

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

EYESMATCH LTD.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.,
and SAMSUNG RESEARCH AMERICA, INC.,

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff EyesMatch Ltd. (“EyesMatch”) (“Plaintiff”), by and through its attorneys, files this Complaint for Patent Infringement against Defendants Samsung Electronics America, Inc. (“SEA”), Samsung Electronics Co., Ltd. (“SEC”), and Samsung Research America, Inc. (“SRA”) (collectively, “Samsung” or “Defendants”) and allege as follows:

NATURE OF THE ACTION

1. This is an action for patent infringement of U.S. Patent No. 8,982,109 (the “109 Patent”) and U.S. Patent No. 8,982,110 (the “110 Patent”) (collectively, the “Asserted Patents”). This action arises under the patent laws of the United States, Title 35, United States Code, including 35 U.S.C. § 271.

THE PARTIES

2. Plaintiff EyesMatch is incorporated under the laws of the British Virgin Islands with its principal place of business at c/o Hermes Corporate Service (BVI) Ltd., 6th Floor, Waters Edge, Building 1, Wickham’s Cay 2, Road Town, Tortola, British Virgin Islands.

3. Salvador Nissi Vilcovsky and Ofer Saban, the inventors of the patents asserted in this lawsuit, and the founders of EyesMatch and Memomi Labs, are pioneers in the field of digital mirrors and related technologies for computerized appearance depiction.

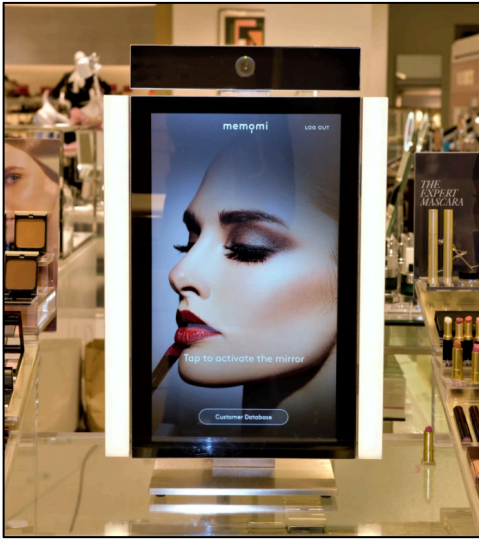
4. In 2004, well before the digital “selfie” became a universal form of self-expression in social media, Mr. Vilcovsky recognized that the proliferation of computing devices (*e.g.*, laptops, PDAs, mobile phones) integrated with cameras made possible a revolutionary “digital mirror”, enabled by appropriate software, that could both duplicate the functioning of a physical mirror, and greatly expand its capabilities. Mr. Vilcovsky recognized that, with a true digital mirror, users would want, *inter alia*, to: see themselves onscreen, as if they were looking in a mirror. While EyesMatch envisioned the digital mirror as a novel and unrealized way to capture, recall, compare, and share self-images, it recognized that its innovations had wide applicability to fields such as video calling and video conferencing.

5. In 2012, Mr. Saban joined Mr. Vilcovsky at EyesMatch and Memomi Labs to productize the patented technologies. Together, they developed and patented multiple innovations in digital mirror and appearance comparison technologies, including: “smart” cameras that can follow subjects around a room from a stationary lens; “eye-matching” to keep a subject’s face centered in the field of view; and virtual pan and zoom.

6. Today, Messrs. Saban and Vilcovsky’s patented products and technologies have powered a wide range of digital appearance comparison solutions that have been deployed by household names such as Sam’s Club, Walmart, Neiman Marcus, Luxottica, L’Oréal, Estee Lauder, Shiseido, DFS, Chanel, and LVMH, including virtual hair and makeup try-ons and virtual eyeglass fit and measurement.

7. Messrs. Saban and Vilcovsky’s patented products have received widespread

recognition for their innovative nature, including awards¹ and acclamatory press coverage – demonstrating the novelty and non-conventional nature of the inventions claimed in the Patents-in-Suit. For example, Allure magazine described Memomi’s “Memory Makeover” digital mirror for Neiman Marcus stores as “pure genius,”² and Memomi’s digital mirror product has been featured on Good Morning America providing virtual makeup try-ons using the patented technologies.³



<https://www.allure.com/story/neiman-marcus-high-tech-mirrors>



<https://www.racked.com/2017/4/19/15199318/tech-fitting-room>

¹ See, e.g., <https://vimeo.com/133031019> (innovation competition held by Japanese department store Isetan Mitsukoshi); <https://bold-awards.com/salute-the-boldest-of-the-bold/> (Bold Awards’ “Boldest Innovator” award).

² <https://www.allure.com/story/neiman-marcus-high-tech-mirrors>. See also “How Neiman Marcus innovates to adapt,” <https://nrf.com/blog/how-neiman-marcus-innovates-adapt> (“The Neiman Marcus iLab successfully introduced the ‘memory mirror,’ a digital mirror that can record a customer from different angles in the fitting room. The customer can then compare multiple outfits side-by-side or even solicit advice from friends on social media. The experiment was so well received that Neiman Marcus is working to expand the platform’s technology. A newer development is the memory makeover mirror, which allows a store’s beauty specialists to record makeup sessions with customers and then share a video tutorial so they can create the look at home.”); “Upscale stores try ‘smart’ mirrors to help customers shop,” <https://nypost.com/2015/05/11/upscale-stores-try-smart-mirrors-to-help-customers-shop/> (“The patented MemoryMirror from a Palo Alto, California-based company called MemoMi is one of the most advanced in this so-called virtual dressing. . .”).

³ <https://vimeo.com/217404337>.

8. To the extent marking or notice was required by 35 U.S.C. § 287, Plaintiff has complied with the requirements of that statute by marking Memomi's products with the Asserted Patents pursuant to 35 U.S.C. § 287(a).

