

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EAGLE VIEW TECHNOLOGIES, INC., and	)	
PICTOMETRY INTERNATIONAL CORP.	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 21-1852-RGA
	)	
ROOFR INC.,	)	JURY TRIAL DEMANDED
	)	
Defendant.	)	

**AMENDED COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL**

Plaintiffs Eagle View Technologies, Inc. and Pictometry International Corp. (together, “EagleView” or “Plaintiffs”), for their Complaint against Defendant Roofr Inc. (“Roofr”), allege as follows:

NATURE OF ACTION

1. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code, by EagleView against Roofr for infringement of U.S. Patent Nos. 8,170,840 (the “’840 patent”), 9,183,538 (the “’538 patent”), and 10,648,800 (the “’800 patent”) (together, the “Patents-in-Suit”).

2. Over the course of more than a decade, EagleView has developed technologies and products that produce extremely accurate and detailed roof reports using aerial imagery—a breakthrough technology in the roofing industry that obviates the need to engage a contractor for a costly and potentially hazardous site visit. These reports are used to, among other things, estimate the cost of roof repairs, construction, and insurance. EagleView is a market leader in providing technologies relating to such reports in the construction, insurance, and solar markets.

3. Roofr directly competes with EagleView, including in at least the construction, insurance, and solar markets, with at least rooftop aerial measurement products, including Roofr's roof reports and the software used to generate these reports ("Accused Product"). As further explained below, these reports are generated using technologies patented by EagleView.

PARTIES

4. Plaintiff Eagle View Technologies, Inc. ("Eagle View Tech.") is a corporation organized and existing under the laws of the State of Washington, having a principal place of business at 10800 NE 8th Street, Suite 300, Bellevue, WA 98004.

5. Plaintiff Pictometry International Corp. ("Pictometry") is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 25 Methodist Hill Drive, Rochester, NY 14623.

6. Eagle View Tech. launched in 2008 and was the first remote aerial roof measurement service. Pictometry was founded in 1996 and is an innovator of, among other things, aerial oblique image capture and processing technologies. In January 2013, a merger between Eagle View Tech. and Pictometry resulted in the creation of a new company called EagleView Technology Corporation, which is comprised of Eagle View Tech. and Pictometry and collectively referred to as "EagleView." EagleView has developed and continues to develop products and technologies that produce roof and wall measurement reports. These reports are used to, among other things, estimate the costs of roof repairs, construction, and insurance. EagleView's roof reports are used by a wide range of organizations, large and small, across a number of industries, including in the construction, insurance, and solar industries.

7. Defendant Roofr Inc. (“Roofr” or “Defendant”) is a corporation organized and existing under the laws of the State of Delaware and having a place of business at 211 Kearny Street, Suite 300, San Francisco, CA 94108.

JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over this patent infringement action under 28 U.S.C. §§ 1331 and 1338(a) because this action arises under the patent laws of the United States, Title 35 United States Code, including 35 U.S.C. § 1, *et seq.* This complaint includes claims for patent infringement arising under the patent laws of the United States, including 35 U.S.C. § 271, *et seq.*

9. This Court has personal jurisdiction over Roofr at least because Roofr: (i) is incorporated in the State of Delaware and in this District; (ii) has committed acts of patent infringement in the State of Delaware and in this District; and (iii) regularly conducts business, solicits business and/or derives substantial revenue from products and services within the State of Delaware and in this District, including those that infringe Plaintiffs’ patented technology.

10. Venue properly lies in this District under 28 U.S.C. §§ 1391 and 1400(b) because Roofr is incorporated and resides in the State of Delaware and in this District.

BACKGROUND: THE PATENTS-IN-SUIT

11. Eagle View Tech. is the owner of the entire right, title, and interest in and to the ’840 patent, entitled “Pitch Determination Systems and Methods for Aerial Roof Estimation,” which was issued by the United States Patent and Trademark Office (“USPTO”) on May 1, 2012. A true and correct copy of the ’840 patent is attached hereto as **Exhibit 1**.

