

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF FLORIDA**

**Case No.**

DRONE-CONTROL LLC,  
Plaintiff,  
v.  
MIAMI LABS, INC. d/b/a OpenStore,  
Defendant.

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Drone-Control LLC (“Drone-Control” or “Plaintiff”) files this complaint against Defendant MIAMI LABS, INC. d/b/a OpenStore (“OpenStore” or “Defendant”) alleging, based on its own knowledge as to itself and its own actions, and based on information and belief as to all other matters, as follows:

**NATURE OF THE ACTION**

1. This is a patent infringement action to stop Defendant’s infringement of the following United States Patents (the “Asserted Patents”), copies of which are attached hereto as **Exhibit A**, **Exhibit B**, and **Exhibit C**:

	<b>U.S. Patent No.</b>	<b>Title</b>
A.	10,095,226	Radio Controlled Aircraft, Remote Controller And Methods For Use Therewith
B.	10,248,117	Radio Controlled Aircraft, Remote Controller And Methods For Use Therewith
C.	11,281,205	Radio Controlled Aircraft, Remote Controller And Methods For Use Therewith

2. Drone-Control seeks injunctive relief and monetary damages.

## **PARTIES**

3. Drone-Control is a limited liability company organized under the laws of the State of Delaware, with its principal place of business at 7710 N FM 620 Rd Building 13C – Suite 100. Austin, Texas 78726 (Travis County).

4. Based upon public information, OpenStore is incorporated under the laws of Delaware with its corporate headquarters located at 2916 N. Miami Avenue, Suite 1005, Miami, Florida 33127.

5. Based upon public information, OpenStore may be served through its registered agent, Cogency Global Inc., which is located at 115 North Calhoun Street, Suite 4, Tallahassee, Florida 32301.

## **JURISDICTION AND VENUE**

6. Drone-Control repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

7. This is an action for infringement of United States patents arising under 35 U.S.C. §§ 271, 281, and 284–85, among others. This Court has subject matter jurisdiction of the action under 28 U.S.C. § 1331 and § 1338(a).

8. Defendant is subject to this Court’s specific and general personal jurisdiction under due process due at least to Defendant’s substantial business in this judicial District, including: (i) at least a portion of the infringement alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, or deriving substantial revenue from goods and services provided to individuals in this State and in this District.

9. The Court has personal jurisdiction over Defendant because: Defendant has minimum contacts within the State of Florida and in this District; Defendant has purposefully availed itself

of the privileges of conducting business in the State of Florida and in this District; Defendant has sought protection and benefit from the laws of the State of Florida; Defendant regularly conducts business within the State of Florida, and within this District, and Plaintiff's causes of action arise directly from Defendant's business contacts and other activities in the State of Florida and in this District.

10. More specifically, Defendant, directly and/or through intermediaries, ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises its products in the United States, the State of Florida, and this District. Based upon public information, Defendant has committed and continues to commit patent infringement in the State of Florida and in this District. Defendant solicits customers in the State of Florida and in this District. Defendant has many paying customers who are residents of the State of Florida and this District and who use Defendant's products in the State of Florida and in this District.

11. Defendant has committed and continues to commit acts of infringement from this District, including, but not limited to, making, using, selling, offering for sale, and/or importing the Accused Products described below.

12. Defendant commits acts of induced infringement in this District, including, but not limited to inducing infringement by its parents, subsidiaries, partners, affiliates, customers, and/or end-users through their use of the Accused Products described below.

13. Defendant commits acts of contributory infringement in this District, including, but not limited to contributing to infringement by its parents, subsidiaries, partners, affiliates, customers, and/or end-users through their use of the Accused Products described below.

14. Venue is proper in this District pursuant to 28 U.S.C. §§ 1400(b) and 1391(c).

## THE ACCUSED PRODUCTS

15. Based upon public information, Defendant makes, uses, sells, offers for sale, imports, advertises, promotes, offers for sale, and/or educates third parties (including its customers) about its radio-controlled aircraft products (the “Accused Products”; *see Exhibit D*), including the following:

- EXO X7 Ranger PLUS (*see Exhibit E*);



- EXO Cinemaster 2 (*see Exhibit F*);



- EXO Mini (*see Exhibit G*); and



- EXO Blackhawk 2 Pro (see **Exhibit H**)



16. Based upon public information, Defendant provides detailed instructions for operating the Accused Products. See **Exhibit I** (Tutorials Provided).

