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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

ELECTRONIC SCRIPTING PRODUCTS, INC.,

Plaintiff,

v.

FRESH CONSULTING, INC.,

Defendant.

Civil Action No.

COMPLAINT FOR PATENT  
INFRINGEMENT

JURY DEMAND

**1. COMPLAINT FOR PATENT INFRINGEMENT**

2. COMES NOW, Plaintiff ELECTRONIC SCRIPTING PRODUCTS, INC. (“ESPi”) or its Complaint against Defendant FRESH CONSULTING, INC. (“FRESH CONSULTING”), alleges as follows:

**THE PARTIES**

1. Plaintiff Electronic Scripting Products, Inc. (“ESPi”) is a company organized under the laws of the State of Delaware, having its principal place of business located at 446 Old

1 County Road, Suite 201, Pacifica, CA 94044 and mailing address at 555 Bryant Street #142, Palo  
2 Alto, CA 95301.

3 2. On information and belief, FRESH CONSULTING, INC. (“FRESH  
4 CONSULTING”) is a Washington corporation with its principal place of business at 14725 SE  
5 36<sup>th</sup> Street, Suite 300, Bellevue, Washington 98006.

6 **JURISDICTION AND VENUE**

7 3. This is an action for patent infringement in violation of the Patent Act of the  
8 United States, 35 U.S.C. §§ 1 *et seq.*

9 4. This Court has original and exclusive subject matter jurisdiction over the patent  
10 infringement claims for relief under 28 U.S.C. §§ 1331 and 1338(a).

11 5. This Court has personal jurisdiction over FRESH CONSULTING because it  
12 maintains a regular and established place of business in this District. On information and belief,  
13 FRESH CONSULTING has transacted and is continuing to transact business in this District that  
14 includes, but is not limited to, committing acts of patent infringement giving rise to this action by  
15 use and sale of products and systems that practice the subject matter claimed in the patent  
16 involved in this action.

17 6. Venue is proper in this district under 28 U.S.C. § 1400(b) because FRESH  
18 CONSULTING has a regular and established place of business in this District. Upon  
19 information and belief, FRESH CONSULTING has committed acts of infringement in this  
20 district.

21 **FACTS**

22 7. On January 29, 2019, United States Patent No. 10,191,559 B2 entitled “Computer  
23 Interface For Manipulated Objects With An Absolute Pose Detection Component” was duly and  
24 legally issued. A true and correct copy of United States Patent No. 10,191,559 B2 (“the ‘559  
25 Patent”) is attached hereto as Exhibit A and incorporated herein by this reference.

1 8. Plaintiff is the assignee of the entire right, title and interest in and to the '559  
2 Patent, including all rights to enforce the '559 Patent and to recover for infringement.

3 9. Claim 1 of the '559 Patent claims:

4 1. A manipulated object cooperating with a first plurality of high optical contrast  
5 features disposed in a real three-dimensional environment, said manipulated object  
6 comprising:

7 a) a photodetector configured to detect said first plurality of high optical contrast  
8 features and generate photodetector data representative of the positions of said first  
9 plurality of high optical contrast features;

10 b) a controller configured to identify a derivative pattern of said first plurality of  
11 high optical contrast features from said photodetector data, wherein said derivative  
12 pattern is indicative of the position of said photodetector; and

13 c) at least one component selected from the group consisting of an auxiliary  
14 motion detection component, an active illumination component and a scanning  
15 component.

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17 On information and belief, FRESH CONSULTING infringes Claim 1 of the '559 Patent by  
18 making, using, selling and/or offering to sell in the United States, including in this District,  
19 through its augmented reality apps and associated software and products ("Accused Products").

