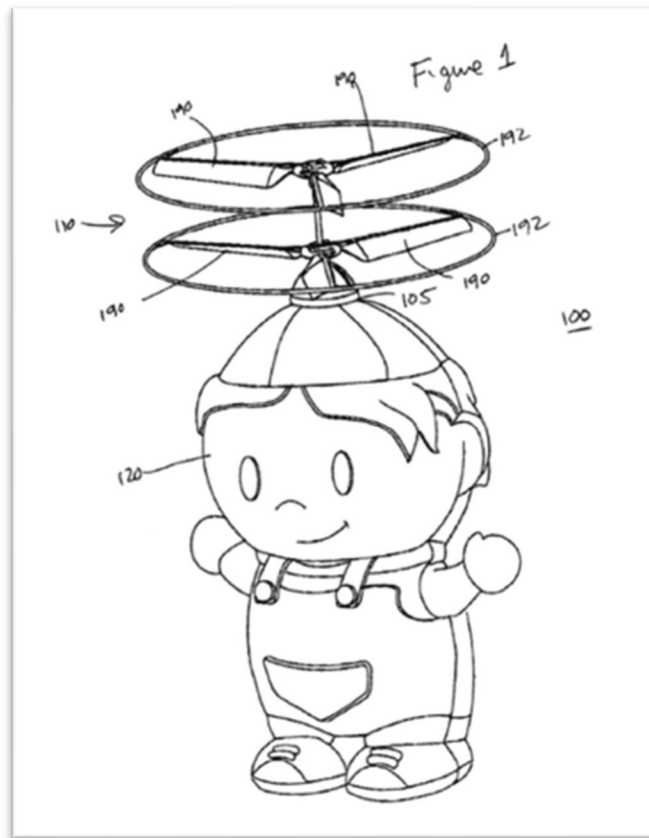
COMPLAINT FOR PATENT  
INFRINGEMENT

JURY TRIAL DEMANDED

1 Plaintiff Flying Heliball, LLC (“Flying Heliball” or “Plaintiff”), for its  
2 Complaint against Defendant Spin Copter, Inc. (“Spin Copter” or “Defendant”),  
3 hereby states and alleges as follows:

4 **NATURE OF THE ACTION**

5 1. This is an action for patent infringement arising under the laws of the  
6 United States of America. Plaintiff Flying Heliball is the owner of United States  
7 Patent Number 7,100,866 (the “’866 Patent”) titled “Control System for a Flying  
8 Vehicle.”



23 **U.S. Patent No. 7,100,866 – Fig. 1**

24  
25 2. Without license or authorization, Defendant Spin Copter sells flying  
26 vehicles that practice the patented inventions of the ’866 Patent including the “Hover  
27 Force” Spincopter flying vehicle (the “Accused Products”) depicted below (*see*  
28 Exhibit A):

ORIGINAL COMPLAINT



<https://www.spin-copter.com/hover-force>

3. After being advised by the Plaintiff that its products infringe the claims of the '866 Patent, the Defendant Spin Copter continued to sell the Accused Products without authorization or license.

4. Flying Heliball brings this action to put a stop to Spin Copter's unauthorized and unlicensed use of the inventions of the '866 Patent.

**THE PARTIES**

5. Plaintiff Flying Heliball, LLC is a California limited liability company with a principal place of business at 28777 Witherspoon Parkway, Valencia, California 91355 (hereinafter "Flying Heliball" or "Plaintiff").

ORIGINAL COMPLAINT



1           12. In 2022, the '866 Patent was assigned to Flying Heliball, which is the  
2 owner of the '866 Patent. The inventions claimed in the '866 Patent relate to a  
3 control system for a flying toy.

4           13. Jeffrey Rehkemper, Nicholas Grisolia, Peter Greenley, and Bret Gould  
5 are the named inventors on the '866 patent.

6           **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,100,866**

7           14. Flying Heliball incorporates all of the allegations in the preceding  
8 paragraphs as if fully set forth herein.

9           15. On September 5, 2006, the '866 Patent titled “Control system for a  
10 flying vehicle” was duly issued by the United States Patent and Trademark Office.  
11 A copy of the '866 Patent is attached hereto as Exhibit B.