12. All claims of the '840 patent are valid and enforceable. The '840 patent was subject to an *inter partes* review ("IPR") petition (IPR2016-00586) before the Patent Trial and Appeal Board ("PTAB") of the USPTO, of which the PTAB denied institution.

13. Pictometry is the owner of the entire right, title, and interest in and to the '538 patent, entitled "Method and System for Quick Square Roof Reporting," which was issued by the USPTO on November 10, 2015. A true and correct copy of the '538 patent is attached hereto as **Exhibit 2.**

14. All claims of the '538 patent are valid and enforceable.

15. Pictometry is the owner of the entire right, title, and interest in and to the '800 patent, entitled "System and Process for Roof Measurement Using Imagery," which was issued by the USPTO on May 12, 2020. A true and correct copy of the '800 patent is attached hereto as **Exhibit 3.**

16. All claims of the '800 patent are valid and enforceable.

17. Developing a system that uses the specific images and methods covered by the Patents-in-Suit—as opposed to the countless other ways one could try to develop a roof measuring system—is neither abstract, nor does it in any way preempt the field of roof measuring. Instead, the Patents-in-Suit cover specific and concrete processes that achieve the highest echelon of accuracy, which could not be accomplished manually and could not be achieved without using Plaintiffs' inventive concepts. Before EagleView's inventions, repairing or replacing a roof typically entailed asking roofing contractors to visit the house to determine the style of roof, take measurements, and to inspect the area around the house for access and cleanup before preparing a written estimate. By contrast, EagleView's Patents-in-Suit solve the specific problem of

generating a roof repair estimate without direct human measurement of a roof using concrete and specific technological solutions.

18. EagleView’s technology is inventive, revolutionary, and critical to the roofing industry. For example, after a multi-week trial, a federal court in the United States District Court for the District of New Jersey (“District Court of New Jersey”) concluded that “[t]he evidence at trial revealed that EagleView’s patented technology revolutionized the roofing industry” and “obviated the need for manual measurements of roofs with a tape measure in order to estimate the cost of repairing a roof.”¹ The Court concluded that there were “at least three clear advantages” to EagleView’s patented technology, which are covered by the Patents-in-Suit and patents related thereto, including “improved safety,” “decreased measurement time,” and, “perhaps most importantly, increased accuracy.”² There can be no doubt that this technology was critical to the industry, as even the Court concluded that “[t]he evidence regarding this breakthrough was overwhelming.”³

19. Some of that “overwhelming” evidence included praise by Verisk Analytics, Inc. (“Verisk”) and Xactware Solutions, Inc. (“Xactware”), two of the former competitive leaders in this space, who noted that EagleView’s patented technology was “cutting edge,” “very accurate,” “innovative,” “a breakthrough,” and was unlike “anything that [previously] emerged as possible.”⁴

20. Other evidence included press articles that were published on or about EagleView’s launch. For example, a CNN Money article titled “One small company reinvents a \$30 billion

¹ See *Eagle View Techs., Inc. v. Xactware Sols., Inc.*, 485 F. Supp. 3d 505, 511 (D.N.J. 2020).

² *Id.*

³ *Id.*

⁴ *Id.*

market,” noted that “EagleView founder Chris Pershing changed how the roofing industry operates with a software breakthrough.”⁵

21. The California Business Journal also wrote about EagleView’s launch, noting that “EagleView made one of the biggest breakthroughs in the history of the industry by creating a state-of-the-art software program that remotely snaps sophisticated aerial pictures of roofs and accurately measures lengths, pitches, valleys and other hard-to-see areas on roofs.”⁶

22. The Patents-in-Suit are directed to patentable subject matter. For example, they recite many of the same inventive concepts and technological improvements recited in several patents found to be directed to patent eligible subject matter by the District Court of New Jersey. In its January 2019 order denying the summary judgment motion filed by defendants Xactware and Verisk against, *inter alia*, certain claims of the ’840 patent, the District Court of New Jersey explained that “[t]he relevant claims are not directed merely to correlating by the human mind two different aerial views” and do not “merely replace a human’s sketch of a roof section from different aerial views.”⁷ Instead, the Court found that “[t]he claims are directed to methods and systems by which a user may: 1) specify points on two different, non-stereoscopic, aerial views of a roof or roof section; 2) have those points correlated to each other; 3) change locations of the specified points on the two aerial views; and 4) then have the software calculate the geometry in terms of slope, area, and perimeter of those roof views.”⁸ The Court also found that “[t]he correlation steps

⁵ See Jennifer Alsever, *One small company reinvents a \$30 billion market*, CNN Money (Dec. 9, 2011), <https://money.cnn.com/2011/12/09/smallbusiness/eagleview/index.htm>.

