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Attorneys for Plaintiff ALPHA MODUS, CORP.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALPHA MODUS, CORP.,

Plaintiff,

v.

ADROIT WORLDWIDE MEDIA,
INC.,

Defendant.

Case No. 8:25-cv-02471

**PLAINTIFF ALPHA MODUS,
CORP.'S ORIGINAL COMPLAINT
FOR PATENT INFRINGEMENT**

JURY TRIAL DEMANDED

Plaintiff Alpha Modus, Corp. ("Alpha Modus" or "Plaintiff") files this Complaint for Patent Infringement and Demand for Jury Trial against Adroit Worldwide Media, Inc. ("AWM" or "Defendant") for infringement of United States Patent Nos. 10,977,672 (the "'672 Patent"), 11,042,890 (the "'890 Patent"), 11,301,880

1 (the “’880 Patent”), and 12,354,121 (the “’121 Patent”) (collectively the “Patents-in-
2 Suit”).

3 **THE PARTIES**

4 1. Alpha Modus is a corporation organized and existing under the laws of
5 Florida and located at 20311 Chartwell Center Dr., Suite 1469, Cornelius, North
6 Carolina 28031.

7 2. Upon information and belief, Defendant Adroit Worldwide Media, Inc. is
8 a corporation organized and existing under the laws of Delaware with a principal place
9 of business located at 26880 Aliso Viejo Pkwy, Suite 150, Aliso Viejo, CA 92656 and
10 may be served with process through its registered agent (and CEO), Kevin Howard,
11 26880 Aliso Viejo Pkwy, Suite 150, Aliso Viejo, CA 92656.

12 **JURISDICTION AND VENUE**

13 3. This is an action for patent infringement arising under the patent laws of
14 the United States, Title 35, United States Code, including 35 U.S.C. §§ 154, 271, 281,
15 and 283-285.

16 4. This Court has exclusive subject matter jurisdiction over this case for
17 patent infringement under 28 U.S.C. §§ 1331 and 1338.

18 5. This Court has personal jurisdiction over AWM at least because AWM
19 maintains its principal place of business in this District at 26880 Aliso Viejo Pkwy,
20 Suite 150, Aliso Viejo, CA 92656, and engages in continuous and systematic business
21 activities within this District, including conduct giving rise to this action.

22 6. AWM has conducted and does conduct business within the State of
23 California.

24 7. AWM has committed, and continues to commit, acts of infringement in
25 this District, has conducted business in this District, and/or has engaged in continuous
26 and systematic activities in this District.

27 8. This Court has personal jurisdiction over AWM at least because AWM
28 has made, used, offered to sell, sold, or put into service the accused products, systems,

1 or services within the State of California and, on information and belief, within this
2 District, thus committing acts of infringement within the District, and has placed
3 infringing products, systems, or services into the stream of commerce knowing or
4 understanding that such products, systems, or services would be used in the United
5 States, including in the Central District of California. AWM, thus, has committed and
6 continues to commit acts of infringement in this District by, among other things,
7 offering to sell, selling products and/or services, and/or using services that infringe the
8 Asserted Patents.

9 9. This Court likewise has personal jurisdiction over AWM at least because,
10 on information and belief, AWM has committed acts within this District giving rise to
11 this action and has established minimum contacts with this forum such that the exercise
12 of jurisdiction over AWM would not offend traditional notions of fair play and
13 substantial justice.

14 10. This Court has specific personal jurisdiction over AWM in this action
15 pursuant to due process and the California Long Arm Statute because the claims
16 asserted herein arise out of or are related to AWM voluntary contacts with this forum,
17 such voluntary contacts including but not limited to: (i) at least a portion of the actions
18 complained of herein; (ii) purposefully and voluntarily placing one or more Accused
19 Products into this District and into the stream of commerce with the intention and
20 expectation that they will be purchased and used by customers in this District; or (iii)
21 regularly doing or soliciting business, engaging in other persistent courses of conduct,
22 or deriving substantial revenue from goods and services, including the Accused
23 Products.

24 11. Venue is proper in this Court pursuant to 28 U.S.C. § 1400(b), particularly
25 in light of the fact that AWM has a principal place of business located within this
26 district at 26880 Aliso Viejo Pkwy, Suite 150, Aliso Viejo, CA 92656.

12. AWM is registered to do business in California, has transacted business in this District, and has committed acts of direct and indirect infringement in this District

ALPHA MODUS’S INNOVATION IN RETAIL TECHNOLOGY

13. Alpha Modus Corp. specializes in the development of innovative retail technologies.

14. At the core of Alpha Modus’s technology portfolio, including the Asserted Patents, is the capability to analyze consumer behavior and product interaction in real-time. This advanced capability allows businesses to dynamically adjust their marketing strategies to meet the immediate needs of consumers at pivotal purchasing decision moments.

15. Alpha Modus, in an effort to ensure transparency and accessibility, maintains a comprehensive presentation of its patent portfolio on its official company website, available at <https://alphamodus.com/what-we-do/patent-portfolio/>. The patent portfolio provided on Alpha Modus’s website lists the Asserted Patents.

16. Alpha Modus has entered into several intellectual property licensing agreements outside of litigation. These agreements are indicative of Alpha Modus’s commitment to legally disseminating its patented technology.

THE ’672 PATENT

17. Alpha Modus is the owner by assignment from the inventors, Michael Garel and Jim Wang, of all right, title, and interest in and to United States Patent No. 10,977,672 (the “’672 Patent”) titled “Method And System For Real-Time Inventory Management, Marketing, And Advertising In A Retail Store,” including the right to sue for all past, present, and future infringement. A true and correct copy of the ’672 Patent is attached to this Complaint at Exhibit A.

18. The ’672 Patent issued from U.S. Patent Application No. 16/985,001 filed on August 4, 2020.

19. The ’672 Patent is a continuation of application No. 16/509,343, filed on

1 Jul. 11, 2019, which in turn is a continuation of application No. 14/335,429, filed on
2 Jul. 18, 2014.

3 20. The Patent Office issued the '672 Patent on April 13, 2021, after a full and
4 fair examination.