12           16. The '866 Patent is valid, enforceable, and was issued in full compliance  
13 with Title 35 of the United States Code.

14           17. Flying Heliball is the owner by assignment of the '866 Patent.

15           18. During the term of the '866 Patent, the Defendant has made, used,  
16 offered for sale, distributed, and/or sold in the United States the Accused Products  
17 without authorization or license.

18           19. Claim 1 of the '866 Patent is reproduced in full below:

19           1. A vehicle having a means for propelling in a vertical  
20 direction, further comprising:

21                   a transmitter/receiver pair positioned on the vehicle, the  
22 transmitter transmitting a signal from the vehicle in a  
predetermined direction;

23                   a receiver positioned on the bottom of said vehicle for  
24 receiving said signal as it is bounced off of a surface,  
25 defined as a bounced signal; and

26                   a control system that automatically sets a speed of the  
27 propelling means in response to the receiver, said control  
28 system having a first means to set the speed of the  
propelling means to a first speed when the receiver

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receives the bounced signal and the control system having a second means to set the speed of the propelling means to a second speed when the receiver does not receive the bounced signal, the first speed being predefined as a speed that causes the vehicle to gain altitude and the second speed being predefined as a speed that causes the vehicle to lose altitude.

20. To the extent the preamble of Claim 1 of the '866 Patent is limiting, the Accused Products meet this limitation as set forth below:

1. **A vehicle having a means for propelling in a vertical direction**, further comprising:

a transmitter positioned on the bottom of said vehicle for transmitting a signal from the vehicle downwardly away from said vehicle;

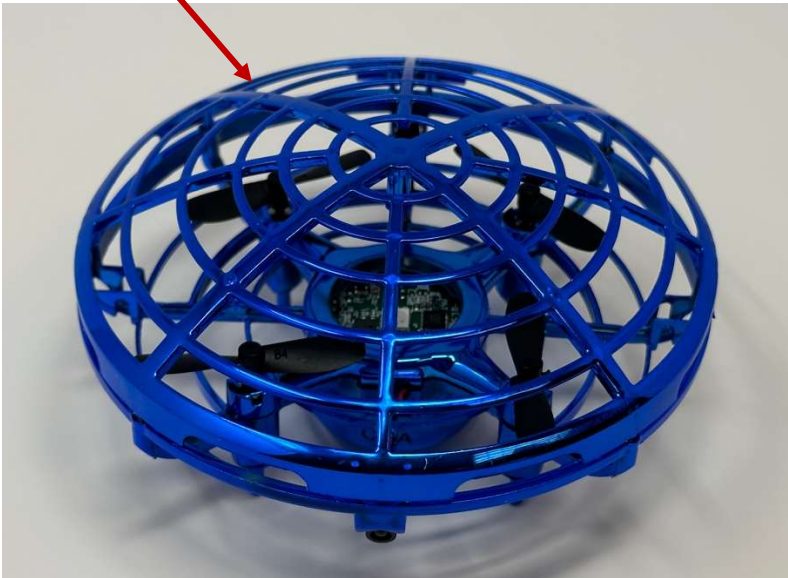
a receiver positioned on the bottom of said vehicle for receiving said signal as it is bounced off of a surface, defined as a bounced signal; and

a control system that automatically sets a speed of the propelling means in response to the receiver, said control system having a first means to set the speed of the propelling means to a first speed when the receiver receives the bounced signal and the control system having a second means to set the speed of the propelling means to a second speed when the receiver does not receive the bounced signal, the first speed being predefined as a speed that causes the vehicle to gain altitude and the second speed being predefined as a speed that causes the vehicle to lose altitude.

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**A vehicle**



<https://www.spin-copter.com/hover-force>  
(Product Test Purchase)

**having a means for  
propelling in a  
vertical direction**



<https://www.spin-copter.com/hover-force>  
(Product Test Purchase)

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21. The Accused Products further meet the limitations of Claim 1 of the '866 Patent as set forth below:

1. A vehicle having a means for propelling in a vertical direction, further comprising:

**a transmitter positioned on the bottom of said vehicle for transmitting a signal from the vehicle downwardly away from said vehicle;**

**a receiver positioned on the bottom of said vehicle for receiving said signal as it is bounced off of a surface, defined as a bounced signal; and**

a control system that automatically sets a speed of the propelling means in response to the receiver, said control system having a first means to set the speed of the propelling means to a first speed when the receiver receives the bounced signal and the control system having a second means to set the speed of the propelling means to a second speed when the receiver does not receive the bounced signal, the first speed being predefined as a speed that causes the vehicle to gain altitude and the second speed being predefined as a speed that causes the vehicle to lose altitude.

