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FaceTec, Inc.

13 **UNITED STATES DISTRICT COURT**

14 **NORTHERN DISTRICT OF CALIFORNIA**

15 **SAN JOSE DIVISION**

16 FACETEC, INC., a Delaware corporation,

17 Plaintiff,

18 v.

19 JUMIO CORPORATION, a Delaware  
20 corporation,

21 Defendant.

Case No. 5:24-cv-3623

**COMPLAINT FOR PATENT  
INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

1 COMPLAINT

2 Plaintiff FaceTec, Inc. (“FaceTec” or “Plaintiff”) hereby complains and alleges against  
3 Defendant Jumio Corporation (“Jumio” or “Defendant”) as follows:

4 PARTIES

5 1. Plaintiff FaceTec is a Delaware limited liability company with its principal offices  
6 located at 1925 Village Center Cir., Ste 150, Las Vegas, NV 89134.

7 2. FaceTec is informed and believes that Defendant Jumio is a Delaware limited  
8 corporation with a regular and established place of business at 100 Mathilda Place, Suite 100,  
9 Sunnyvale, CA 94086.

10 NATURE OF THE ACTION

11 3. This is an action for patent infringement arising under the patent laws of the United  
12 States 35 U.S.C. §§ 1 *et seq.*, including 35 U.S.C. § 271, and the Court’s supplemental jurisdiction  
13 pursuant to 28 U.S. Code § 1367.

14 4. FaceTec is informed and believes that Defendant Jumio has infringed and continues  
15 to infringe, contribute to the infringement of, and/or actively induce others to infringe Plaintiff’s  
16 U.S. Patent No. 10,776,471 B2 (the “471 Patent”), U.S. Patent No. US 11,157,606 B2 (the “606  
17 Patent), U.S. Patent No. 11,693,938 B2 (the “938 Patent”); and U.S. Patent No. 11,874,910 B2  
18 (the “910 Patent”) (collectively, the “FaceTec Patents-in-Suit”). (**Exhibits A, B, C, and D to**  
19 **this Complaint.**)

20 JURISDICTION

21 5. This Court has subject matter jurisdiction over action under 28 U.S.C. §§ 1331 and  
22 1338 because this is a civil action for patent infringement arising under Title 35 of the United  
23 States Code. This Court has personal jurisdiction over Jumio because Jumio does and has done  
24 substantial business in this judicial District, including: (i) committing acts of patent infringement  
25 and/or contributing to or inducing acts of patent infringement by others in this judicial District and  
26 elsewhere in this State; (ii) regularly conducting business in this State and judicial District; (iii)  
27 directing advertising to or soliciting business from persons residing in this State and judicial  
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1 District; and (iv) engaging in other persistent courses of conduct, and/or deriving substantial  
2 revenue from products and/or services provided to persons in this District and State.

3 **VENUE**

4 6. Venue is proper in this Court under 28 U.S.C. §§ 1391 and 1400(b) because Jumio  
5 has a regular and established place of business on this District, has transacted business in this  
6 District, and has committed acts of patent infringement in this District.

7 **DIVISIONAL ASSIGNMENT**

8 7. FaceTec is informed and believes that Defendant Jumio’s headquarters, a regular  
9 and established place of business, is located at 100 Mathilda Place, Suite 100, Sunnyvale, CA  
10 94086, which is in Santa Clara County. FaceTec is informed and believes that a substantial part of  
11 the events giving rise to its claims asserted in this case occurred at that location and, consequently,  
12 this civil action arose there. Accordingly, this case is properly assigned to the San Jose Division  
13 of this Court under Local Rules 3-2(c) and (e),

14 **FACTUAL BACKGROUND**

15 **A. FaceTec’s 3D Depth and Liveness Detection Technology**

16 8. The security of online functions such as banking, payments, and other financial  
17 activities demand that precautions be taken against attempts by unauthorized users to “spoof”  
18 biometric identity verification software and obtain improper online access. Liveness detection  
19 added to the identity verification process seeks to ensure that a live three-dimensional human is  
20 present in front of the camera at the time biometric face data is collected. For example, liveness  
21 detection would detect if – rather than an actual living person being imaged at the time of data  
22 collection – an attempt to “spoof” the liveness detection software is being perpetrated. For  
23 example, a fraudster might present an artifact such as a 2-dimensional (2D) photo of a face, or a  
24 prerecorded video of a face.

25 9. FaceTec is a leader in biometric liveness detection technology. Simply explained,  
26 this technology utilizes face image data to verify the physical presence of a live human with high  
27 confidence. FaceTec’s technology operates to verify that the biometric data collected (face  
28 images) came from a three-dimensional human face before – for example – creating a new digital

1 account, providing authorized access to an existing account, or allowing access to a protected  
2 computing device. In one application, FaceTec’s technology utilizes face image data to verify the  
3 physical presence of a person during a remote (e.g., online) transaction.

4 10. Once the user’s liveness is proven to a high confidence and the newly collected  
5 face data also matches trusted face data with high confidence, the user may then be allowed access  
6 to a protected computer, smartphone, bank account, etc., or to open a new account, etc.

