

**UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

UBERFAN, LLC)	Civil Action No. _____
)	
Plaintiff,)	
)	
v.)	
)	
SNAP, INC.)	
Defendant.)	

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff UberFan, LLC (“UberFan” or “Plaintiff”) files this Original Complaint for patent infringement against Snap, Inc. (“Snap” or “Defendant”), alleging as follows:

NATURE OF THE SUIT

1. This is a claim for patent infringement arising under the patent law of the United States, Title 35 of the United States Code.

THE PARTIES

2. Plaintiff UberFan is a Minnesota limited liability company having an address at 3109 Hennepin Avenue South, Minneapolis, MN 55408, and may be served through the undersigned counsel of record.

3. Upon information and belief, Defendant Snap is a corporation organized under the laws of Delaware. Snap is registered to conduct business in Delaware and may be served via its registered agent, Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, 35 U.S.C. § 101, *et seq.* This Court's jurisdiction over this action is proper under the above statutes, including 35 U.S.C. § 271, *et seq.*, 28 U.S.C. § 1331 (federal question jurisdiction), and § 1338 (jurisdiction over patent actions).

5. This Court has personal jurisdiction over Snap because Snap is a Delaware corporation. Moreover, Snap, directly and through subsidiaries or intermediaries, has committed and continues to commit acts of infringement of UberFan's rights in the Asserted Patents in this District by, among other things, making, using, offering to sell, selling, and importing products and/or services that infringe the Asserted Patents. Snap has (1) operated the Internet website, <https://www.snapchat.com/>, and provided a mobile application (the "Snapchat app"), which is available to and accessed by users within this judicial district; (2) transacted business within this judicial district; (3) infringed, directly and/or indirectly, UberFan's patent rights in this judicial district; (4) established regular and systematic business contacts within the State of Delaware; and (5) continued to conduct such business in Delaware through the continued operation within the district.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1400(b). Defendant is incorporated in Delaware and therefore resides in Delaware.

FACTUAL BACKGROUND

7. This action concerns U.S. Patent Nos. 9,477,744 (the '744 Patent) 9,727,634 (the '634 Patent), 10,740,305 (the '305 Patent), and 10,963,439 (the '439 Patent) (collectively the "Asserted Patents"), true and correct copies of which are attached as Exhibits A–D.

8. Plaintiff is the owner of the entire right, title and interest in the Asserted Patents, including the right to sue for, to collect and receive damages for past, present and future

infringement and to seek equitable relief or any other allowable remedy for infringement of the Asserted Patents.

9. The '744 Patent, entitled "Event-Related Media Management System," duly and legally issued on October 25, 2016, from U.S. Patent Application No. 14/944,211, filed on November 18, 2015, naming as inventors Terrence J. Barthel and Jeffery P. Ess.

10. The '744 Patent is a continuation of application No. 14/274,199, filed on May 9, 2014.

11. To the extent required, Plaintiff has complied with all marking requirements under 35 U.S.C. § 287 with respect to the '744 Patent.

12. The inventive aspects of the '744 Patent address technical problems related to a specific functionality of computing and storage devices storing, receiving, identifying, comparing, and automatically tagging data such that media content items can be made accessible based upon their relationship with one another.

13. The claims of the '744 Patent recite more than well-understood, routine, and conventional activities previously known to the industry. For example, the claims of the '744 Patent describe improvements in how to provide access to two media content items based upon a relationship between identified contextual information associated with the media items.

14. The claims of the '744 do not preempt all ways of managing media content such that multiple media items can be accessed based upon their relationship with one another, nor any abstract idea, law of nature, or natural phenomena.

15. As such, the claims of the '744 Patent recite elements containing inventive aspects that are sufficient to transform an abstract idea into a patent-eligible invention.

16. The '744 Patent claims patent-eligible subject matter under 35 U.S.C. § 101.

17. The '634 Patent, entitled "Event-Related Media Management System," duly and legally issued on August 8, 2017, from U.S. Patent Application No. 15/469,136, filed on March 24, 2017, naming as inventors Terrence J. Barthel and Jeffery P. Ess.