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**a transmitter positioned on the bottom of said vehicle for transmitting a signal from the vehicle downwardly away from said vehicle**

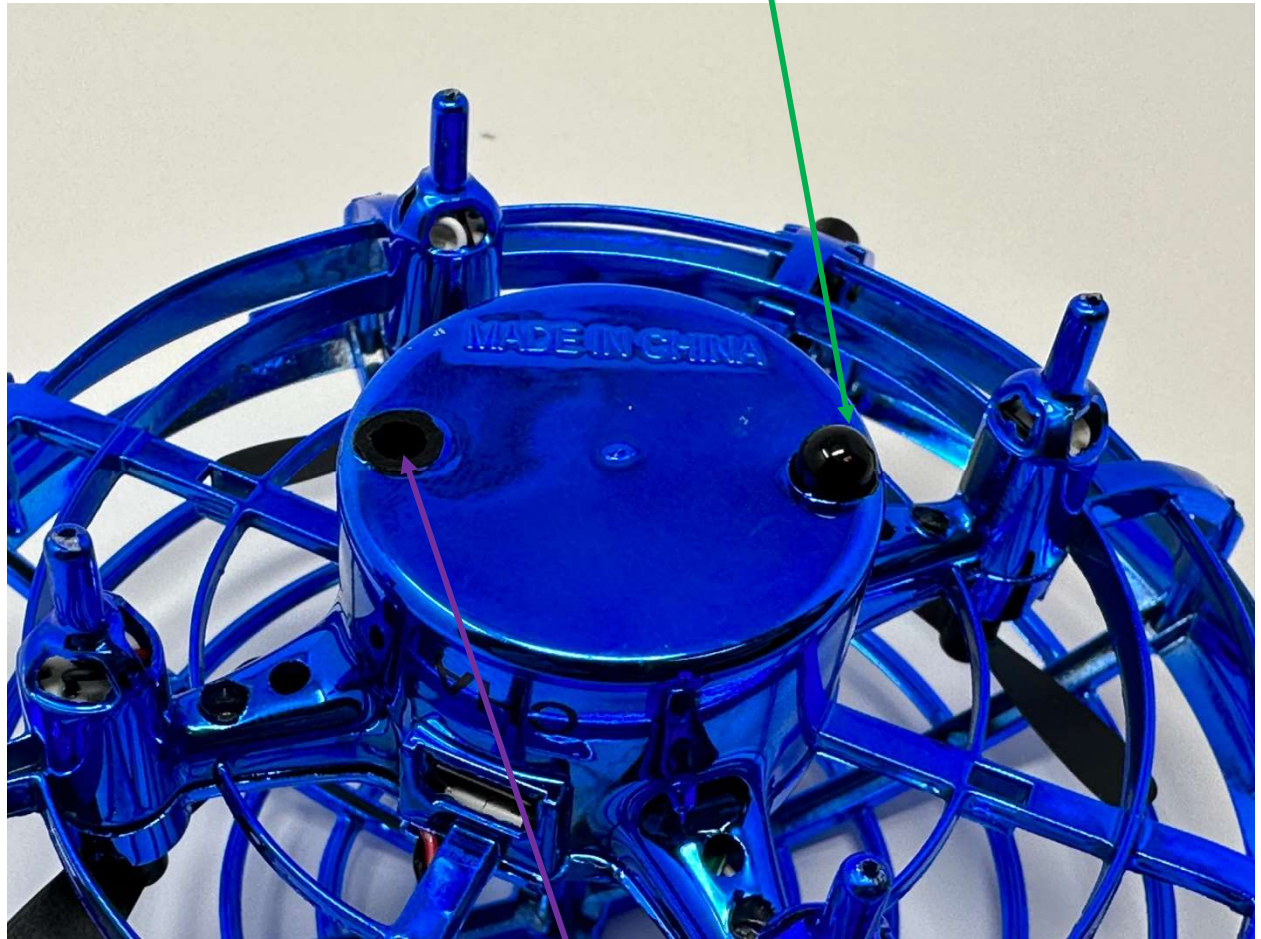
**a receiver positioned on the bottom of said vehicle for receiving said signal as it is bounced off of a surface, defined as a bounced signal; and**