7 11. While liveness detection alone offers significant security benefits, this technology  
8 is often paired with biometric face matching to enable remote user authentication or user identity  
9 verification. Remote user identity verification generally includes the following steps<sup>1</sup>:

- 10 • Capture one or more photos or video frames of the user’s face.
- 11 • Perform a liveness check to determine if the source of the face data is a live  
12 and physically present human, as opposed to a spoof attempt utilizing  
13 captured data from a pre-collected artifact.
- 14 • Capture one or more images of the user’s Photo ID document.
- 15 • Extract text data from the Photo ID and any barcode or NFC chip present  
16 with the document.
- 17 • Compare the liveness-proven biometric face data to the biometric face data  
18 from the Photo ID or NFC chip, or in a trusted identity issuer’s database and  
19 confirm a sufficient level of matching between the two.

20 12. FaceTec’s technology for liveness detection inspects and analyzes numerous  
21 different aspects of the face images collected by the camera of the user’s camera-equipped  
22 computing device. One very important aspect analyzed is “perspective distortion,” which, when  
23 present in the appropriate respects, verifies to a high level of confidence that the source of the face  
24 data was three dimensional (“3D”). Typical cameras on a mobile device or any other device  
25 include a curved lens and a flat digital sensor. This results in some level of “fisheye” effect in the  
26 images taken by the camera, more accurately called “perspective distortion.” In some instances,  
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28 <sup>1</sup> The order of operation may vary.

1 this distortion may not be visible to the human eye, or may only be noticeable at certain object  
2 distances or camera focal lengths; and human observers cannot reliably determine whether any  
3 observed perspective distortion is consistent with the distortion that would result from the change  
4 in distance between a face and a camera. This is particularly true given the growing sophistication  
5 of fraudsters, who can easily manipulate a digital image to mimic distortion sufficient to fool a  
6 human observer. The differences or distortion between the captured images can vary with focal  
7 length or object distance between the subject in the foreground, the background and the lens. The  
8 degree of the distortion is dependent on the type of optics used in the camera's lens, internal  
9 camera measurements, and other factors.

10 13. The FaceTec software inspects for user liveness and user 3-dimensionality by  
11 collecting one or more face images at a first distance from the camera, collecting one or more face  
12 images at a second distance from the camera, and then comparing the images to confirm the  
13 presence of appropriate perspective distortion and hence photographic evidence of user 3-  
14 dimensionality.

15 14. The following two images simulate the expected changes in the appearance of a 3D  
16 face when the capture distance is changed. As can be seen below, perspective distortion causes the  
17 user's nose to swell in proportion to the rest of the face, as well as other subtle but detectable  
18 distortions in the face shown in the second image as compared to the face of the first image.  
19 FaceTec's software can detect this perspective distortion and other expected differences by  
20 examining at least two images taken at different distances between the subject and the camera.

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First Image

Second Image

15. By measuring/confirming various indicia such as 3D face depth, skin texture, eye reflections, etc., the FaceTec software is able to confirm a user's liveness with exceptionally high confidence.

16. Others have attempted to use 2D images to detect the liveness of the user using either a single photo, or a series of photos taken at the same distance. 2D liveness, however, simply does not have the necessary accuracy to detect today's sophisticated threats. Additionally, 2D face matching is more vulnerable to impersonation attacks because many people have high resolution photos posted online that can be used as spoof artifact source material.

17. Alternatively, hardware-based 3D systems have also been used, including Apple's "Face ID," which allows a user to unlock their iPhone simply by looking at the device. Apple's system, however, requires specialized infrared cameras that are built into the phone screen to confirm 3D depth as part of its liveness analysis. But this need for special hardware means this technology cannot be utilized by the vast majority of current computer and smart device owners

1 around the world, whose devices do not include built-in infrared cameras. In contrast, FaceTec’s  
2 3D liveness detection software can be implemented on virtually any device that is equipped with a  
3 2D camera, which includes almost all modern laptop computers, smartphones, and desktop  
4 computers. FaceTec thus invented a 3D method that – unlike other alternative technologies – does  
5 not require specialized 3D hardware to implement. FaceTec’s software solution can indeed be  
6 used on an estimated 10 billion Android & iOS devices, smartphones, and camera-equipped  
7 computers.

8 18. Currently, FaceTec’s technology provides approximately 2.5 billion 3D liveness  
9 checks annually on six continents and for all combinations of user age, gender, ethnicity and  
10 device type for hundreds of customers that include dozens of large banks, Canadian Parliament,  
11 and the United States Department of Homeland Security. And FaceTec’s patented technology is  
12 highly accurate and effective, with a False Acceptance Rate (FAR) of 1/125,000,000 @ <1% FRR.

### 13 **B. FaceTec’s Patent Portfolio**

14 19. As noted above, FaceTec’s patented technique solves problems that plagued prior  
15 art systems, both 2D and 3D, including that (a) 2D liveness technology simply does not have the  
16 necessary accuracy to detect today’s sophisticated threats, and (b) that FaceTec’s “one size fits all”  
17 solution can be implemented on nearly any camera-equipped computing device.