18. The '634 Patent is a continuation of application No. 15/282,281, filed on September 30, 2016, which is a continuation of application No. 14/944,211, now the '744 Patent, which is a continuation of application No. 14/274,199, filed on May 9, 2014.

19. To the extent required, Plaintiff has complied with all marking requirements under 35 U.S.C. § 287 with respect to the '634 Patent.

20. The inventive aspects of the '634 Patent address technical problems related to computing and storage devices storing event-related data associated with sporting events, identifying contextual information for media content items, and automatically tagging media content items related to those sporting events based upon the contextual information.

21. The claims of the '634 Patent recite more than well-understood, routine, and conventional activities previously known to the industry. For example, the claims of the '634 Patent describe improvements in how to automatically tag media content items associated with sporting events.

22. The claims of the '634 do not preempt all ways of tagging media content items, nor any abstract idea, law of nature, or natural phenomena.

23. As such, the claims of the '634 Patent recite elements containing inventive aspects that are sufficient to transform an abstract idea into a patent-eligible invention.

24. The '634 Patent claims patent-eligible subject matter under 35 U.S.C. § 101.

25. The '305 Patent, entitled "Event-Related Media Management System," duly and legally issued on August 11, 2020, from U.S. Patent Application No. 15/809,820, filed on November 10, 2017, naming as inventors Terrence J. Barthel and Jeffery P. Ess.

26. The '305 Patent is a continuation of application No. 14/274,199, filed on May 9, 2014.

27. To the extent required, Plaintiff has complied with all marking requirements under 35 U.S.C. § 287 with respect to the '305 Patent.

28. The inventive aspects of the '305 Patent address technical problems related to a specific functionality of computing and storage devices storing, receiving, identifying, comparing, and automatically tagging data such that media content items can be made accessible based upon their relationship with one another.

29. The claims of the '305 Patent recite more than well-understood, routine, and conventional activities previously known to the industry. For example, the claims of the '305 Patent describe improvements in how to provide access to two media content items based upon a relationship between identified contextual information associated with the media items.

30. The claims of the '305 do not preempt all ways of managing media content such that multiple media items can be accessed based upon their relationship with one another, nor any abstract idea, law of nature, or natural phenomena.

31. As such, the claims of the '305 Patent recite elements containing inventive aspects that are sufficient to transform an abstract idea into a patent-eligible invention.

32. The '305 Patent claims patent-eligible subject matter under 35 U.S.C. § 101.

33. The '439 Patent, entitled "Event-Related Media Management System," duly and legally issued on March 30, 2021, from U.S. Patent Application No. 17/119,910, filed on November 10, 2017, naming as inventors Terrence J. Barthel and Jeffery P. Ess.

34. The '439 Patent is a continuation of application No. 14/274,199, filed on May 9, 2014.

35. To the extent required, Plaintiff has complied with all marking requirements under 35 U.S.C. § 287 with respect to the '439 Patent.

36. The inventive aspects of the '439 Patent address technical problems related to a specific functionality of computing and storage devices transmitting, receiving, identifying, and associating data in order to display media content items including associated event data and special effects.

37. The claims of the '439 Patent recite more than well-understood, routine, and conventional activities previously known to the industry. For example, the claims of the '439 Patent describe improvements in how to display a media content items with associated event data based at least in part on contextual information transmitted from a mobile device to a server device and using a special effect.

38. The claims of the '439 do not preempt all ways of managing media content such that media items can be it can be displayed with event data and special effects, nor any abstract idea, law of nature, or natural phenomena.

39. As such, the claims of the '439 Patent recite elements containing inventive aspects that are sufficient to transform an abstract idea into a patent-eligible invention.