20 Specifically:



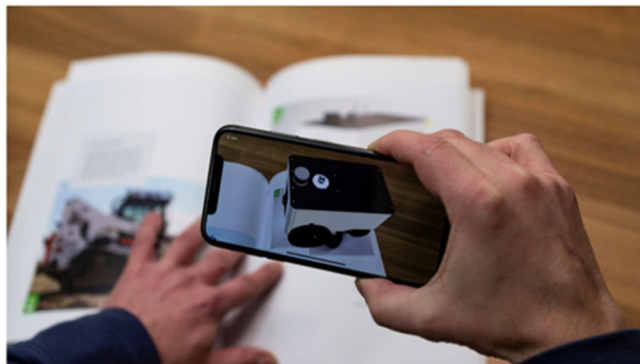
28 ELECTRONIC SCRIPTING PRODUCTS, INC. v. FRESH CONSULTING, INC.  
Complaint for Patent Infringement

1 10. FRESH CONSULTING infringes each element of Claim 1 as follows:

2 “A manipulated object cooperating with a first plurality of high optical contrast  
3 features disposed in a real three-dimensional environment, said manipulated object  
4 comprising:” – To the extent that the preamble is included in an infringement analysis,  
5 below demonstrates the various elements -- FRESH CONSULTING uses as manipulated  
6 object embodied by a mobile device such as an iOS or an Android device.



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16 The device cooperates with high contrast features in the real three-dimensional environment,  
17 e.g., augmented reality book positioned in the real three-dimensional environment (e.g., on a  
18 table) with its drawings and markings:



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26 In cases where FRESH CONSULTING uses an iOS device the Apple ARKit or  
27 equivalent looks for features:

28 ELECTRONIC SCRIPTING PRODUCTS, INC. v. FRESH CONSULTING, INC.  
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**iOS:** Fresh's augmented reality developers design experiences for Apple hardware and software, utilizing advanced cameras, motion-tracking sensors, and graphics processors to enable realistic and engaging AR experiences.

In cases where FRESH CONSULTING uses an Android phone, the Google ARCore or equivalent looks for features:

**Android:** Our team utilizes Google's platform to build Android-native AR, enabling devices to sense environments, understand the world, and provide new ways of interacting with data and information.

“a) a photodetector configured to detect said first plurality of high optical contrast features and generate photodetector data representative of the positions of said first plurality of high optical contrast features;” – FRESH CONSULTING uses a camera of an iOS device or Android device as the photodetector to detect the high optical contrast features and generate data representative of the positions of these features:

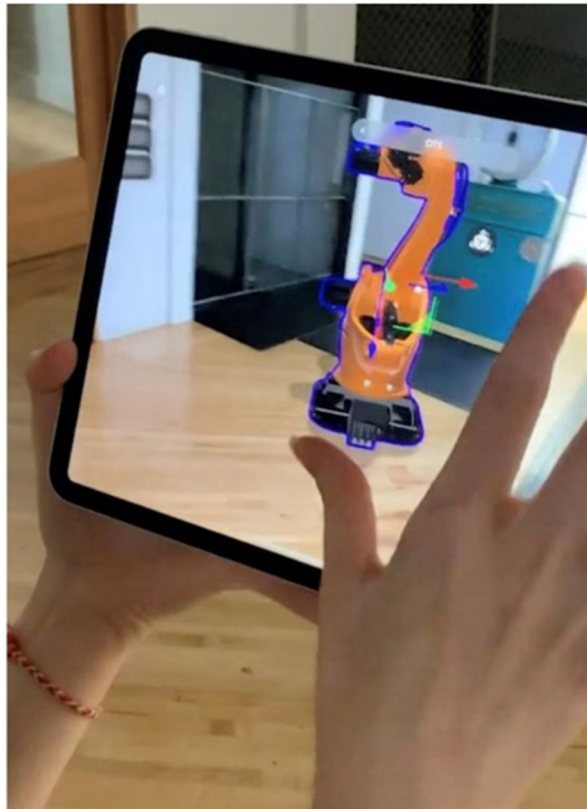
### **Develop on any platform**

**iOS:** Fresh's augmented reality developers design experiences for Apple hardware and software, utilizing advanced cameras, motion-tracking sensors, and graphics processors to enable realistic and engaging AR experiences.