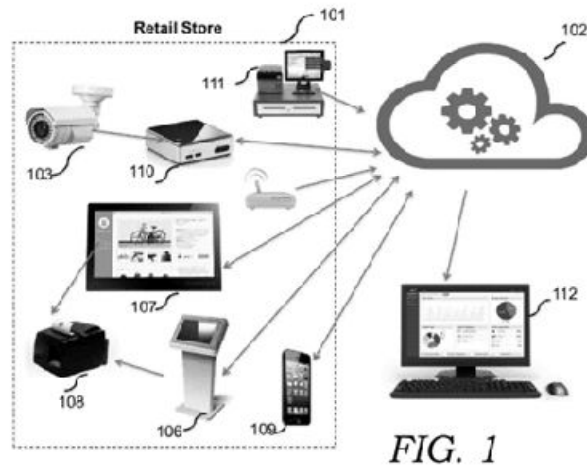
5 21. The '672 Patent is valid and enforceable.

6 22. The '672 Patent introduces a novel system for real-time inventory
7 management, marketing, and advertising within a retail store setting.

8 23. The '672 Patent addresses the emerging challenges in the retail sector,
9 particularly for brick-and-mortar stores, in the context of the increasing prevalence of
10 online shopping and the phenomenon of showrooming. The patent provides innovative
11 solutions to enhance in-store customer experiences and counter the competitive
12 pressures from online retail

13 24. The inventors of the '672 Patent recognized that there existed a significant
14 gap in the brick-and-mortar retail sector's ability to provide real-time, personalized
15 experiences to customers, a feature commonly leveraged by online retailers. The patent
16 offers a method and system that bridges this gap by utilizing technology to analyze
17 consumer behavior and dynamically adjust marketing and inventory strategies.

18 25. The '672 Patent provides several advantages over the prior art, such as
19 real-time inventory management and the ability to generate targeted promotions and
20 advertising based on behavioral analytics. This approach aims to provide more relevant
21 and engaging consumer experiences, thereby influencing purchasing decisions and
22 potentially increasing in-store sales.



26. The '672 Patent describes and claims a specific system incorporating servers, image recognition, and information monitoring devices to manage inventory, display relevant product information and pricing, and generate promotions for customers based on real-time data analysis.

27. Claim 1 of the '672 Patent reads:

1. A system for real-time inventory management, marketing, and advertising on a first visual display at a first visual display location in a retail store, comprising:

(a) a server comprising:

- (i) one or more server processors, and,
- (ii) a server memory storing computer-executable instructions that, when executed by the one or more server processors, cause the server to:

- (A) identify, via image recognition, an inventory of one or more retail products physically located at the first visual display location in the retail store,
- (B) display, on the first visual display, information about one or more of the one or more retail products physically located at the first visual display location,
- (C) determine, in real-time, current pricing information regarding the one or more retail products physically located at the first visual display location,
- (D) display, on the first visual display, the current pricing information regarding the one or more retail products physically located at the first visual display location,
- (E) receive, using one or more information monitoring devices at the first visual display location, real-time data of a customer, and
- (F) generate a promotion of one or more of the one or more retail products physically located at the first visual display location for the customer based on behavioral analytics.

THE '890 PATENT

28. Alpha Modus is the owner by assignment from the inventors, Michael Garel and Jim Wang, of all right, title, and interest in and to United States Patent No. 11,042,890 (the “’890 Patent”) titled “Method And System For Customer Assistance In A Retail Store,” including the right to sue for all past, present, and future infringement. A true and correct copy of the ’890 Patent is attached to this Complaint at Exhibit B.

29. The ’890 Patent issued from U.S. Patent Application No. 16/837,711, filed on April 1, 2020.

30. The ’890 Patent is a continuation of application No. 16/509,343, filed on Jul. 11, 2019, which in turn is a continuation of application No. 14/335,429, filed on Jul. 18, 2014.

31. The Patent Office issued the ’890 Patent on June 22, 2021, after a full and fair examination.

1 32. The '890 Patent is valid and enforceable.

2 33. The '890 Patent relates to an improved method for enhancing customer
3 assistance in retail stores through the use of advanced information monitoring systems.

4 34. The inventors of the '890 Patent recognized the need for brick-and-mortar
5 retailers to adapt to the changing consumer behavior influenced by digital technology.
6 The patent offers a solution by integrating technology to analyze customer interactions
7 with products in real-time, providing targeted assistance and enhancing the shopping
8 experience.

9 35. The '890 Patent provides several advancements over previous methods,
10 such as real-time analysis of customer interactions with products, including sentiment
11 and object identification information, and utilizing this data to manage inventory and
12 offer personalized responses.

13 36. The '890 Patent describes and claims a specific method involving the use
14 of information monitoring devices to gather and analyze data about a customer's
15 interaction with products in a retail store. This method includes steps for gathering
16 object identification and sentiment information about the product, analyzing this
17 information in real-time, and providing appropriate responses to enhance the
18 customer's shopping experience.

19 37. Claim 1 of the '890 Patent reads:

20 1. A method comprising:

- 21 (a) using one or more information monitoring devices to gather
22 information about a person at a retail store, wherein
23 (i) the person is in proximity to at least one of the one or more
24 information monitoring devices at the retail store,
25 (ii) the one or more information monitoring devices are operably
26 connected to (A) a server, (B) one or more databases, or (C)
27 both, and
28 (iii) the step of gathering information using the one or more
 information monitoring devices comprises
 (A) gathering object identification information of a product
 that the person is interested in purchasing, and

- 1 (B) gathering sentiment information of the person with
 2 respect to the product;
- 3 (b) analyzing the information in real time using (A) the server, (B) the
 4 one or more databases, or (C) both gathered by the information
 5 monitoring devices about the shopping activities of the plurality of
 6 persons to manage inventory of the products in the retail store at the
 7 one or more product points, wherein the analyzed information
 8 comprises the object identification information and the sentiment
 9 information; and
- 10 (c) providing a response in real time based upon the analyzed
 11 information gathered by the information monitoring devices, wherein
 12 the response is selected from a group consisting of
- 13 (i) sending a communication to the person directing the person to
 14 a location in the retail store at which the person can interact
 15 with the product,
- 16 (ii) engaging the person based upon the product, wherein the
 17 engaging is performed using one more displays and content
 18 being displayed on the one or more displays is selected based
 19 upon the product,
- 20 (iii) sending a communication to a second person in the retail store
 21 who can then in real time interact with the person regarding the
 22 product,
- 23 (iv) providing marketing or advertising information to the person
 24 in real time based upon the product, wherein the marketing or
 25 advertising information is either product to the person by a
 26 display at the retail store or by sending the marketing or
 27 advertising information to a mobile device of the person, and
- 28 (v) providing a coupon to the person in real time based upon the
 product, wherein the coupon is either a printed out coupon or a
 digital coupon.