17. Upon information and belief based upon public information, Defendant owns, operates, advertises, and/or controls at least [www.exodrones.com](http://www.exodrones.com), the website through which Defendant advertises, sells, offers to sell, promotes, provides and/or educates third parties (including its customers) about its radio-controlled aircraft products, including the Accused Products.

**COUNT I: INFRINGEMENT OF U.S. PATENT NO. 10,095,226**

18. Drone-Control repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

19. The USPTO duly issued U.S. Patent No. 10,095,226 (the “226 patent”) on October 9,

2018, after full and fair examination of Application No. 15/923,289, which was filed on March 16, 2018. *See Ex. A*, at A-1.

20. Drone-Control owns all substantial rights, interest, and title in and to the '226 patent, including the sole and exclusive right to prosecute this action and enforce the '226 patent against infringers, and to collect damages for all relevant times.

21. The claims of the '226 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include or are directed to inventive aspects that improve upon the function and operation of remotely-controlled vehicles using radio frequency signals, motion sensing, and multiple coordinate systems.

22. The written description of the '226 patent describes in technical detail support for each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the priority date.

23. Defendant has infringed and continues to infringe one or more claims of the '226 patent by making, using, selling, offering for sale, and/or importing the Accused Products.

24. Defendant has directly infringed and continues to directly infringe, either literally or under the doctrine of equivalents, one or more claims of the '226 patent, including at least claim 1 through its provision of the Accused Products. *See Ex. E, Ex. F, Ex. G, Ex. H.*

25. For example, the Accused Products, comprise a remote controlled vehicle (RCV) configured to receive an RF signal from a remote control device (RCD) that contains command data that is based upon a first coordinate system that is established from the perspective of the RCD and indicates a lift command associated with a hovering state of the RC vehicle, at least one

motion sensor of the RCV configured to indicate a position of the RCV and its orientation, a processor coupled to the one or more motion sensors and to the receiver configured to transform the command data into control data based on the motion data and in accordance with a second coordinate system that is established from a perspective of the RC vehicle, wherein the command data includes yaw-velocity command data, wherein the control data includes yaw-velocity control data, and wherein the yaw-velocity control data is related to the yaw-velocity command data; and a plurality of control devices coupled to the processor that are configured to control motion of the RCV based on the control data. *See e.g.*, <https://exodrones.com/pages/x7-ranger-plus>

26. Defendant has had knowledge of the '226 patent at least as of the filing of the original complaint in this matter.

27. Since at least the filing of the original complaint in this matter, Defendant has also indirectly infringed and continues to indirectly infringe one or more claims of the '226 patent by inducing others to directly infringe one or more claims of the '226 patent. Defendant has induced and continues to induce its subsidiaries, partners, affiliates, customers, and/or end-users, including Defendant's customers and potential customers, to directly infringe, either literally or under the doctrine of equivalents, one or more claims of the '226 patent by using the Accused Products. Defendant has taken active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the '226 patent, including, for example, claim 1. Such steps by Defendant include, among other things, advising or directing personnel, contractors, or end-users to make or use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; or distributing instructions that guide users to use the Accused Products in an infringing manner. Defendant is performing these steps, which constitute induced

infringement, with the knowledge of the '226 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Products by others would infringe the '226 patent. Defendant's inducement is ongoing. See e.g., Ex. I

28. Since at least the filing of the original complaint in this matter, Defendant has also indirectly infringed and continues to indirectly infringe by contributing to the infringement of one or more claims of the '226 patent by personnel, contractors, customers, and/or other end users by encouraging them to use the Accused Products to perform the steps of the patented process as described in one or more claims of the '226 patent. The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '226 patent, including, for example, the method recited in claim 1. The special features constitute a material part of the claimed invention of one or more of the claims of the '226 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing.

29. Defendant's actions are at least objectively reckless as to the risk of infringing a valid patent and this objective risk was either known or should have been known by Defendant.