<https://www.spin-copter.com/hover-force>

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**a transmitter positioned  
on the bottom of said  
vehicle for transmitting a  
signal from the vehicle  
downwardly away from  
said vehicle**



**a receiver positioned on  
the bottom of said vehicle  
for receiving said signal  
as it is bounced off of a  
surface, defined as a  
bounced signal; and**

<https://www.spin-copter.com/hover-force>

ORIGINAL COMPLAINT

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22. The Accused Products further meet the limitations of Claim 1 of the '866 Patent as set forth below:

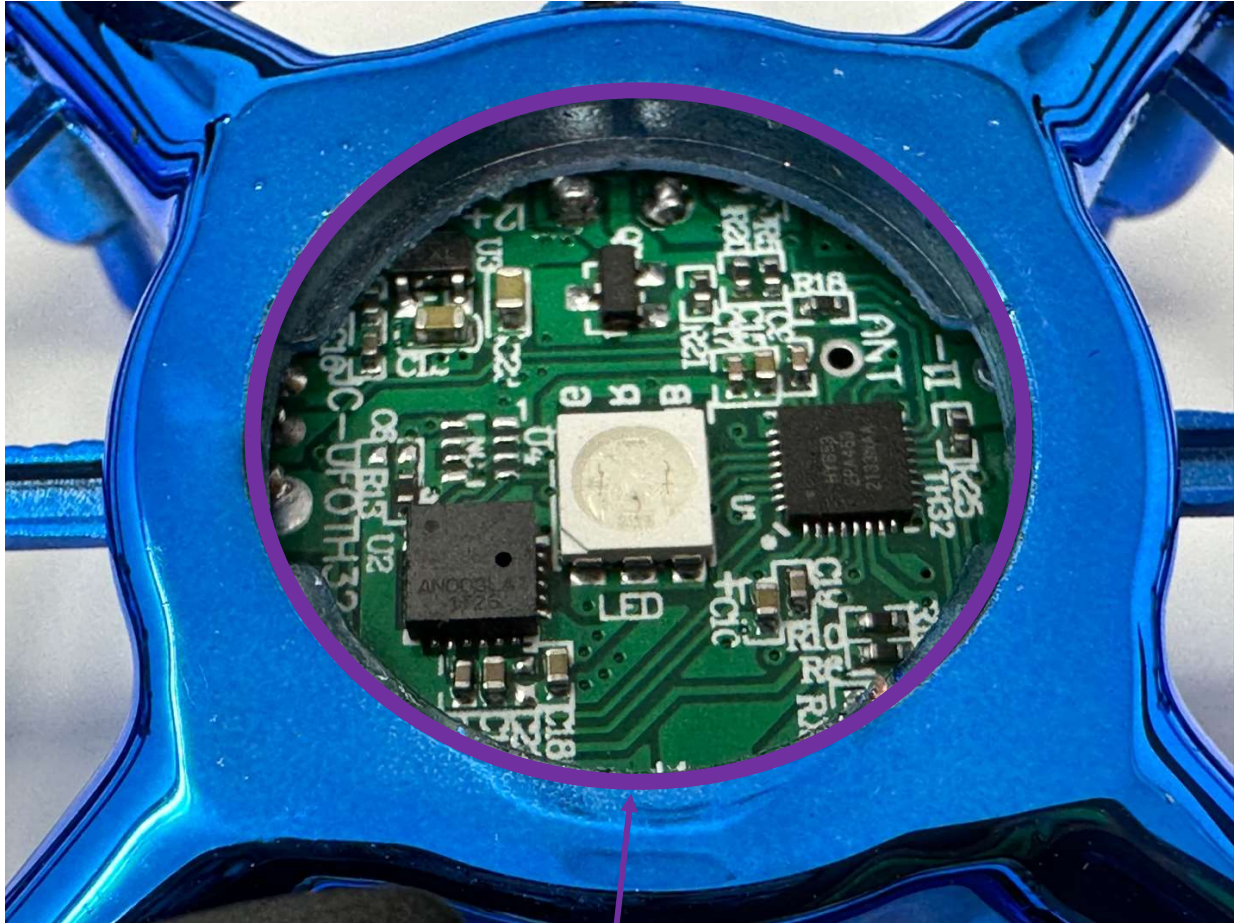
1. A vehicle having a means for propelling in a vertical direction, further comprising:

