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9 Attorneys for Plaintiff, *Advanced Aerodynamics, LLC*

10  
11 UNITED STATES DISTRICT COURT  
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
13 SOUTHERN DIVISION

14 ADVANCED AERODYNAMICS,  
15 LLC,

16 Plaintiff,

17 v.

18 KYOSHO CORPORATION OF  
AMERICA,

19 Defendants.

Case No.:

**PLAINTIFF'S ORIGINAL  
COMPLAINT**

**Jury Trial Demanded**

20  
21 Plaintiff ADVANCED AERODYNAMICS, LLC (hereinafter, "Plaintiff" or  
22 "AERODYNAMICS") files this Original Complaint for Patent Infringement against  
23 Defendants KYOSHO CORPORATION OF AMERICA (hereinafter, "Kyosho" or  
24 "Defendant") as follows:  
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**NATURE OF THE ACTION**

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2       1.       This is a patent infringement action to stop Defendant’s infringement of  
3 the following patents (collectively, the “Patents-in-Suit”), which were duly and  
4 legally issued by the United States Patent and Trademark Office (hereinafter, the  
5 “USPTO”), copies of which are attached hereto as **Exhibits A through D**,  
6 respectively:

7

	<b>Patent No.</b>	<b>Title</b>
8 9 10 11 12 13 14	A.     8,528,854	SELF-RIGHTING FRAME AND AERONAUTICAL VEHICLE
	B.     9,067,667	SELF-RIGHTING FRAME AND AERONAUTICAL VEHICLE
	C.     9,216,808	SELF-RIGHTING FRAME AND AERONAUTICAL VEHICLE
	D.     9,434,462	SELF-RIGHTING FRAME AND AERONAUTICAL VEHICLE

15       2.       Plaintiff is the owner of the Patents-in-Suit and possesses all right, title  
16 and interest in the Patents-in-Suit, including the right to enforce the Patents-in-Suit,  
17 the right to license the Patents-in-Suit, and the right to sue Defendant for infringement  
18 and recover past damages.

19       3.       Plaintiff seeks injunctive relief and monetary damages.

**PARTIES**

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21       4.       AERODYNAMICS is a limited liability company organized and existing  
22 under the laws of the State of Florida and maintains its principal place of business at  
23 300 NE 12<sup>th</sup> Avenue, #601, Hallandale Beach, Florida (Broward County).

24       5.       Based upon information and belief after reviewing public information,  
25 KYOSHO CORPORATION OF AMERICA is a corporation duly organized and  
26 existing under the laws of California since June 2, 1999 and may be served through  
27 its registered agent, Toshiki Hara, who is located at 10 Campanero East, Irvine,  
28 California 92620.

1 6. Based upon information and belief after reviewing public information,  
2 Kyosho has its principal place of business located at 20322 Valencia Circle, Lake  
3 Forest, California, 92630 (Orange County).

4 7. Upon information and belief, Defendant ships, distributes, makes, uses,  
5 offers for sale, sells, and/or advertises self-righting frames and aeronautical vehicles,  
6 including its Kyosho Space Ball drone (also referred to as the Kyosho “Remote  
7 Control RC 360-Degree Flying Sphere”) (hereinafter the Accused Products).

### 8 **JURISDICTION AND VENUE**

9 8. This action arises under the Patent Laws of the United States, 35 U.S.C.  
10 § 1 et seq., including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject  
11 matter jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and  
12 1338(a).

13 9. The Court has personal jurisdiction over Defendant because: Defendant  
14 has minimum contacts within the State of California and in the Central District of  
15 California; Defendant has purposefully availed itself of the privileges of conducting  
16 business in the State of California and in the Central District of California; Defendant  
17 has sought protection and benefit from the laws of the State of California; Defendant  
18 regularly conducts business within the State of California and within the Central  
19 District of California, and Plaintiff’s causes of action arise directly from Defendant’s  
20 business contacts and other activities in the State of California and in the Central  
21 District of California.

22 10. More specifically, Defendant, directly and/or through its intermediaries,  
23 ships, distributes, makes, uses, imports, offers for sale, sells, and/or advertises its  
24 products and affiliated services in the United States, the State of California, and the  
25 Central District of California. Defendant has committed patent infringement in the  
26 State of California and in the Central District of California. Defendant solicits  
27 customers in the State of California and in the Central District of California.  
28

1 Defendant has many paying customers who are residents of the State of California  
2 and the Central District of California and who use Defendant's products in the State  
3 of California and in the Central District of California.

4 11. Venue is proper in the Central District of California pursuant to 28  
5 U.S.C. § 1400(b) because Kyosho resides in the state of California.

6 12. Venue is proper pursuant to 28 U.S.C. § 1391(b) and (c) because Kyosho  
7 resides in the Central District of California which subjects it to the personal  
8 jurisdiction of this Court.

