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9 Attorneys for Plaintiff  
10 FLYING HELIBALL, LLC

11 **UNITED STATES DISTRICT COURT**  
12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

13 Flying Heliball, LLC a California  
14 Limited Liability Company;

15 Plaintiffs,

16 v.

17 Zero Zero Robotics Inc., a Delaware  
18 Corporation;

19 Defendant.

Case No.: 8:24-cv-1838

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**JURY TRIAL DEMANDED**

1 Plaintiff Flying Heliball, LLC (“Flying Heliball” or Plaintiff), by and through  
2 its undersigned counsel, hereby complains against Defendant Zero Zero Robotics  
3 Inc., a Delaware Corporation (“ZZRI”), and respectfully alleges as follows:

4 **NATURE OF THE ACTION**

5 1. This is an action for infringement of Plaintiff’s United States Patent  
6 No. 7,100,866 (“the ‘866 Patent”) under the Patent Act, 35 U.S.C. § 271, based on  
7 Defendant ZZRI’s unauthorized commercial manufacture, use, importation, offer  
8 for sale, and sale of its HoverAir X1 drone and its V-Coptr Falcon (collectively “the  
9 Accused Products”) in the United States.

10 **JURISDICTION AND VENUE**

11 2. This court has original jurisdiction over the subject matter of this  
12 action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

13 3. Personal jurisdiction over Defendant is proper in this District because  
14 of the Defendant’s presence in this judicial district, and it has availed itself of the  
15 rights and benefits of the laws of California, and Defendant has derived substantial  
16 revenue from the sales of the Accused Products in California, and it has systematic  
17 and continuous business contacts with California.

18 4. Upon information and belief Defendant has made filings with the  
19 California Secretary of State that indicate Defendant has had at least one office in  
20 California since its founding and has regularly availed itself to the protections of  
21 this jurisdiction during that time.

22 5. Defendant presently maintains an office at the personal residence of  
23 Christopher Loos which is in the City of Tustin and County of Orange, California.  
24 According to Mr. Loos’ LinkedIn page, he is Defendant’s Director of Sales. In this  
25 position, Mr. Loos’ is likely to have information about that quantity of Defendant’s  
26 products sold.

27 6. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and  
28 1400(b).

1 **THE PARTIES**

2 7. Flying Heliball is a limited liability company formed under the laws  
3 of the State of California having a principal place of business at 28777 Witherspoon  
4 Parkway, Valencia, California 91355.

5 8. Upon information and belief, ZZRI is a corporation that is incorporated  
6 in Delaware and has its regular and established place of business at in Tustin,  
7 California.

8 **FACTUAL BACKGROUND**

9 9. Flying Heliball and its parent corporation, World Tech Toys, Inc.  
10 (“WTT”), are international sellers and distributors of toys and are largely focused  
11 on radio-controlled helicopters and other flying vehicles.

12 10. The ‘866 Patent, entitled Control System for a Flying Vehicle, was  
13 duly and legally issued on September 5, 2006, and names Jeffrey Rehkemper,  
14 Nicholas Grisolia, Peter Greenley, and Bret Gould as the inventors. Attached as  
15 **Exhibit A** is a true and correct copy of the ‘866 Patent.

16 11. The ‘866 Patent claims, among other things, in Claim 1, “A vehicle  
17 having a means for propelling in a vertical direction, further comprising: a  
18 transmitter positioned on the bottom of said vehicle for transmitting a signal from  
19 the vehicle downwardly away from said vehicle; a receiver positioned on the bottom  
20 of said vehicle for receiving said signal as it is bounced off of a surface, defined as  
21 a bounced signal; and a control system that automatically sets a speed of the  
22 propelling means in response to the receiver, said control system having a first  
23 means to set the speed of the propelling means to a first speed when the receiver  
24 receives the bounced signal and the control system having a second means to set  
25 the speed of the propelling means to a second speed when the receiver does not  
26 receive the bounced signal, the first speed being predefined as a speed that causes  
27 the vehicle to gain altitude and the second speed being predefined as a speed that  
28 causes the vehicle to lose altitude.”

1 12. The ‘866 Patent claims, among other things, in Claim 10, “A system  
2 to control a direction of movement of a flying vehicle, the control system  
3 comprising: a transmitter/receiver pair positioned on the vehicle, the transmitter  
4 transmitting a signal from the vehicle in a predetermined direction; a means to fly  
5 said vehicle in a direction opposite of said predetermined direction when said signal  
6 is bounced off of a surface and received back by the receiver; and a means to fly  
7 said vehicle in a direction similar to said predetermined direction when said receiver  
8 does not receive said signal.”