18 20. As a result of these important advantages, FaceTec’s patented technology has been  
19 highly successful and is used worldwide. The United States Patent Office has carefully reviewed  
20 FaceTec’s technological innovations and has granted not only the four Patents-in-Suit asserted  
21 those two patents, but also numerous additional U.S. Patents, with further patent applications still  
22 pending. *See, e.g.*, U.S. Patent No. US10776471B2 (filed Mar. 18, 2019), (“Priority and Related  
23 Applications”), available at [patents.google.com/patent/US10776471B2/](https://patents.google.com/patent/US10776471B2/).

24 21. FaceTec has sought protection for its technological innovations, which has resulted  
25 in the issuance of not only the Patents-in-Suit here, but also additional related patents.

26 22. The ’471 Patent issued on June 10, 2014, and is titled “Facial recognition  
27 authentication system including path parameters.” FaceTec is the owner of the ’471 Patent. (A  
28 copy of the patent is **Exh. A** to this Complaint.)

1           23.     The '606 Patent issued on October 26, 2021, and is titled "Facial recognition  
2 authentication system including path parameters." FaceTec is the owner of the '606 Patent. (A  
3 copy of the patent is **Exh. B** to this Complaint.)

4           24.     The '938 Patent issued on July 4, 2023, and is titled "Facial recognition  
5 authentication system including path parameters." FaceTec is the owner of the '938 Patent. (A  
6 copy of the patent is **Exh. C** to this Complaint.)

7           25.     The '910 Patent issued on January 16, 2024, and is titled "Facial recognition  
8 authentication system including path parameters." FaceTec is the owner of the '910 Patent. (A  
9 copy of the patent is **Exh. D** to this Complaint.)

10          26.     Additional patents issued to FaceTec include the following:

- 11           •       10,915,618: "Method to add remotely collected biometric images /  
12                   templates to a database record of personal information";
- 13           •       10,803,160: "Method to verify and identify blockchain with user question  
14                   data";
- 15           •       11,991,173: "Method and apparatus for creation and use of digital  
16                   identification";
- 17           •       11,727,098: "Method and apparatus for user verification with blockchain  
18                   data storage";
- 19           •       11,657,132: "Method and apparatus to dynamically control facial  
20                   illumination";
- 21           •       11,574,036: "Method and system to verify identity";
- 22           •       11,562,055: "Method to verify identity using a previously collected  
23                   biometric image/data";
- 24           •       10,698,995: "Method to verify identity using a previously collected  
25                   biometric image/data";
- 26           •       11,256,792: "Method and apparatus for creation and use of digital  
27                   identification";



- 1 • 10,614,204: “Facial recognition authentication system including path
- 2 parameters”;
- 3 • 10,262,126: “Facial recognition authentication system including path
- 4 parameters”;
- 5 • 9,953,149: “Facial recognition authentication system including path
- 6 parameters”;
- 7 • D813,264: “Display screen or portion thereof with graphical user interface”;
- 8 • D763872: “Display screen or portion thereof with graphical user interface”;
- 9 • D987653: “Display screen or portion thereof with graphical user interface.”

10 27. In addition, FaceTec owns numerous pending U.S. and foreign patent applications  
11 on its technology.

12 **C. Defendant Jumio and Its Infringing Biometric Security Software**

13 28. As shown in the attached claim charts (**Exhibits E, F, G, and H**), FaceTec alleges  
14 herein that Defendant Jumio makes, uses, offers for sale and sells in the United States products,  
15 systems, and/or services (collectively, “Jumio Accused Instrumentalities” or “Jumio Liveness  
16 Detection Technology”) that infringe one or more claims of each of the FaceTec Patents-in-Suit,  
17 which Jumio Accused Instrumentalities include at least the following:

- 18 a. All Jumio products and services that include or use technology of the kind referred  
19 to by Jumio or by its vendor iProov Ltd. as “Liveness Assurance,” “Basic Face  
20 Verifier,” or “Express Liveness.” *See, e.g.*, Jumio, “Jumio Adds iProov’s Award-  
21 Winning Liveness Detection to its KYX Platform,” *available at*  
22 <https://www.jumio.com/about/press-releases/iproov-liveness-detection-kyx> (April  
23 7, 2021) (“The Jumio and iProov partnership brings Liveness Assurance™ . . . to  
24 enterprises around the globe ensuring that the online user is genuine (i.e., not an  
25 imposter), physically present and not a sophisticated cyberattack using deepfakes or  
26 other synthetic media.”); *see also* [www.iproov.com/liveness-detection](http://www.iproov.com/liveness-detection).
- 27 b. All Jumio products and services that include, use, or perform services or  
28 technology of the kind referred to by Jumio as “Liveness Checks.” *See, e.g.*,