⁶ See Rick Weinberg, *Eagle Eye*, Cal. Bus. J. 2013, <https://calbizjournal.com/eagleview/measurements>.

⁷ *Eagle View Techs., Inc., v. Xactware Sols., Inc.*, 358 F. Supp. 3d 399, 407-08 (D.N.J. 2019).

⁸ *Id.*

and the steps in which a user may change correlated locations in the aerial views give rise to a presumption of a specific implementation of photogrammetric methods combined with roof pitch estimation, which in turn suggests a specific inventive concept.”⁹

23. As another example of the inventive concepts and technological improvements claimed by the Patents-in-Suit, the claims of the ’840 patent recite a pitch determination marker, which is a unique computer-implemented tool that functions to facilitate the transformation of a 2-dimensional aerial image into a 3-dimensional rendering of a roof. For example, the pitch determination marker includes automatically aligned axes, represented as extendable arms, that are adjustable in conjunction with the sloped edges of a planar roof section. The system may then determine the pitches of the roof based on the position of the configured marker. This pitch determination then forms the basis for the development of a wired 3-dimensional model. In other words, using the functionality of the pitch determination marker, the inventive system enables reconstruction of a 3-dimensional rendering of a roof, starting with just an aerial image. This rendering allows the determination of the amount of roofing material needed to complete a roof repair, thus saving immeasurable human resources. Further, the claims of the ’840 patent are specific, focused, and in all cases require both (1) the pitch determination marker, and (2) modification of a roof “model.” (in addition to other more specific limitations).

24. As a further example of the inventive concepts and technological improvements claimed by the Patents-in-Suit, the ’538 patent is directed to systems and methods for generating a roof report to determine the amount of material needed for a roof construction project. In order to do so, the claimed systems and processes of the ’538 patent utilize aerial images retrieved from an aerial image database and determine a “predominant” pitch and a footprint of the target roof.

⁹ *Id.* at 410 (emphasis in original).

The systems and methods recited in the '538 patent are inventive, unconventional, and simpler to implement because they obviate the need for a user to trace the outline of every facet of a target roof shown in an image and the need for a computer to calculate the pitch of each facet of the target roof in order to generate an accurate roof report.¹⁰ Additionally, the systems and methods recited in the '538 patent are computer-implemented processes that address a problem rooted in computer technology, were never accomplished in the prior art, and have no pre-computer analog. Other claims of the '538 patent further claim specific applications of the “predominant” pitch and footprint, including how they are used.

25. Still other claims of the '538 patent further require validation of the “geographic location of the roof” including “instructions for receiving customer input to alter or more coordinates of the geographic location.” This technology helped revolutionize the roofing industry and achieved a result that simply could not be achieved previously, either manually or with a computer. More specifically, at the time of the '538 patent, image databases were often comprised of improperly geo-coded imagery. One problem with such databases was that they could not be used to automatically generate accurate and detailed roof reports or determine the amount of material needed for a roof construction project. As a result, the process was largely done manually, requiring human labor and physical risk. This technology includes validating the correct geo-location of the target roof, as well as determining a predominant pitch, and allowed users to take existing aerial images and, despite their flaws and inaccuracies, quickly generate accurate roof reports to determine the amount of material needed for a roof construction project. This approach completely changed conventional methods and approaches. The claimed systems and methods of the '538 patent thus allow a computer to accurately generate a roof report to determine the amount

¹⁰ See Request for Continued Examination at 17-18 (USPTO May 27, 2015).