40. The '439 Patent claims patent-eligible subject matter under 35 U.S.C. § 101.

41. Defendant has been put on express notice of the Asserted Patents prior to the filing of this Complaint and yet have continued to infringe the Asserted Patents.

42. UberFan and its representatives have contacted Snap about UberFan's technology on over 30 occasions.

43. UberFan contacted Snap regarding UberFan's technology on at least the following occasions.

44. On June 5, 2014, Rob Schram of Corum Group – UberFan's mergers and acquisitions broker – emailed Snap with a one-page UberFan executive summary.

45. On July 28, 2014, Terrence Barthel e-mailed Evan Spiegel – Snapchat's co-founder and CEO regarding UberFan's technology, and requested a meeting.

46. On November 11, 2016, after the issuance of the '744 Patent, UberFan sent letters via certified mail that discussed UberFan's patent to the following recipients at Snap: Evan Spiegel, Bobby Murphy, Imran Khan, Nick Bell, Tom Conrad, Ben Schwerin, Phillipe Browning, and Brian Theisen.

47. On November 30, 2016, Terrence Barthel sent a LinkedIn message to Nick Bell – Snap's Vice President of Content – regarding how Snapchat's Live Score feature is the same as UberFan's patented technology. The e-mail read: "Our tech is the same as Live Scores/Live Stories for sports, but does much more and better, and is patented too. We can quickly enhance and expand Snapchat products, user experiences, media partnerships, competitive advantages and patent portfolio. Let's talk. May I send you a presentation in advance?"

48. On April 12, 2017, Rob Schram e-mailed David Brinker – Snap's Director of Business Development – regarding UberFan's patents.

49. On September 7, 2017, Terrence Barthel e-mailed Steve Hwang – Snap’s VP of Corporate Development – and Dena Gallucci – Snap’s Sr. Manager of Strategy and Corporate Development. The e-mail read: “Our company, UBERFAN, is currently considering M&A offers (represented by iBanker, Corum Group). Similar to Snapchat’s Live Score filters, UBERFAN automatically tags, indexes, captions and links sports data to sports media in real-time. In addition to our team and technologies, we believe our patents (9,477,744; 9,727,634; 9,754,013) would be of interest to Snap . . .”

50. On September 7, 2017, Steve Hwang replied to Terrence’s e-mail of that same day, indicating he was “happy to discuss.”

51. On September 13, 2017, representatives for UberFan had a conference call with representatives of Snap, including Steve Hwang and Dena Gallucci. On the call, Steve Hwang told UberFan that Snap does not buy patents.

52. On September 20, 2017, Dena Gallucci emailed Terrence Barthel stating that Snap “weren’t able to find a fit for UberFan.”

53. Thus, UberFan has placed Snap on express notice of the patent family at issue in this case, including expressly referencing the ‘744 and ‘634 patents.

COUNT I

(Snap’s Infringement of the ’744 Patent)

54. All previous paragraphs are reincorporated by reference as if fully set forth herein.

55. Snap has infringed and continues to infringe, literally and/or by the doctrine of equivalents, individually and/or jointly, at least Claim 1 of the ’744 Patent by making, using, testing, selling, offering for sale, or importing into the United States Accused Instrumentalities

covered by the '744 Patent. Accused Instrumentalities for direct infringement (and for underlying acts of direct infringement for indirect infringement claims) include the Snapchat application and its supporting infrastructure, which is an Event-Related Media Management System. Accused Instrumentalities also include methods performed by or for Snap, and methods performed by or for end-users of the Snapchat application. For non-limiting examples, *see, e.g.*, exemplary claim chart Exhibit E, which is incorporated herein by reference.


56. As discussed above, UberFan contacted Snap in writing regarding its technology at least as early as June 2014. Snap has had actual knowledge of the '744 patent since at least its date of issuance, October 25, 2016. Additionally, as discussed above Snap was put on express notice of the '744 Patent via e-mail on September 7, 2017.