1 Jumio, “Industry-Leading Technologies,” *available at* [www.jumio.com/technology](http://www.jumio.com/technology)  
2 (2024) (“For example, we can determine whether the individual submits a  
3 screenshot or paper copy of a picture (i.e., a printed photo) instead of an authentic  
4 selfie — commonly referred to as a presentation attack. We can also detect video  
5 injection attacks, which involve injecting a deepfake into the digital stream by  
6 using a virtual camera or hacking the vendor’s API or SDK.”).<sup>2</sup>

- 7 c. All Jumio products and services that include, use, or perform services or  
8 technology of the kind referred to by Jumio as “Liveness Detection,” “Jumio’s  
9 liveness detection,” “Jumio’s state-of-the-art liveness detection,” “Selfie +  
10 Liveness Check,” or the like. *See, e.g.,* Jumio, “Liveness Detection,” *available at*  
11 [www.jumio.com/products/liveness-detection](http://www.jumio.com/products/liveness-detection) (2024).
- 12 d. Any other Jumio product or service that (1) prompts a user to position their face at  
13 more than one distance from a user’s device camera, (2) utilizes the user’s device  
14 camera to capture face image data at at least two distances between the user’s face  
15 and the device’s camera, and (3) thereafter compares the face image data to  
16 evaluate user 3-dimensionality.
- 17 e. Any inclusion of, provisions for, or use of any of the foregoing in, on, or via  
18 Jumio’s Netverify or KYX platform or any other Jumio platform. *See, e.g.,* Jumio,  
19 “Welcome to Jumio!,” *available at* [portal.netverify.com/#/dashboard](http://portal.netverify.com/#/dashboard).
- 20 f. Any inclusion of, provisions for, or use of any of the foregoing in, on, or via any  
21 Jumio Showcase App for Android or iOS. *See, e.g.,* Apple Inc., “App Store  
22 Preview: Jumio Showcase,” *available at* [apps.apple.com/th/app/jumio-](https://apps.apple.com/th/app/jumio-)

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24 <sup>2</sup> For the avoidance of doubt, FaceTec does not contend that any products and services referred to  
25 in this subparagraph or Subparagraph C infringe the FaceTec Patents-in-Suit if and to the extent  
26 that any such products or services solely consist of or solely practice what Jumio and iProov  
27 presently market as “Genuine Presence Assurance” or “Dynamic Liveness.” *See, e.g.,* Jumio,  
28 “Dynamic Liveness,” *available at* [www.iproov.com/biometric-encyclopedia/genuine-presence-assurance](http://www.iproov.com/biometric-encyclopedia/genuine-presence-assurance) (2024) (“Patented Flashmark™ technology uses controlled illumination to provide  
effortless, secure, and reassuring biometric authentication. An instruction is sent to the user’s  
device, along with a time-limited session code, which tells the device to illuminate the user’s face  
with an unpredictable sequence of colors.”).

1 [showcase/id639531180](#) (2024); Google LLC, “Google Play: Jumio Showcase,”  
2 available at  
3 [play.google.com/store/apps/details?id=com.jumio.demo.netverify&hl=en\\_US](#)  
4 (Mar. 14, 2024).

5 29. Examples of infringement by the Accused Instrumentalities identified above are  
6 provided in the attached claim charts. (**Exhs. E, F, G, H.**)

7 30. Importantly, Defendant Jumio is well aware of both FaceTec and its patented  
8 technology. Jumio is a direct competitor of FaceTec and provides competing biometric liveness  
9 detection software products. *See, e.g.*, [www.jumio.com/products/liveness-detection](#) (“Using AI-  
10 driven algorithms, Jumio securely detects whether a biometric authentication sample is a live  
11 human being or a fake representation.”). Jumio has made numerous attempts at creating and  
12 distributing liveness detection technology. But when Jumio’s efforts at liveness detection  
13 technology failed (*see, e.g.*, [www.jumio.com/about/press-releases/eyeball-tracking/](#) and  
14 [www.jumio.com/app/uploads/2018/07/netverify-liveness-detection.pdf](#)), Jumio abandoned these  
15 efforts and instead contracted with FaceTec to use FaceTec’s patented liveness detection  
16 technology.

17 31. But Jumio eventually broke its contract with FaceTec and thereafter contracted  
18 with another FaceTec competitor, iProov Ltd., which thereafter deployed for Jumio a liveness  
19 detection technology that infringes on FaceTec’s patent rights. After iProov refused to cease its  
20 infringing conduct, FaceTec sued iProov in late 2021 in the United States District Court for the  
21 District of Nevada. *See FaceTec Inc. v. iProov Ltd.*, Case No. 2:21-cv-02252-ART-BNW.  
22 FaceTec asserts in its complaint against iProov claims for infringement of both the ’471 and ’606  
23 patents as well as claims for breach of contract and tortious interference.