of material needed for a construction project utilizing data (*e.g.*, incorrectly geo-referenced aerial images), while also simplifying the measurement process for the user and reducing variability in the measurement results. Further underscoring the patentability of the '538 patent, the USPTO allowed the application that would issue as the '538 patent after EagleView overcame a rejection that its claims were directed “to the abstract idea of estimating areas” under the Supreme Court’s *Alice Corp.* opinion.¹¹

26. As another example of the inventive concepts and technological improvements claimed by the Patents-in-Suit, the claims of the '800 patent recite a process for generating a roof report that allows a user to correct the inaccurate designation of a target roof location in an aerial image retrieved from an aerial image database by designating the correct location, confirming such designation, and using the correct location to generate a roof report.¹² As also explained by the '800 patent, aerial image databases were often not (and, in fact, are still often not) correctly geo-coded. For example, as shown below, the address identified as incorrectly geo-coded in Figure 4B of the '800 patent remains incorrectly geo-coded on certain aerial image databases to this day.

¹¹ See *id.* at 8-20; Notice of Allowance (USPTO Jul. 8, 2015).

¹² In fact, the '800 patent is a member of a family of patents directed to solving the problem of accurately identifying a roof structure for searching and retrieval of images from a database for the purposes of determining attributes of a building’s roof structure and enabling the creation of highly detailed roof estimate reports. See *Xactware Sols., Inc. v. Pictometry Int’l Corp.*, Case No. IPR2016-00594, D.I. 21, Ex. 2006 at 14-15 (P.T.A.B. Nov. 16, 2016) (responding to petition for IPR of U.S. Patent No. 8,542,880); Ex. 3 at cover (identifying U.S. Patent No. 8,542,880 as an indirect parent of the '800 patent).

