

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Axon Enterprise, Inc., Dedrone Holdings, Inc., and Skydio, Inc.

Petitioners,

v.

Airspace Defense, Inc.

Patent Owner

Case No. IPR2025-00525

U.S. Patent No. 10,713,959

PATENT OWNER REPLY TO
PETITIONERS' SUBMISSION RE:
THE BOARD'S AUGUST 27, 2026 ORDER

Per the Board’s Order (Paper 43) dated August 27, 2026 regarding *Dental Monitoring SAS v. Align Tech.*, 2026 WL 2291181 (Fed. Cir. Aug. 10, 2026), Patent Owner (“PO”) submits this Response to the claim chart that Petitioners filed on September 1, 2026 (Paper 44). As shown below, PO respectfully submits that the Beard-Provisional (EX1009) does not provide written description support for at least one element of claim 1 of U.S. Patent No. 10,733,894 (EX1008) (“Beard”), and therefore, neither qualifies as prior art under *Dental Monitoring*.

Beard’s claim element [1c] recites “determine, based on the received position signals and an altitude of the UAS , one or more of a) a launch position corresponding to *a launch point of a UAS* and b) a current position of the UAS.” Paper 44 at 7. As a threshold matter, even though [1c] recites “one or more of,” “determine[ing] ... the launch position corresponding to a launch point of a UAS” is a claimed alternative and is therefore “claimed subject matter.” § 112(b). Therefore, Beard-Provisional must show possession of *this* subject matter. *Ariad Pharmaceuticals, Inc. v. Eli Lilly and Co.*, 598 F.3d 1336, 1351 (Fed. Cir. 2010); *In re Wilke*, 314 F. 2d 558, 563 (C.C.P.A. 1963) (holding that when a claim limitation lists disjunctive alternatives, “we must look to the specification to determine whether or not it contains the written description required by 35 U.S.C. § 112 with regard to the product defined *by each member* of the group called for by the claim”).

Petitioners cite Beard-Provisional’s disclosure of the GPS and a barometer,

and argue that the disclosure of the “Return to Home” describes the determination of the launch position. *Id.* at 7-9; EX1009 at 27-28. The first flaw in this argument is that Beard-Provisional does not describe the “Home” of its UAS as a launch point. A launch point in Beard-Provisional is not necessarily or always the UAS’s “Home” because Beard-Provisional describes the use of waypoints. *See* EX1009 at 28. If a UAS launches from a waypoint, that waypoint, and not Home, is the launch point. Second, even when the launch point is Home, Beard-Provisional does not describe determining the position of Home based on the received position signals and the UAS altitude. That such a determination may be obvious given the disclosure of the GPS, barometer, and the “Return to Home” feature, “does not satisfy the requirement” of § 112. *Ariad*, 598 F.3d at 1352. Therefore, Beard-Provisional does not provide written description support for [1c].

Beard’s claim element [1g] recites “encode at least one identifier signal based on one or more of the launch position, the current position, and the configuration data.” Paper 44 at 13-14. Here again, the written description must show encoding an identifier signal based on *each of* the launch position, the current position, and the configuration data (as well as combinations thereof). *See Eden Park Illumination, Inc. v. Neister*, No. IPR2022-00381, 2023 WL 7552766, at *8 (P.T.A.B. Nov. 14, 2023) (requiring “written description support for all three” recited alternatives). Beard-Provisional discloses different UAS identifiers including the “registration

number,” “Drone ID,” “Drone ID signature,” and per Petitioners, the UAS registration number is the claimed configuration data. EX1009 at 17-19; Paper 44 at 10-11. Beard-Provisional also discloses transmissions of these identifiers and of “sUAS position” and a “digital signature.” *See* EX1009 at 17-19.

But, nowhere does Beard-Provisional describe or even suggest encoding an identifier signal based on the launch position. *See generally id.* Petitioner’s speculation that “[t]he position data of the sUAS includes” “the launch position of the sUAS” is simply not supported by any of the cited disclosures. For example, the disclosures mention Home/Waypoint, but only in the context of *returning / proceeding to Home / waypoint* and not in the context of *launching* therefrom. Paper 44 at 13; EX1009, 17, 18, 19 21. Additionally, the cited examples of the transmitting the sUAS position do not support the expressly recited “or more” species of Beard’s 1[g] where an identifier signal can be encoded based on *two* positions (i.e. encoding *both* the “launch position” *and* the “current position”). *See Ex Parte Ohshiro*, 14 U.S.P.Q.2d 1750 (B.P.A.I. 1989) (limitation “at least one of said piston and said cylinder having a recessed channel formed therein” found invalid for lack of written description due to lack of disclosure of “piston’ species”). Therefore, Beard-Provisional does not provide written description support for [1g] as well. Accordingly, neither Beard nor the Beard-Provisional qualifies as prior art under *Dental Monitoring*.

Dated: September 10, 2026

Respectfully submitted,

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Certificate of Service

The undersigned certifies that pursuant to 37 C.F.R. § 42.6(e), a copy of the foregoing Patent Owner Response was served via email on September 10, 2026 (per counsel's consent) to lead and backup counsel of record for Petitioners as follows:

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