24 32. Jumio has persisted, however, in using iProov’s infringing technology. Jumio has  
25 also recently introduced Jumio-branded liveness detection technologies that either constitute or  
26 incorporate iProov’s infringing liveness detection technology or are highly similar to iProov’s  
27 infringing liveness detection technology. Like iProov’s infringing liveness detection technology –  
28 and for similar reasons – Jumio’s own-branded liveness detection technologies include multiple

1 aspects that are copied directly from FaceTec and that infringe the FaceTec Patents-in-Suit as  
2 shown in the attached charts. (*See, e.g., Exhs. E, F, G, H.*) Faced with Jumio’s blatant disregard  
3 for and infringement of FaceTec’s patent rights, FaceTec contacted Jumio in writing on or about  
4 August 23, 2023, and demanded that Jumio immediately cease and desist any further infringement  
5 of FaceTec’s patent rights or other intellectual property, including ceasing all use of any  
6 technology that falls within the scope of the FaceTec Patents-in-Suit. But while Jumio responded  
7 to this letter shortly thereafter, Jumio refused FaceTec’s demand to cease and desist and has  
8 continued since that date to persist in its infringement of FaceTec’s patent rights, including its  
9 infringement of the FaceTec Patents-in-Suit.

10 33. Faced with Jumio’s continued and blatant infringement of FaceTec’s patent rights,  
11 FaceTec now has no choice but to pursue this lawsuit.

12 **FIRST CLAIM FOR RELIEF**

13 **(Infringement of the ’471 Patent – 35 U.S.C. §§ 271 *et seq.*)**

14 34. Plaintiff realleges and incorporates by reference the foregoing paragraphs, as  
15 though fully set forth herein.

16 35. Defendant Jumio has actual knowledge of, not only the ’471 Patent, but also  
17 Jumio’s infringement of that patent. For example, in August of 2023, FaceTec contacted Jumio in  
18 writing, specifically informing Jumio that the Jumio Accused Instrumentalities infringe at least  
19 Claim 10 of the ’471 Patent. But despite having full knowledge of the ’471 Patent and also its  
20 infringement of that patent, Jumio has continued to directly infringe Claim 10 and other claims of  
21 the ’471 Patent by developing, making, using, offering to sell, selling and/or importing, in this  
22 District, and elsewhere in the United States, the Jumio Accused Instrumentalities. For example, as  
23 shown in the chart attached as **Exhibit E**, users of the Jumio Accused Instrumentalities (whether  
24 those users be Jumio customers or Jumio itself) infringe at least Claim 10 of the ’471 Patent.

25 36. FaceTec contends that – to the extent that Defendant does not directly infringe one  
26 or more claims of the ’471 Patent, Defendant indirectly infringes those claims. Defendant’s acts of  
27 indirect infringement include inducement of infringement and contributory infringement under  
28 U.S.C. §§ 271(b) and (c). Defendant contributorily infringes the ’471 Patent by using, offering to

1 sell, and selling within the United States and/or importing into the United States the Jumio  
2 Accused Instrumentalities, including components of patented machines, manufactures,  
3 combinations, materials and/or apparatus for use in practicing the patented systems, processes or  
4 methods, which constitute a material part of the inventions, knowing the same to be especially  
5 made or especially adapted for use in an infringement of the '471 Patent and not a staple article or  
6 commodity of commerce suitable for substantial non-infringing use.

7 37. Among other things, Jumio has – with full knowledge of the '471 Patent and its  
8 applicability to the Jumio Accused Instrumentalities – specifically designed, or caused to be  
9 designed, the Jumio Accused Instrumentalities in a manner that infringes the '471 Patent and has  
10 also specifically instructed users of the Jumio Accused Instrumentalities – via on-screen visual  
11 guidance and/or online and/or written instructional materials – to use the Jumio Accused  
12 Instrumentalities in a manner that infringes one or more claims of the '471 Patent, including at  
13 least Claim 10.

14 38. By way of example, Jumio's indirect infringement includes offering customers and  
15 users access to the Jumio Accused Instrumentalities to be used in accordance with the claimed  
16 methods and systems, including certain user-supplied components, such as user-supplied  
17 computers, tablets, and smartphones. Defendant has induced infringement of the '471 Patent by  
18 virtue of the activities described herein and in the attached charts, as well as by aiding, assisting,  
19 and abetting the practice of the patented inventions as set forth herein and in the attached charts.

20 39. Such activities include Defendant's provision of web-based, phone-based, email-  
21 based and/or literature-based promotion, support and assistance with respect to utilizing the Jumio  
22 Accused Instrumentalities (*e.g.*, manuals, product guides, user forums, troubleshooting tips, and  
23 other forms of support and assistance for utilizing the Jumio Accused Instrumentalities). Such  
24 activities further include instructing Defendant's customers to utilize Jumio Accused  
25 Instrumentalities in an infringing manner and configuring the Jumio Accused Instrumentalities  
26 such that a user will be unable to obtain verification unless the Jumio Accused Instrumentalities  
27 are used in an infringing manner.

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1           40.     As one example, during an authentication session, Jumio will specifically instruct  
2 users to utilize the Jumio Accused Instrumentalities in a manner that infringes one or more claims  
3 of the FaceTec Patents-in-Suit. Indeed, unless the users follow the specific instructions provided  
4 by Defendant to utilize the Jumio Accused Instrumentalities in an infringing manner, the Jumio  
5 Accused Instrumentalities will not verify the physical presence of the user.