9. Defendant SEA is a New York corporation having a principal place of business at 85 Challenger Road, Ridgefield Park, New Jersey 07660 and is a wholly-owned subsidiary of SEC. SEA may be served via its registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201. SEA has a regular and established places of business in the Eastern District of Texas, located at 6625 Excellence Way, Plano, Texas 75023.⁴ On information and belief, Samsung also employs full-time personnel such as engineers and senior managers at other locations in the Eastern District of Texas, including 1100 Klein Road, Plano, Texas 75074.⁵

10. On information and belief, SEA sells Samsung smartphones, tablets, and laptop computers. In its 2021 Consolidated Financial Statement, SEC lists SEA as a fully owned subsidiary in the industry of "Sale of electronic devices".⁶

11. On information and belief, Defendant SRA is a wholly owned subsidiary corporation of SEC duly organized and existing under the laws of the State of California, having a regular and established place of business in the Eastern District of Texas, including at 6625 Excellence Way, Plano, Texas 75023.⁷

12. On information and belief, SRA conducts research and development in connection

⁴ <https://news.samsung.com/us/samsung-electronics-america-open-flagship-north-texas-campus/>

⁵ Ex. C (Job Search Results) <https://www.samsung.com/us/careers/b2bapp/#careers>.

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https://images.samsung.com/is/content/samsung/assets/global/ir/docs/2021_con_quarter04_all.pdf

⁷ <https://www.sra.samsung.com/locations/>

with Samsung smartphones, tablets, and laptop computers. In its 2021 Consolidated Financial Statement, SEC lists SRA as a fully owned subsidiary in the industry of “R&D”.⁸

13. On information and belief, Defendant SEC is a company duly organized and existing under the laws of the Republic of Korea with its principal offices at 129 Samsung-ro, Yeongtong-gu, Suwon-si, Gyeonggi-do, 443-742 in the Republic of Korea. SEC may be served at least by process under the Hague Convention.

14. On information and belief, SEC makes, sells, and directs the making and selling of mobile devices such as smartphones, tablets, and laptop computers.

15. On information and belief, SEC authorizes sellers to market and sell Samsung smartphones, tablets, and laptop computers. On information and belief such authorized sellers are located in the State of Texas, including in the Eastern District of Texas. These authorized sellers include SEA and retailers such as AT&T, Verizon, and T-Mobile, and are located in the Eastern District of Texas.⁹

JURISDICTION AND VENUE

16. This is an action for patent infringement arising under the Patent Laws of the United States of America, Title 35, United States Code.

17. This Court has subject-matter jurisdiction over Plaintiff’s claims under 28 U.S.C. §§ 1331, 1338(a).

18. The Court has personal jurisdiction over each Defendant consistent with the requirements of the Due Process Clause of the United States Constitution and the Texas Long Arm

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https://images.samsung.com/is/content/samsung/assets/global/ir/docs/2021_con_quarter04_all.pdf

⁹ Ex. D (AT&T Store Search); Ex. E (Verizon Store Search); Ex. F (T-Mobile Store Search).

Statute. Each Defendant has regularly and systematically transacted business in Texas, directly or through subsidiaries or intermediaries, and/or committed acts of patent infringement in Texas as alleged more particularly below. Samsung has placed infringing products into the stream of commerce by shipping those products into Texas or knowing that the products would be shipped into Texas. In addition, on information and belief, Samsung's business relating to mobile devices, including devices accused of infringement in this Action, are conducted at its Texas facilities.

19. This Court has general and specific personal jurisdiction over Defendant SEA. SEA has continuous and systematic business contacts with the State of Texas, including a regular and established place of business, and has committed acts of patent infringement within the State of Texas and the Eastern District of Texas. For example, SEA, directly and/or through intermediaries (including advertising agencies and resellers), conducts and solicits business in the State of Texas and attempts to derive benefit from residents of the State of Texas by marketing, selling, offering for sale, making, and/or using in the State of Texas and the Eastern District of Texas, infringing Samsung smartphones, tablets, and laptop computers with the Auto Framing feature of the native camera application and/or preinstalled Google Meet application (formerly Google Duo)¹⁰ and/or preinstalled Microsoft Teams/Chat applications¹¹.

20. As described herein, such acts constitute infringement occurring within the State of

¹⁰ <https://www.theverge.com/2022/8/3/23290225/google-meet-duo-video-calling-messaging> (The preinstalled Google Duo application was renamed Google Meet in 2022); <https://www.sammobile.com/news/google-duo-merger-meet-starts-android/> (same); <https://www.itworldcanada.com/article/the-google-meet-and-google-duo-merger-officially-begins/496827> (“Google Duo will be rebranded as Google Meet, and will include all Google Meet features, combining video calls and meetings on mobile and web in ‘one connected solution’.”).

¹¹ <https://techcommunity.microsoft.com/t5/microsoft-teams-blog/introducing-chat-from-microsoft-teams-on-windows-11-for-your/ba-p/2809877> (Both Microsoft Teams and Microsoft Chat are preinstalled applications on the Windows 11 operating system with Teams being used for professional and school accounts and Chat being used for personal accounts).

Texas and the Eastern District of Texas.

21. Upon information and belief, SEC directs and controls the actions of SEA and SRA such that it too maintains a regular and established place of business in the Eastern District of Texas, including at 6625 Excellence Way, Plano, Texas 75023.¹²

22. Defendants have placed or contributed to placing infringing products into the stream of commerce via an established distribution channel knowing or understanding that such products would be sold in the United States, including in the Eastern District of Texas.

23. As described herein, such acts by the Defendants constitute infringement occurring within the State of Texas and the Eastern District of Texas.

24. Venue is proper in this judicial district under 28 U.S.C. § 1391(b) and (c), and 1400(b).

25. With respect to Defendant SEC, a Korean company, venue is proper because suits against foreign entities are proper in any judicial district, including the Eastern District of Texas.

26. SEA has a regular and established place of business in this District and has committed acts of infringement by, among other things, marketing, distributing, selling, offering for sale, making, and/or using infringing products, including Samsung smartphones, tablets, and laptop computers with the Auto Framing feature of the native camera application and/or preinstalled Google Meet application and/or preinstalled Microsoft Teams/Chat applications, in the State of Texas and the Eastern District of Texas. Defendant SEA has also committed acts of infringement in this district by commercializing, marketing, selling, distributing, and servicing certain Samsung-branded devices, including but not limited to phones and tablets, which are

¹² <https://news.samsung.com/us/samsung-electronics-america-open-flagship-north-texas-campus/>; <https://www.sra.samsung.com/locations/>

devices Plaintiff accuses of infringement in this Action.