9 13. In 2022, the ‘866 Patent was assigned to Flying Heliball, which is the  
10 owner of the entire right, title, and interest ‘866 Patent. The claims in the ‘866  
11 patent relate to a control system for a flying toy.

12 14. Defendant sell numerous products that infringe the ‘866 Patent,  
13 including the HoverAir X1 drone and its V-Coptr Falcon. Collectively, these are  
14 referred to herein as the “Accused Products.”

15 15. Defendant sells the Accused Products through third party sellers,  
16 including Amazon.com, Inc., Shopify, Inc. and others (“the Third-Party Sellers”).

17 **Defendant’s Infringing Activities and Products**

18 16. Upon information and belief, Defendant has and continue to infringe  
19 the ‘866 Patent by making, using, selling, and offering for sale the Accused  
20 Products in the United States. The Accused Products embody or use the inventions  
21 claimed in the ‘866 Patent.

22 17. Briefly, the HoverAir X1 drone has a processor that is electrically  
23 connected to a battery, four propellers, a front camera attached to a gimble, and a  
24 downward facing camera that is fixed. The processor is programmed with either  
25 software or firmware that contains computer vision technology.

26 18. Computer vision generally works in three steps: (1) a camera captures  
27 a visual input; (2) a processor processes the visual input; and (3) the processor does  
28 something with the processed visual input. In the present matter, in one mode of

1 operation, the camera captures a visual input and identifies a surface in a visual  
2 input. The camera communicates to the processor to detect the surface. Then the  
3 processor directs the propellers to the flies away from the surface until the surface  
4 is no longer detected.

5 19. Similarly, the V-Coptr Falcon has a processor that is electrically  
6 connected to a battery, two propellers, a front camera, a front stereo camera, an  
7 inertial measurement unit, and a downward facing camera that is fixed. The  
8 processor is programmed with either software or firmware that contains Visual  
9 Inertial Odometry, that works in a similar manner to the HoverAir X1 computer  
10 vision technology.

11 20. More detailed claim charts for claim 1 and claim 10 are attached to this  
12 complaint in **Exhibit B**.

13 21. Upon information and belief, Defendant has been and is inducing  
14 infringement of the '866 Patent by actively and knowingly inducing others to make,  
15 use, sell, offer for sale, or import the Accused Product that embody or use the  
16 inventions claimed in the '866 Patent.

17 22. Specifically, Defendant has induced the Third-Party Sellers to sell the  
18 Accused Products knowing the Accused Products infringed the '866 Patent.  
19 Defendant actively encouraged infringement by reaching out to buyers at the Third-  
20 Party Sellers and encouraging those buyers to purchase goods that infringed the  
21 '866 Patent.

22 23. Upon information and belief, Defendant has known of the existence of  
23 the '866 Patent, and these acts of infringement have been willful and in disregard  
24 for the '866 Patent, without any reasonable basis for believing that it had a right to  
25 engage in the infringing conduct. Specifically, Plaintiff has provided Defendant  
26 with a copy of the '866 Patent and infringement allegations as shown in **Exhibit C**.

27 24. The HoverAir X1 drone is, and continues to be, sold by the Third-Party  
28 Sellers of Defendant and infringes the '866 Patent various websites such as:

1 a. By Amazon.com at:

2 <https://www.amazon.com/t/dp/B0CDCFGF1V/>

3 b. By Shopify at: [https://us.hoverair.com/products/hoverair-x1-](https://us.hoverair.com/products/hoverair-x1-self-flying-camera-combo)  
4 [self-flying-camera-combo](https://us.hoverair.com/products/hoverair-x1-self-flying-camera-combo)

5 25. The V-Coptr Falcon drone is, and continues to be, sold by the Third-  
6 Party Sellers of Defendant's and infringes the '866 Patent various websites such as:

7 a. By Amazon.com at:

8 <https://www.amazon.com/dp/B09JN91FY9>

9 b. By Shopify at: [https://www.dominiondrones.com/products/v-](https://www.dominiondrones.com/products/v-coptr-falcon-50-minutes-flight-time-drone)  
10 [coptr-falcon-50-minutes-flight-time-drone](https://www.dominiondrones.com/products/v-coptr-falcon-50-minutes-flight-time-drone)

11 26. All of these products infringe the '866 Patent for the same reasons as  
12 illustrated in Exhibit B.

