

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

AUDIOEYE, INC.,

Plaintiff,

v.

ACCESSIBE LTD.,

Defendant.

Case No. 6:21-cv-00726

**COMPLAINT**

Plaintiff AudioEye, Inc. (“AudioEye”) hereby complains of Defendant accessiBe Ltd. (“accessiBe”), and alleges as follows:

**I. INTRODUCTION**

1. AudioEye provides software tools and services to make the internet more accessible to individuals with disabilities. This includes tools to render website content accessible to those who rely on assistive technologies, such as screen readers. AudioEye’s innovative technology, developed over the course of a decade, has improved tens of thousands of websites. Millions of individuals with disabilities in the United States and throughout the world benefit from AudioEye’s removal of digital barriers that otherwise limit their access to web content.

2. The United States Patent and Trademark Office has awarded AudioEye several patents on its proprietary technology.

3. In 2018, accessiBe began marketing and selling a software product here in the United States that infringes AudioEye’s patents. This action seeks relief for the willful

infringement of AudioEye's patents by accessiBe, including in connection with several customers or resellers in this Judicial District.

## **II. THE PARTIES**

4. Plaintiff AudioEye is a Delaware corporation having its principal place of business at 5210 E. Williams Circle, Suite 750, Tucson, AZ 85711. AudioEye is a publicly traded company and its common stock trades on the NASDAQ stock exchange.

5. Defendant accessiBe is a company registered in Israel under Registration No. 51-585530-2, having a place of business at Ha-Khilazon St 6, Bnei Brak, Israel.

## **III. JURISDICTION AND VENUE**

6. This civil action includes claims for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 100, *et seq.*, more particularly, 35 U.S.C. §§ 271 and 281.

7. This Court has subject matter jurisdiction over the claims for patent infringement pursuant to at least 28 U.S.C. §§ 1331 and 1338(a). This Court also has subject matter jurisdiction pursuant to 28 U.S.C. 1332(a)(2) because AudioEye is a U.S. corporation and accessiBe is a company registered in Israel and the matter in controversy exceeds the value of \$75,000, exclusive of interest and costs.

8. This Court has personal jurisdiction over accessiBe because accessiBe has committed some of the acts of patent infringement complained of herein in this Judicial District. This includes the acts of patent infringement committed in connection with several customers or resellers with primary offices located in this Judicial District, including AutoNation Chevrolet of Waco, TX.

9. Venue is proper in this Judicial District pursuant to at least 28 U.S.C. § 1391(c)(3) because accessiBe is a foreign corporation and subject to suit in any Judicial District. *See also Brunette Machine Works, Ltd. v. Kockum Industries, Inc.*, 406 U.S. 706, 709-10 (1972).

#### **IV. STATEMENT OF FACTS**

##### **A. Background on Web Accessibility for Individuals with Disabilities**

10. Millions of Americans have disabilities, such as vision, motor, cognitive, or hearing impairments, which affect their ability to access information and content through the internet. Most websites, including critical destinations such as workplace applications, online commerce, and information resources, are not fully accessible to individuals with disabilities.

11. For example, many individuals with sight impairments are not able to view the text and images on a webpage. Instead, these individuals rely on a screen reader, which presents an audible description of the text and images. This helps the user understand the content of the webpage and also enables the user to navigate through the site.

12. Screen readers function by examining the code the computer browser uses to render text and images on a webpage. This code is often in the form of hypertext markup language (HTML) document object model (DOM), or simply, “DOM.” The screen reader reads the code and interprets it. This includes reading and announcing a description of the images that appear on a webpage.

13. Sometimes, however, website designers neglect to include an image description that a screen reader can read and announce to a user with sight impairments. This can be particularly common in online commerce websites that undergo frequent updates under time constraints.

14. Other website shortcomings and issues render a webpage less accessible to individuals with disabilities. In an effort to address these varied issues, domestic and international organizations have developed and promulgated rules and guidelines for website designers to implement to improve accessibility. These standards include the Web Content Accessibility Guidelines (or “WCAG”) published by an international internet standards organization. The current version of the WCAG standards is WCAG 2.1.

15. There are also several standards promulgated by groups and agencies in the United States. For example, Section 508 of the Rehabilitation Act of 1973 has been amended to require Federal agencies to make electronic information technology accessible to individuals with disabilities, and government agencies have established standards to comply with these laws. Also, the U.S. Justice Department has previously indicated that the Americans with Disabilities Act, or “ADA,” applies to internet spaces.

16. Industry best practices are to comply with current WCAG standards to provide equivalent access for all users and, as necessary, to ensure compliance with Section 508 and the ADA.

**B. AudioEye’s Novel and Patented Web Accessibility Technology**

17. Over the course of many years, AudioEye developed software tools and processes that help website owners modify and improve their sites to render them more accessible to individuals with disabilities. AudioEye’s technology has rendered tens of thousands of websites more accessible to internet users all over the world.

18. One of the enhancements provided by AudioEye’s technology involves automatically supplementing a webpage DOM to include missing image descriptions.

AudioEye's automated corrections are used by a screen reader to read and announce the otherwise missing image descriptions to users relying on screen readers for audible output.

19. AudioEye's technology includes many other automated processes for modifying a website to render it more accessible to individuals with disabilities.

20. Beginning in 2016, AudioEye filed applications with the United States Patent & Trademark Office to protect its web accessibility technology. AudioEye has been awarded several patents on its novel technology.

21. AudioEye is the owner by assignment of all right, title, and interest in and to U.S. Patent No. 10,896,286, entitled "Modular Systems and Methods for Selectively Enabling Cloud-Based Assistive Technologies" ("the '286 patent"), which the United States Patent and Trademark Office lawfully and duly issued on January 19, 2021. A true and correct copy of the '286 patent is included as Exhibit 1.

22. AudioEye is the owner by assignment of all right, title, and interest in and to U.S. Patent No. 10,928,978, entitled "Modular Systems and Methods for Selectively Enabling Cloud-Based Assistive Technologies" ("the '978 patent"), which the United States Patent and Trademark Office lawfully and duly issued on February 23, 2021. A true and correct copy of the '978 patent is included as Exhibit 2.

23. AudioEye is the owner by assignment of all right, title, and interest in and to U.S. Patent No. 10,997,361 entitled "Modular Systems and Methods for Selectively Enabling Cloud-Based Assistive Technologies" ("the '361 patent"), which the United States Patent and Trademark Office lawfully and duly issued on May 4, 2021. A true and correct copy of the '361 patent is included as Exhibit 3.

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