57. Plaintiff's numerous communications to Snap regarding Snap's use of the technology claimed in the Asserted Patents demonstrate that Snap's continued use of the Accused Instrumentalities occurred with full knowledge of the Asserted Patents and Snap's infringement. Thus, Snap's infringement of the Asserted Patents is willful.

58. Snap has been and is now indirectly infringing the '744 Patent in violation of 35 U.S.C. § 271(b) at least by actively inducing its customers to directly infringe the '744 Patent at least by using Snapchat's application and has known and/or been willfully blind that its actions would lead to infringement. For example, Snap provides Snapchat's application to its customers and instructs its customers how to use it for the express purpose of having its customers use the Accused Product in violation of 35 U.S.C. § 271(a). For example, Snap instructs its customers on how to use the Snapchat applications "filters" and "lenses" in a manner that infringes the '744 Patent, with knowledge that the use of such filters and lenses will result in infringement:

How to Use Filters



Reframe your Snap with a Filter! Filters are design overlays that you add on top of your Snaps. After you take a Snap, swipe to see what's available. (Filters are different from [Lenses](#).)

Filters can add color effects, show venue info, feature your Bitmoji, show what you're doing, and more 

How to Add a Filter to your Snap

You can add Filters to photo and video Snaps.

To add a Filter to a Snap...

1. Create a Snap 
2. Swipe left or right to choose a Filter
3. Tap  to layer multiple Filters

See <https://support.snapchat.com/en-US/a/geofilters>

How to Use Lenses

Snapchat Lenses AR experiences transform the way you look and the world around you! Use Lenses while you create Snaps to add 3D effects, objects, characters, and transformations.




(Lenses are not the same thing as [Filters](#).)

Learn how to use Lenses and check out Lens Explorer for more fun!

Face Lenses

Face Lenses turn you and your friends into something new – like puppies, flower crown royalty, or even babies!

To use Face Lenses...

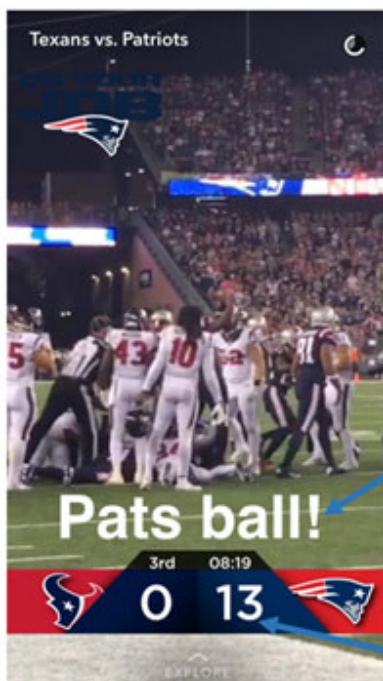
1. Go to the Camera screen
2. Tap on a **face** to launch the carousel 
3. Swipe on the carousel and tap one of the Lenses 
4. Tap or hold  to **capture the Snap!**

See <https://support.snapchat.com/en-US/article/face-world-lenses>. Thus, Snap solicits, instructs, aids and abets, and encourages its customers to purchase and use the Accused Product with knowledge that their use results in infringement.

59. In addition, Snap has been and is now contributing to infringement of the Patents-in-Suit under 35 U.S.C. § 271(c) by selling components of an infringing system, which are not a staple article or commodity of commerce suitable for substantial noninfringing uses. For example, Snapchat's application is a product, method, process, service and/or system which

provides contextualized media content in such a way that it contributes to the infringement of at least Claim 1 of the '744 Patent.

