

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HUMANEYES TECHS., LTD.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 12-398-GMS
)	
SONY CORP., SONY CORP. OF AMERICA,)	
SONY ELECS., INC., SONY MOBILE)	
COMMS. AB, SONY MOBILE COMMS.)	JURY TRIAL DEMANDED
(USA), INC.,)	
)	
Defendants.)	

**HUMANEYES TECHNOLOGIES, LTD.’S RESPONSE TO SONY’S PARTIAL
MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

Plaintiff HumanEyes Technologies, Ltd. (“HumanEyes”) states that, pursuant to Fed. R. Civ. P. 15(a)(1)(B), HumanEyes will file its First Amended Complaint contemporaneously herewith. Rule 15(a)(1)(B) permits a party to amend its pleading once by right within “21 days after service of a motion under Rule 12(b),” the provision under which Defendants filed their motion. Without conceding any deficiency in its original complaint, and in the interest of compromise and expediting this matter, HumanEyes’ First Amended Complaint provides additional detail in connection with its allegations regarding Defendants’ contributory infringement. As such, Sony’s motion, which concerned itself with the contributory infringement allegations made in the original complaint, is now moot.

ASHBY & GEDDES

/s/ Andrew C. Mayo

Steven J. Balick (I.D. #2114)
Tiffany Geyer Lydon (I.D. #3950)
Andrew C. Mayo (I.D. #5207)
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, Delaware 19899
(302) 654-1888
sbalick@ashby-geddes.com
tlydon@ashby-geddes.com
amayo@ashby-geddes.com

Of Counsel:

Matthew D. Powers (Pro Hac Vice)
Steven S. Cherenky (Pro Hac Vice)
Paul T. Ehrlich (Pro Hac Vice)
Stefani C. Smith (Pro Hac Vice)
Robert L. Gerrity (Pro Hac Vice)
TENSEGRITY LAW GROUP LLP
555 Twin Dolphin Drive, Suite 360
Redwood Shores, CA 94065
(650) 802-6000
matthew.powers@tensegritylawgroup.com
steven.cherenky@tensegritylawgroup.com
paul.ehrlich@tensegritylawgroup.com
stefani.smith@tensegritylawgroup.com
robert.gerrity@tensegritylawgroup.com

Attorneys for Plaintiff

Dated: February 21, 2013