6           41.     Defendant’s additional activities include creation, provision, distribution, and  
7 promotion of instructions, user guides and other product-related documentation, technical support,  
8 video tutorials, training and certification, user forums, professional consultation, warranty support,  
9 indemnification, technical notes, release notes, articles, etc., for utilizing the Jumio Accused  
10 Instrumentalities.

11           42.     Jumio’s actions constitute direct infringement, contributory infringement, and/or  
12 active inducement of infringement of at least Claim 10 of the ’471 Patent in violation of 35 U.S.C.  
13 § 271.

14           43.     FaceTec has sustained damages and will continue to sustain damages as a result of  
15 Defendant’s aforesaid acts of infringement.

16           44.     FaceTec is entitled to recover damages sustained as a result of Jumio’s wrongful  
17 acts in an amount to be proven at trial.

18           45.     Jumio’s infringement of FaceTec’s rights under the ’471 Patent will continue to  
19 damage Plaintiff’s business, causing irreparable harm, for which there is no adequate remedy at  
20 law, unless it is enjoined by this Court.

21           46.     In addition, Jumio has infringed the ’471 Patent – directly, contributorily, and by  
22 inducement – with full knowledge of the ’471 Patent and despite having full knowledge that its  
23 actions constituted infringement of that patent. For at least this reason, Jumio has willfully  
24 infringed the ’471 Patent, entitling FaceTec to increased damages under 35 U.S.C. § 284 and to  
25 attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

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**SECOND CLAIM FOR RELIEF**

**(Infringement of the '606 Patent – 35 U.S.C. §§ 271 *et seq.*)**

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3 47. Plaintiff realleges and incorporates by reference the foregoing paragraphs, as  
4 though fully set forth herein.

5 48. Defendant Jumio has actual knowledge of, not only the '606 Patent, but also  
6 Jumio's infringement of that patent. For example, in August of 2023, FaceTec contacted Jumio in  
7 writing, specifically informing Jumio that the Jumio Accused Instrumentalities infringe at least  
8 Claim 1 of the '606 Patent. But despite having full knowledge of the '606 Patent and also its  
9 infringement of that patent, Jumio has continued to directly infringe Claim 1 and other claims of  
10 the '606 Patent by developing, making, using, offering to sell, selling and/or importing, in this  
11 District and elsewhere in the United States, the Jumio Accused Instrumentalities. For example, as  
12 shown in the chart attached as **Exhibit F**, users of the Jumio Accused Instrumentalities (whether  
13 those users be Jumio customers or Jumio itself) infringe at least Claim 1 of the '606 Patent.

14 49. FaceTec contends that – to the extent that Defendant does not directly infringe one  
15 or more claims of the '606 Patent, Defendant indirectly infringes those claims. Defendant's acts of  
16 indirect infringement include inducement of infringement and contributory infringement under 35  
17 U.S.C. §§ 271(b) and (c). Defendant contributorily infringes the '606 Patent by using, offering to  
18 sell, and selling within the United States and/or importing into the United States the Jumio  
19 Accused Instrumentalities, including components of patented machines, manufactures,  
20 combinations, materials and/or apparatus for use in practicing the patented systems, processes or  
21 methods, which constitute a material part of the inventions, knowing the same to be especially  
22 made or especially adapted for use in an infringement of the '606 Patent and not a staple article or  
23 commodity of commerce suitable for substantial non-infringing use.

24 50. Among other things, Jumio has – with full knowledge of the '606 Patent and its  
25 applicability to the Jumio Accused Instrumentalities – specifically designed, or caused to be  
26 designed, the Jumio Accused Instrumentalities in a manner that infringes the '606 Patent and has  
27 also specifically instructed users of the Jumio Accused Instrumentalities – via on screen visual  
28 guidance and/or online and/or written instructional materials – to use the Jumio Accused

1 Instrumentalities in a manner that infringes one or more claims of the '606 Patent, including at  
2 least Claim 1.

3 51. By way of example, Jumio's indirect infringement includes offering customers and  
4 users access to the Jumio Accused Instrumentalities to be used in accordance with the claimed  
5 methods and systems, including certain user-supplied components, such as user-supplied  
6 computers, tablets, and smartphones. Defendant has induced infringement of the '606 Patent by  
7 virtue of the activities described herein and in the attached charts, as well as by aiding, assisting,  
8 and abetting the practice of the patented inventions as set forth herein and in the attached charts.

9 52. Such activities include Defendant's provision of web-based, phone-based, email-  
10 based and/or literature-based promotion, support, and assistance with respect to utilizing the Jumio  
11 Accused Instrumentalities (*e.g.*, manuals, product guides, user forums, troubleshooting tips, and  
12 other forms of support and assistance for utilizing the Jumio Accused Instrumentalities). Such  
13 activities further include instructing Defendant's customers to utilize Jumio Accused  
14 Instrumentalities in an infringing manner and configuring the Jumio Accused Instrumentalities  
15 such that a user will be unable to obtain verification unless the Jumio Accused Instrumentalities  
16 are used in an infringing manner.

