IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

iProov LTD, a United Kingdom Limited Liability Company **Plaintiff,** **v.** **Software Colombia Servicios Informaticos SAS, a Colombian Simplified stock company,** **Defendant,**	**Civil Action No.** **JURY TRIAL DEMANDED**

COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 et seq. in which Plaintiff iProov LTD. ("iProov" or "Plaintiff") files this patent infringement action against defendant Software Colombia Servicios Informaticos SAS ("Software Colombia" or "Defendant").

PARTIES

1. Plaintiff iProov LTD is a United Kingdom Limited Liability company with a principal place of business and headquarters is at 10 York Road, London SE1 7nd, United Kingdom.

2. Defendant Software Colombia Servicios Informaticos SAS is a Colombian Simplified stock company with a principal place of business at Calle 31 No. 13A – 51 Tower 1 Office 301, Panorama building, Bogota, Colombia 11. Software Colombia can be served pursuant to the Hague Convention.

BACKGROUND

3. This case relates to biometric liveness detection software technology that is used to ensure that a live human is present during authentication by means of facial verification.

4. iProov's services provide its customers with essential security when authenticating remote users online, by ensuring that such users are the right person, a real person and present right there, right now. The services protect organizations and individuals against identity theft by defending against attacks using photographs, masks, replayed recordings and synthetic videos ("deepfakes").

5. iProov, headquartered in London, United Kingdom, is a world-leading pioneer in this field. It was founded in 2011, using inventions conceived by its founder Andrew Bud, who is an experienced technology innovator with over 28 granted patents worldwide. In 2020, Mr. Bud was appointed a Fellow of the Royal Academy of Engineering of the United Kingdom.

6. A team was rapidly established, combining deep industrial software development expertise with computer science skills drawn from University College London, the faculty in which many advances in machine learning and computer vision were developed. To date, iProov has been granted ten United States patents on innovations invented by the team. iProov now employs over 180 staff, many of whom are engaged in research and development on advanced methods to evaluate and deliver biometric liveness solutions.

7. The value of the inventions and the skills of the team were recognized by the United Kingdom's innovation funding agency Innovate UK, which on the basis of independent evaluation from 2013 to 2018, awarded iProov 18 separate grants to fund research and engineering to create and develop these technologies.

8. iProov also received equity investment of over $8m in the period 2013 to 2019, the majority of which was invested in research and development.

9. In 2017, iProov was selected as Britain's top cyber-security start-up by the National Cyber Security Centre in its cyber den competition. Also in 2017, iProov won the Citi "Technology for Integrity" challenge in Singapore and was named as one of the world's 16 most significant cyber startups by the US SINET association. The unique qualities of iProov's proprietary technologies have been recognized by several national governments which have selected iProov, against competitive offerings and following extensive testing, to provide liveness for national identity onboarding and authentication programs. These include the United Kingdom, Australia, Singapore and in 2018, the US Department of Homeland Security.

10. iProov is the assignee of all rights, titles, and interest in and to U.S. Patent No. 9,075,975 B2, entitled "Online Pseudonym Verification and Identity Validation" (the "'975 Patent," attached as Exhibit A), and U.S. Patent No. 9,479,500 B2, entitled "Online Pseudonym Verification and Identity Validation" (the "'500 Patent", attached as Exhibit B) (collectively, the "Patents-in-Suit"). iProov has the exclusive right to assert all causes of action arising under the Patents-in-Suit and the right to remedies for infringement thereof.

11. The Patents-in-Suit are important inventions of iProov, claiming methods and systems for authenticating a presence of an online user. iProov's innovative patented technology is widely used in many fields including the financial, health care, travel, and governments throughout the world.

12. Software Colombia is a customer of Amazon Web Services, Inc. ("AWS"), which is a subsidiary of Amazon.com ("Amazon") that provides on-demand cloud computing platforms and APIs to individuals, companies, and governments. Software Colombia is and has been using the "Amazon Rekognition Face Liveness" product and services ("Amazon Rekognition"). In violation of iProov's patent rights, Software Colombia, as a customer, user and implementation

software developer of AWS' technology, infringes the Patents-in-Suit, as further described below.

JURISDICTION AND VENUE

13. This action arises under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

14. This Court has personal jurisdiction over Software Colombia because, among other reasons, Software Colombia has committed acts of infringement in the United States.

15. Venue is proper in this District under 28 U.S.C. § 1400(b) and 28 U.S.C. § 1391(c)(3), because Software Colombia has committed acts of infringement in the United States.