60. The Snapchat application includes particular software code that has no substantial non-infringing use. As a non-limiting example, the portion or component of the software code that is responsible for tagging a media content item with a particular event (Texans v. Patriots game) and particular event segment (3rd quarter) as illustrated in the following screenshot has no substantial non-infringing uses:



61. As a result of Snap's acts of infringement, Plaintiff has suffered, will continue to suffer, and is owed damages that are adequate to compensate it for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

COUNT II

(Snap's Infringement of '634 Patent)

62. All previous paragraphs are reincorporated by reference as if fully set forth herein.

63. Snap has infringed and continues to infringe, literally and/or by the doctrine of equivalents, individually and/or jointly, at least Claim 1 of the '634 Patent by making, using, testing, selling, offering for sale, or importing into the United States Accused Instrumentalities covered by the '634 Patent. Accused Instrumentalities for direct infringement (and for underlying acts of direct infringement for indirect infringement claims) include the Snapchat application and its supporting infrastructure, which is an Event-Related Media Management System. Accused Instrumentalities also include methods performed by or for Snap, and methods performed by or for end-users of the Snapchat application. For non-limiting examples, *see, e.g.*, exemplary claim chart Exhibit F, which is incorporated herein by reference.

64. As discussed above, UberFan contacted Snap in writing regarding its technology at least as early as June 2014. Therefore, Snap has had actual knowledge of the '634 patent since at least its date of issuance, August 8, 2017. Additionally, as discussed above, Snap was put on express notice of the '634 Patent via e-mail on September 7, 2017.

65. Plaintiff's numerous communications to Snap regarding Snap's use of the technology claimed in the Asserted Patents demonstrate that Snap's continued use of the Accused Instrumentalities occurred with full knowledge of the Asserted Patents and Snap's infringement. Thus, Snap's infringement of the Asserted Patents is willful.

66. Snap has been and is now indirectly infringing the '634 Patent in violation of 35 U.S.C. § 271(b) at least by actively inducing its customers to directly infringe the '634 Patent at least by using Snapchat's application and has known and/or been willfully blind that its actions would lead to infringement. For example, Snap provides Snapchat's application to its customers and instructs its customers how to use it for the express purpose of having its customers use the Accused Product in violation of 35 U.S.C. § 271(a). For example, Snap instructs its customers

on how to use the Snapchat applications “filters” and “lenses” in a manner that infringes the ’634 Patent, with knowledge that the use of such filters and lenses will result in infringement:

How to Use Filters

Reframe your Snap with a Filter! Filters are design overlays that you add on top of your Snaps. After you take a Snap, swipe to see what’s available. (Filters are different from [Lenses](#).)

Filters can add color effects, show venue info, feature your Bitmoji, show what you’re doing, and more 📷

How to Add a Filter to your Snap

You can add Filters to photo and video Snaps.

To add a Filter to a Snap...

1. [Create a Snap](#) 📷
2. Swipe left or right to choose a Filter
3. Tap 🔄 to layer multiple Filters

See <https://support.snapchat.com/en-US/a/geofilters>

How to Use Lenses

Snapchat Lenses AR experiences transform the way you look and the world around you! Use Lenses while you create Snaps to add 3D effects, objects, characters, and transformations.

(Lenses are not the same thing as [Filters](#).)

Learn how to use Lenses and check out Lens Explorer for more fun!

Face Lenses 🤖

Face Lenses turn you and your friends into something new – like puppies, flower crown royalty, or even babies!

To use Face Lenses...

1. Go to the Camera screen
2. Tap on a **face** to launch the carousel 📷
3. Swipe on the carousel and tap one of the Lenses 😊
4. Tap or hold 🔄 to [capture the Snap!](#)

See <https://support.snapchat.com/en-US/article/face-world-lenses>. Thus, Snap solicits, instructs, aids and abets, and encourages its customers to purchase and use the Accused Product with knowledge that their use results in infringement.

67. In addition, Snap has been and is now contributing to infringement of the Patents-in-Suit under 35 U.S.C. § 271(c) by selling components of an infringing system. Snapchat’s application is not a staple article or commodity of commerce suitable for substantial

noninfringing uses. For example, Snapchat's application is a product, method, process, service and/or system which provides contextualized media content in such a way that it contributes to the infringement of at least Claim 1 of the '634 Patent.