**Android:** Our team utilizes Google's platform to build Android-native AR, enabling devices to sense environments, understand the world, and provide new ways of interacting with data and information.

**App Platforms & Frameworks:** Unity AR Foundation, ARKit, ARCore, Windows Mixed Reality, Magic Leap Lumin Runtime, OpenXR, Azure Spatial Anchors, ARCore Cloud Anchors, ARKit World Anchors, WebXR API.

“b) a controller configured to identify a derivative pattern of said first plurality of high optical contrast features from said photodetector data, wherein said derivative pattern is indicative of the position of said photodetector; and” – FRESH CONSULTING uses the iOS or Android device processing unit(s) as controller(s) that identify the derivative pattern and this derivative pattern is indicative of the position of the photodetector here embodied by the camera:



1 “c) at least one component selected from the group consisting of an auxiliary  
2 motion detection component, an active illumination component and a scanning  
3 component.” – FRESH CONSULTING uses at least one of the iOS or Andoid  
4 device’s auxiliary motion detection components such as inertial device (Inerterial  
5 Measurement Unit or IMU or motion sensing unit), using the Apple ARKit, Google  
6 ARCore.

7 11. Similarly, FRESH CONSULTING also infringes Claims 6, 7, 10, 15, 16, 19, 24,  
8 and 25.

9 12. On November 2, 2010, United States Patent No. 7,826,641 B2 entitled “Apparatus  
10 And Method For Determining An Absolute Pose Of A Manipulated Object In A Real Three-  
11 Dimensional Environment With Invariant Features” was duly and legally issued. A true and  
12 correct copy of United States Patent No. 7,826,641 B2 (“the ’641 Patent”) is attached hereto as  
13 Exhibit B and incorporated herein by this reference.

14 13. Plaintiff is the assignee of the entire right, title and interest in and to the ’641  
15 Patent, including all rights to enforce the ’641 Patent and to recover for infringement.

16 14. Claim 1 of the ’641 Patent claims:

17 1. An apparatus for processing absolute pose data derived from an absolute pose  
18 of a manipulated object in a real three-dimensional environment, said apparatus  
19 comprising:

20 a) at least one invariant feature in said real three-dimensional environment;

21 b) an optical measuring means for optically inferring said absolute pose from on-  
22 board said manipulated object using said at least one invariant feature and expressing  
23 said inferred absolute pose with absolute pose data ( $\phi$ ,  $\theta$ ,  $\psi$ ,  $x$ ,  $y$ ,  $z$ ) representing Euler  
24 rotated object coordinates expressed in world coordinates ( $X_o$ ,  $Y_o$ ,  $Z_o$ ) with respect to  
25 a reference location;

1 c) a processor for preparing said absolute pose data and identifying a subset of  
2 said absolute pose data; and

3 d) a communication link for transmitting said subset to an application.

4 15. On information and belief, FRESH CONSULTING infringes Claim 1 of the '641  
5 Patent by making, using, selling and/or offering to sell in the United States, including in this  
6 District, through its Fresh Consulting augmented reality apps and associated software and  
7 products (“Accused Products”).

8 16. FRESH CONSULTING infringes each element of Claim 1 as follows:

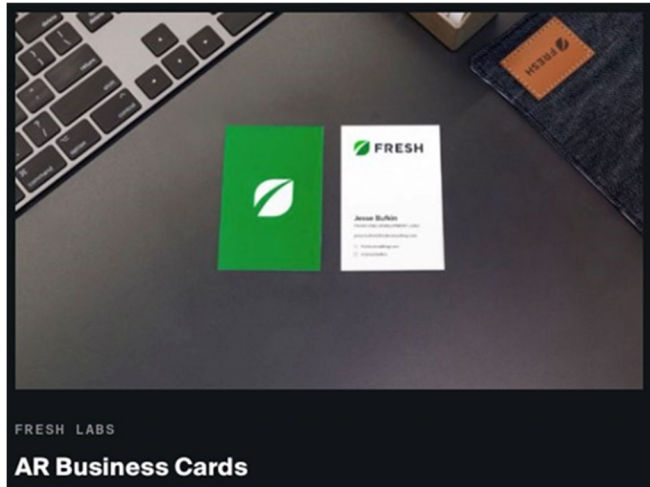
9 “An apparatus for processing absolute pose data derived from an absolute pose of  
10 a manipulated object in a real three-dimensional environment, said apparatus  
11 comprising:” – To the extent that the preamble is included in an infringement analysis,  
12 below demonstrates the various elements: FRESH CONSULTING has an apparatus for  
13 processing absolute pose data derived from an absolute pose of a manipulated object that  
14 is a mobile device such as an iOS (e.g., iPad/iPhone) or an Android device:



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23 “a) at least one invariant feature in said real three-dimensional environment;”  
24 – FRESH CONSULTING uses at least one invariant feature in the real three-  
25 dimensional environment, namely the augmented reality book positioned in a real  
26 three-dimensional environment (e.g., on a table) with its drawings and markings:



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“b) an optical measuring means for optically inferring said absolute pose from on-board said manipulated object using said at least one invariant feature and expressing said inferred absolute pose with absolute pose data ( $\phi$ ,  $\theta$ ,  $\psi$ ,  $x$ ,  $y$ ,  $z$ ) representing Euler rotated object coordinates expressed in world coordinates ( $X_o$ ,  $Y_o$ ,  $Z_o$ ) with respect to a reference location;” – FRESH CONSULTING uses a camera of an iOS device or Android device as the optical measuring means for optically inferring said absolute pose from onboard the iOS or Android device:

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**iOS:** Fresh’s augmented reality developers design experiences for Apple hardware and software, utilizing advanced cameras, motion-tracking sensors, and graphics processors to enable realistic and engaging AR experiences.

Further, it uses the at least one invariant feature and expressing the absolute pose data by rotation angles (pitch, yaw, roll) expressing the orientation and (x,y,z) expressing the position portions of the absolute pose with respect to a reference location.

“c) a processor for preparing said absolute pose data and identifying a subset of said absolute pose data; and” – FRESH CONSULTING uses an iOS device’s or an Android device’s processing unit(s) as controller(s) for preparing the

1 absolute pose data and identifying a subset of the absolute pose data where the  
2 subset can include all the pose data.



9 “d) a communication link for transmitting said subset to an application” – FRESH  
10 CONSULTING uses a communication link internal to the manipulated object  
11 such as an iOS or an Android device for transmitting the subset to an application,  
12 e.g., an application for seeing a character or a room from every angle in its  
13 augmented reality application:  
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### 15 **Develop on any platform**

16 **iOS:** Fresh's augmented reality developers design  
17 experiences for Apple hardware and software, utilizing  
18 advanced cameras, motion-tracking sensors, and  
19 graphics processors to enable realistic and engaging AR  
20 experiences.

21 **Android:** Our team utilizes Google's platform to build  
22 Android-native AR, enabling devices to sense  
23 environments, understand the world, and provide new  
24 ways of interacting with data and information.

25 17. Similarly, FRESH CONSULTING also infringes Claim 29.

26 18. On January 5, 2016, United States Patent No. 9,229,540 B2 entitled “Deriving  
27 Input From Six Degrees Of Freedom Interfaces” was duly and legally issued. A true and correct  
28 copy of United States Patent No. 9,229,540 B2 (“the ‘540 Patent”) is attached hereto as Exhibit  
C and incorporated herein by this reference.

1 19. Plaintiff is the assignee of the entire right, title and interest in and to the '540  
2 Patent, including all rights to enforce the '540 Patent and to recover for infringement.