THE '880 PATENT

38. Alpha Modus is the owner by assignment from the inventors, Michael Garel and Jim Wang, of all right, title, and interest in and to United States Patent No. 11,301,880 (the "'880 Patent") titled "Method And System For Inventory Management In A Retail Store," including the right to sue for all past, present, and future infringement. A true and correct copy of the '880 Patent is attached to this Complaint at Exhibit C.

1 39. The '880 Patent issued from U.S. Patent Application No. 16/837,645 filed
2 on April 1, 2020.

3 40. The '880 Patent is a continuation of application No. 16/509,343, filed on
4 Jul. 11, 2019, which in turn is a continuation of application No. 14/335,429, filed on
5 Jul. 18, 2014.

6 41. The Patent Office issued the '880 Patent on April 12, 2022, after a full and
7 fair examination.

8 42. The '880 Patent is valid and enforceable.

9 43. The '880 Patent introduces a novel method and system for real-time
10 inventory management within a retail store setting, designed to improve operational
11 efficiency and customer experience.

12 44. The '880 Patent addresses the emerging challenges faced by brick-and-
13 mortar retail stores due to the increasing prevalence of online shopping and
14 showrooming. It provides innovative solutions to enhance in-store customer
15 experiences and counter the competitive pressures from online retail by leveraging real-
16 time data analysis and inventory management strategies.

17 45. The inventors of the '880 Patent recognized that there existed a significant
18 gap in the brick-and-mortar retail sector's ability to provide real-time, personalized
19 experiences to customers, a feature commonly leveraged by online retailers. The patent
20 offers a method and system that bridges this gap by utilizing technology to analyze
21 consumer behavior and dynamically adjust marketing and inventory strategies.

22 46. The '880 Patent provides several advantages over the prior art, such as
23 real-time tracking of product interactions and the ability to send immediate responses
24 for inventory adjustments. This method aims to minimize stockouts, enhance customer
25 satisfaction, and boost sales by ensuring the availability of popular products.

26 47. The '880 Patent describes and claims a specific system incorporating
27 servers, image recognition, and information monitoring devices to manage inventory,
28 track product interactions, and generate real-time responses for inventory management

1 based on data analysis.

2 48. Claim 1 of the '880 Patent reads:

3 1. A method comprising:

4 (a) using one or more information monitoring devices to gather
5 information about shopping activities of a plurality of persons at a retail
6 store, wherein

7 (i) the retail store comprises a plurality of products that are
8 stocked within the retail store, wherein the plurality of products
9 are stocked upon one or more product points selected from a
10 group consisting of shelves, end caps, displays, and combinations
11 thereof,

12 (ii) persons in the plurality of persons are in proximity to at least
13 one of the one or more information monitoring devices at the retail
14 store,

15 (iii) the one or more information monitoring devices are operably
16 connected to (A) a server, (B) one or more databases, or (C) both;

17 (iv) the one or more information monitoring devices comprise one
18 or more video image devices,

19 (vi) the step of gathering information using the one or more
20 information monitoring devices comprises

21 (A) gathering product interaction information based upon
22 product interactions the persons have with one or more
23 products in the retail store, wherein the product interactions
24 information comprises (I) the one or more products are
25 picked up by the persons at the retail store, and (II) the one
26 or more products are carried away by the persons at each of
27 the retail store, and

28 (B) gathering object identification information of the one or
more products that the persons interacted with during the
product interactions;

(b) analyzing the information in real time using (A) the server, (B) the
one or more databases, or (C) both gathered by the information
monitoring devices about the shopping activities of the plurality of
persons to manage inventory of the products in the retail store at the one
or more product points, wherein the analyzed information comprises the
product interaction information and the object identification information;
and

(c) providing a response in real time based upon the analyzed
information gathered by the information monitoring devices, wherein the
response is selected from a group consisting of

- (i) sending a communication to a retail person to check inventory levels for a first product of the one or more products at the product point for the first product,
- (ii) sending a communication to the retail store person to immediately re-stock the one or more first products at the product point for the first product,
- (iii) sending a communication to the retail store person to contact a distribution center to obtain the one or more first products for delivery to the retail store for restocking the one or more first products at the product point for the first product, and
- (iv) sending a communication to add one or more first products to an inventory order for inventory for the retail store.

THE '121 PATENT

49. Alpha Modus is the owner by assignment from the inventors, Michael Garel and Jim Wang, of all right, title, and interest in and to United States Patent No. 12,354,121 (the “'121 Patent”) titled “Method And System For Shopping In A Retail Store,” including the right to sue for all past, present, and future infringement. A true and correct copy of the '121 Patent is attached to this Complaint at Exhibit D.

50. The '121 Patent issued from U.S. Patent Application No. 18/651,410 filed on April 30, 2024, which in turn is a continuation of application No. 14/335,429, filed on Jul. 18, 2014.

51. The Patent Office issued the '121 Patent on July 8, 2025, after a full and fair examination.

52. The '121 Patent is valid and enforceable.

53. The '121 Patent introduces a novel system for tracking customer movement, for tracking products retained while shopping, for tracking to a point-of-sale area, and for interfacing with this information in the point-of-sale area for payment of the products.

54. The '121 Patent addresses the emerging challenges in the retail sector, particularly for brick-and-mortar stores, in the context of monitoring products retained for purchase and for allowing purchase of the products by the shopper within the point-

1 of-sale area. The patent provides innovative solutions to enhance in-store customer
 2 experiences and to increase the speed and efficacy of the shopper's purchase
 3 transaction.

4 55. The inventors of the '121 Patent recognized the need for brick-and-mortar
 5 retailers to adapt to the changing consumer behavior in order to better optimize the
 6 shopper's purchase experience in a retail store by recording the users location during
 7 shopping, the items retained by the customer for purchase, and then providing a
 8 seamless purchase experience for the shopper at the point-of-sale area of the retail store.

9 56. The '121 Patent provides several advancements over previous methods,
 10 such as real-time analysis of customer traffic within the store as well as customers'
 11 interactions with products, and utilizing this data to improve the speed and ease of the
 12 customer's purchase experience.