30. Since at least the filing of the original complaint in this matter, Defendant's direct and indirect infringement of the '226 patent has been and continues to be willful, intentional, deliberate, or in conscious disregard of Plaintiff's rights under the patent.

31. Drone-Control has satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '226 patent.

32. Drone-Control has been damaged and continues to be damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to Drone-Control in an



amount that compensates it for such infringement, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

33. Drone-Control has suffered and continues to suffer irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. Drone-Control has and will continue to suffer this harm by virtue of Defendant's infringement of one or more claims of the '226 patent. Defendant's actions have interfered with and will interfere with Drone-Control's ability to license technology. The balance of hardships favors Drone-Control's ability to commercialize its own ideas and technology. The public interest in allowing Drone-Control to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

#### **COUNT II: INFRINGEMENT OF U.S. PATENT NO. 10,248,117**

34. Drone-Control repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

35. The USPTO duly issued U.S. Patent No. 10,248,117 (the "'117 patent") on April 2, 2019, after full and fair examination of Application No. 15/392,687, which was filed on December 28, 2016. *See Ex. B*, at B-1.

36. Drone-Control owns all substantial rights, interest, and title in and to the '117 patent, including the sole and exclusive right to prosecute this action and enforce the '117 patent against infringers, and to collect damages for all relevant times.

37. The claims of the '117 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include or are directed to inventive aspects that improve upon the function and operation of remotely-controlled vehicles using radio frequency signals, motion sensing, and multiple coordinate systems.

38. The written description of the '117 patent describes in technical detail support for each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the priority date.

39. Defendant has infringed and continues to infringe one or more claims of the '117 patent by making, using, selling, offering for sale, and/or importing the Accused Products.

40. Defendant has directly infringed and continues to directly infringe, either literally or under the doctrine of equivalents, one or more claims of the '117 patent, including at least claim 9 through its provision of the Accused Products. *See* Ex. E, Ex. F, Ex. G, Ex. H.

41. For example, the Accused Products, when used by Defendant or a customer, provide a remote controlled vehicle (RCV) device comprising a receiver that is configured to receive an RF signal, from a remote control device (RCD), that contains command data based upon a coordinate system that is established from the perspective of the RCD, a motion sensor configured to generate motion data, a processor coupled to the motion sensor and the receiver that is configured to transform the command data into control data that is based on a second coordinate system that is established from the perspective of the RCV, wherein the command data includes yaw-velocity command data and the control data includes yaw-velocity control data, and wherein the yaw-velocity control data is related to the yaw-velocity command data, and one or more control devices coupled to the processor that are configured to control the motion of the RCV based on the control data. *See e.g.*, <https://exodrones.com/products/exo-x7-ranger-plus>

42. Defendant has had knowledge of the '117 patent at least as of the filing of the original complaint in this matter.

43. Since at least the filing of the original complaint in this matter, Defendant has also indirectly infringed and continues to indirectly infringe one or more claims of the '117 patent by inducing others to directly infringe one or more claims of the '117 patent. Defendant has induced and continues to induce its subsidiaries, partners, affiliates, and/or end-users, including Defendant's customers and potential customers, to directly infringe, either literally or under the doctrine of equivalents, one or more claims of the '117 patent by using the Accused Products. Defendant has taken active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the '117 patent, including, for example, claim 9. Such steps by Defendant include, among other things, advising or directing personnel, contractors, or end-users to make or use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; or distributing instructions that guide users to use the Accused Products in an infringing manner. Defendant is performing these steps, which constitutes induced infringement, with the knowledge of the '117 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Products by others would infringe the '117 patent. Defendant's inducement is ongoing.

44. Since at least the filing of the original complaint in this matter, Defendant has also indirectly infringed and continues to indirectly infringe by contributing to the infringement of one or more claims of the '117 patent by personnel, contractors, customers, and/or other end users by encouraging them to use the Accused Products to perform the steps of the patented process as described in one or more claims of the '117 patent. The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '117 patent, including, for example, claim 9. The

special features constitute a material part of the claimed invention of one or more of the claims of the '117 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing.