27. SRA has a regular and established place of business in this District and has committed acts of infringement by, among other things, making, and/or using infringing products, including Samsung smartphones, tablets, and laptop computers with the Auto Framing feature of the native camera application and/or preinstalled Google Meet application and/or preinstalled Microsoft Teams/Chat applications, in the State of Texas and the Eastern District of Texas.

28. Upon information and belief and as further explained below, Defendants have been and are acting in concert, and are otherwise liable jointly, severally or otherwise for a right to relief related to or arising out of the same transaction, occurrence, or series of transactions or occurrences related to the making, using, selling, offering for sale or otherwise distributing the Samsung smartphones, tablets, and laptop computers with the Auto Framing feature of the native camera application and/or preinstalled Google Meet application and/or Microsoft Teams/Chat applications in this District and elsewhere in the United States. In addition, this action involves questions of law and fact that are common to all Defendants.

29. SEA and SRA are wholly owned subsidiaries of SEC and, in its 2021 Consolidated Financial Statement, SEC states that “Subsidiaries are all entities (including the special purpose entities) over which the Company [SEC] has control.”¹³

30. Accordingly, Defendants may be joined in a single action for patent infringement, pursuant to 35 U.S.C. § 299(a).

31. Samsung has admitted that venue is proper in the Eastern District of Texas at least as recently as April 19, 2021. For example, in R2 Solutions, LLC v. Samsung Electronics America,

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https://images.samsung.com/is/content/samsung/assets/global/ir/docs/2021_con_quarter04_all.pdf

Inc., Samsung admitted that “venue [was] proper as to SEA.” Answer at ¶ 8, *R2 Solutions, LLC v. Samsung Electronics America, Inc.*, Case No. 4:21-cv-0089-ALM (E.D. Tex. April 19, 2021) (ECF 14).

THE ASSERTED PATENTS

32. On March 17, 2015, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,982,109 (the “109 Patent”), entitled “Devices, Systems and Methods of Capturing and Displaying Appearances,” to Nissi Vilcovsky and Ofer Saban. A copy of the 109 Patent is attached to the Complaint as Exhibit A.

33. EyesMatch is the owner of all right, title, and interest in and to the 109 Patent.

34. The 109 Patent is directed to methods of modifying a stream of images of a user captured by a camera, such that the images appear to be those of the user looking into his device's screen as if it is a mirror, including by reversing, resizing, or mapping the image to adjust it against a reference image. *See, e.g.*, Ex. A (109 Patent) at Claims 1 and 7.

35. The elements claimed by the 109 Patent, taken alone or in combination, were not well-understood, routine or conventional to one of ordinary skill in the art at the time of the invention. Rather, the 109 Patent claims and teaches, *inter alia*, an unconventional way to use cameras, computers, and display devices to modify a stream of live images of a user such that the images appear as if the user is looking into his device's screen as if it is a mirror, including by reversing, resizing, or mapping the image to adjust it against a reference image. *See, e.g.*, Ex. A (109 Patent) at Claims 1 and 7. The claims of the 109 Patent are directed to techniques that convincingly render a user's images so that it appears to the user that they are looking in a conventional mirror – something which was not present in the state of the art at the time of the invention. Ex. A (109 Patent) at 1:63-2:3.

36. The written description of the 109 Patent describes, in technical detail, each of the

limitations in the claims, allowing a person of skill in the art to understand what those limitations cover, and therefore what was claimed, and also understand how the non-conventional and non-generic ordered combination of the elements of the claims differ markedly from what had been performed in the industry prior to the inventions of the 109 Patent. As the 109 Patent specification explains, a traditional video camera is a poor substitute for a mirror: while “[a] few alternatives have been proposed by prior art around the combination of a camera and a screen to replace the conventional mirror,” it explains that “these techniques are not convincing and are not yet accepted as a reliable image of the individual as if he was looking at himself in a conventional mirror,” primarily “because the image generated by a camera is very different from an image generated by a mirror.” Ex. A (109 Patent) at 1:62-2:4.

37. As the specification explains, one well-understood “difference from a camera is that when one looks at a mirror, one’s image appears to be reversed (e.g., if one raises one’s right hand, his left hand will appear to go up in the mirror).” Ex. A (109 Patent) at 2:33-36. A conventional camera and display presents a non-reversed image. The specification explains that another important difference between a camera image and a mirror image is the apparent size of the subject as they move closer in or farther away from the display. “When a user looks at himself in the mirror, what he actually sees is the reflection of himself as if he was standing at a distance that is *double the distance from him to the mirror*.” Ex. A (109 Patent) at 2:4-6. Since “the angle of the user’s Field of View (FOV) changes when the user changes the distance, e.g., gets closer, to the mirror,” a consequence of this phenomenon is that “when the user approaches the mirror, the FOV angle increases, which is why he continues to see the same size reflection (FOV₁<FOV₂), so that the user actually sees himself roughly at the same size, but closer.” Ex. A (109 Patent) at 2:10-23. The 109 Patent specification explains that “[t]his is a noticeable difference from a camera,

wherein as the user gets closer to the camera, he appears larger in the image. This is mainly because the FOV of a camera is fixed and is determined mainly by the size of the camera lens, or focal length.” Ex. A (109 Patent) at 2:23-27.

38. The 109 Patent specification explains another difference: unlike a camera, “the mirror can be smaller than the full body and the user will still see the reflection of his full body,” because “the specular reflection . . . can increase the effective field of view while the user approaches the mirror.” Ex. A (109 Patent) at 2:41-46. A user approaching a conventional camera and computer display would see less and less of their body as they approach. The specification explains that another difference between a mirror and a conventional camera display is that “when the user approaches the mirror, the reflection of his eyes will always stay on the same virtual line into the mirror. Conversely, depending on a camera’s height, as the user gets closer to the camera, the user’s eyes may appear at different levels.” Ex. A (109 Patent) at 2:29-33. Because of these differences, the specification notes, “so far no system has been provided for imitating a mirror convincingly.” Ex. A (109 Patent) at 2:49-50.