16. For example, by using, implementing, and offering Amazon Rekognition, Software Colombia has caused servers located in the United States to perform each and every element of at least one claim of each of the Patents-in-Suit. By using Amazon Rekognition, Software Colombia connects to one or more published Amazon Rekognition endpoints in the United States. These endpoints include, but are not limited to, computer servers located in the United States, connecting to the Internet URL addresses rekognition.us-east-1.amazonaws.com, rekognition-fips.us-east-1.amazonaws.com, rekognition.us-west-1.amazonaws.com or rekognition-fips.us-west-1.amazonaws.com. These endpoints resolve to IP addresses of computers located in the United States, for example in Ashburn, Virginia and Columbus, Ohio, which computers run the Amazon Rekognition service.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 9,075,975

17. Plaintiff incorporates by reference each of the allegations in the foregoing paragraphs, and further allege as follows:

18. The ’975 Patent issued on June 7, 2015 and claims the benefit of Provisional Patent Application Serial No. 2013/0219480 AI, filed on February 21, 2012.

19. The ’975 Patent claims cover methods and systems for authenticating the presence of an online user. Exemplary Claim 1 recites a method of authenticating a presence of an online user, the method comprising: sending control signals from a server to a user device, wherein the user device includes: a source of illumination; a camera capable of capturing video imagery of the online user; and wherein the user device is capable of: receiving the control signals; modulating the source of illumination in accordance with the received control signals; and transmitting captured video imagery of the online user to the server; receiving at the server video imagery transmitted by the user device, wherein the video imagery is captured by the camera while the source of illumination is being modulated in accordance with the control signals during authentication of the online user; in a first analyzing step, analyzing the received video imagery to detect frames that show changes in reflected illumination in temporal correspondence with the control signals; in a second analyzing step, determining a spatial arrangement of the brightness changes in reflected illumination in the detected frames and determining a degree of consistency of the spatial arrangement of the brightness changes in reflected illumination with a spatial arrangement of brightness changes that would be expected from a three-dimensional shape comprising major facial features of a human face present during authentication; using results of the first analyzing step to determine a first likelihood that the received video imagery was captured from an object viewed by the camera in real time, wherein the determination of the first likelihood is independent of video imagery captured during

enrollment of the online user; using results of the second analyzing step to determine a second likelihood that the received video imagery captured a human face present during authentication, wherein determination of the second likelihood is independent of movement of the online user in response to the modulation of the illumination; and generating an authentication response based on the first likelihood and the second likelihood.

20. Software Colombia has been and is now directly and indirectly infringing one or more claims of the ’975 Patent in the United States, including but not limited to Claim 1. An exemplary claim chart showing infringement of Claim 1 is attached hereto as Exhibit C.

21. Software Colombia has injured iProov and is liable to iProov for direct and indirect infringement of the ’975 Patent pursuant to 35 U.S.C. § 271(a), (b), and (c). Software Colombia has committed acts of infringement without license or authorization from iProov.

22. Software Colombia also has induced the direct infringement of its customers and continues to induce infringement one or more claims of the ’975 Patent by using, in the United States, Amazon Rekognition, as a customer by incorporating it into its own software and services. Among other things, Software Colombia has with full knowledge, specifically designed software and services that use Amazon Rekognition, which specifically instructs users of its software that uses Amazon Rekognition via on screen visual guidance and online instructional materials to use its software and Amazon Rekognition in a manner that infringes one or more claims of the ’975 Patent, including but not limited to Claim 1.

23. Moreover, Software Colombia has contributed to the infringement of and continues to contributorily infringe one or more claims of the ’975 Patent by using and offering software and services that uses Amazon Rekognition in the United States, and internationally. In particular, Software Colombia has made, used, offered to sell, sold and imported its software that

uses Amazon Rekognition. In addition, Amazon Rekognition is a non-staple article of commerce that has no substantial use other than in a manner that infringes one or more claims of the '975 Patent, including at least Claim 1.

24. Software Colombia's actions constitute direct infringement, contributory infringement, and active inducement of infringement of one or more claims of the '975 Patent in violation of 35 U.S.C. § 271.

25. As a result of Software Colombia's infringement of the '975 Patent, iProov has suffered harm and seeks monetary damages in an amount adequate to compensate for infringement, but in no event less than a reasonable royalty for the use made of the invention by Software Colombia, together with interest and costs as fixed by the Court.

COUNT II

INFRINGEMENT OF U.S. PATENT NO. 9,479,500

26. Plaintiff incorporates by reference the foregoing paragraphs and further alleges as follows:

27. The '500 Patent issued on October 25, 2016 and claims the benefit of Provisional Patent Application Serial No. 61/601,534 filed on February 21, 2012.