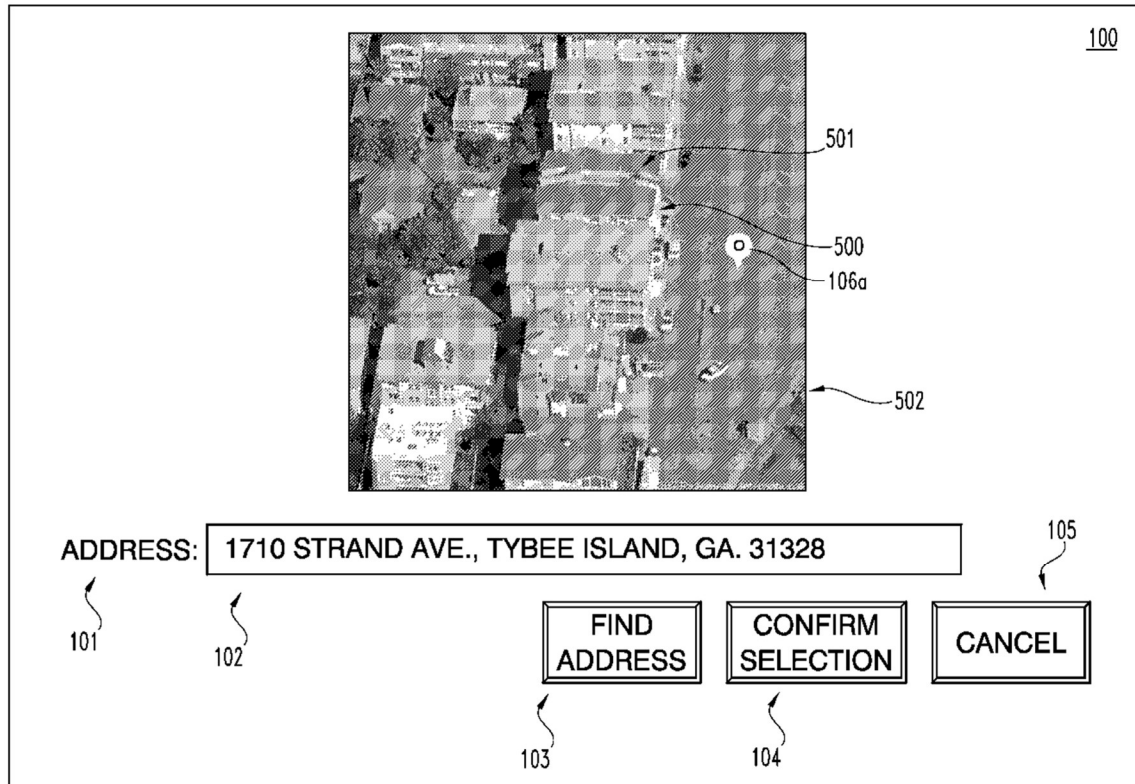
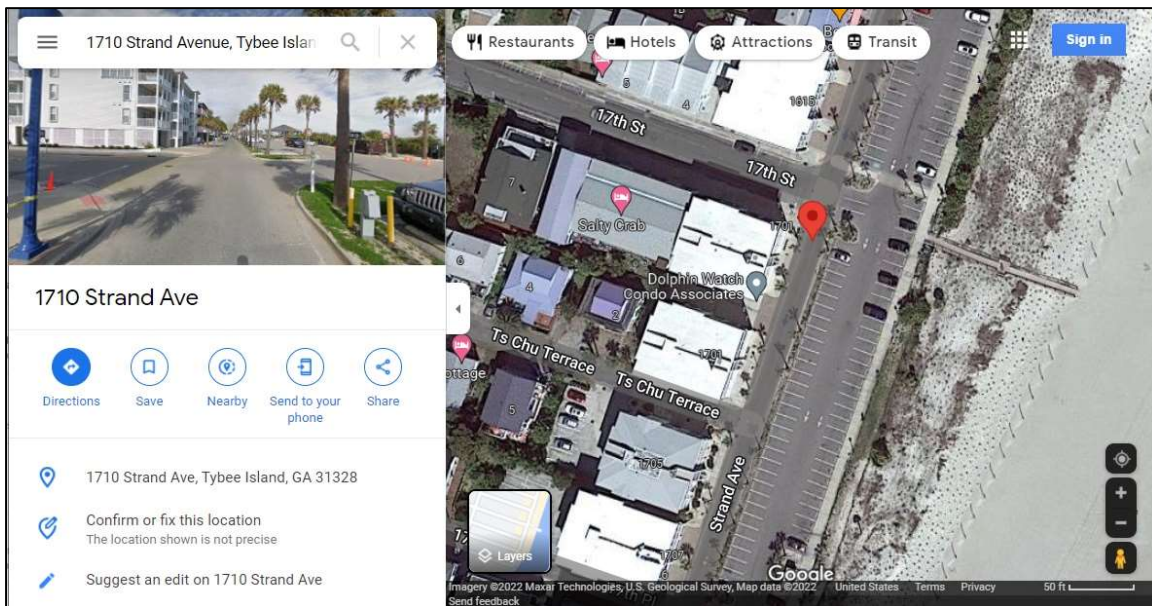


Fig. 4B



Moreover, certain image databases were often also comprised of low-resolution imagery. With these claims, EagleView invented a way to utilize low resolution imagery and/or incorrectly geocoded data to create highly reliable roof reports. Therefore, EagleView enabled technological

solutions—for example, the use of such low-resolution imagery and/or incorrectly geo-coded data—to create highly accurate roof reports that was not previously possible by either humans or computers. This is a computer-implemented process that addresses a problem rooted in computer technology, has no pre-computer analog, and was never accomplished in the prior art. The claims of the '800 patent further claim specific and concrete applications of the process, including using the corrected location of the target roof to retrieve additional aerial images of the target roof for use in generating the roof report. The claimed processes allow a computer to create highly detailed and accurate roof reports that could not be accomplished previously.

COUNT 1: INFRINGEMENT OF THE '840 PATENT

27. Plaintiffs reallege the foregoing paragraphs as if fully set forth herein.

28. The USPTO duly and legally issued the '840 patent on May 1, 2012.

29. Roofr has directly infringed and continues to directly infringe one or more claims of the '840 patent, in connection with rooftop aerial measurement products, including the Accused Product.