39. The claims of the 109 Patent describe a technological solution to these problems by implementing a series of software transformations of the received image that cause a camera and conventional computer to mimic a mirror with a captured video stream. First, the image is flipped. *See, e.g.*, Claim 1. Then, a “transformation mapping” is applied to modify the image to mimic a mirror image; the 109 Patent specification explains that such “transformation mappings” can include an algorithm that moves the image of the subject in the frame so as to keep their eyes consistently at the same level of the frame, as would occur with a mirror. Ex. A (109 Patent) at 19:31-52, Claim 1. The image is then resized in accordance with changes in subject’s distance from the camera; this causes the camera/computer to display the subject at a consistent size when

they approach or move away from the camera, as a mirror does, instead of increasing in size to the point at which they take up the entire frame. *See, e.g.*, Ex. A (109 Patent) at Claim 1. Finally, the system applies these transformations at a variable rate as a function of distance in order to smoothly mimic a mirror. *See, e.g.*, Ex. A (109 Patent) at Claim 1. The specification also discloses using a reference image of the user can be obtained and key points of the user's appearance identified so that the transformation mapping can be pre-programmed which will "yield the best transformation to match the eyes and the full body based on multiple pointers." *See, e.g.*, Ex. A (109 Patent) at 17:29-41, 21:19-30, 21:61-22:5, Claim 7. None of these elements, taken alone or in combination, were well-understood, routine, or conventional to one of ordinary skill in the art at the time of the invention.

40. The systems and methods covered by the asserted claims, therefore, differ markedly from the prior systems in use at the time of this invention, which, *inter alia*, lacked these features. By enabling software transformations of the received image that cause a camera and conventional computer to mimic a mirror with a captured video stream, the claims are directed to a specific, unconventional improvement to the way computers, cameras, and display devices operate.

41. On March 17, 2015, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 8,982,110 (the "110 Patent"), entitled "Method for Image Transformation, Augmented Reality, and Telepresence," to Ofer Saban and Nissi Vilcovsky. A copy of the 110 Patent is attached to the Complaint as Exhibit B.

42. EyesMatch is the owner of all right, title, and interest in and to the 110 Patent.

43. The 110 Patent is directed to methods of modifying a stream of images of a user with adaptive transformation mapping so that the images appear to be captured from a different point of view than that of the camera's actual point of view, including by, for example, rotating,

resizing, or varying image magnitude, and transmitting the images across a network for display. *See, e.g.*, Ex. B (110 Patent) at Claims 1, 2, 5, 6, 11, 12.

44. The elements claimed by the 110 Patent, taken alone or in combination, were not well-understood, routine or conventional to one of ordinary skill in the art at the time of the invention. Rather, the 110 Patent claims and teaches, *inter alia*, an unconventional way to use cameras, computers, and display devices to modify a stream of images of a user such that the displayed images appear to be captured from a different point of view than that of the camera taking the images. As the 110 Patent explains, this transformation technique “can be used to create a reliable video conference when the user/users on the other side of the line can see the participant as if the participant were looking directly at them, rather than having an image from the view-point of the camera. Alternately, transformation can be used to create an image as if a user were looking into the eyes of another user in order to provide a convincing, live experience.” Ex. B (110 Patent) at 7:35-41. Neither these techniques nor their effect were present in the state of the art at the time of the invention.

45. The written description of the 110 Patent describes, in technical detail, each of the limitations in the claims, allowing a person of skill in the art to understand what those limitations cover, and therefore what was claimed, and also understand how the non-conventional and non-generic ordered combination of the elements of the claims differ markedly from what had been performed in the industry prior to the inventions of the 110 Patent. As the 110 Patent specification explains, a traditional video camera is a poor substitute for a mirror: while “[a] few alternatives have been proposed [by prior art] around the combination of a camera and a screen to replace the conventional mirror,” it explains that “these techniques are not convincing and are not yet accepted as a reliable image of the individual as if he was looking at himself in a conventional mirror,”

primarily “because the image generated by a camera is very different from an image generated by a mirror.” Ex. B (110 Patent) at 1:55-64, Ex. A (109 Patent) at 1:61-2:3 (incorporated by reference into the 110 Patent at Ex. B, 1:23-39).

46. As the specification explains, one well-understood “difference from a camera is that when one looks at a mirror, one’s image appears to be reversed (e.g., if one raises one’s right hand, his left hand will appear to go up in the mirror).” Ex. A (109 Patent) at 2:33-36. A conventional camera and display presents a non-reversed image. The specification explains that another important difference between a camera image and a mirror image is the apparent size of the subject as they move closer in or farther away from the display. “When a user looks at himself in the mirror, what he actually sees is the reflection of himself as if he was standing at a distance that is *double the distance from him to the mirror*.” Ex. A (109 Patent) at 2:4-6. Since “the angle of the user’s Field of View (FOV) changes when the user changes the distance, e.g., gets closer, to the mirror,” a consequence of this phenomenon is that “when the user approaches the mirror, the FOV angle increases, which is why he continues to see the same size reflection (FOV₁<FOV₂), so that the user actually sees himself roughly at the same size, but closer.” Ex. A (109 Patent) at 2:10-23. The 109 Patent specification explains that “[t]his is a noticeable difference from a camera, wherein as the user gets closer to the camera, he appears larger in the image. This is mainly because the FOV of a camera is fixed and is determined mainly by the size of the camera lens, or focal length.” Ex. A (109 Patent) at 2:23-27.

47. The specification explains another difference: unlike a camera, “the mirror can be smaller than the full body and the user will still see the reflection of his full body,” because “the specular reflection . . . can increase the effective field of view while the user approaches the mirror.” Ex. A (109 Patent) at 2:41-46. A user approaching a conventional camera and computer

display would see less and less of their body as they approach. The specification explains that another difference between a mirror and a conventional camera display is that “when the user approaches the mirror, the reflection of his eyes will always stay on the same virtual line into the mirror. Conversely, depending on a camera’s height, as the user gets closer to the camera, the user’s eyes may appear at different levels.” Ex. A (109 Patent) at 2:29-33. Because of these differences, the specification notes, “so far no system has been provided for imitating a mirror convincingly.” Ex. A (109 Patent) at 2:49-50.