9 **BRIEF HISTORY OF ADVANCED AERODYNAMICS**

10 13. In 2009, Advanced Aerodynamics LLC was formed in Florida. Mr.  
11 James Dees, a law enforcement officer, bomb technician, and former US Marine  
12 infantry officer, together with an engineer, Mr. Max Gaofei Yan, developed a new  
13 and unique drone design. The design allows drones to crash in midair, crash-land on  
14 the ground in any position, and self-right without human intervention. That design  
15 was the first of any aeronautical vehicle in aviation history to operate this way.

16 14. The company began to apply for patents worldwide including the US,  
17 Canada, Japan, EU, Australia, China, and Israel. Within a few years, a number of  
18 patents had been granted—one country after another. The patent portfolio grew and  
19 continues to grow, covering various embodiments of Advanced Aerodynamics'  
20 unique and unprecedented design.

21 15. While the patents were pending, the company began to promote this  
22 unique and practical technology to a number of companies. The first product to enter  
23 the marketplace with this design was called the "ORB." The ORB went on to be sold  
24 in Best Buy and a number of other major department stores. Additionally, it won the  
25 Hot Product award by CNN Money in 2012. Following this success, a number of  
26 different mini-drones with its design, including the Lily Ball, Alien Sphere, XT Flyer  
27  
28

1 001, and XT Flyer 005, were released. Costco and Walmart were major sales outlets  
2 for these products.

3 16. Advanced Aerodynamics continues its research and development  
4 activities in efforts to meet the evolving needs of the market. Some of the top  
5 universities in the aviation field are involved in this R&D, one of them being Embry-  
6 Riddle Aeronautical University.

7 17. To promote its patented designs and products, Advanced Aerodynamics  
8 has for the past 7 years very actively attended as vendors different trade shows and  
9 conventions, including CES in Las Vegas, the Hong Kong Toy Fair, the Neuberger  
10 Toy Show, and AUVSI Drone and Unmanned System shows in different cities within  
11 the US.

12 18. Advanced Aerodynamics' current product offerings includes the XT-  
13 001, XT-005, and the XT Kids Racing Drone. Other designs are under development,  
14 including the XT-002, which is provisioned with an AR system, and the XT-003,  
15 which is equipped with a camera for FPV goggles are under development.

16 19. Advanced Aerodynamics takes a very serious and active role in  
17 protecting the intellectual property covered by its patent portfolio. Accordingly, the  
18 company has sought to litigate and otherwise enforce its intellectual property rights  
19 against a number of major entities that were using its patented design, including, the  
20 "Flying Sphere" by Japanese Department of Defense, and the "Atlas Flying Ball" by  
21 Unmanned Cowboys in the US. Advanced Aerodynamics will continue to look for  
22 licensing and business opportunities and when needed, enforce its intellectual  
23 property on companies that sell infringing products in order to protect their business  
24 operations.

25 **ADVANCED AERODYNAMICS' ASSERTED PATENTS**

26 20. The Patents-in-Suit were duly and legally issued by the United States  
27 Patent and Trademark Office on September 10, 2013 (the '854 Patent), June 30, 2015  
28

1 (the '667 Patent), December 22, 2015 (the '808 Patent) and September 6, 2016 (the  
2 '462 Patent) after full and fair examinations. Plaintiff is the owner of the Patents-in-  
3 Suit, and possesses all right, title and interest in the Patents-in-Suit including the right  
4 to enforce the Patents-in-Suit, the right to license the Patents-in-Suit, and the right to  
5 sue Kyosho for infringement and recover past damages.

6 21. The Patents-in-Suit were duly and legally issued by the United States  
7 Patent and Trademark Office after full and fair examinations.

8 22. Defendant sells, advertises, offers for sale, uses, or otherwise self-  
9 righting frames and aeronautical vehicles, including the Accused Products, to its  
10 customers, either directly or through third-party vendors. See **Exhibit E** (offer for  
11 sale of Space Ball drone).

12 23. According to public information, Defendant owns, operates, advertises,  
13 and/or controls the websites <http://www.kyoshoamerica.com/> through which  
14 Defendant advertises, offers to sell, provides and/or educates customers about its  
15 products. The Accused Products are offered for sale “by Kyosho” at the following  
16 locations online [https://www.amazon.com/Space-Ball-Infrared-Helicopter-  
17 Gyroscope/dp/B009NNM5QM/ref=sr\\_1\\_1?keywords=space+ball+remote+control+  
18 sphere&qid=1553703093&s=gateway&sr=8-1,](https://www.amazon.com/Space-Ball-Infrared-Helicopter-Gyroscope/dp/B009NNM5QM/ref=sr_1_1?keywords=space+ball+remote+control+sphere&qid=1553703093&s=gateway&sr=8-1) [https://www.amazon.com/Space-  
19 Ball-Infrared-Helicopter-  
20 Gyroscope/dp/B009NNM5DU/ref=sr\\_1\\_2?keywords=space+ball+remote+control+s  
21 phere&qid=1553703251&s=gateway&sr=8-2,](https://www.amazon.com/Space-Ball-Infrared-Helicopter-Gyroscope/dp/B009NNM5DU/ref=sr_1_2?keywords=space+ball+remote+control+sphere&qid=1553703251&s=gateway&sr=8-2) and  
22 [https://www.japanrendshop.com/kyosho-space-ball-p-1526.html?a\\_aid=7aaad3d9](https://www.japanrendshop.com/kyosho-space-ball-p-1526.html?a_aid=7aaad3d9).