68. The Snapchat application includes particular software code that has no substantial non-infringing use. As a non-limiting example, the portion or component of the software code that is responsible for tagging a media content item with a particular event (Chiefs v. Broncos game) and particular action (touchdown catch) as illustrated in the following screenshot has no substantial non-infringing uses:



69. As a result of Snap's acts of infringement, Plaintiff has suffered, will continue to suffer, and is owed damages that are adequate to compensate it for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

COUNT III

(Snap's Infringement of '305 Patent)

70. All previous paragraphs are reincorporated by reference as if fully set forth herein.

71. Snap has infringed and continues to infringe, literally and/or by the doctrine of equivalents, individually and/or jointly, at least Claim 1 of the '305 Patent by making, using, testing, selling, offering for sale, or importing into the United States Accused Instrumentalities covered by the '305 Patent. Accused Instrumentalities for direct infringement (and for underlying acts of direct infringement for indirect infringement claims) include the Snapchat application and its supporting infrastructure, which is an Event-Related Media Management System. Accused Instrumentalities also include methods performed by or for Snap, and methods performed by or for end-users of the Snapchat application. For non-limiting examples, *see, e.g.*, exemplary claim chart Exhibit G, which is incorporated herein by reference.

72. As discussed above, UberFan contacted Snap in writing regarding its technology at least as early as June 2014. Therefore, Snap has had actual knowledge of the '305 patent since at least its date of issuance, August 11, 2020.


73. Plaintiff's numerous communications to Snap regarding Snap's use of the technology claimed in the Asserted Patents demonstrate that Snap's continued use of the Accused Instrumentalities occurred with full knowledge of the Asserted Patents and Snap's infringement. Thus, Snap's infringement of the Asserted Patents is willful.

74. Snap has been and is now indirectly infringing the '305 Patent in violation of 35 U.S.C. § 271(b) at least by actively inducing its customers to directly infringe the '305 Patent at least by using Snapchat's application and has known and/or been willfully blind that its actions would lead to infringement. For example, Snap provides Snapchat's application to its customers and instructs its customers how to use it for the express purpose of having its customers use the

Accused Product in violation of 35 U.S.C. § 271(a). For example, Snap instructs its customers on how to use the Snapchat applications “filters” and “lenses” in a manner that infringes the ’305 Patent, with knowledge that the use of such filters and lenses will result in infringement:

How to Use Filters



Reframe your Snap with a Filter! Filters are design overlays that you add on top of your Snaps. After you take a Snap, swipe to see what’s available. (Filters are different from [Lenses](#).)

Filters can add color effects, show venue info, feature your Bitmoji, show what you’re doing, and more 

How to Add a Filter to your Snap

You can add Filters to photo and video Snaps.

To add a Filter to a Snap...

1. [Create a Snap](#) 
2. Swipe left or right to choose a Filter
3. Tap  to layer multiple Filters

See <https://support.snapchat.com/en-US/a/geofilters>

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Snapchat Lenses AR experiences transform the way you look and the world around you! Use Lenses while you create Snaps to add 3D effects, objects, characters, and transformations.




(Lenses are not the same thing as [Filters](#).)

Learn how to use Lenses and check out Lens Explorer for more fun!

Face Lenses

Face Lenses turn you and your friends into something new – like puppies, flower crown royalty, or even babies!

To use Face Lenses...

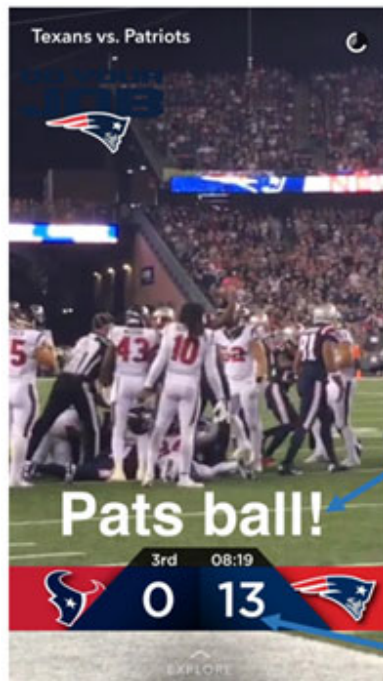
1. Go to the Camera screen
2. Tap on a **face** to launch the carousel 
3. Swipe on the carousel and tap one of the Lenses 
4. Tap or hold  to [capture the Snap](#)!