48. The claims of the 110 Patent address these differences by applying software transformations to a stream of images captured by a camera to generate modified images that appear to be captured from a different point of view of the camera’s actual point of view, thereby enabling the displayed image to match the user’s eyes as they would appear as if the user is looking into his device’s screen as if it is a mirror, or by keeping the user in the center of the display frame even as they move. *See, e.g.*, Ex. B (110 Patent) at 7:35-41. (“Base video transformation can be used to create a reliable video conference when the user/users on the other side of the line can see the participant as if the participant were looking directly at them, rather than having an image from the view-point of the camera. Alternately, transformation can be used to create an image as if a user were looking into the eyes of another user in order to provide a convincing, live experience.”). First, when a user is detected in the image stream, the processor applies an “adaptive transformation mapping” to generate and display modified images that “appear to be captured from a different point of view of the camera’s actual point of view,” wherein that artificially generated point of view corresponds to both a different camera angle and a different distance, based on “parametric input” used for the claimed mapping transformation. *See, e.g.*, Ex. B (110 Patent) at Claim 1. By enabling adaptive transformation mappings that generate and display a modified

stream of images that appear to be captured from a different point of view of the camera's actual point of view, the claims are directed to a specific, unconventional improvement to the way computers operate.

49. The claimed methods of the 110 Patent can also transmit images over a network for additional processing or for display on a remote screen. *See, e.g.*, Ex. B (110 Patent) at 8:32-38, 8:62-9:3, 9:6-20, 10:58-62, 33:21-26, 24:20-26, Claims 11 and 12. None of these elements, taken alone or in combination, were well-understood, routine or conventional to one of ordinary skill in the art at the time of the invention.

50. The methods covered by the asserted claims, therefore, differ markedly from the prior systems in use at the time of this invention, which, *inter alia*, lacked a processor capable of applying an adaptive transformation mapping to generate and display modified images that appear to be captured from a different point of view of the camera's actual point of view that corresponds to both a different camera angle and a different distance.

51. The 109 Patent and 110 Patent (collectively the "Asserted Patents") are valid and enforceable.

SAMSUNG'S KNOWLEDGE OF THE EYEMATCH/MEMOMI TECHNOLOGY AND PATENTS

52. Prior to launching products with Auto Framing technology that infringes the Asserted Patents, Samsung studied Messrs. Vilcovsky and Saban's patent-embodiment technologies closely. Specifically, beginning in August 2021, Samsung obtained detailed disclosures from inventors Vilcovsky and Saban concerning how its eye-matching and auto-centering technologies operated, professing that it was interested in partnering with Memomi.

53. Under the cover of a non-disclosure agreement, numerous Samsung personnel visited Memomi's offices for technical demonstrations of Memomi's products that embodied the

eye-matching and auto-centering technologies of the Asserted Patents, and received detailed disclosures concerning the technical underpinnings of that functionality from Mr. Saban and others. Among other things, Samsung expressed its interest in understanding Memomi's "perspective distortion correction" technologies for use on a Samsung phone. Messrs. Vilcovsky and Saban willingly disclosed Memomi's detailed technical information to Samsung personnel, in anticipation of an eventual partnership between the companies. The parties communicated extensively, including numerous visits to Memomi's and Samsung's offices in Israel, emails, and telephone calls. Mr. Vilcovsky, one of the named inventors, had an extensive discussion with the CTO of Samsung Research, Hans (Hyeon Soo) Kim.

54. In September 2021, as part of its meetings with Samsung, Messrs. Saban and Vilcovsky disclosed the EyesMatch patent portfolio and the applicability of that portfolio to the technologies of interest to Samsung, including disclosure of the Asserted Patents by patent number and title.

55. Following these detailed disclosures, rather than partner with Memomi, Samsung withdrew from further discussions with inventors Saban and Vilcovsky. Instead, as described below, in 2022 Samsung launched its own infringing products that employ technologies that are functionally identical to those disclosed to it by Messrs. Saban and Vilcovsky.

THE INFRINGING PRODUCTS

56. As described further below, Defendants' computing devices, including but not limited to: the Defendants' tablet computers such as the Galaxy Tab S8 and Galaxy Tab S7 FE; Defendants' smart phones such as the Galaxy S23, Galaxy S22, and Galaxy S21 FE 5G; and Defendants' laptop computers such as the Galaxy Book3 (including the Galaxy Book3 360) and Galaxy Book2 lines (including the Galaxy Book2 360 (collectively, the "Accused Products") with video capturing applications, including at least the native camera application and/or the

preinstalled Google Meet application and/or the preinstalled Microsoft Teams/Chat applications, practice claimed inventions of the Patents-in-Suit.

57. Defendants perform in the United States without authority every step of the patented inventions; and make, use, sell, and/or offer to sell in the United States without authority devices that embody the patented inventions, including but not limited to: Defendants' tablet computers such as the Galaxy Tab S8 and Galaxy Tab S7 FE; Defendants' smart phones such as the Galaxy S23, Galaxy S22, and Galaxy S21 FE 5G; and Defendants' laptop computers such as the Galaxy Book3 (including the Galaxy Book3 360) and Galaxy Book2 lines (including the Galaxy Book2 360).

58. The Accused Products include applications with an Auto Framing feature that “centers your face during video calls even if you’ve pointed the camera at a weird angle;” “keeps you centered in the frame even if you’re moving about;” “detect[s] faces in the video call and then zoom[s] in on the view so that your face is always centered;”¹⁴ “hunts for your face;”¹⁵ with a “camera [that] stays with you as you move,”¹⁶ “automatically detect[s] the subject you’re shooting and determine[s] the position of the subject;” and “when you’re recording a video of a human subject, the camera will zoom in or out to keep the person in the frame;” “will lock focus onto your subject and automatically adjust the zoom range to either get closer to the subject or move farther away from it. If you’re shooting video of a person, the phone will punch in and lock focus on the

¹⁴ Google Meet <https://nerdschalk.com/how-to-enable-auto-framing-on-google-duo/>

¹⁵ Galaxy Book2 <https://www.pcworld.com/article/617498/samsung-readies-its-next-wave-of-gorgeous-oled-notebooks-the-galaxy-book2.html>

¹⁶ Microsoft Windows 11 <https://blogs.windows.com/windowsexperience/2022/09/20/available-today-the-windows-11-2022-update/>

face to create a portrait-like effect;”¹⁷ and offers “a truly professional video call experience”¹⁸.