23 **COUNT I**

24 **(INFRINGEMENT OF U.S. PATENT NO. 8,528,854)**

25 24. Plaintiff re-alleges and incorporates by reference each of Paragraphs  
26 above.

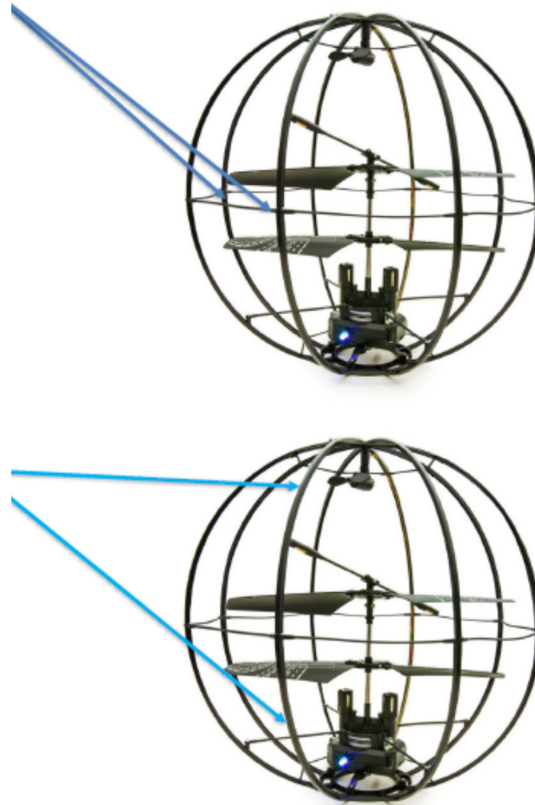
1           25. Plaintiff is informed and believes that Kyosho has infringed and  
2 continues to infringe the '854 Patent, either literally or under the doctrine of  
3 equivalents, through the manufacture and sale of infringing products under Kyosho's  
4 Space Ball brand, as incorporated into the Accused Products. Based upon public  
5 information, Kyosho has infringed and continues to infringe one or more claims of  
6 the '854 Patent, including Claim 1, because it ships distributes, makes, uses, imports,  
7 offers for sale, sells, and/or advertises devices that form a self-righting frame  
8 assembly for an aeronautical vehicle (the "Space Ball" drone has a frame assembly  
9 for an aeronautical vehicle (flying machine, drone, etc.). The frame assemble causes  
10 the Space Ball drone to self-right when it falls to the ground at any position: either in  
11 any inverted state (other than right-side up). A pictorial example of the Accused  
12 Products is shown below:





1 The frame assembly has more than two vertical frames with an uninterrupted,  
2 continuous peripheral edge between the top portion of the frame assembly and the  
3 base portion of the frame assembly, as shown below:

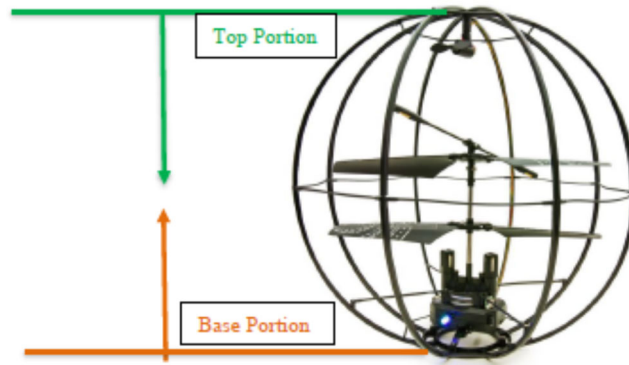
4 *The drone has at least two vertically oriented frames*



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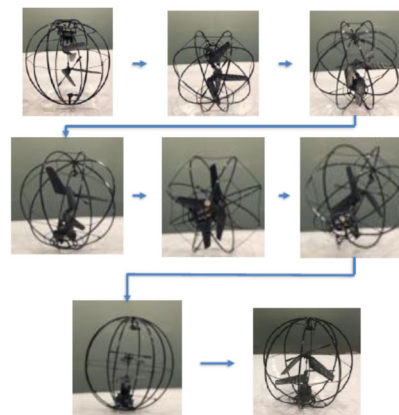
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The frames define a central void and have a central vertical axis with two of the frames being in a fixed relationship. There is a weighted mass positioned at the bottom of the frame assembly and along a central vertical axis to create a center of gravity near the bottom of the assembly



and have an apex that provides an initial instability to start a self-righting process that returns the products to an upright position.