a transmitter positioned on the bottom of said vehicle for transmitting a signal from the vehicle downwardly away from said vehicle;

a receiver positioned on the bottom of said vehicle for receiving said signal as it is bounced off of a surface, defined as a bounced signal; and

**a control system that automatically sets a speed of the propelling means in response to the receiver, said control system having a first means to set the speed of the propelling means to a first speed when the receiver receives the bounced signal and the control system having a second means to set the speed of the propelling means to a second speed when the receiver does not receive the bounced signal, the first speed being predefined as a speed that causes the vehicle to gain altitude and the second speed being predefined as a speed that causes the vehicle to lose altitude.**

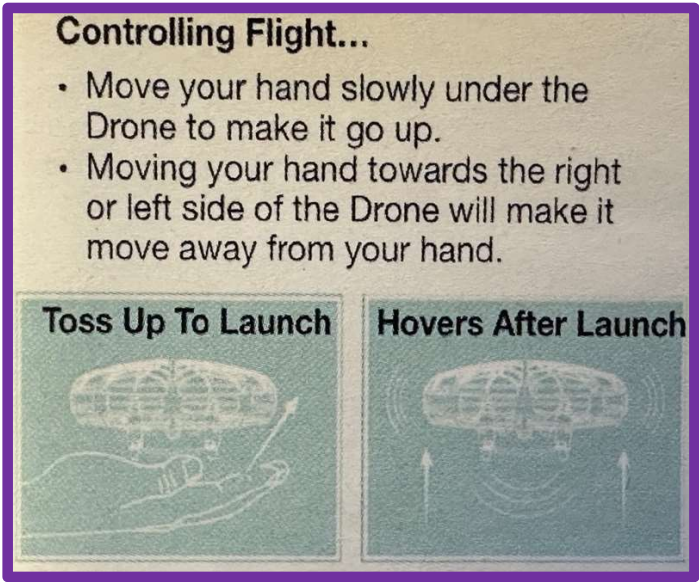
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**a control system that automatically sets a speed of the propelling means in response to the receiver, said control system having a first means to set the speed of the propelling means to a first speed when the receiver receives the bounced signal and the control system having a second means to set the speed of the propelling means to a second speed when the receiver does not receive the bounced signal, the first speed being predefined as a speed that causes the vehicle to gain altitude and the second speed being predefined as a speed that causes the vehicle to lose altitude**

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A control system ...

<https://www.spin-copter.com/hover-force> (Product Instructions)



A control system ...

<https://www.youtube.com/watch?v=aez6b5yQ608>

(Defendant's Product Video)

1           23. Defendant has directly infringed and continues to infringe one or more  
2 claims of the '866 Patent in this District and elsewhere in the United States, including  
3 at least Claim 1, by making, using, offering for sale, selling, and/or importing the  
4 Accused Products in violation of 35 U.S.C. § 271(a). As such, Defendant is liable  
5 for infringement of the '866 Patent under 35 U.S.C. § 271(a).

6           24. Defendant has indirectly infringed one or more claims of the '866  
7 Patent in this District and elsewhere in the United States, including at least Claim 1,  
8 by inducing others to make, use, offer for sale, or sell the Accused Products in  
9 violation of 35 U.S.C. § 271(b). Defendant has actual knowledge of its infringement  
10 of the '866 Patent, at least since receiving notice of its infringement from the Plaintiff  
11 on August 11, 2022. (*See Exhibit C.*) As such, the Defendant is liable for indirect  
12 infringement of the '866 Patent under 35 U.S.C. § 271(b).