59. For example, Samsung provides and advertises the Auto Framing feature for all models of its Galaxy Tab S8 devices including, for example, Galaxy Tab S8+ and Galaxy Tab S8 Ultra.¹⁹ The Auto Framing feature is part of the native camera application and is available to use with video calling applications such as the preinstalled Google Meet application.²⁰ The Auto Framing feature is also part of the native camera application and is available to use with video calling applications such as the preinstalled Google Meet application on the Galaxy Tab S7 FE.²¹

60. Samsung also provides and advertises the Auto Framing feature for all models of its Galaxy S21, S22 and S23 devices including, for example, Samsung Galaxy S22+ and Samsung Galaxy S22 Ultra.²² The Auto Framing feature is part of the native camera application and is available to use with video calling applications such as the preinstalled Google Meet application.²³

61. Samsung also provides and advertises the Auto Framing feature for all models of

¹⁷ Galaxy S22 <https://www.xda-developers.com/samsung-galaxy-s22-advanced-auto-framing/#:~:text=The%20phone%20will%20lock%20focus,create%20a%20portrait%2Dlike%20effect>

¹⁸ Galaxy Tab S8 <https://www.samsungmobilepress.com/press-releases/breaking-the-rules-with-galaxy-tab-s8-series-the-biggest-boldest-most-versatile-galaxy-tablet-ever/>

¹⁹ <https://www.samsung.com/us/tablets/tab-s8/>; <https://www.samsung.com/us/tablets/galaxy-tab-s8/buy/>

²⁰ See e.g., <https://www.samsung.com/us/tablets/tab-s8/>; <https://www.samsung.com/us/tablets/galaxy-tab-s8/buy/>; https://support.google.com/duo/answer/10385339?hl=en&ref_topic=6376099

²¹ <https://www.samsung.com/us/tablets/tab-s7/buy/?modelCode=SM-T870NDBAXAR> ; https://support.google.com/duo/answer/10385339?hl=en&ref_topic=6376099

²² <https://www.samsung.com/us/smartphones/galaxy-s22/>; <https://www.samsung.com/us/smartphones/galaxy-s22-ultra/>

²³ See e.g., <https://www.samsung.com/us/smartphones/galaxy-s22/>; <https://www.samsung.com/us/smartphones/galaxy-s22-ultra/>; https://support.google.com/duo/answer/10385339?hl=en&ref_topic=6376099

its Galaxy Book 2 including, for example, Galaxy Book2 360, Galaxy Book2 Pro, Galaxy Book2 Pro 360, and Galaxy Book2 Business.²⁴ The Auto Framing feature is part of the native Samsung Camera Application and the preinstalled Microsoft Teams/Chat applications.²⁵

62. In the interest of providing detailed averments of infringement, Plaintiff has identified below at least one claim per patent-in-suit to demonstrate infringement by at least one product. However, the selection of claims and products below should not be considered limiting, and infringement by Samsung by way of additional claims of the patents-in-suit and additional products will be disclosed in compliance with the Court's rules related to infringement contentions and/or discovery. The allegations provided below are exemplary and without prejudice to Plaintiff's infringement contentions to be provided pursuant to the Court's scheduling order, local rules, and/or discovery procedures. Plaintiff's claim construction contentions regarding the meaning and scope of the claim terms will be provided under the Court's scheduling order, local rules, and/or discovery procedures. As detailed below, each element of at least one claim of each of the patents-in-suit is literally present in at least one accused product. To the extent that any element is not literally present, each such element is present under the doctrine of equivalents. Plaintiff's analysis below should not be taken as an admission and/or contention that the preamble for any claim is or is not limiting. While publicly available information is cited below, Plaintiff may rely on other forms of evidence to show infringement.

63. Samsung's infringement of the patents-in-suit has been and is willful. Samsung has

²⁴ <https://www.samsung.com/us/computing/galaxy-book2/buy/?link=galaxy-book2-pro-360>; https://www.youtube.com/watch?v=h_OsbT5GsjE&ab_channel=Samsung

²⁵ See, e.g., <https://www.samsung.com/us/computing/galaxy-book2/buy/?link=galaxy-book2-pro-360>; <https://techcommunity.microsoft.com/t5/microsoft-teams-blog/introducing-chat-from-microsoft-teams-on-windows-11-for-your/ba-p/2809877>; <https://www.theverge.com/2022/4/5/23011228/microsoft-windows-11-eye-contact-automatic-framing-background-blur>

had knowledge of the patents-in-suit and its infringement thereof prior to the filing of this lawsuit and/or has been willfully blind thereof. Samsung has committed and continues to commit acts of infringement despite a high likelihood that its actions constitute infringement, and Samsung knew or should have known that its actions constituted an unjustifiably high risk of infringement.

COUNT I FOR INFRINGEMENT OF U.S. PATENT NO. 8,982,109

64. Plaintiff repeats and realleges the allegations in the preceding paragraphs as though fully set forth herein.

65. Upon information and belief, Samsung has directly infringed at least Claims 1 and 7 of the 109 Patent in violation of 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, by performing in the United States without authority every step of the patented invention by using devices that embody the patented invention, namely, the Accused Products with the Auto Framing feature of the native camera application and/or with video calling applications such as the preinstalled Google Meet application and/or the preinstalled Microsoft Teams/Chat applications. For example, Samsung directly infringes at least Claims 1 and 7 of the 109 Patent when its software and software it preinstalls on its devices perform each element of the claimed methods, such as when Samsung operates the Accused Products for internal testing and development and for internal corporate communication.

66. On information and belief, Samsung has induced and continues to induce infringement of claims of the 109 Patent pursuant to 35 U.S.C. § 271(b), including at least Claims 1 and 7, by encouraging its customers and other third parties to perform the claimed methods, such as by using the Accused Products with the Auto Framing feature of the native camera application and/or the preinstalled Google Meet application and/or the preinstalled Microsoft Teams/Chat applications, as described above. Such performance of the claimed methods constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the 109 Patent

by such third parties, including Claims 1 and 7. Samsung's acts of encouragement include: providing and intending that third parties use the Accused Products with the Auto Framing feature of the native camera application and/or with video calling applications such as the preinstalled Google Meet application and/or preinstalled Microsoft Teams/Chat applications to capture, display, and/or manipulate moving images in a manner that infringes, and providing instructions to do so²⁶; purposefully and voluntarily placing the Accused Products with the Auto Framing