17 53. As one example, during an authentication session, Jumio will specifically instruct  
18 users to utilize the Jumio Accused Instrumentalities in a manner that infringes one or more claims  
19 of the FaceTec Patents-in-Suit. Indeed, unless the users follow the specific instructions provided  
20 by Defendant to utilize the Jumio Accused Instrumentalities in an infringing manner, the Jumio  
21 Accused Instrumentalities will not verify the physical presence of the user.

22 54. Defendant's additional activities include creation, provision, distribution, and  
23 promotion of instructions, user guides and other product-related documentation, technical support,  
24 video tutorials, training and certification, user forums, professional consultation, warranty support,  
25 indemnification, technical notes, release notes, articles, etc., for utilizing the Jumio Accused  
26 Instrumentalities.





1           62.     FaceTec contends that – to the extent that Defendant does not directly infringe one  
2 or more claims of the '938 patent, Defendant indirectly infringes those claims. Defendant's acts of  
3 indirect infringement include inducement of infringement and contributory infringement under 35  
4 U.S.C. §§ 271(b) and (c). Defendant contributorily infringes the '938 Patent by using, offering to  
5 sell, and selling within the United States and/or importing into the United States the Jumio  
6 Accused Instrumentalities, including components of patented machines, manufactures,  
7 combinations, materials and/or apparatus for use in practicing the patented systems, processes or  
8 methods, which constitute a material part of the inventions, knowing the same to be especially  
9 made or especially adapted for use in an infringement of the '938 Patent and not a staple article or  
10 commodity of commerce suitable for substantial non-infringing use.

11           63.     Among other things, Jumio has – with full knowledge of the '938 Patent and its  
12 applicability to the Jumio Accused Instrumentalities – specifically designed, or caused to be  
13 designed, the Jumio Accused Instrumentalities in a manner that infringes the '938 Patent and has  
14 also specifically instructed users of the Jumio Accused Instrumentalities – via on screen visual  
15 guidance and/or online and/or written instructional materials – to use the Jumio Accused  
16 Instrumentalities in a manner that infringes one or more claims of the '938 Patent, including at  
17 least Claim 8.

18           64.     By way of example, Jumio's indirect infringement includes offering customers and  
19 users access to the Jumio Accused Instrumentalities to be used in accordance with the claimed  
20 methods and systems, including certain user-supplied components, such as user-supplied  
21 computers, tablets, and smartphones. Defendant has induced infringement of the '938 Patent by  
22 virtue of the activities described herein and in the attached charts, as well as by aiding, assisting,  
23 and abetting the practice of the patented inventions as set forth herein and in the attached charts.

24           65.     Such activities include Defendant's provision of web-based, phone-based, email-  
25 based and/or literature-based promotion, support and assistance with respect to utilizing the Jumio  
26 Accused Instrumentalities (*e.g.*, manuals, product guides, user forums, troubleshooting tips, and  
27 other forms of support and assistance for utilizing the Jumio Accused Instrumentalities). Such  
28 activities further include instructing Defendant's customers to utilize Jumio Accused

1 Instrumentalities in an infringing manner and configuring the Jumio Accused Instrumentalities  
2 such that a user will be unable to obtain verification unless the Jumio Accused Instrumentalities  
3 are used in an infringing manner.

4 66. As one example, during an authentication session, Jumio will specifically instruct  
5 users to utilize the Jumio Accused Instrumentalities in a manner that infringes one or more claims  
6 of the FaceTec Patents-in-Suit. Indeed, unless the users follow the specific instructions provided  
7 by Defendant to utilize the Jumio Accused Instrumentalities in an infringing manner, the Jumio  
8 Accused Instrumentalities will not verify the physical presence of the user.

9 67. Defendant's additional activities include creation, provision, distribution, and  
10 68. promotion of instructions, user guides and other product-related documentation,  
11 technical support, video tutorials, training and certification, user forums, professional consultation,  
12 warranty support, indemnification, technical notes, release notes, articles, etc., for utilizing the  
13 Jumio Accused Instrumentalities. Jumio's actions constitute direct infringement, contributory  
14 infringement, and/or active inducement of infringement of at least Claim 8 of the '938 Patent in  
15 violation of 35 U.S.C. § 271.

16 69. FaceTec has sustained damages and will continue to sustain damages as a result of  
17 Defendant's aforesaid acts of infringement.

18 70. FaceTec is entitled to recover damages sustained as a result of Jumio's wrongful  
19 acts in an amount to be proven at trial.

20 71. Jumio's infringement of FaceTec's rights under the '938 Patent will continue to  
21 damage Plaintiff's business, causing irreparable harm, for which there is no adequate remedy at  
22 law, unless it is enjoined by this Court.