See <https://support.snapchat.com/en-US/article/face-world-lenses>. Thus, Snap solicits, instructs, aids and abets, and encourages its customers to purchase and use the Accused Product with knowledge that their use results in infringement.

75. In addition, Snap has been and is now contributing to infringement of the Patents-in-Suit under 35 U.S.C. § 271(c) by selling components of an infringing system. Snapchat’s

application is not a staple article or commodity of commerce suitable for substantial noninfringing uses. For example, Snapchat's application is a product, method, process, service and/or system which provides contextualized media content in such a way that it contributes to the infringement of at least Claim 1 of the '305 Patent.

76. The Snapchat application includes particular software code that has no substantial non-infringing use. As a non-limiting example, the portion or component of the software code that is responsible for tagging a media content item with a particular event (Texans v. Patriots game) and particular event segment (3rd quarter) as illustrated in the following screenshot has no substantial non-infringing uses:



77. As a result of Snap's acts of infringement, Plaintiff has suffered, will continue to suffer, and is owed damages that are adequate to compensate it for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

COUNT IV

(Snap's Infringement of '439 Patent)

78. All previous paragraphs are reincorporated by reference as if fully set forth herein.

79. Snap has infringed and continues to infringe, literally and/or by the doctrine of equivalents, individually and/or jointly, at least Claim 10 of the '439 Patent by making, using, testing, selling, offering for sale, or importing into the United States Accused Instrumentalities covered by the '439 Patent. Accused Instrumentalities for direct infringement (and for underlying acts of direct infringement for indirect infringement claims) include the Snapchat application and its supporting infrastructure, which is an Event-Related Media Management System. Accused Instrumentalities also include methods performed by or for Snap, and methods performed by or for end-users of the Snapchat application. For non-limiting examples, *see, e.g.*, exemplary claim chart Exhibit H, which is incorporated herein by reference.

80. As discussed above, UberFan contacted Snap in writing regarding its technology at least as early as June 2014. Therefore, Snap has had actual knowledge of the '439 patent since at least its date of issuance, March 30, 2021.


81. Plaintiff's numerous communications to Snap regarding Snap's use of the technology claimed in the Asserted Patents demonstrate that Snap's continued use of the Accused Instrumentalities occurred with full knowledge of the Asserted Patents and Snap's infringement. Thus, Snap's infringement of the Asserted Patents is willful.

82. Snap has been and is now indirectly infringing the '439 Patent in violation of 35 U.S.C. § 271(b) at least by actively inducing its customers to directly infringe the '439 Patent at least by using Snapchat's application and has known and/or been willfully blind that its actions would lead to infringement. For example, Snap provides Snapchat's application to its customers and instructs its customers how to use it for the express purpose of having its customers use the

Accused Product in violation of 35 U.S.C. § 271(a). For example, Snap instructs its customers on how to use the Snapchat applications “filters” and “lenses” in a manner that infringes the ’439 Patent, with knowledge that the use of such filters and lenses will result in infringement:

How to Use Filters



Reframe your Snap with a Filter! Filters are design overlays that you add on top of your Snaps. After you take a Snap, swipe to see what’s available. (Filters are different from [Lenses](#).)

Filters can add color effects, show venue info, feature your Bitmoji, show what you’re doing, and more 

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1. [Create a Snap](#) 
2. Swipe left or right to choose a Filter
3. Tap  to layer multiple Filters

See <https://support.snapchat.com/en-US/a/geofilters>

How to Use Lenses

Snapchat Lenses AR experiences transform the way you look and the world around you! Use Lenses while you create Snaps to add 3D effects, objects, characters, and transformations.