28. The '500 Patent claims cover methods and systems for authenticating the presence of an online user. Exemplary Claim 1 recites a method of authenticating a presence of an online user seeking to effect an action which is contingent on a server authenticating the presence of the online user, the method comprising: sending control signals from the server to a user device, wherein the user device includes: a source of illumination; a camera capable of capturing video imagery of the online user; and wherein the user device is capable of: receiving the control signals; modulating the source of illumination in accordance with the received control

signals; and transmitting captured video imagery of the online user to the server; receiving at the server video imagery transmitted by the user device, wherein the video imagery is captured by the camera while the source of illumination is being modulated in accordance with the control signals during authentication of the online user; in a first analyzing step, using at least one of the server and the user device to analyze the received video imagery to detect frames that show changes in reflected illumination in temporal correspondence with the control signals; in a second analyzing step, using at least one of the server and the user device to determine a spatial arrangement of the brightness changes in reflected illumination in the detected frames and to determine a degree of consistency of the spatial arrangement of the brightness changes in reflected illumination with a spatial arrangement of brightness changes that would be expected from a three-dimensional shape comprising a plurality of features of a human present during authentication; on at least one of the server and the user device: using results of the first analyzing step to determine a first likelihood that the received video imagery was captured from an object viewed by the camera in real time, wherein the determination of the first likelihood is independent of video imagery captured during enrollment of the online user; using results of the second analyzing step to determine a second likelihood that the received video imagery captured biometric data from the plurality of features of a human present during authentication, wherein determination of the second likelihood is independent of movement of the online user in response to the modulation of the illumination; and generating an authentication response based on the first likelihood and the second likelihood, wherein a positive authentication response permits the action being sought by the online user to proceed.

29. Software Colombia has been and is now directly and indirectly infringing one or more claims of the ’500 Patent in the United States, including but not limited to Claim 1. An exemplary claim chart showing infringement of Claim 1 is attached hereto as Exhibit D.

30. Software Colombia has injured iProov and is liable to iProov for direct and indirect infringement of the ’500 Patent pursuant to 35 U.S.C. § 271(a), (b), and (c). Software Colombia has committed acts of infringement without license or authorization from iProov.

31. Software Colombia also has induced the direct infringement of its customers and continues to induce infringement one or more claims of the ’500 Patent by using, in the United States, Amazon Rekognition, as a customer by incorporating it into its own software and services. Among other things, Software Colombia has with full knowledge, specifically designed software and services that use Amazon Rekognition, which specifically instructs users of its software that uses Amazon Rekognition via on screen visual guidance and online instructional materials to use its software and Amazon Rekognition in a manner that infringes one or more claims of the ’500 Patent, including but not limited to Claim 1.

32. Moreover, Software Colombia has contributed to the infringement of and continues to contributorily infringe one or more claims of the ’500 Patent by using and offering software and services that uses Amazon Rekognition in the United States, and internationally. In particular, Software Colombia has made, used, offered to sell, sold and imported its software that uses Amazon Rekognition. In addition, Amazon Rekognition is a non-staple article of commerce that has no substantial use other than in a manner that infringes one or more claims of the ’500 Patent, including at least Claim 1.

33. Software Colombia's actions constitute direct infringement, contributory infringement, and active inducement of infringement of one or more claims of the '500 Patent in violation of 35 U.S.C. § 271.

34. Software Colombia has injured iProov and is liable to iProov for direct and indirect infringement of the '500 Patent pursuant to 35 U.S.C. § 271(a), (b), and (c). Software Colombia has committed acts of infringement without license or authorization from iProov.

35. As a result of Software Colombia's infringement of the '500 Patent, iProov has suffered harm and seeks monetary damages in an amount adequate to compensate for infringement, but in no event less than a reasonable royalty for the use made of the invention by Software Colombia, together with interest and costs as fixed by the Court.

PRAYER FOR RELIEF

Plaintiff respectfully requests the following relief from this Court:

A. That Defendant has directly and indirectly infringed the Patents-in-Suit;

B. That Defendant's infringement is willful, entitling Plaintiff to treble damages under 35 U.S.C. § 284;

C. That Defendant be ordered to pay damages to Plaintiff, together with costs, expenses, pre-judgment interest and post-judgment interest as allowed by law;

D. That Defendant and any of its affiliates, subsidiaries, officers, directors, employees, agents, representatives, licensees, successors, assigns, and all those acting for any of them or on any of their behalf, or acting in concert with any of them directly or indirectly, be enjoined from infringing the Patents-in-Suit;

E. That the Court enter judgment against Defendant, and in favor of Plaintiff in all respects; and

F. For any such other and further relief as the Court deems just and equitable.

JURY TRIAL DEMANDED

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff requests a trial by jury of any issues so triable by right.

Dated: July 17, 2024

Respectfully submitted,

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