²⁶ See, e.g.,

https://downloadcenter.samsung.com/content/UM/202201/20220126062515563/SAM_G990_EN_UM_OS12_122821_FINAL_AC.pdf at 104 of PDF (Galaxy S21 FE 5G User Guide showing Google Duo preinstalled and listing its ability to make video calls and directing users to a Google website to learn more);

https://downloadcenter.samsung.com/content/UM/202301/20230128022634174/SAM_S901_S906_S908_EN_UM_OS13_012323_FINAL.pdf at 111 of PDF (Galaxy S22 User Guide showing Google Duo preinstalled and listing its ability to make video calls and directing users to a Google website to learn more);

https://downloadcenter.samsung.com/content/UM/202204/20220413010301082/SAM_X700_X800_X808_X900_EN_UM_OS12_012422_FINAL_AC.pdf at 94 of PDF (Galaxy Tab S8 User Guide showing Google Duo preinstalled and listing its ability to make video calls and directing users to a Google website to learn more);

https://downloadcenter.samsung.com/content/UM/202108/20210825233408446/SAM_T730_T738_EN_UM_R_11.0_060821_FINAL_AC.pdf at 89 of PDF (Galaxy Tab S7 FE User Guide showing Google Duo preinstalled and listing its ability to make video calls and directing users to a Google website to learn more);

https://downloadcenter.samsung.com/content/UM/202208/20220829145554254/Win11_Manual_ENG.pdf (Galaxy Book2 360 User Guide showing Windows 11 as the preinstalled operating system). See also <https://support.microsoft.com/en-us/windows/manage-cameras-with-camera-settings-in-windows-11-97997ed5-bb98-47b6-a13d-964106997757> (providing instructions on how to implement Windows Studio Effects, including Auto Framing, in Windows 11);

https://www.youtube.com/watch?v=h_OsbT5GsjE (Samsung Video highlighting the auto framing feature of Microsoft Teams on the Galaxy Book2 Business, part of the Galaxy Book2 product line);

<https://www.samsung.com/us/support/answer/ANS00091303/> (Samsung instructions on how to use Auto Framing on Samsung phones and tablets); <https://news.samsung.com/global/new-galaxy-book2-pro-series-enables-work-from-anywhere-flexibility-with-peace-of-mind-security> (announcing Auto Framing as part of the Galaxy Book2 product line);

<https://news.samsung.com/global/introducing-galaxy-book2-business-samsungs-newest-pc-helps-businesses-tackle-hybrid-work-environments> (same);

<https://www.samsungmobilepress.com/press-releases/breaking-the-rules-with-galaxy-tab-s8->

feature of the native camera application and/or with video calling applications such as the preinstalled Google Meet application and/or preinstalled Microsoft Teams/Chat applications in the stream of commerce with the expectation that they will be used by customers in the District of Texas. Furthermore, Samsung has actual knowledge of how the Accused Products infringe when used in this manner, including when they are used by customers. Samsung has undertaken these acts of encouragement with the specific intent that end-users use such Accused Products as intended by Samsung in a manner that infringes the asserted claims of the 109 Patent.

67. Samsung proceeded in this manner despite its actual knowledge of the 109 Patent and that the specific actions it is actively inducing on the part of its customers and other third parties constitute infringement of the 109 Patent at least as of September 2021, when Messrs. Vilcovsky and Saban disclosed the 109 Patent to Samsung. At the very least, because Samsung is on notice of the 109 Patent and the accused infringement, prior to the date of the filing of this Complaint, it is willfully blind regarding the infringement it has induced and continues to induce.

68. On information and belief, Samsung has contributed and continues to contribute to the infringement of the 109 Patent, including infringement of at least Claims 1 and 7, pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within the United States, importing, and/or supplying material components of the claimed method, such as its client software applications with Auto Framing and/or client software applications has preinstalled on its devices for use with the Accused Products that enable customers to engage in capturing, displaying, and/or

[series-the-biggest-boldest-most-versatile-galaxy-tablet-ever/](#) (announcing Auto Framing as part of the Tab S8 line of products); <https://www.youtube.com/watch?v=iTXEJQIMjMI> (Samsung Official Introduction to the Galaxy Tab S8 Ultra, part of the Galaxy S8 product line, highlighting the auto framing feature of the camera); https://support.google.com/duo/answer/10385339?hl=en&ref_topic=6376099 (Google Help Page explaining how to use Google Duo on Samsung devices).

manipulating images. The Accused Products contain software components that are especially made for or adapted for use to infringe the claims of the 109 Patent, and are not a staple article of commerce and are not suitable for substantial non-infringing use. When, for example, the Auto Framing feature of client software for use with the Accused Products is used to enable capturing, displaying, and/or manipulating images, each step of the claimed method is performed, thereby infringing, literally or under the doctrine of equivalents, at least Claims 1 and 7 of the 109 Patent. On information and belief, Samsung knows, at least as of September 2021, that these components are especially made and/or especially adapted for use in infringing the 109 Patent.

69. Non-limiting examples illustrating how the Accused Products with the Auto Framing feature of the native camera application and/or with video calling applications such as the preinstalled Google Meet application and/or preinstalled Microsoft Teams/Chat applications infringe at least exemplary Claim 1 of the 109 Patent are forth in Exhibit G. The descriptions in Exhibit G are preliminary and based on publicly available information. Plaintiff expects to further develop the evidence of infringement by these products and services after obtaining discovery from Samsung in the course of this action. As asserted in this action, Samsung infringes additional claims in the 109 Patent, including for example claim 7, with the specific infringement contentions to be presented in discovery per the Court's procedure.

70. Samsung's acts of infringement cause damage to Plaintiff, and Plaintiff is entitled to recover from Samsung damages sustained as a result of Samsung's infringement of the Asserted Patents, but in no event less than a reasonable royalty.

71. Samsung's acts of infringement, unless restrained and enjoined, will cause irreparable injury and damage to Plaintiff for which there is no adequate remedy at law.

72. Samsung's infringement has been and continues to be willful.

73. Samsung's infringement of the Asserted Patents is exceptional and entitles Plaintiff to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT II FOR INFRINGEMENT OF U.S. PATENT NO. 8,982,110

74. Plaintiff repeats and realleges the allegations in the preceding paragraphs as though fully set forth herein.

75. Upon information and belief, Samsung has directly infringed at least Claims 1, 2, 3, 4, 5, 6, 11, and 12 of the 110 Patent in violation of 35 U.S.C. § 271(a), either literally or under the doctrine of equivalents, by performing in the United States without authority every step of the patented invention by using devices that embody the patented invention, namely, the Accused Products with the Auto Framing feature of the native camera application and/or with video calling applications such as the preinstalled Google Meet application and/or the preinstalled Microsoft Teams/Chat applications. For example, Samsung directly infringes at least Claims 1, 2, 3, 4, 5, 6, 11, and 12 of the 110 Patent when its software and software it preinstalls on its devices perform each element of the claimed methods, such as when Samsung operates the Accused Products for internal testing and development and for internal corporate communication.