45. Defendant's actions are at least objectively reckless as to the risk of infringing a valid patent and this objective risk was either known or should have been known by Defendant.

46. Since at least the filing of the original complaint in this matter, Defendant's direct and indirect infringement of the '117 patent has been and continues to be willful, intentional, deliberate, or in conscious disregard of Plaintiff's rights under the patent.

47. Drone-Control has satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '117 patent.

48. Drone-Control has been damaged and continues to be damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to Drone-Control in an amount that compensates it for such infringement, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

49. Drone-Control has suffered and continues to suffer irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. Drone-Control has and will continue to suffer this harm by virtue of Defendant's infringement of one or more claims of the '117 patent. Defendant's actions have interfered with and will interfere with Drone-Control's ability to license technology. The balance of hardships favors Drone-Control's ability to commercialize its own ideas and technology. The public interest in allowing Drone-Control to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

**COUNT III: INFRINGEMENT OF U.S. PATENT NO. 11,281,205**

50. Drone-Control repeats and re-alleges the allegations in the Paragraphs above as though fully set forth in their entirety.

51. The USPTO duly issued U.S. Patent No. 11,281,205 (the “’205 patent”) on March 22, 2022, after full and fair examination of Application No. 16/229,994, which was filed on December 21, 2018. *See Ex. C*, at C-1.

52. Drone-Control owns all substantial rights, interest, and title in and to the ’205 patent, including the sole and exclusive right to prosecute this action and enforce the ’205 patent against infringers, and to collect damages for all relevant times.

53. The claims of the ’205 patent are not directed to an abstract idea and are not limited to well-understood, routine, or conventional activity. Rather, the claimed inventions include or are directed to inventive aspects that improve upon the function and operation of remotely-controlled vehicles using radio frequency signals, motion sensing, and multiple coordinate systems.

54. The written description of the ’205 patent describes in technical detail support for each limitation of the claims, allowing a skilled artisan to understand the scope of the claims and how the non-conventional and non-generic combination of claim limitations is patently distinct from and improved upon what may have been considered conventional or generic in the art at the priority date.

55. Defendant has infringed and continues to infringe one or more claims of the ’205 patent by making, using, selling, offering for sale, and/or importing the Accused Products.

56. Defendant has directly infringed and continue to directly infringe, either literally or under the doctrine of equivalents, one or more claims of the ’205 patent, including at least claim 1 through its provision of the Accused Products. *See Ex. E*, *Ex. F*, *Ex. G*, *Ex. H*.

57. For example, the Accused Products, when used by Defendant or a customer, provide a

remote controlled vehicle (RCV) device comprising a receiver that is configured to receive an RF signal. from a remote control device (RCD) that contains command data based upon a coordinate system that is established from the perspective of the RCD and contains a lift command associated with a hovering state of the RCV, wherein the command data includes roll-axis command data, pitch-axis command data, and yaw-velocity command data, at least two motion sensors configured to generate motion data, wherein the motion data indicates a position and an orientation of the RCV, wherein the orientation of the RCV is a yaw-axis orientation from the perspective of an imaginary pilot of the RCV, wherein a first motion sensor includes an accelerometer and a second motion sensor includes a gyroscope, a processor coupled to the motion sensors and to the receiver, the processor configured to transform the command data into control data based on the motion data and in accordance with a second coordinate system that is established from the perspective of the RC vehicle, wherein the control data includes roll-axis control data and pitch-axis control data that are both generated based on the roll-axis command data and the pitch-axis command data, wherein the control data includes yaw-velocity control data that are related to the yaw-velocity command data, and one or more control devices coupled to the processor that are configured to control the motion of the RCV based on the control data and are configured to cause the RCV to enter the hovering state in response to the receiver receiving the command data that indicates the lift command. *See e.g.*, <https://exodrones.com/pages/x7-ranger-plus>

58. Defendant has had knowledge of the '205 patent since at least as of the filing of the original complaint in this matter.