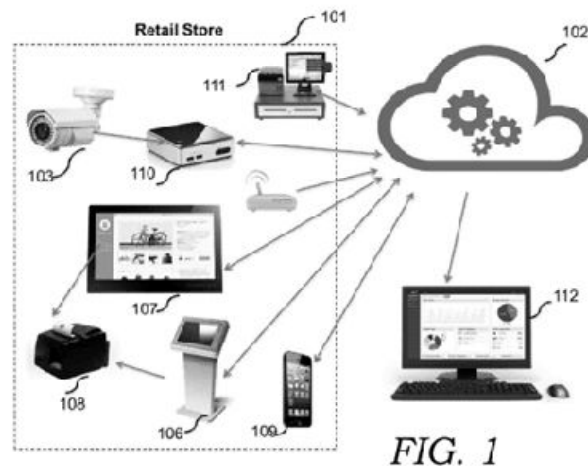


FIG. 2

1 57. The '121 Patent describes and claims a specific system incorporating
2 servers, video imaging devices such as cameras, and information monitoring devices
3 to monitor customer movement and items selected for purchase, maintain a list of items
4 selected for purchase, and providing for purchase of such items in the point-of-sale area
5 of the retail store.

6 58. Claim 1 of the '121 Patent reads:

7 1. A method comprising using a system comprising a server, one or
8 more information monitoring devices, and one or more databases,
9 wherein the method comprises:

10 (a) using at least one of the one or more information monitoring devices
11 to identify a first person at a retail store, wherein

12 (i) the first person is in proximity of at least one of the one or
13 more information monitoring devices at the retail store,

14 (ii) the one or more first information monitoring devices are
15 selected from a group consisting of computing devices, user
16 input and output devices, displays, POS devices, cameras,
17 sensors; WIFI devices; in-store customer devices; output
18 devices; system for communicating to user devices, and kiosks,
19 and

20 (iii) the one or more information monitoring devices are operably
21 connected to (A) the server, (B) the one or more databases, or
22 (C) both;

23 (b) using at least one of the one or more of the information monitoring
24 devices to gather shopping information of the first person at the retail
25 store, wherein

26 (i) the gathered shopping information comprises gathered traffic
27 information of the first person, wherein

28 (A) the gathered traffic information comprises traffic
information of the first person gathered by at least one of
the one or more information monitoring devices, and

(B) the traffic information comprises identification of one
or more stops that the first person makes within and
about the retail store,

(ii) the gathered shopping information further comprises gathered
product interaction information of the first person at the retail
store, wherein

(A) the gathered product interaction information comprises
product interaction information of the first person

1 gathered by at least one of the one or more information
2 monitoring devices, and

3 (B) the product interaction information is based upon type
4 of product interactions the first person had with one or
5 more products at the retail store, wherein the type of
6 product interactions are selected from a group consisting
7 of (I) the one or more products viewed by the first
8 person at the retail store at each of the one or more stops,
9 (II) the one or more products picked up by the first
10 person at the retail store at each of the one or more stops,
11 (III) the one or more products put down by the first
12 person at the retail store at each of the one or more stops,
13 ((IV) the one or more products carried away by the first
14 person at the retail at each of the one or more stops, and
15 (V) combinations thereof, and

16 (iii) the gathered shopping information further comprises gathered
17 object identification information, wherein

18 (A) the gathered object identification information comprises
19 object identification information gathered by at least one
20 of the one or more information monitoring devices, and

21 (B) the object identification information comprises the one
22 or more products that the first person interacted with
23 during the product interactions; and

24 (c) analyzing by the system, in real time, the gathered shopping
25 information to generate and maintain a list of the one or more
26 products that the first person interacted with during the product
27 interactions, wherein the list comprises a listing of the products
28 retained by the first person while shopping at the retail store;

(d) using the one or more of the information monitoring devices to track
the first person to a point-of-sale area of the retail store;

(e) in response to the first person being tracked to the point-of sale area,
interfacing the system, in real time, with a payment system for
payment by the first person of the list of the products retained by the
first person while shopping at the retail store at the point-of-sale area;
and

(f) transmitting a receipt to the first person after payment by the first
person, wherein the receipt comprises the list of the products
purchased at the retail store.

AWM

59. AWM is a vision technology company providing technology used by retailers to improve operational efficiency, increase sales, and reduce waste.

60. AWM states that its “technologies are built utilizing artificial intelligence, computer vision, machine learning and deep learning to reinvent the retail space and beyond as we know it today.” <https://www.awm.tech/>.

61. For purposes of this action, the Accused Products include, without limitation: (a) AWM’s Frictionless cashierless checkout technology; (b) AWM’s Smart Shelf solutions and technology; (c) AWM’s Automated Inventory Intelligence (Aii®) technology; (d) AWM’s User Portal management system software; (e) AWM’s FAE Frictionless Analytics Engine software; (f) AWM’s Facial Wallet technology; and (g) AWM’s retail data engine and demographics engine software, systems, and technologies (collectively, the “Accused Products”).

62. The Accused Products practice the patented systems and methods of the Asserted Patents.

63. AWM has been aware of Alpha Modus and the Asserted Patents at least as early as the filing of this Complaint.

64. The financial gains accrued by AWM through the use of Alpha Modus’s patented technology have been substantial, providing AWM with competitive advantages in the retail market.

65. The benefits reaped by AWM through the exploitation of Alpha Modus’s intellectual property have resulted in corresponding harm to Alpha Modus. This harm includes but is not limited to lost business opportunities, revenue, and diminution of the value of its patented technology.

66. This case is filed to address and seek redress for the unauthorized use of Alpha Modus’s patented technology by AWM, which has led to significant commercial gains for AWM at the expense of Alpha Modus’s proprietary rights and investments.

COUNT I

(DIRECT INFRINGEMENT OF THE '672 PATENT)

67. Alpha Modus repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs.

68. AWM has made, used, offered for sale, and sold in the United States, products and systems that directly infringe the '672 Patent, including the Accused Products.

69. The Accused Products embody a system for real-time inventory management, marketing, and advertising in a retail store setting, as claimed in the '672 Patent.

70. For example, AWM's Smart Shelf product and Automated Inventory Intelligence products automatically track product inventory for products stocked within the AWM Smart Shelf product. *See* https://www.youtube.com/watch?v=YTXJplq_ufc.