3 20. Claim 1 of the '540 Patent claims:

4 1. An interface for producing an input from an absolute pose of an item associated  
5 with a user in a three-dimensional environment, said interface comprising:

6 a) a unit on-board said item, said unit configured to receive non-collinear optical  
7 inputs presented by at least one stationary object in said three-dimensional  
8 environment, said at least one stationary object having at least one feature detectable  
9 via an electromagnetic radiation, said at least one feature presenting a sufficient  
10 number of said non-collinear optical inputs for establishing a stable frame in said  
11 three-dimensional environment;

12 b) processing electronics employing a computer vision algorithm using a  
13 homography to recover said absolute pose of said item from a geometrical description  
14 of said non-collinear optical inputs in terms of absolute pose parameters in said stable  
15 frame and to generate a signal related to at least one of said absolute pose parameters;

16 c) an application employing said signal in said input, wherein said absolute pose  
17 of said item comprises at least three translational degrees of freedom and at least three  
18 rotational degrees of freedom, said at least one absolute pose parameter is related to at  
19 least one among said at least three translational degrees of freedom and said at least  
20 three rotational degrees of freedom by a mapping and at least one aspect of said  
21 application varies with said absolute pose of said item.

22 21. On information and belief, FRESH CONSULTING infringes Claim 1 of the '540  
23 Patent by making, using, selling and/or offering to sell in the United States, including in this  
24 District, through its Fresh Consulting augmented reality apps and associated software and  
25 products ("Accused Products").

26 22. FRESH CONSULTING infringes each element of Claim 1 as follows:

1            “An interface for producing an input from an absolute pose of an item associated  
2 with a user in a three-dimensional environment, said interface comprising:” – To the  
3 extent that the preamble is included in the infringement analysis, FRESH CONSULTING  
4 has an interface for producing an input from an absolute pose of an item, in this case a a  
5 VR headset (VR HDM) or Augmented Reality Glasses (AR HMD). The AR/VR  
6 HMD/Glasses is a wearable item, namely a piece of headgear such as Oculus Quest or  
7 Microsoft Hololens.



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**Devices:** Oculus Quest, HTC Vive, Windows Mixed Reality, Magic Leap ML1, Microsoft HoloLens, Azure Kinect.

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24            “a) a unit on-board said item, said unit configured to receive non-collinear optical  
25 inputs presented by at least one stationary object in said three-dimensional environment,  
26 said at least one stationary object having at least one feature detectable via an

1 electromagnetic radiation, said at least one feature presenting a sufficient number of said  
2 non-collinear optical inputs for establishing a stable frame in said three-dimensional  
3 environment” -- FRESH CONSULTING uses a unit on-board the item (i.e., a unit on-  
4 board the AR/VR HMD), where this unit is the on-board camera(s) that receive non-  
5 collinear optical inputs.

6 **Virtual Reality:** VR provides a computer-generated  
7 experience that takes place within a fully contained,  
8 simulated virtual environment. Leveraging technology  
9 like motion tracking and mobile VR, **virtual reality**  
10 incorporates mainly auditory and visual feedback.  
11 Because they are entirely digital experiences, these  
12 immersive environments can be similar to the real world  
13 or completely fantastical, commonly seen in  
14 entertainment industry use cases.

15 The non-collinear optical inputs are presented by at least one stationary object in  
16 the three-dimensional environment, in other words, it uses a tracked environment that  
17 “lock” virtual content to the physical location in the three-dimensional environment. The  
18 at least one stationary object having at least one feature detectable via an electromagnetic  
19 radiation and having sufficient number of non-collinear optical inputs for establishing a  
20 stable frame in the three-dimensional environment. Here Fresh Consulting uses  
21 stationary objects in the environment and the stable frame is obtained from frames at



26 framerate of cameras in VR HMD.

1 Fresh Consulting uses electromagnetic radiation, since that is what AR/VR HMD  
2 camera(s) use, as can be tested since they are subject to occlusions and blurring of  
3 features detectable by electromagnetic radiation while frames track the environment.

