

the Court within sixty days of the issuance and effective date of the Order.

Each of the Petitioners has an interest in the commercial development and use of model aircraft, also referred to in popular media as civilian “drones” or by the more technical term “unmanned aircraft systems” (“UAS”). Petitioners have standing under 49 U.S.C. § 46110(a) to apply for review of the Order because the Order purports to make Petitioners’ commercial activities involving these devices subject to, in violation of, or prohibited by, aviation regulations.

Petitioner UAS Fund was incorporated in early 2014 to provide infrastructure financing to the emerging commercial UAS industry. This privately-financed platform is working to unlock the benefits of UAS commercialization, economic development, and job creation in the United States. The UAS Fund is partnering with aerospace companies, and state and local governments to accelerate UAS development and deployment nationwide. The Order poses a significant immediate hardship to the UAS Fund by purporting to greatly restrict or outright prohibit the operation, research, development and testing of UAS. The ongoing ability of companies, entrepreneurs, state agencies, universities and others to freely research, develop, test and deploy UAS, as they had been doing prior to the Order, is crucial to the financial success of the UAS Fund. This Order disrupts the ability of the UAS Fund to invest in American companies.

Petitioner SkyPan has for 16 years engaged in the business of aerial photography using small radio-control model helicopters. These model helicopters capture “future view” panoramic images from buildings that have yet to be constructed. The photographs are most often used by SkyPan's real estate developer and architectural clients to fund, design & market residential and office towers nationwide. The Order poses a grave threat to SkyPan’s entire business model, and the jobs of its eight employees, by purporting to regulate, restrict, or even completely prohibit, use of model aircraft technology in all commercial photography applications.

Petitioner Sachs, a resident of Connecticut, is an FAA-Licensed Commercial Pilot with a Rotorcraft-Helicopter Rating who operates model aircraft for various commercial and non-hobbyist purposes. Under the business name Drone Pilots Association, Sachs has gathered together over 1,400 association members who are involved or interested in the commercial or non-hobby use of model aircraft technologies and who are impacted by the Order. Prior to the Order, Sachs assisted the Branford Connecticut Fire Department in assessing the scene of a quarry fire using a model aircraft. The use of the model aircraft saved fire department resources, improved public safety, and shortened the duration of an area evacuation and, according to the Fire Chief, prevented the injury or death of fire fighters.

Because of the purported restrictions imposed by the Order, neither Sachs nor other DPA members are able to offer commercial photography, non-hobby aerial-view safety services, paid model aircraft training, non-hobby training videos involving model aircraft operations, or any other services involving model aircraft that may have an incidental business or not strictly “hobby” purpose.

FPV Manuals does business as GetFPV and Lumenier, and employs 12 people in Florida. GetFPV is an online retailer that focuses on the resale of model aircraft, cameras, and associated equipment. Lumenier is a United States designer and manufacturer of multi-rotor model aircraft and related equipment. The Order impacts them both severely, in particular by purporting to prohibit the use of certain “first person view” equipment to operate model aircraft. GetFPV has experienced lost revenues. Customers have canceled orders because the Order purportedly directs that they can no longer legally use model aircraft equipment in the way they have previously. The Order also purports to prohibit GetFPV from test-flying the equipment prior to re-selling it to customers, which it had been routinely doing to ensure quality control and customer support. On the product development side, the Order impacts Lumenier's research and development and rapid-prototyping efforts by purportedly prohibiting the frequent test flights Lumenier performs during product development. Lumenier has a roster of

compensated model aircraft “pilots” that help test its equipment and produce promotional videos for the brand. The Order purports to prohibit those people from continuing their activities. One pilot has resigned because of the Order.

As will be set out more specifically in briefing that will follow, The Order is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, in excess of statutory jurisdiction, authority, or limitations, and without observance of procedure required by law. This Petition should be granted, and the Order should be set aside, vacated, and/or reversed.

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