71. As another example, AWM's Smart Shelf product provides marketing and advertising information to consumers in proximity to AWM's Smart Shelf. "The prommotional state calls out each product on the shelves, allowing for product specific advertising. This state triggers as shoppers get closer to the display." *See* <https://www.awm.tech/index-interactive.html>.

72. AWM's Smart Shelf and Automated Inventory Intelligence products utilize image recognition to identify an inventory of products physically located at the Smart Shelf. *See* https://awm.tech/retail_solutions.html ("With the implementation of AWM's Fascia in a retail environment and utilizing AWM's super-wide-angle low light HD cameras, AWM's Automated Inventory Intelligence (Aii®) solution can view and track virtually any product or UPC in a retail environment.").

73. AWM's Smart Shelf product provides real-time pricing information for the products located in the Smart Shelf. "Once the shopper has made their way to the display, the product information appears directly beneath the products. This can

1 include SKU's, prices, and sales promotion." *See* [https://www.awm.tech/index-](https://www.awm.tech/index-interactive.html)
2 [interactive.html](https://www.awm.tech/index-interactive.html).

3 74. AWM's Shopper Demographics Engine provides real-time data of
4 customers. "Our cameras on each display gather customer demographics without
5 requiring them to manually provide it. Your content can be demographic specific to
6 ensure the best messaging is seen for each shopper." *See* [https://www.awm.tech/index-](https://www.awm.tech/index-interactive.html)
7 [interactive.html](https://www.awm.tech/index-interactive.html).

8 75. AWM has directly infringed the '672 Patent in violation of 35 U.S.C. §
9 271(a) by making, using, offering for sale, selling, and/or operating the Accused
10 Products that embody the patented inventions of at least Claim 1 of the '672 Patent.

11 76. The Accused Products satisfy each and every element of the asserted
12 claims of the '672 Patent either literally or under the doctrine of equivalents.

13 77. AWM's infringing activities are and have been without authority or
14 license under the '672 Patent.

15 78. As a direct and proximate result of AWM's infringement of the '672
16 Patent, Alpha Modus has suffered and will continue to suffer damage.

17 79. Alpha Modus is informed and believes, and on that basis alleges, that
18 AWM has been aware of the '672 Patent and its infringement thereof. Despite this
19 knowledge, AWM has continued to make, use, sell, and offer for sale the Accused
20 Products.

21 80. Alpha Modus is informed and believes that AWM knew or was willfully
22 blind to the patented technology of the '672 Patent. Despite this knowledge or willful
23 blindness, AWM has acted with blatant disregard for Alpha Modus's patent rights with
24 an objectively high likelihood of infringement.

25 81. Alpha Modus is informed and believes that AWM has made no efforts to
26 avoid infringement of the '672 Patent, despite its knowledge and understanding that its
27 products and systems infringe the '672 Patent.

28 82. Therefore, AWM's infringement of the '672 Patent is willful and

1 egregious, warranting an enhancement of damages.

2 83. As such, AWM has acted and continues to act recklessly, willfully,
3 wantonly, deliberately, and egregiously in infringement of the '672 Patent, justifying
4 an award to Alpha Modus of increased damages under 35 U.S.C. § 284, and attorneys'
5 fees and costs incurred under 35 U.S.C. § 285.

6 **COUNT II**

7 **(INDUCED PATENT INFRINGEMENT OF THE '672 PATENT)**

8 84. Alpha Modus repeats, realleges, and incorporates by reference, as if fully
9 set forth herein, the allegations of the preceding paragraphs.

10 85. AWM is liable for indirect infringement under 35 U.S.C. § 271(b) of at
11 least one claim of the '672 Patent, at least as early as the filing of this Complaint,
12 because it knowingly induces, aids, and directs others to use the Accused Products in
13 a manner that infringes the '672 Patent.

14 86. AWM has implemented and utilized the Accused Products in its
15 customers' stores, which practice the patented methods of the '672 Patent.

16 87. AWM's use of the Accused Products demonstrates specific intent to
17 induce infringement of the '672 Patent. AWM encourages, directs, aids, and abets the
18 use and operation of the Accused Products in a manner that infringes the '672 Patent.

19 88. AWM's knowledge of the '672 Patent, combined with its ongoing making
20 of, use of, sale of, and offers to sell of the Accused Products, demonstrates AWM's
21 knowledge and intent that the Accused Products be used in a manner that infringes the
22 '672 Patent.

23 89. AWM's actions and the manner in which the Accused Products are used
24 in AWM's customers' stores, consistent with AWM's instructions, demonstrate
25 AWM's specific intent to induce infringement of the '672 Patent.

26 90. Alpha Modus is informed and believes, and on that basis alleges, that
27 AWM knew or was willfully blind to the fact that it was inducing others, including its
28 customers and staff, to infringe by practicing, either themselves or in conjunction with

1 AWM, one or more claims of the '672 Patent.

2 91. As a direct and proximate result of AWM's induced infringement of the
3 '672 Patent, Alpha Modus has suffered and will continue to suffer damage.

4 92. Alpha Modus is entitled to recover from AWM compensation in the form
5 of monetary damages suffered as a result of AWM's infringement in an amount that
6 cannot be less than a reasonable royalty, together with interest and costs as fixed by
7 this Court.

8 **COUNT III**

9 **(DIRECT INFRINGEMENT OF THE '890 PATENT)**

10 93. Alpha Modus repeats, realleges, and incorporates by reference, as if fully
11 set forth herein, the allegations of the preceding paragraphs.

12 94. AWM has made, used, offered for sale, and sold in the United States,
13 products and systems that directly infringe the '890 Patent, including the Accused
14 Products.

15 95. The Accused Products embody a method for customer assistance in a
16 retail store as claimed in the '890 Patent.

17 96. The Accused Products include the use of one or more information
18 monitoring devices to gather information about a person at a retail store, in line with
19 claim 1 of the '890 Patent. For example, AWM's Shopper Demographics Engine
20 gathers information about customers in a retail store. "Our cameras on each display
21 gather customer demographics without requiring them to manually provide it. Your
22 content can be demographic specific to ensure the best messaging is seen for each
23 shopper." *See* <https://www.awm.tech/index-interactive.html>.

24 97. The Accused Products are operably connected to (A) a server, (B) one or
25 more databases, or (C) both, and perform functions such as gathering object
26 identification information of a product and gathering sentiment information of the
27 person with respect to the product. For example, AWM's Smart Shelf automatically
28 tracks product inventory for products stocked in the AWM Smart Shelf. *See*

1 https://www.youtube.com/watch?v=YTXJplq_ufc. As another example, AWM’s
2 Retail Data Engine collects the length of time a “shopper [is] in front of the display and
3 shopping habits. This information can be used to inform business and marketing
4 decisions.” *See* <https://www.awm.tech/index-interactive.html>.