13           25. Defendant induces infringement by providing its customers with  
14 instructions as to how to infringe the '866 Patent including, for example, the online  
15 instructions and instructional videos located at the URL  
16 <https://www.youtube.com/watch?v=aez6b5yQ608>, titled Hover Force Web  
17 Video12 19, and posted by user Spin Copter Kevin.

18           26. Defendant has indirectly infringed one or more claims of the '866  
19 Patent in this District and elsewhere in the United States by contributory  
20 infringement by selling the Accused Products, which have no substantial  
21 noninfringing use, in violation of 35 U.S.C. § 271(c). Defendant has actual  
22 knowledge of its infringement of the '866 Patent and Defendant has sold, offered for  
23 sale, and/or imported the Accused Products which constitute a material component  
24 of the device claimed in the '866 Patent, with the knowledge and intent that such  
25 products are especially made and/or especially adapted for use in the direct  
26 infringement of the '866 Patent, and which products do not constitute a staple article  
27 or commodity and which lack any substantial non-infringing use. As such, the  
28

1 Defendant is liable for indirect infringement of the '866 Patent under 35 U.S.C. §  
2 271(c).

3 27. Defendant has been on notice of the '866 Patent at least since August  
4 11, 2022, when it received correspondence advising of its infringement of the '866  
5 Patent and has willfully infringed the '866 Patent by continuing to sell the Accused  
6 Products after that date. A copy of such correspondence is attached hereto as  
7 Exhibit C.

8 28. Flying Heliball and its affiliates have marked their products in  
9 accordance with 35 U.S.C. § 287(a).

10 29. As a result of the Defendant's acts of infringement, Flying Heliball and  
11 its affiliates have been damaged and will continue to suffer damages in an amount  
12 to be proven at trial in accordance with 35 U.S.C. § 284.

13 30. Defendant's infringement has been willful and this case is exceptional.  
14 Upon receiving notice of its infringement of the '866 Patent, the Defendant willfully  
15 continued to sell the Accused Products. Flying Heliball is entitled to recover treble  
16 damages and reasonable attorneys' fees under 35 U.S.C. §§ 284 and 285.

17 31. Defendant's infringement of the '866 Patent causes Flying Heliball  
18 irreparable harm for which there is no adequate remedy available at law. In  
19 accordance with principles of equity and 35 U.S.C. § 283, Defendant's infringement  
20 of the '866 Patent should be permanently enjoined.

21 **PRAYER FOR RELIEF**

22 Wherefore, Flying Heliball respectfully prays that the Court enter judgment  
23 as follows:

24 A. Declaring that the Defendant has unlawfully and willfully infringed one  
25 or more claims of the '866 Patent;

26 B. Awarding Flying Heliball damages adequate to compensate for the  
27 Defendant's infringement, but in no event less than a reasonable royalty, for the use  
28 by the Defendant of the inventions of the '866 Patent under 35 U.S.C. § 284;

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1 C. Awarding Flying Heliball costs, pre-judgment, and post-judgment  
2 interest, including in accordance with 35 U.S.C. § 284;

3 D. Awarding Flying Heliball enhanced damages, in the form of treble  
4 damages, under 35 U.S.C. § 284;

5 E. Awarding Flying Heliball its reasonable attorneys' fees under 35  
6 U.S.C. § 285 and declaring that this is an exceptional case;

7 F. Granting Flying Heliball a permanent injunction against Defendant in  
8 accordance with principles of equity to prevent the violation of any right secured by  
9 the '866 Patent under 35 U.S.C. § 283; and

10 G. Granting Flying Heliball other and further relief as the Court may deem  
11 just and proper under the circumstances.

12  
13 **JURY DEMAND**

14 Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff  
15 demands a trial by jury on all claims and defenses so triable.

16  
17 Dated: March 9, 2023

Respectfully submitted,

18 MASCHOFF BRENNAN GILMORE &  
19 ISRAELSEN

20 *and*

21 WORKMAN NYDEGGER PC

22  
23 By: /s/ Sterling A. Brennan  
24 Sterling A. Brennan

25 *Attorneys for Flying Heliball, LLC*

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28 ORIGINAL COMPLAINT