4 “b) processing electronics employing a computer vision algorithm using a  
5 homography to recover said absolute pose of said item from a geometrical description of  
6 said non-collinear optical inputs in terms of absolute pose parameters in said stable frame  
7 and to generate a signal related to at least one of said absolute pose parameters” --

8 FRESH CONSULTING uses electronics employing a computer vision algorithm using a  
9 homography (homography aka projective or perspective transformation) to recover the  
10 absolute pose of the item or HMD from viewer perspective.

11 The homography is based on a geometrical description of the non-collinear  
12 optical inputs in terms of absolute pose parameters in the stable frame, which is the  
13 XRReferenceSpace - i.e., the geometrical description using coordinates and to generate a  
14 signal related to at least one of the absolute pose parameters.

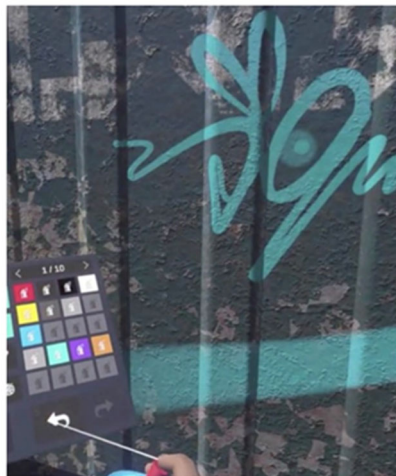
15 Here signal is related to position and orientation (full pose) or all absolute pose  
16 parameters.

17 “c) an application employing said signal in said input, wherein said absolute pose  
18 of said item comprises at least three translational degrees of freedom and at least three  
19 rotational degrees of freedom, said at least one absolute pose parameter is related to at  
20 least one among said at least three translational degrees of freedom and said at least three  
21 rotational degrees of freedom by a mapping and at least one aspect of said application  
22 varies with said absolute pose of said item.” -- FRESH CONSULTING uses an  
23 application employing the signal (all absolute pose parameters) of the item (AR/VR  
24 HMD) including at least three translational degrees of freedom and at least three  
25 rotational degrees of freedom.

1 **Augmented Reality:** AR creates an interactive,  
2 augmented world experience of real-world  
3 environments. Through use of wearable devices like AR  
4 glasses, augmented reality enhances real-world objects  
5 with computer-generated perceptual information,  
6 providing spatial and contextual awareness.

7 **Virtual Reality:** VR provides a computer-generated  
8 experience that takes place within a fully contained,  
9 simulated virtual environment. Leveraging technology  
10 like motion tracking and mobile VR, **virtual reality**  
11 incorporates mainly auditory and visual feedback.  
12 Because they are entirely digital experiences, these  
13 immersive environments can be similar to the real world  
14 or completely fantastical, commonly seen in  
15 entertainment industry use cases.

16 And they map all the degrees of freedom to at least one aspect of the application, such as  
17 navigating in three-dimensional space for full immersive content of the augmented or  
18 virtual reality attraction such as an experience, digital education content or a game.  
19



23 FRESH LABS  
24 **Graffiti in VR**

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26 23. Similarly, FRESH CONSULTING infringes Claims 2, 11-19, 25, 32, 33, 34, 36,  
27 37, 39, 40, and 44-49 of the '540 Patent.

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Complaint for Patent Infringement



**FIRST CLAIM FOR RELIEF**

**(Direct Infringement of the '559 in Violation of 35 U.S.C. § 271(a))**

24. ESPi refers to and incorporates herein by reference paragraphs 1-23.

25. The '559 Patent is valid and enforceable.

26. FRESH CONSULTING has infringed and continues to infringe at least Claims 1, 6, 7, 10, 15, 16, 19, 24, and 25 of the '559 Patent under 35 U.S.C. 271(a), either literally or under the Doctrine of Equivalents, by making, using, selling or offering to sell the Accused Products.

27. FRESH CONSULTING has had knowledge and notice of the '559, as well as of its own infringement of the '559, since at least the date of the filing of this Complaint.