5 98. The Accused Products analyze the information in real time and generate
6 a list of products retained by the shopper. For example, AWM’s Frictionless Shopping
7 product “determines when customers interact with products & whether to add or
8 subtract that item from their cart.” *See* <https://awm.tech/frictionless-shopping.html>.

9 99. As another example, AWM’s Smart Shelf product is able to track the
10 amount of inventory for products located in the shelf, and provide alert notifications
11 when the quantity of such products falls below threshold values. *See*
12 https://www.youtube.com/watch?v=YTXJplq_ufc; *see also*
13 https://awm.tech/retail_solutions.html (“AWM’s Automated Inventory Intelligence
14 (Aii®) solution can view and track virtually any product or UPC in a retail
15 environment. It is highly accurate, and results can be provided as quickly as near-real-
16 time and as frequently as hourly or even in response to shopper activity. It is simply
17 the most robust inventory tool available.”)

18 100. AWM’s Smart Shelf product provides real-time pricing information for
19 the products located in the Smart Shelf. “Once the shopper has made their way to the
20 display, the product information appears directly beneath the products. This can
21 include SKU’s, prices, and sales promotion.” *See* [https://www.awm.tech/index-](https://www.awm.tech/index-interactive.html)
22 [interactive.html](https://www.awm.tech/index-interactive.html).

23 101. As another example, AWM’s Smart Shelf product provides marketing and
24 advertising information to consumers in proximity to AWM’s Smart Shelf. “The
25 promotional state calls out each product on the shelves, allowing for product specific
26 advertising. This state triggers as shoppers get closer to the display.” *See*
27 <https://www.awm.tech/index-interactive.html>.

28 102. AWM has directly infringed the ’890 Patent in violation of 35 U.S.C. §

1 271(a) by making, using, offering for sale, selling, and/or operating the Accused
2 Products that embody the patented inventions of at least Claim 1 of the '890 Patent.

3 103. The Accused Products satisfy each and every element of the asserted
4 claim of the '890 Patent either literally or under the doctrine of equivalents.

5 104. AWM's infringing activities are and have been without authority or
6 license under the '890 Patent.

7 105. As a direct and proximate result of AWM's infringement of the '890
8 Patent, Alpha Modus has suffered and will continue to suffer damage.

9 106. Alpha Modus is informed and believes, and on that basis alleges, that
10 AWM has been aware of the '890 Patent and its infringement thereof. Despite this
11 knowledge, AWM has continued to make, use, sell, and offer for sale the Accused
12 Products.

13 107. Alpha Modus is informed and believes that AWM knew or was willfully
14 blind to the patented technology of the '890 Patent. Despite this knowledge or willful
15 blindness, AWM has acted with blatant disregard for Alpha Modus's patent rights with
16 an objectively high likelihood of infringement.

17 108. Alpha Modus is informed and believes that AWM has made no efforts to
18 avoid infringement of the '890 Patent, despite its knowledge and understanding that its
19 products and systems infringe the '890 Patent.

20 109. Therefore, AWM's infringement of the '890 Patent is willful and
21 egregious, warranting an enhancement of damages.

22 110. As such, AWM has acted and continues to act recklessly, willfully,
23 wantonly, deliberately, and egregiously in infringement of the '890 Patent, justifying
24 an award to Alpha Modus of increased damages under 35 U.S.C. § 284, and attorneys'
25 fees and costs incurred under 35 U.S.C. § 285.

COUNT IV

(INDUCED PATENT INFRINGEMENT OF THE '890 PATENT)

111. Alpha Modus repeats, realleges, and incorporates by reference, as if fully set forth herein, the allegations of the preceding paragraphs.

112. AWM is liable for indirect infringement under 35 U.S.C. § 271(b) of at least one claim of the '890 Patent, at least as early as the filing of this Complaint, because it knowingly induces, aids, and directs others to use the Accused Products in a manner that infringes the '890 Patent.

113. AWM has implemented and utilized the Accused Products in its customers' stores, which practice the patented methods of the '890 Patent.

114. AWM's use of the Accused Products demonstrates specific intent to induce infringement of the '890 Patent. AWM encourages, directs, aids, and abets the use and operation of the Accused Products in a manner that infringes the '890 Patent.

115. AWM's knowledge of the '890 Patent, combined with its ongoing making of, use of, sale of, and offers to sell of the Accused Products, demonstrates AWM's knowledge and intent that the Accused Products be used in a manner that infringes the '890 Patent.

116. AWM's actions and the manner in which the Accused Products are used in AWM's customers' stores, consistent with AWM's instructions, demonstrate AWM's specific intent to induce infringement of the '890 Patent.

117. Alpha Modus is informed and believes, and on that basis alleges, that AWM knew or was willfully blind to the fact that it was inducing others, including its customers and staff, to infringe by practicing, either themselves or in conjunction with AWM, one or more claims of the '890 Patent.

118. As a direct and proximate result of AWM's induced infringement of the '890 Patent, Alpha Modus has suffered and will continue to suffer damage.

119. Alpha Modus is entitled to recover from AWM compensation in the form

1 of monetary damages suffered as a result of AWM's infringement in an amount that
 2 cannot be less than a reasonable royalty, together with interest and costs as fixed by
 3 this Court.

4 COUNT V

5 (DIRECT INFRINGEMENT OF THE '880 PATENT)

6 120. Alpha Modus repeats, realleges, and incorporates by reference, as if fully
 7 set forth herein, the allegations of the preceding paragraphs.

8 121. AWM has made, used, offered for sale, and sold in the United States,
 9 products and systems that directly infringe the '880 Patent, including the Accused
 10 Products.

11 122. The Accused Products embody a method for customer assistance in a
 12 retail store as claimed in the '880 Patent.

13 123. The Accused Products include video image devices. *See*
 14 https://awm.tech/retail_solutions.html (identifying the use of "super-wide-angle low
 15 light HD cameras"); *see also* https://www.youtube.com/watch?v=YTXJplq_ufc
 16 (showing the use of cameras located near the back of the Smart Shelf product for
 17 monitoring products located in the Smart Shelf.