13 27. Flying Heliball's exclusive licensee WTT produces profits inexorably  
14 flow to Flying Heliball. Infringing marketplace participants add units into the  
15 marketplace, lower the price for each individual unit sold, and thus reduce the  
16 amount of revenue Flying Heliball makes from its licensees.

17 **COUNT ONE (Patent Infringement)**

18 **Against the ZZRI**

19 28. Plaintiff repeats and realleges paragraphs 1 through 27 hereof, as if  
20 fully set forth herein.

21 29. Upon information and belief, Defendant has been and is infringing the  
22 '866 Patent by making, using, selling, or offering for sale in the United States, or  
23 importing into the United States, including within this judicial district, flying toys,  
24 including those sold under the name HoverAir X1 and V-Coptr Falcon, in violation  
25 of 35 U.S.C. § 271(a).

26 30. Upon information and belief, Defendant has been and is inducing  
27 infringement of the '866 Patent by actively and knowingly inducing others to make,  
28 use, sell, offer for sale, or import flying toys that embody or use the invention

1 claimed in the '866 Patent, including those sold under the name HoverAir X1 and  
2 V-Coptr Falcon, in violation of 35 U.S.C. § 271(b).

3 31. Upon information and belief, Defendant has been and is infringing,  
4 and contributing to the infringement of the '866 Patent by making, using, selling,  
5 or offering for sale in the United States, or importing into the United States,  
6 including within this judicial district, flying toys, including those sold under the  
7 name HoverAir X1 and V-Coptr Falcon.

8 32. Defendant's infringement has been, and continues to be, knowing,  
9 intentional, and willful.

10 33. Defendant's acts of infringement of the '866 Patent have caused and  
11 will continue to cause Plaintiff damages for which Plaintiff is entitled to  
12 compensation pursuant to 35 U.S.C. § 284.

13 34. Defendant's acts of infringement of the '866 Patent have caused and  
14 will continue to cause Plaintiff immediate and irreparable harm unless such  
15 infringing activities are enjoined by this Court pursuant to 35 U.S.C. § 283. Plaintiff  
16 has no adequate remedy at law.

17 35. This case is exceptional and, therefore, Plaintiff is entitled to an award  
18 of attorneys' fees pursuant to 35 U.S.C. § 285.

19 **PRAYER**

20 **WHEREFORE, Plaintiff requests judgment against Defendant as follows:**

21 1. Adjudging that Defendant has infringed, and actively induced  
22 infringement of the '866 Patent, in violation of 35 U.S.C. § 271(a) and (b);

23 2. Granting an injunction temporarily, preliminarily, and permanently  
24 enjoining Defendant, its employees, agents, officers, directors, attorneys,  
25 successors, affiliates, subsidiaries, and assigns, and all of those in active concert  
26 and participation with any of the foregoing persons or entities from infringing,  
27 contributing to the infringement of, or inducing infringement of the '866 Patent;

28 3. Ordering Defendant to account and pay damages adequate to

1 compensate Plaintiff for Defendant’s infringement of the ‘866 Patent, including for  
2 any infringing acts not presented at trial, pre-judgment and post-judgment interest  
3 and costs, pursuant to 35 U.S.C. § 284;

4 4. Ordering an accounting for any infringing sales not presented at trial  
5 and an award by the court of additional damages for any such infringing sales;

6 5. Ordering that the damages award be increased up to three times the  
7 actual amount assessed pursuant to 35 U.S.C. § 284;

8 6. Declaring this case exceptional and awarding Plaintiff its reasonable  
9 attorneys’ fees pursuant to 35 U.S.C. § 285; and

10 7. Awarding such other and further relief as this Court deems just and  
11 proper.

12  
13 Dated: August 21, 2024

**McKOWN BAILEY**

14  
15 By:           /s/ Michael O’Brien            
16 Aaron M. McKown  
17 Michael O’Brien  
18 Attorneys for Plaintiff  
19 FLYING HELIBALL, LLC  
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**DEMAND FOR JURY TRIAL**

A jury trial is demanded pursuant to Fed. R. Civ. P. 38.

Dated: August 21, 2024

**McKOWN BAILEY**

By:           /s/ Michael O'Brien            
Aaron M. McKown  
Michael O'Brien  
Attorneys for Plaintiff  
FLYING HELIBALL, LLC

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