28. ESPi has been and continues to be damaged by FRESH CONSULTING's infringement of the '559.

29. FRESH CONSULTING's infringement of the '559 has been and continues to be willful.

**SECOND CLAIM FOR RELIEF**

**(Inducing Infringement of the '559 Patent, in Violation of 35 U.S.C. § 271(b))**

30. ESPi refers to and incorporates herein by reference paragraphs 1-29.

31. FRESH CONSULTING is also liable for indirect infringement under 35 U.S.C. §271(b), because FRESH CONSULTING knowingly induced and continues to induce the direct infringement of one or more of the Claims by end-users and other third parties (i.e. wholesalers, retailers, customers, and end users) in the United States.

32. Said-users and other third parties have directly infringed at least Claims 1, 10 and 19 of the '559 Patent by using or operating the Accused Products, in the manner for which such Accused Products were and are designed and marketed; that is when the Accused Products are used as FRESH CONSULTING intends them to be used, the user and the act of usage thereof necessarily directly infringe the '559 Patent.



1 39. FRESH CONSULTING has infringed and continues to infringe at least Claims 1  
2 and 29 of the '641 Patent under 35 U.S.C. 271(a), either literally or under the Doctrine of  
3 Equivalents, by making, using, selling or offering to sell the Accused Products.

4 40. FRESH CONSULTING has had knowledge and notice of the '641, as well as of  
5 its own infringement of the '641, since at least the date of the filing of this Complaint.

6 41. ESPi has been and continues to be damaged by FRESH CONSULTING's  
7 infringement of the '641.

8 42. FRESH CONSULTING's infringement of the '641 has been and continues to be  
9 willful.

10 **FOURTH CLAIM FOR RELIEF**

11 **(Inducing Infringement of the '641 Patent, in Violation of 35 U.S.C. § 271(b))**

12 43. ESPi refers to and incorporates herein by reference paragraphs 1-34.

13 44. FRESH CONSULTING is also liable for indirect infringement under 35 U.S.C.  
14 §271(b), because FRESH CONSULTING knowingly induced and continues to induce the direct  
15 infringement of one or more of the Claims by end-users and other third parties (i.e. wholesalers,  
16 retailers, customers and end users) in the United States.

17 45. Said-users and other third parties have directly infringed at least Claims 1 and 29  
18 of the '641 Patent by using or operating the Accused Products, in the manner for which such  
19 Accused Products were and are designed and marketed; that is when the Accused Products are  
20 used as FRESH CONSULTING intends them to be used, the user and the act of usage thereof  
21 necessarily directly infringe the '641 Patent.

22 46. FRESH CONSULTING knowingly took active steps to induce end-users and  
23 other third parties in the United States to engage in direct infringement of the '641 Patent since  
24 FRESH CONSULTING knew that when the Accused Products are used for their intended  
25 purpose by third parties and end users, such third parties and users directly infringe the claims of  
26 the '641 Patent. For example, to induce such third parties' and users' infringement, FRESH

1 CONSULTING, on information and belief, provided, sold, or promoted the Accused Products to  
2 end-users or other third parties along with specific instructions or training regarding the use of  
3 those products, which instructions or training actively induced said end-users and other third  
4 parties to practice one or more of the Claims and said instructions or training caused direct  
5 infringement of such Claims.

6 47. FRESH CONSULTING possessed the specific intent to induce direct  
7 infringement of the Claims by end-users and other third parties which intent was manifested,  
8 inter alia, by its instructions and/or training for using the Accused Products to end users and third  
9 parties, and sale of the Accused Products to end users and third parties, and its knowledge of the  
10 '641 Patent and its knowledge that any use of the Accused Products by end-users and other third  
11 parties would necessarily directly infringe one or more of the claims of the '641 Patent.

12 48. FRESH CONSULTING knew or should have known that testing, demonstrating,  
13 marketing, making, using, offering to sell, selling, and/or importing the Accused Products  
14 constituted infringement of one or more of the claims of the '641 Patent, based on, among other  
15 things, the reasons alleged in the foregoing paragraph.