1  
2 26. Despite knowledge of the '854 Patent as early as the date of service of  
3 the Original Complaint in this action, based upon public information, Kyosho  
4 continues to encourage, instruct, enable, and otherwise cause its customers to use its  
5 products and services, in a manner which infringes the '854 Patent.

6 27. Based upon public information, Kyosho has intentionally induced and  
7 continues to induce infringement of one or more claims of the '854 Patent in this  
8 district and elsewhere in the United States, by its intentional acts which have  
9 successfully, among other things, encouraged, instructed, enabled, and otherwise  
10 caused Kyosho's customers to use the Accused Products and Services in an infringing  
11 manner. To the extent that Kyosho is not the only direct infringer of the '854 Patent,  
12 it instructs its customers on how to infringe the '854 Patent through its support and  
13 sales to them, including their government and commercial clients. See  
14 [https://www.amazon.com/Space-Ball-Infrared-Helicopter-](https://www.amazon.com/Space-Ball-Infrared-Helicopter-Gyroscope/dp/B009NNM5DU/ref=sr_1_3?crid=39KOJIZ8CO08M&keywords=kyosho+helicopters&qid=1553687837&s=gateway&prefix=kyosho+heli%2Ctoys-and-games%2C127&sr=8-3/)  
15 [Gyroscope/dp/B009NNM5DU/ref=sr\\_1\\_3?crid=39KOJIZ8CO08M&keywords=kyo](https://www.amazon.com/Space-Ball-Infrared-Helicopter-Gyroscope/dp/B009NNM5DU/ref=sr_1_3?crid=39KOJIZ8CO08M&keywords=kyosho+helicopters&qid=1553687837&s=gateway&prefix=kyosho+heli%2Ctoys-and-games%2C127&sr=8-3/)  
16 [sho+helicopters&qid=1553687837&s=gateway&prefix=kyosho+heli%2Ctoys-and-](https://www.amazon.com/Space-Ball-Infrared-Helicopter-Gyroscope/dp/B009NNM5DU/ref=sr_1_3?crid=39KOJIZ8CO08M&keywords=kyosho+helicopters&qid=1553687837&s=gateway&prefix=kyosho+heli%2Ctoys-and-games%2C127&sr=8-3/)  
17 [games%2C127&sr=8-3/](https://www.amazon.com/Space-Ball-Infrared-Helicopter-Gyroscope/dp/B009NNM5DU/ref=sr_1_3?crid=39KOJIZ8CO08M&keywords=kyosho+helicopters&qid=1553687837&s=gateway&prefix=kyosho+heli%2Ctoys-and-games%2C127&sr=8-3/) (last visited March 27, 2019).

18 28. Defendant's aforesaid activities have been without authority and/or  
19 license from Plaintiff.

20 29. Plaintiff is entitled to recover from Defendant the damages sustained by  
21 Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial,  
22 which, by law, cannot be less than a reasonable royalty, together with interest and  
23 costs as fixed by this Court under 35 U.S.C. § 284.

24 30. Defendant's infringement of Plaintiff's rights under the '854 Patent will  
25 continue to damage Plaintiff, causing irreparable harm to Plaintiff for which there is  
26 no adequate remedy at law, unless enjoined by this Court.

**COUNT II**

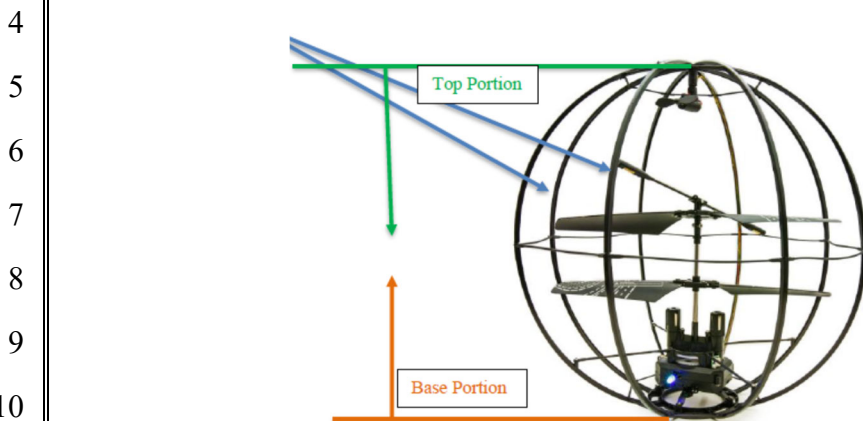
**(INFRINGEMENT OF U.S. PATENT NO. 9,067,667)**

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3 31. Plaintiff re-alleges and incorporates by reference each of Paragraphs  
4 above.