18 124. The Accused Products include the use of one or more information
 19 monitoring devices to gather information about the shopping activities of persons at a
 20 retail store, in line with claim 1 of the '880 Patent. For example, AWM's Shopper
 21 Demographics Engine gathers information about customers in a retail store. "Our
 22 cameras on each display gather customer demographics without requiring them to
 23 manually provide it. Your content can be demographic specific to ensure the best
 24 messaging is seen for each shopper." *See* [https://www.awm.tech/index-](https://www.awm.tech/index-interactive.html)
 25 [interactive.html](https://www.awm.tech/index-interactive.html).

26 125. The Accused Products perform functions such as gathering product
 27 interaction information of the person with respect to the products that the person
 28 interacts with and gathering object identification information for the products that the

1 persons interacted with during the product interactions. For example, AWM's Smart
 2 Shelf automatically tracks product inventory for products stocked in the AWM Smart
 3 Shelf. *See* https://www.youtube.com/watch?v=YTXJplq_ufc. As another example,
 4 AWM's Retail Data Engine collects the length of time a "shopper [is] in front of the
 5 display and shopping habits. This information can be used to inform business and
 6 marketing decisions." *See* <https://www.awm.tech/index-interactive.html>. As another
 7 example, AWM's frictionless shopping technology uses "deep learning models trained
 8 on product and positioning data from our Product Mapper software . . . [and]
 9 determines when customers interact with products & whether to add or subtract that
 10 item from their cart." <https://awm.tech/frictionless-shopping.html>.

11 126. AWM's Smart Shelf product is able to track the amount of inventory for
 12 products located in the shelf, and provide alert notifications when the quantity of such
 13 products falls below threshold values. *See*
 14 https://www.youtube.com/watch?v=YTXJplq_ufc; *see also*
 15 https://awm.tech/retail_solutions.html ("AWM's Automated Inventory Intelligence
 16 (Aii®) solution can view and track virtually any product or UPC in a retail
 17 environment. It is highly accurate, and results can be provided as quickly as near-real-
 18 time and as frequently as hourly or even in response to shopper activity. It is simply
 19 the most robust inventory tool available.")

20 127. AWM has directly infringed the '880 Patent in violation of 35 U.S.C. §
 21 271(a) by making, using, offering for sale, selling, and/or operating the Accused
 22 Products that embody the patented inventions of at least Claim 1 of the '880 Patent.

23 128. The Accused Products satisfy each and every element of the asserted
 24 claim of the '880 Patent either literally or under the doctrine of equivalents.

25 129. AWM's infringing activities are and have been without authority or
 26 license under the '880 Patent.

27 130. As a direct and proximate result of AWM's infringement of the '880
 28 Patent, Alpha Modus has suffered and will continue to suffer damage.

1 140. AWM's knowledge of the '880 Patent, combined with its ongoing making
2 of, use of, sale of, and offers to sell of the Accused Products, demonstrates AWM's
3 knowledge and intent that the Accused Products be used in a manner that infringes the
4 '880 Patent..

5 141. AWM actions and the manner in which the Accused Products are used in
6 AWM's customers' stores, consistent with AWM's instructions, demonstrate AWM's
7 specific intent to induce infringement of the '880 Patent.

8 142. Alpha Modus is informed and believes, and on that basis alleges, that
9 AWM knew or was willfully blind to the fact that it was inducing others, including its
10 customers and staff, to infringe by practicing, either themselves or in conjunction with
11 AWM, one or more claims of the '880 Patent.

12 143. As a direct and proximate result of AWM's induced infringement of the
13 '880 Patent, Alpha Modus has suffered and will continue to suffer damage.

14 144. Alpha Modus is entitled to recover from AWM compensation in the form
15 of monetary damages suffered as a result of AWM's infringement in an amount that
16 cannot be less than a reasonable royalty, together with interest and costs as fixed by
17 this Court.

18 COUNT VII

19 (DIRECT INFRINGEMENT OF THE '121 PATENT)

20 145. Alpha Modus repeats, realleges, and incorporates by reference, as if fully
21 set forth herein, the allegations of the preceding paragraphs.

22 146. AWM has made, used, offered for sale, and sold in the United States,
23 products and systems that directly infringe the '121 Patent, including the Accused
24 Products.

25 147. The Accused Products embody a method for gathering information about
26 shopping activities of consumers utilizing the Accused Products in a retail store setting,
27 as claimed in the '121 Patent.

28 148. The Accused Products include the use of one or more information

1 monitoring devices to gather information about a person at a retail store, in line with
2 claim 1 of the '890 Patent. For example, AWM's Shopper Demographics Engine
3 gathers information about customers in a retail store. "Our cameras on each display
4 gather customer demographics without requiring them to manually provide it. Your
5 content can be demographic specific to ensure the best messaging is seen for each
6 shopper." *See* <https://www.awm.tech/index-interactive.html>.

7 149. The Accused Products identify and gather traffic information of the
8 shoppers within the retail store. For example, AWM's Frictionless Shopping
9 technology and product assigns an ID to a customer when the customer enters the retail
10 store. *See* <https://awm.tech/frictionless-shopping.html> ("When a shopping session is
11 started, customers are assigned a random ID. A central server uses this to track each
12 shopper throughout the store as they pass through from camera to camera.").

13 150. The Accused Products gather shopping information of shoppers within the
14 retail store in order to, for example, determine whether and what products should be
15 added or deleted from the digital cart associated with the shopper using information
16 gathered from the information monitoring devices. *See* [https://awm.tech/frictionless-](https://awm.tech/frictionless-shopping.html)
17 [shopping.html](https://awm.tech/frictionless-shopping.html) ("Using deep learning models trained on product and positioning data
18 from our Product Mapper software, the system determines when customers interact
19 with products & whether to add or subtract that item from their cart.").

20 151. The Accused Products identify stops that the shopper makes within the
21 retail store. *See* <https://www.awm.tech/index-interactive.html> ("Some of the data
22 collected is how long the shopper was in front of the display and shopping habits. This
23 information can be used to inform business and marketing decisions.").