16 49. By reason of the acts of FRESH CONSULTING alleged herein, ESPi has suffered  
17 damage in an amount to be proved at trial.

18 **FIFTH CLAIM FOR RELIEF**

19 **(Direct Infringement of the '540 Patent in Violation of 35 U.S.C. § 271(a))**

20 50. ESPi refers to and incorporates herein by reference paragraphs 1-49.

21 51. The '540 Patent is valid and enforceable.

22 52. FRESH CONSULTING has infringed and continues to infringe at least Claims 2,  
23 11-19, 25, 32, 33, 34, 36, 37, 39, 40, and 44-49 of the '540 Patent under 35 U.S.C. 271(a), either  
24 literally or under the Doctrine of Equivalents, by making, using, selling or offering to sell the  
25 Accused Products.



1 those products, which instructions or training actively induced said end-users and other third  
2 parties to practice one or more of the Claims and said instructions or training caused direct  
3 infringement of such Claims.

4 60. FRESH CONSULTING possessed the specific intent to induce direct  
5 infringement of the Claims by end-users and other third parties which intent was manifested,  
6 inter alia, by its instructions and/or training for using the Accused Products to end users and third  
7 parties, and sale of the Accused Products to end users and third parties, and its knowledge of the  
8 '540 Patent and its knowledge that any use of the Accused Products by end-users and other third  
9 parties would necessarily directly infringe one or more of the claims of the '540 Patent.

10 61. FRESH CONSULTING knew or should have known that testing, demonstrating,  
11 marketing, making, using, offering to sell, selling, and/or importing the Accused Products  
12 constituted infringement of one or more of the claims of the '540 Patent, based on, among other  
13 things, the reasons alleged in the foregoing paragraph.

14 62. By reason of the acts of FRESH CONSULTING alleged herein, ESPi has suffered  
15 damage in an amount to be proved at trial.

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18 **PRAYER FOR RELIEF**

19 WHEREFORE, ESPi prays for relief as follows:

20 A. Judgment that FRESH CONSULTING has directly infringed, and induced others  
21 to infringe, the '559 Patent either literally and/or under the doctrine of equivalents;

22 B. Judgment that FRESH CONSULTING has directly infringed, and induced others  
23 to infringe, the '641 Patent either literally and/or under the doctrine of equivalents;

24 C. Judgment that FRESH CONSULTING has directly infringed, and induced others  
25 to infringe, the '540 Patent either literally and/or under the doctrine of equivalents;

1 D. Judgment awarding ESPi general and/or specific damages, including a reasonable  
2 royalty and/or lost profits, in amounts to be fixed by the Court in accordance with proof,  
3 including enhanced and/or exemplary damages, as appropriate, as well as all of FRESH  
4 CONSULTING's profits or gains of any kind from its acts of patent infringement.

5 E. Judgment awarding ESPi all of its costs, including its attorneys' fees, incurred in  
6 prosecuting this action, including, without limitation, pursuant to 35 U.S.C. § 285 and other  
7 applicable law;

8 F. Judgment awarding ESPi pre-judgment and post-judgment interest; and

9 G. Judgment awarding ESPi such other and further relief as the Court may deem just  
10 and proper.

11 **JURY DEMAND**

12 Pursuant to Federal Rule of Civil Procedure 38(b), ESPi hereby demands a trial by jury  
13 on all issues triable to a jury.

14  
15 Dated: July 23, 2024

16 Respectfully submitted,

17 BANIE & ISHIMOTO LLP

18 By: /s/ John A. Lee, WSBA No. 35,550

19 John A. Lee

20 [jlee@banishlaw.com](mailto:jlee@banishlaw.com)

21 Banie & Ishimoto LLP

22 2100 Geng Road, #210

23 Palo Alto, CA 94303

24 T: 650.241.2774

25 F: 650.241.2770

26 Attorneys for Plaintiff

27 Electronic Scripting Products, Inc.