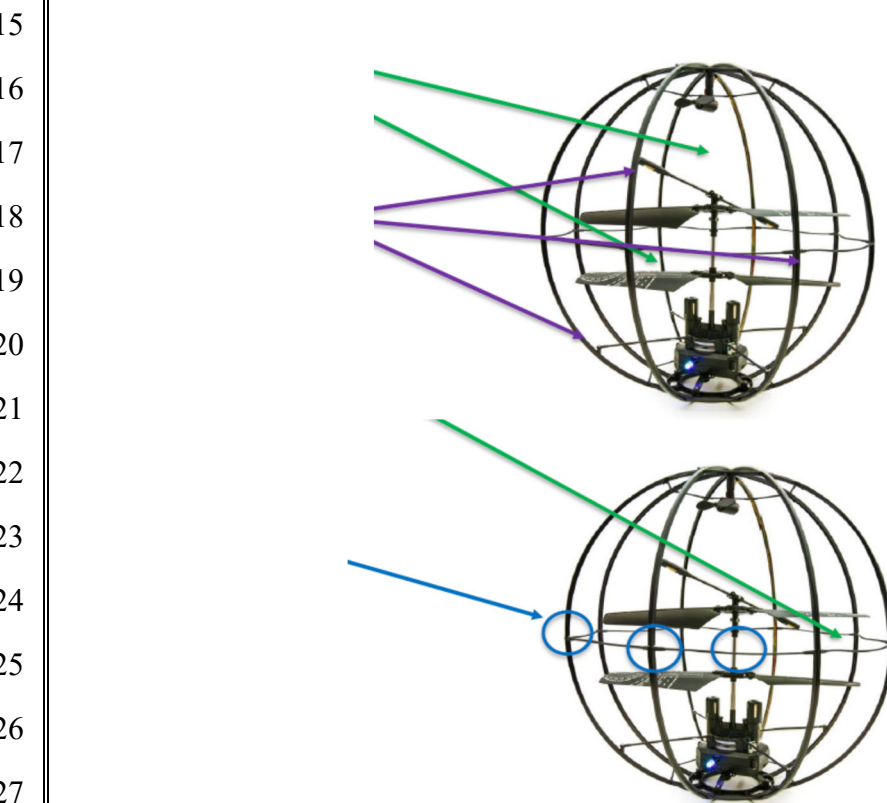
5 32. Plaintiff is informed and believes that Kyosho has infringed and  
6 continues to infringe the '667 Patent, either literally or under the doctrine of  
7 equivalents, through the manufacture and sale of infringing products under Kyosho's  
8 Space Ball brand, as incorporated into the Accused Products. Based upon public  
9 information, Kyosho has infringed and continues to infringe one or more claims of  
10 the '667 Patent, including Claim 1, because it ships distributes, makes, uses, imports,  
11 offers for sale, sells, and/or advertises devices that form a self-righting frame  
12 assembly for an aeronautical vehicle, said frame assembly (the "Space Ball" drone  
13 has a frame assembly for an aeronautical vehicle (flying machine, drone, etc.). The  
14 frame assemble causes the Space Ball drone to self-right when it falls to the ground  
15 at any position: either in any inverted state (other than right-side up). A pictorial  
16 example of the Accused Products is shown below:



1 The Accused Products have a frame structure with more than one vertically oriented  
2 frame member with an uninterrupted, continuous peripheral edge between the top  
3 portion and base portion



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13 The Accused Products have at least one generally horizontal oriented frame coupled  
14 to the vertical oriented frame member

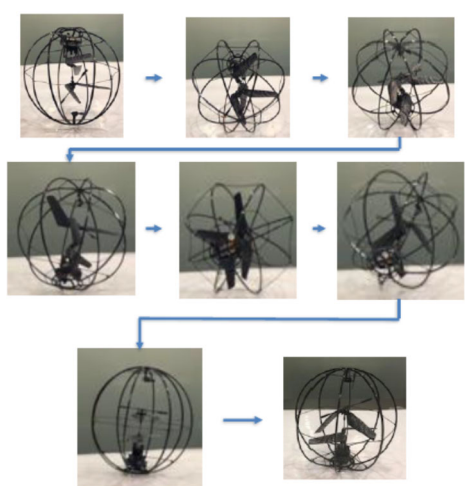
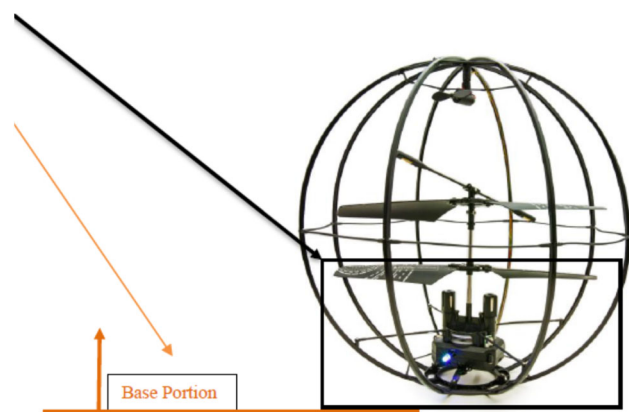


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with the two frame members defining a central void and arranged in a fixed special relationship



and includes a weighted bass in the lower section of the frame assembly that positions the center of gravity near the bottom of the frame assembly and an apex providing an initial instability to start a self-righting process when placed in and off-kilter and inverted orientation.