76. On information and belief, Samsung has induced and continues to induce infringement of claims of the 110 Patent pursuant to 35 U.S.C. § 271(b), including at least Claims 1, 2, 3, 4, 5, 6, 11, and 12, by encouraging its customers and other third parties to perform the claimed methods, such as by the using the Accused Products with the Auto Framing feature of the native camera application and/or with video calling applications such as the preinstalled Google Meet application and/or the preinstalled Microsoft Teams/Chat applications, as described above. Such performance of the claimed methods constitutes infringement, literally or under the doctrine of equivalents, of one or more claims of the 110 Patent by such third parties, including at least Claims 1, 2, 3, 4, 5, 6, 11, and 12. Samsung's acts of encouragement include: providing and

intending that third parties use the Accused Products with the Auto Framing feature of the native camera application and/or with video calling applications such as the preinstalled Google Meet application and/or preinstalled Microsoft Teams/Chat applications to capture and/or manipulate moving images in a manner that infringes, and providing instructions to do so; purposefully and voluntarily placing the Accused Products with the Auto Framing feature of the native camera application and/or with video calling applications such as the preinstalled Google Meet application and/or preinstalled Microsoft Teams/Chat applications in the stream of commerce with the expectation that they will be used by customers in the District of Texas. Furthermore, Samsung has actual knowledge of how the Accused Products with the Auto Framing feature of the native camera application and/or with video calling applications such as the preinstalled Google Meet application and/or Microsoft Teams/Chat applications work, including how they are used by customers in a manner that results in infringement of the 110 Patent. Samsung has undertaken these acts of encouragement with the specific intent that end-users use such Accused Products as intended by Samsung in a manner that infringes the asserted claims of the 110 Patent.

77. Samsung proceeded in this manner despite its actual knowledge of the 110 Patent and that the specific actions it is actively inducing on the part of its customers and other third parties constitute infringement of the 110 Patent at least as of September 2021, when Messrs. Vilcovsky and Saban disclosed the 110 Patent to Samsung. At the very least, because Samsung was on notice of the 110 Patent and the accused infringement, prior to the date of the filing of this Complaint, it is willfully blind regarding the infringement it has induced and continues to induce.

78. On information and belief, Samsung has contributed and continues to contribute to the infringement of the 110 Patent, including infringement of at least Claims 1, 2, 3, 4, 5, 6, 11, and 12 pursuant to 35 U.S.C. § 271(c) by, without authority, selling and/or offering to sell within

the United States, importing, and/or supplying material components of the claimed method, such as its client software applications with Auto Framing and/or with client software applications has preinstalled on its devices for use with the Accused Products that enable customers to engage in capturing and/or manipulating images. The Accused Products contain software components that are especially made for or adapted for use to infringe the claims of the 110 Patent, and are not a staple article of commerce and are not suitable for substantial non-infringing use. When, for example, the Auto Framing feature of client software for use with the Accused Products is used to enable capturing and/or manipulating images, each step of the claimed method is performed, thereby infringing, literally or under the doctrine of equivalents, at least Claims 1, 2, 3, 4, 5, 6, 11, and 12 of the 110 Patent. On information and belief, Samsung knows, at least as of September 2021, that these components are especially made and/or especially adapted for use in infringing the 110 Patent.

79. Non-limiting examples illustrating how the Accused Products with the Auto Framing feature of the native camera application and/or with video calling applications such as the preinstalled Google Meet application and/or preinstalled Microsoft Teams/Chat applications infringe at least exemplary Claim 1 of the 110 Patent are forth in Exhibit H. The descriptions in Exhibit H are preliminary and based on publicly available information. Plaintiff expects to further develop the evidence of infringement by these products and services after obtaining discovery from Samsung in the course of this action. As asserted in this action, Samsung infringes additional claims in the 110 Patent, including for example claims 2, 3, 4, 5, 6, 11, and 12, with the specific infringement contentions to be presented in discovery per the Court's procedure.

80. Samsung's acts of infringement cause damage to Plaintiff, and Plaintiff is entitled to recover from Samsung damages sustained as a result of Samsung's infringement of the Asserted

Patents, but in no event less than a reasonable royalty.

81. Samsung's acts of infringement, unless restrained and enjoined, will cause irreparable injury and damage to Plaintiff for which there is no adequate remedy at law.

82. Samsung's infringement has been and continues to be willful.

83. Samsung's infringement of the Asserted Patents is exceptional and entitles Plaintiff to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

JURY DEMAND

84. Plaintiff respectfully demands a jury trial on all issues and claims so triable.

PRAYER FOR RELIEF

85. WHEREFORE, Plaintiff respectfully requests this Court enter judgment in its favor and grant the following relief against Samsung :

a) Judgment that Samsung infringed and continues to infringe the Asserted Patents;

b) Judgment that Samsung's infringement has been willful and deliberate;

c) Award Plaintiff damages in an amount adequate to compensate Plaintiff for the infringement of the Asserted Patents by Samsung, but in no event less than a reasonable royalty under 35 U.S.C. § 284;

d) Award Plaintiff pre-judgment and post-judgment interest to the full extent allowed under the law;

e) Award Plaintiff costs;

f) Enter an order finding this to be an exceptional case and award Plaintiff reasonable attorneys' fees pursuant to 35 U.S.C. § 285;

g) Enter a permanent injunction against Samsung, directors, shareholders, agents, servants, employees, attorneys, all parent, subsidiary and affiliate corporations, their

successors in interest and assigns, and all other entities and individuals acting in concert with it or on its behalf, including customers, from making, importing, using, offering for sale, and/or selling any product or service falling within the scope of any claim of the Asserted Patents or otherwise infringing or contributing to or inducing infringement of any claim of the Asserted Patents;

- h) Award, in lieu of an injunction, a compulsory ongoing royalty;
- i) Order and accounting of damages; and
- j) Award such other relief as the Court may deem appropriate and just under

the circumstances.

August 8, 2023

Respectfully submitted,

/s/ Matthew D. Powers

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