59. Since at least the filing of the original complaint in this matter, Defendant has also indirectly infringed and continue to indirectly infringe one or more claims of the '205 patent by inducing others to directly infringe one or more claims of the '205 patent. Defendant has induced

and continues to induce its subsidiaries, partners, affiliates, and/or end-users, including Defendant's customers and potential customers, to directly infringe, either literally or under the doctrine of equivalents, one or more claims of the '205 patent by using the Accused Products. Defendant has taken active steps, directly or through contractual relationships with others, with the specific intent to cause them to use the Accused Products in a manner that infringes one or more claims of the '205 patent, including, for example, claim 1. Such steps by Defendant include, among other things, advising or directing personnel, contractors, or end-users to make or use the Accused Products in an infringing manner; advertising and promoting the use of the Accused Products in an infringing manner; or distributing instructions that guide users to use the Accused Products in an infringing manner. Defendant is performing these steps, which constitutes induced infringement with the knowledge of the '205 patent and with the knowledge that the induced acts constitute infringement. Defendant is aware that the normal and customary use of the Accused Products by others would infringe the '205 patent. Defendant's inducement is ongoing.

60. Since at least the filing of the original complaint in this matter, Defendant has also indirectly infringed and continues to indirectly infringe by contributing to the infringement of one or more claims of the '205 patent by personnel, contractors, customers, and/or other end users by encouraging them to use the Accused Products to perform the steps of the patented process as described in one or more claims of the '205 patent. The Accused Products have special features that are specially designed to be used in an infringing way and that have no substantial uses other than ones that infringe one or more claims of the '205 patent, including, for example, the device recited in claim 1. The special features constitute a material part of the claimed invention of one or more of the claims of the '205 patent and are not staple articles of commerce suitable for substantial non-infringing use. Defendant's contributory infringement is ongoing.

61. Defendant's actions are at least objectively reckless as to the risk of infringing a valid patent and this objective risk was either known or should have been known by Defendant.

62. Since at least the filing of the original complaint in this matter, Defendant's direct and indirect infringement of the '205 patent has been and continues to be willful, intentional, deliberate, or in conscious disregard of Plaintiff's rights under the patent.

63. Drone-Control has satisfied all statutory obligations required to collect pre-filing damages for the full period allowed by law for infringement of the '205 patent.

64. Drone-Control has been damaged and continues to be damaged as a result of the infringing conduct by Defendant alleged above. Thus, Defendant is liable to Drone-Control in an amount that compensates it for such infringement, which by law cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

65. Drone-Control has suffered and continues to suffer irreparable harm, through its loss of market share and goodwill, for which there is no adequate remedy at law. Drone-Control has and will continue to suffer this harm by virtue of Defendant's infringement of one or more claims of the '205 patent. Defendant's actions have interfered with and will interfere with Drone-Control's ability to license technology. The balance of hardships favors Drone-Control's ability to commercialize its own ideas and technology. The public interest in allowing Drone-Control to enforce its right to exclude outweighs other public interests, which supports injunctive relief in this case.

#### **JURY DEMAND**

66. Plaintiff hereby requests a trial by jury on all issues so triable by right.

#### **PRAYER FOR RELIEF**

WHEREFORE, Drone-Control requests that the Court find in its favor and against



Defendant, and that the Court grant Drone-Control the following relief:

- a. Judgment that one or more claims of the Asserted Patents has been infringed, either literally or under the doctrine of equivalents, by Defendant or others acting in concert therewith;
- b. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in concert therewith from infringement of the Asserted Patents; or, in the alternative, an award of a reasonable ongoing royalty for future infringement of the Asserted Patents by such entities;
- c. Judgment that Defendant accounts for and pays to Drone-Control all damages to and costs incurred by Drone-Control because of Defendant's infringing activities and other conduct complained of herein;
- d. Judgment that Defendant's infringement of the Asserted Patents be found willful, and that the Court award treble damages for the period of such willful infringement pursuant to 35 U.S.C. § 284;
- e. Pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein;
- f. That this Court declare this an exceptional case and award Drone-Control its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and
- g. All other and further relief as the Court may deem just and proper under the circumstances.

Dated: July 7, 2023

Respectfully submitted,

**Marcos Daniel Jiménez**

Marcos Daniel Jiménez

Florida Bar No. 441503

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*Local Counsel for Plaintiff Drone-Control LLC*