1  
2 33. Despite knowledge of the '667 Patent as early as the date of service of  
3 the Original Complaint in this action, based upon public information, Kyosho  
4 continues to encourage, instruct, enable, and otherwise cause its customers to use its  
5 products and services, in a manner which infringes the '667 Patent.

6 34. Based upon public information, Kyosho has intentionally induced and  
7 continues to induce infringement of one or more claims of the '667 Patent in this  
8 district and elsewhere in the United States, by its intentional acts which have  
9 successfully, among other things, encouraged, instructed, enabled, and otherwise  
10 caused Kyosho's customers to use the Accused Products and Services in an infringing  
11 manner. To the extent that Kyosho is not the only direct infringer of the '667 Patent,  
12 it instructs its customers on how to infringe the '667 Patent through its support and  
13 sales to them, including their government and commercial clients. See  
14 [https://www.amazon.com/Space-Ball-Infrared-Helicopter-  
15 Gyroscope/dp/B009NNM5DU/ref=sr\\_1\\_3?crid=39KOJIZ8CO08M&keywords=kyo  
16 sho+helicopters&qid=1553687837&s=gateway&prefix=kyosho+heli%2Ctoys-and-  
17 games%2C127&sr=8-3/](https://www.amazon.com/Space-Ball-Infrared-Helicopter-Gyroscope/dp/B009NNM5DU/ref=sr_1_3?crid=39KOJIZ8CO08M&keywords=kyosho+helicopters&qid=1553687837&s=gateway&prefix=kyosho+heli%2Ctoys-and-games%2C127&sr=8-3/) (last visited March 27, 2019).

18 35. Defendant's aforesaid activities have been without authority and/or  
19 license from Plaintiff.

20 36. Plaintiff is entitled to recover from Defendant the damages sustained by  
21 Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial,  
22 which, by law, cannot be less than a reasonable royalty, together with interest and  
23 costs as fixed by this Court under 35 U.S.C. § 284.

24 37. Defendant's infringement of Plaintiff's rights under the '667 Patent will  
25 continue to damage Plaintiff, causing irreparable harm to Plaintiff for which there is  
26 no adequate remedy at law, unless enjoined by this Court.



**COUNT III****(INFRINGEMENT OF U.S. PATENT NO. 9,216,808)**

Plaintiff re-alleges and incorporates by reference each of Paragraphs above.

38. Plaintiff is informed and believes that Kyosho has infringed and continues to infringe the '808 Patent, either literally or under the doctrine of equivalents, through the manufacture and sale of infringing products under Kyosho's Space Ball brand, as incorporated into the products identified above. Based upon public information, Kyosho has infringed and continues to infringe one or more claims of the '808 Patent, including Claim 1, because it ships distributes, makes, uses, imports, offers for sale, sells, and/or advertises devices that form a self-righting aeronautical vehicle with a self-righting frame assembly, said frame assembly (the "Space Ball" drone has a frame assembly for an aeronautical vehicle (flying machine, drone, etc.). The frame assemble causes the Space Ball drone to self-right when it falls to the ground at any position: either in any inverted state (other than right-side up). A pictorial example of the Accused Products is shown below:



The Accused Products include a self-righting frame assembly with multiple frame members arranged in a fixed spatial relationship that provide a passageway for airflow to the interior void



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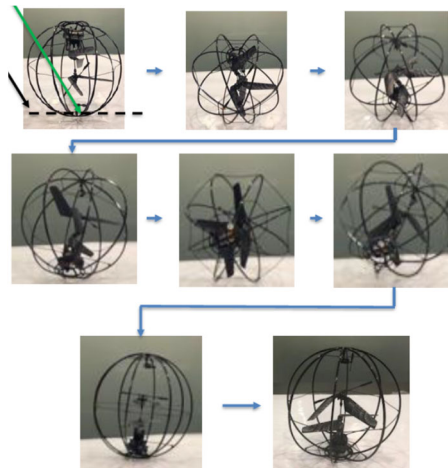
a portion of the frame members form a dome shaped section with an apex (and protrusion generally centered within the section



and a propulsion system within the interior void



1 where the apex and protrusion provide an initial instability to begin a self-righting  
 2 process when the frame assembly is placed on a generally horizontal surface and in  
 3 contact with the apex and protrusion.



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 13 39. Despite knowledge of the '808 Patent as early as the date of service of  
 14 the Original Complaint in this action, based upon public information, Kyosho  
 15 continues to encourage, instruct, enable, and otherwise cause its customers to use its  
 16 products and services, in a manner which infringes the '808 Patent.