23 72. In addition, Jumio has infringed the '938 Patent – directly, contributorily, and by  
24 inducement – with full knowledge of the '938 Patent and despite having full knowledge that its  
25 actions constituted infringement of that patent. For at least this reason, Jumio has willfully  
26 infringed the '938 Patent, entitling FaceTec to increased damages under 35 U.S.C. § 284 and to  
27 attorney fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

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**FOURTH CLAIM FOR RELIEF**

**(Infringement of the '910 Patent – 35 U.S.C. §§ 271 *et seq.*)**

73. Plaintiff realleges and incorporates by reference the foregoing paragraphs, as though fully set forth herein.

74. Defendant Jumio has actual knowledge of, not only the '910 Patent, but also Jumio's infringement of that patent. For example, in August of 2023, FaceTec contacted Jumio in writing, specifically informing Jumio that the Jumio Accused Instrumentalities infringe at least Claim 10 of the '910 Patent. But despite having full knowledge of the '910 Patent and also its infringement of that patent, Jumio has continued to directly infringe one or more claims of the '910 Patent by developing, making, using, offering to sell, selling and/or importing, in this District and elsewhere in the United States, the Jumio Accused Instrumentalities. For example, as shown in the chart attached as **Exhibit H**, users of the Jumio Accused Instrumentalities (whether those users be Jumio customers or Jumio itself) infringe at least Claim 10 of the '910 Patent.

75. FaceTec contends that – to the extent that Defendant does not directly infringe one or more claims of the '910 patent, Defendant indirectly infringes those claims. Defendant's acts of indirect infringement include inducement of infringement and contributory infringement under 35 U.S.C. §§ 271(b) and (c). Defendant contributorily infringes the '910 Patent by using, offering to sell, and selling within the United States and/or importing into the United States the Jumio Accused Instrumentalities, including components of patented machines, manufactures, combinations, materials and/or apparatus for use in practicing the patented systems, processes or methods, which constitute a material part of the inventions, knowing the same to be especially made or especially adapted for use in an infringement of the '910 Patent and not a staple article or commodity of commerce suitable for substantial non-infringing use.

76. Among other things, Jumio has – with full knowledge of the '910 Patent and its applicability to the Jumio Accused Instrumentalities – specifically designed, or caused to be designed, the Jumio Accused Instrumentalities in a manner that infringes the '910 Patent and has also specifically instructed users of the Jumio Accused Instrumentalities – via on screen visual guidance and/or online and/or written instructional materials – to use the Jumio Accused

1 Instrumentalities in a manner that infringes one or more claims of the '910 Patent, including at  
2 least Claim 10.

3 77. By way of example, Jumio's indirect infringement includes offering customers and  
4 users access to the Jumio Accused Instrumentalities to be used in accordance with the claimed  
5 methods and systems, including certain user-supplied components, such as user-supplied  
6 computers, tablets, and smartphones. Defendant has induced infringement of the '910 Patent by  
7 virtue of the activities described herein and in the attached charts, as well as by aiding, assisting,  
8 and abetting the practice of the patented inventions as set forth herein and in the attached charts.

9 78. Such activities include Defendant's provision of web-based, phone-based, email-  
10 based and/or literature-based promotion, support and assistance with respect to utilizing the Jumio  
11 Accused Instrumentalities (*e.g.*, manuals, product guides, user forums, troubleshooting tips, and  
12 other forms of support and assistance for utilizing the Jumio Accused Instrumentalities). Such  
13 activities further include instructing Defendant's customers to utilize Jumio Accused  
14 Instrumentalities in an infringing manner and configuring the Jumio Accused Instrumentalities  
15 such that a user will be unable to obtain verification unless the Jumio Accused Instrumentalities  
16 are used in an infringing manner.

17 79. As one example, during an authentication session, Jumio will specifically instruct  
18 users to utilize the Jumio Accused Instrumentalities in a manner that infringes one or more claims  
19 of the FaceTec Patents-in-Suit. Indeed, unless the users follow the specific instructions provided  
20 by Defendant to utilize the Jumio Accused Instrumentalities in an infringing manner, the Jumio  
21 Accused Instrumentalities will not verify the physical presence of the user.

22 80. Defendant's additional activities include creation, provision, distribution, and  
23 promotion of instructions, user guides and other product-related documentation, technical support,  
24 video tutorials, training and certification, user forums, professional consultation, warranty support,  
25 indemnification, technical notes, release notes, articles, etc., for utilizing the Jumio Accused  
26 Instrumentalities.



- 1 E. A trebling of the damage award to FaceTec;
- 2 F. An assessment and award of pre- and post-judgment interest on all damages
- 3 awarded; and
- 4 G. Any further relief that this Court deems just and proper.

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Dated: June 14, 2024

**ONE LLP**

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**DEMAND FOR JURY TRIAL**

Plaintiff FaceTec hereby demands a trial by jury as to all claims and all issues properly triable thereby.

Dated: June 14, 2024

**ONE LLP**

By: /s/ Nathaniel L. Dilger  
Nathaniel L. Dilger  
Peter R. Afrasiabi  
William J. O'Brien  
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