(Lenses are not the same thing as [Filters](#).)

Learn how to use Lenses and check out Lens Explorer for more fun!

Face Lenses

Face Lenses turn you and your friends into something new – like puppies, flower crown royalty, or even babies!

To use Face Lenses...

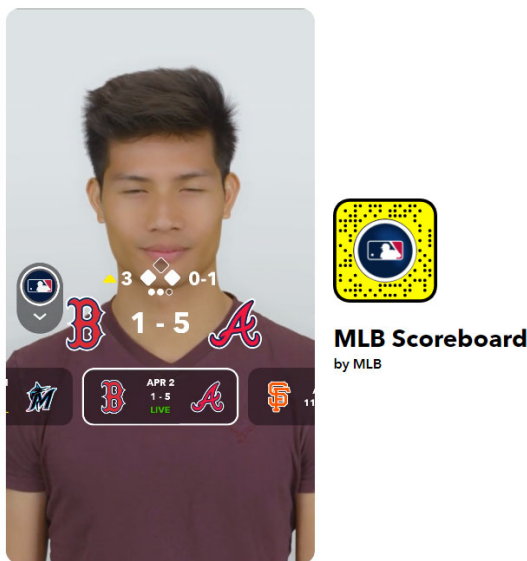
1. Go to the Camera screen
2. Tap on a **face** to launch the carousel 
3. Swipe on the carousel and tap one of the Lenses 
4. Tap or hold  to [capture the Snap](#)!

See <https://support.snapchat.com/en-US/article/face-world-lenses>. Thus, Snap solicits, instructs, aids and abets, and encourages its customers to purchase and use the Accused Product with knowledge that their use results in infringement.

83. In addition, Snap has been and is now contributing to infringement of the Patents-in-Suit under 35 U.S.C. § 271(c) by selling components of an infringing system. Snapchat’s

application is not a staple article or commodity of commerce suitable for substantial noninfringing uses. For example, Snapchat's application is a product, method, process, service and/or system which provides contextualized media content in such a way that it contributes to the infringement of at least Claim 10 of the '439 Patent.

84. The Snapchat application includes particular software code that has no substantial non-infringing use. As a non-limiting example, the portion or component of the software code that is responsible for tagging a media content item with a particular event (Braves v. Red Sox game) and particular event segment (top of the 3rd inning) as illustrated in the following screenshot has no substantial non-infringing uses:



See <https://lens.snapchat.com/4b6f99a5c3144e5b9ca83c04e7510d58>.

85. As a result of Snap's acts of infringement, Plaintiff has suffered, will continue to suffer, and is owed damages that are adequate to compensate it for the infringement under 35 U.S.C. § 284, but in no event less than a reasonable royalty.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for entry of judgement that:

(A) Snap is liable for infringing one or more claims of each of the Asserted Patents, directly and/or indirectly, literally and/or under the doctrine of equivalents under 35 U.S.C. §271;

(B) Snap shall pay damages sufficient to compensate Plaintiff for Snap's infringement under 35 U.S.C. § 284;

(C) Snap shall be subject to an accounting for infringement not presented at trial and an award of additional damages for any such infringement;

(D) Snap's infringement was and is willful and increasing the damages up to three times under 35 U.S.C. § 284, or such other enhancement of the award of damages that the Court deems appropriate;

(E) This action be determined to an exceptional case under 35 U.S.C. § 285 and awarding Plaintiff their reasonable attorneys' fees, costs and expenses;

(F) Plaintiff be awarded its costs and expenses incurred in this action;

(G) Plaintiff be awarded prejudgment and post-judgment interest; and

(H) Plaintiff be awarded such further relief as the Court deems just and appropriate.

DEMAND FOR A JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all issues triable of right by a jury.

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Respectfully submitted,

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