17 40. Based upon public information, Kyosho has intentionally induced and  
 18 continues to induce infringement of one or more claims of the '808 Patent in this  
 19 district and elsewhere in the United States, by its intentional acts which have  
 20 successfully, among other things, encouraged, instructed, enabled, and otherwise  
 21 caused Kyosho's customers to use the Accused Products and Services in an infringing  
 22 manner. To the extent that Kyosho is not the only direct infringer of the '808 Patent,  
 23 it instructs its customers on how to infringe the '808 Patent through its support and  
 24 sales to them, including their government and commercial clients. See  
 25 [https://www.amazon.com/Space-Ball-Infrared-Helicopter-](https://www.amazon.com/Space-Ball-Infrared-Helicopter-Gyroscope/dp/B009NNM5DU/ref=sr_1_3?crd=39KOJIZ8CO08M&keywords=kyo)  
 26 [Gyroscope/dp/B009NNM5DU/ref=sr\\_1\\_3?crd=39KOJIZ8CO08M&keywords=kyo](https://www.amazon.com/Space-Ball-Infrared-Helicopter-Gyroscope/dp/B009NNM5DU/ref=sr_1_3?crd=39KOJIZ8CO08M&keywords=kyo)

1 [sho+helicopters&qid=1553687837&s=gateway&prefix=kyosho+heli%2Ctoys-and-](http://sho+helicopters&qid=1553687837&s=gateway&prefix=kyosho+heli%2Ctoys-and-)  
2 [games%2C127&sr=8-3/](http://games%2C127&sr=8-3/) (last visited March 27, 2019).

3 41. Defendant's aforesaid activities have been without authority and/or  
4 license from Plaintiff.

5 42. Plaintiff is entitled to recover from Defendant the damages sustained by  
6 Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial,  
7 which, by law, cannot be less than a reasonable royalty, together with interest and  
8 costs as fixed by this Court under 35 U.S.C. § 284.

9 43. Defendant's infringement of Plaintiff's rights under the '808 Patent will  
10 continue to damage Plaintiff, causing irreparable harm to Plaintiff for which there is  
11 no adequate remedy at law, unless enjoined by this Court.

12 **COUNT IV**

13 **(INFRINGEMENT OF U.S. PATENT NO. 9,434,462)**

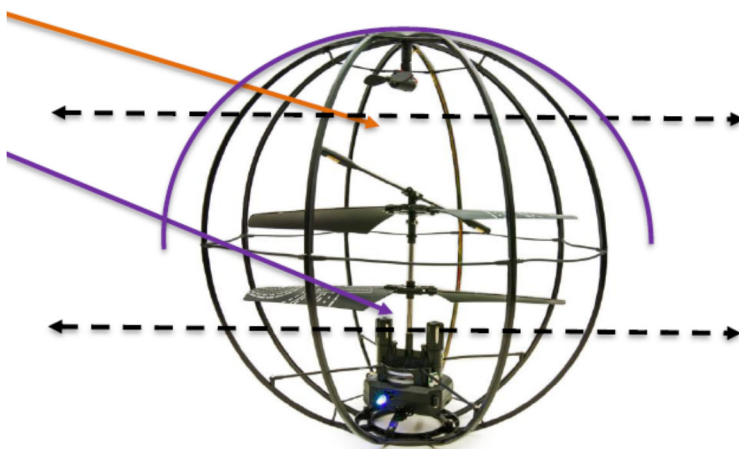
14 44. Plaintiff re-alleges and incorporates by reference each of Paragraphs  
15 above.

16 45. Plaintiff is informed and believes that Kyosho has infringed and  
17 continues to infringe the '462 Patent, either literally or under the doctrine of  
18 equivalents, through the manufacture and sale of infringing products under Kyosho's  
19 Space Ball brand, as incorporated into the Accused Products. Based upon public  
20 information, Kyosho has infringed and continues to infringe one or more claims of  
21 the '462 Patent, including Claim 1, because it ships distributes, makes, uses, imports,  
22 offers for sale, sells, and/or advertises devices that form a self-righting aeronautical  
23 vehicle (the "Space Ball" drone has a frame assembly for an aeronautical vehicle  
24 (flying machine, drone, etc.). The frame assemble causes the Space Ball drone to  
25 self-right when it falls to the ground at any position: either in any inverted state (other  
26 than right-side up). A pictorial example of the Accused Products is shown below:  
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The Accused Products has a self-righting substantially dome shaped vehicle body having an upper region comprising an upper airflow passageway at an upper region, a lower airflow passageway at a lower region, and the Accused Products further have and a convex exterior surface extending between the upper region and the lower region, the self-righting vehicle body defining an interior void, the upper airflow passageway and the lower airflow passageway enable airflow into and from the interior void of the self-righting aeronautical vehicle.



The Accused Products have at least one of an apex and a protrusion located generally centered within the upper region of the substantially dome shaped vehicle body.