24 152. The Accused Products are capable of tracking the shopper to a point-of-
25 sale area where the system interfaces with a payment system for payment of the
26 products retained by the shopper for purchase. *See* [https://awm.tech/frictionless-](https://awm.tech/frictionless-shopping.html)
27 [shopping.html](https://awm.tech/frictionless-shopping.html) ("Upon leaving the store (or designated Frictionless area) customers are
28 charged via their digital wallet, receiving a receipt via email or text. In other

1 configurations, a POS kiosk may auto-populate the customer's cart for checkout,
2 allowing use of conventional payment methods such as cash, credit, etc."). A receipt
3 is transmitted to the shopper in response to payment. *Id.*; *see also*
4 <https://www.youtube.com/watch?v=2ISWeI0yL7U> (showing transmission of a receipt
5 to the shopper's mobile device).

6 153. AWM has directly infringed the '121 Patent in violation of 35 U.S.C. §
7 271(a) by making, using, offering for sale, selling, and/or operating the Accused
8 Products that embody the patented inventions of at least Claim 1 of the '121 Patent.

9 154. The Accused Products satisfy each and every element of the asserted
10 claims of the '121 Patent either literally or under the doctrine of equivalents.

11 155. AWM's infringing activities are and have been without authority or
12 license under the '121 Patent.

13 156. As a direct and proximate result of AWM's infringement of the '121
14 Patent, Alpha Modus has suffered and will continue to suffer damage.

15 157. Alpha Modus is informed and believes, and on that basis alleges, that
16 AWM has been aware of the '121 Patent and its infringement thereof. Despite this
17 knowledge, AWM has continued to make, use, sell, and offer for sale the Accused
18 Products.

19 158. Alpha Modus is informed and believes that AWM knew or was willfully
20 blind to the patented technology of the '121 Patent. Despite this knowledge or willful
21 blindness, AWM has acted with blatant disregard for Alpha Modus's patent rights with
22 an objectively high likelihood of infringement.

23 159. Alpha Modus is informed and believes that AWM has made no efforts to
24 avoid infringement of the '121 Patent, despite its knowledge and understanding that its
25 products and systems infringe the '121 Patent.

26 160. Therefore, AWM's infringement of the '121 Patent is willful and
27 egregious, warranting an enhancement of damages.

28 161. As such, AWM has acted and continues to act recklessly, willfully,

1 wantonly, deliberately, and egregiously in infringement of the '121 Patent, justifying
2 an award to Alpha Modus of increased damages under 35 U.S.C. § 284, and attorneys'
3 fees and costs incurred under 35 U.S.C. § 285.

4 **COUNT VIII**

5 **(INDUCED PATENT INFRINGEMENT OF THE '121 PATENT)**

6 162. Alpha Modus repeats, realleges, and incorporates by reference, as if fully
7 set forth herein, the allegations of the preceding paragraphs.

8 163. AWM is liable for indirect infringement under 35 U.S.C. § 271(b) of at
9 least one claim of the '121 Patent, at least as early as the filing of this Complaint,
10 because it knowingly induces, aids, and directs others to use the Accused Products in
11 a manner that infringes the '121 Patent.

12 164. AWM has implemented and utilized the Accused Products in its
13 customers' stores, which practice the patented methods of the '121 Patent.

14 165. AWM's use of the Accused Products demonstrates specific intent to
15 induce infringement of the '121 Patent. AWM encourages, directs, aids, and abets the
16 use and operation of the Accused Products in a manner that infringes the '121 Patent.

17 166. AWM's knowledge of the '121 Patent, combined with its ongoing making
18 of, use of, sale of, and offers to sell of the Accused Products, demonstrates AWM's
19 knowledge and intent that the Accused Products be used in a manner that infringes the
20 '121 Patent.

21 167. AWM's actions and the manner in which the Accused Products are used
22 in AWM's customers' stores, consistent with AWM's instructions, demonstrate
23 AWM's specific intent to induce infringement of the '121 Patent.

24 168. Alpha Modus is informed and believes, and on that basis alleges, that
25 AWM knew or was willfully blind to the fact that it was inducing others, including its
26 customers and staff, to infringe by practicing, either themselves or in conjunction with
27 AWM, one or more claims of the '121 Patent.

28 169. As a direct and proximate result of AWM's induced infringement of the

1 '121 Patent, Alpha Modus has suffered and will continue to suffer damage.

2 170. Alpha Modus is entitled to recover from AWM compensation in the form
3 of monetary damages suffered as a result of AWM's infringement in an amount that
4 cannot be less than a reasonable royalty, together with interest and costs as fixed by
5 this Court.

6 **JURY DEMAND**

7 Alpha Modus hereby demands a trial by jury of all issues so triable pursuant to
8 Rule 38 of the Federal Rules of Civil Procedure.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, Alpha Modus prays for relief against AWM as follows:

- 11 (A) An entry of judgment that AWM has infringed and is directly infringing
12 one or more claims of each of the '672 Patent, the '890 Patent, the '880
13 Patent, and the '121 Patent;
- 14 (B) An entry of judgment that AWM has infringed and is indirectly infringing
15 one or more claims of each of the '672 Patent, the '890 Patent, the '880
16 Patent, and the '121 Patent;
- 17 (C) An entry of judgment that the '672 Patent, the '890 Patent, the '880 Patent,
18 and the '121 Patent are valid and enforceable;
- 19 (D) An order pursuant to 35 U.S.C. § 283 permanently enjoining AWM, its
20 officers, agents, servants, employees, attorneys, and those persons in
21 active concert or participation with it, from further acts of infringement of
22 the '672 Patent, the '890 Patent, the '880 Patent, and the '121 Patent;
- 23 (E) An order awarding damages sufficient to compensate Alpha Modus for
24 AWM's infringement of the '672 Patent, the '890 Patent, the '880 Patent,
25 and the '121 Patent, but in no event less than a reasonable royalty, together
26 with interest and costs;
- 27
28

- 1 (F) A determination that AWM's infringement has been willful, wanton,
2 deliberate, and egregious;
- 3 (G) A determination that the damages against AWM be trebled or for any
4 other basis within the Court's discretion pursuant to 35 U.S.C. § 284;
- 5 (H) A finding that this case against AWM is "exceptional" and an award to
6 Alpha Modus of its costs and reasonable attorneys' fees, as provided by
7 35 U.S.C. § 285;
- 8 (I) An accounting of all infringing sales and revenues of AWM, together with
9 post judgment interest and prejudgment interest from the first date of
10 infringement of the '672 Patent, the '890 Patent, the '880 Patent, and the
11 '121 Patent; and
- 12 (J) Such further and other relief as the Court may deem proper and just.

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1 Dated: November 3, 2025

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