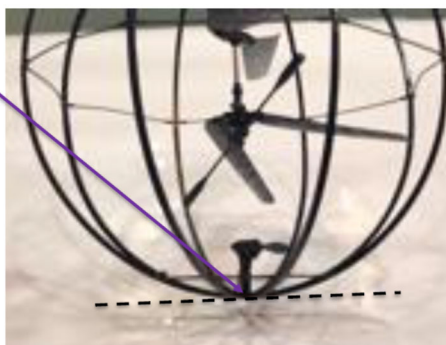
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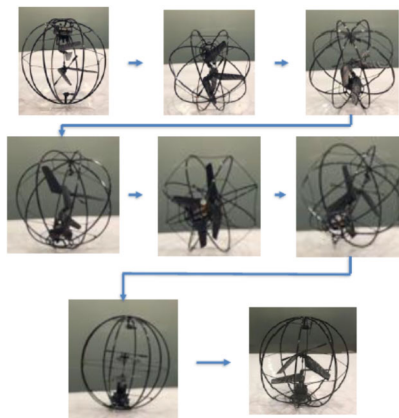


The Accused Products further has a propulsion system located within the interior void.



The at least one of the apex and the protrusion is adapted to provide an initial instability to begin a self-righting process when said frame assembly lands from a position in air onto a generally horizontal surface oriented having the at least one of the apex and the protrusion contacting the generally horizontal surface.





46. Despite knowledge of the '462 Patent as early as the date of service of the Original Complaint in this action, based upon public information, Kyosho continues to encourage, instruct, enable, and otherwise cause its customers to use its products and services, in a manner which infringes the '462 Patent.

47. Based upon public information, Kyosho has intentionally induced and continues to induce infringement of one or more claims of the '462 Patent in this district and elsewhere in the United States, by its intentional acts which have successfully, among other things, encouraged, instructed, enabled, and otherwise caused Kyosho's customers to use the Accused Products and Services in an infringing manner. To the extent that Kyosho is not the only direct infringer of the '462 Patent, it instructs its customers on how to infringe the '462 Patent through its support and sales to them, including their government and commercial clients. See [https://www.amazon.com/Space-Ball-Infrared-Helicopter-Gyroscope/dp/B009NNM5DU/ref=sr\\_1\\_3?crd=39KOJIZ8CO08M&keywords=kyosho+helicopters&qid=1553687837&s=gateway&sprefix=kyosho+heli%2Ctoys-and-games%2C127&sr=8-3/](https://www.amazon.com/Space-Ball-Infrared-Helicopter-Gyroscope/dp/B009NNM5DU/ref=sr_1_3?crd=39KOJIZ8CO08M&keywords=kyosho+helicopters&qid=1553687837&s=gateway&sprefix=kyosho+heli%2Ctoys-and-games%2C127&sr=8-3/) (last visited March 27, 2019).

48. Defendant's aforesaid activities have been without authority and/or license from Plaintiff.



1 49. Plaintiff is entitled to recover from Defendant the damages sustained by  
2 Plaintiff as a result of Defendant's wrongful acts in an amount subject to proof at trial,  
3 which, by law, cannot be less than a reasonable royalty, together with interest and  
4 costs as fixed by this Court under 35 U.S.C. § 284.

5 50. Defendant's infringement of Plaintiff's rights under the '462 Patent will  
6 continue to damage Plaintiff, causing irreparable harm to Plaintiff for which there is  
7 no adequate remedy at law, unless enjoined by this Court.

8 **JURY DEMAND**

9 51. Plaintiff demands a trial by jury on all issues.  
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11 **PRAYER FOR RELIEF**

12 52. Plaintiff respectfully requests the following relief:

- 13 A. An adjudication that one or more claims of the Patents-in-Suit has  
14 been infringed, either literally and/or under the doctrine of  
15 equivalents, by the Defendant;
- 16 B. An adjudication that Defendant has induced infringement of one  
17 or more claims of the Patents-in-Suit;
- 18 C. An award of damages to be paid by Defendant adequate to  
19 compensate Plaintiff for Defendant's past infringement and any  
20 continuing or future infringement up until the date such judgment  
21 is entered, including interest, costs, and disbursements as justified  
22 under 35 U.S.C. § 284 and, if necessary to adequately compensate  
23 Plaintiff for Defendant's infringement, an accounting of all  
24 infringing sales including, but not limited to, those sales not  
25 presented at trial;
- 26 D. A grant of permanent injunction pursuant to 35 U.S.C. § 283,  
27 enjoining the Defendant and its respective officers, agents,  
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servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, from further acts of infringement with respect to any one or more of the claims of the Patents-in-Suit;

E. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and costs in accordance with 35 U.S.C. § 285; and,

F. Any further relief that this Court deems just and proper.

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Respectfully submitted,

Dated: April 26, 2019

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Attorneys For Plaintiff,  
*ADVANCED AERODYNAMICS, LLC*

\* *pro hac vice* to be applied for

List of Attached Exhibits:

- A. U.S. Patent No. 8,528,854
- B. U.S. Patent No. 9,067,667
- C. U.S. Patent No. 9,216,808
- D. U.S. Patent No. 9,434,462
- E. Offer For Sale Of Space Ball Drone

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