30. Roofr makes and uses rooftop aerial measurement products, including but not limited to the Accused Product, within the United States, and as such, Roofr has directly infringed and continues to directly infringe, either literally or under the doctrine of equivalents, at least one claim of the '840 patent, including under 35 U.S.C. § 271(a).

31. Claim 1¹³ of the '840 patent recites:

1. A computer-implemented method for generating a roof estimate report, the method comprising:

¹³ Plaintiffs' allegations of infringement are not limited to the claims specifically identified herein. Roofr infringes other claims of the Patents-in-Suit, including system claims, based on similar product attributes that are outlined in this Complaint.

displaying an aerial image of a building having a roof comprising a plurality of planar roof sections that each have a corresponding pitch;

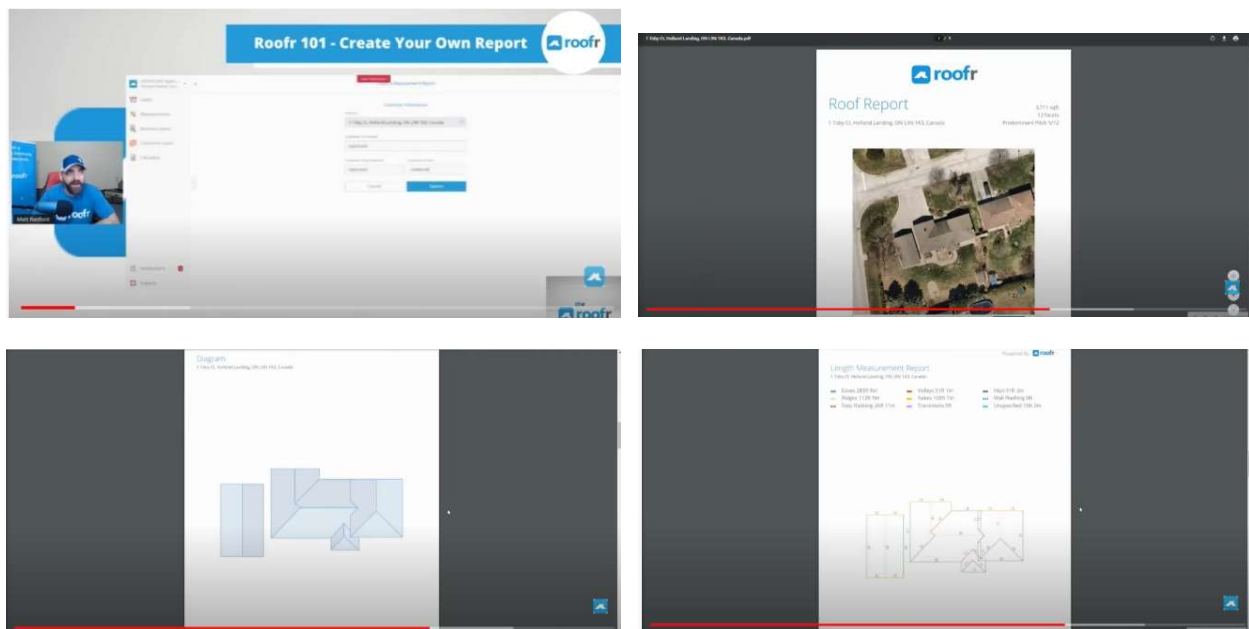
displaying a pitch determination marker operable to indicate pitch of a planar roof section, wherein the pitch determination marker is overlaid on the aerial image of the building having the roof;

receiving, based on the displayed pitch determination marker, an indication of the pitch of one of the plurality of planar roof sections of the roof of the building; and

modifying a model of the roof based on the received indication of the pitch of the one planar roof section.

32. Roofr's Accused Product infringes at least claim 1 of the '840 patent, including by Roofr's use of the Accused Product to perform the claimed method of claim 1.

33. The Accused Product uses a computer-implemented method for generating a roof estimate report. For example, as shown in the following screenshots and further explained below, the process is computer implemented for generating a roof estimate report.¹⁴

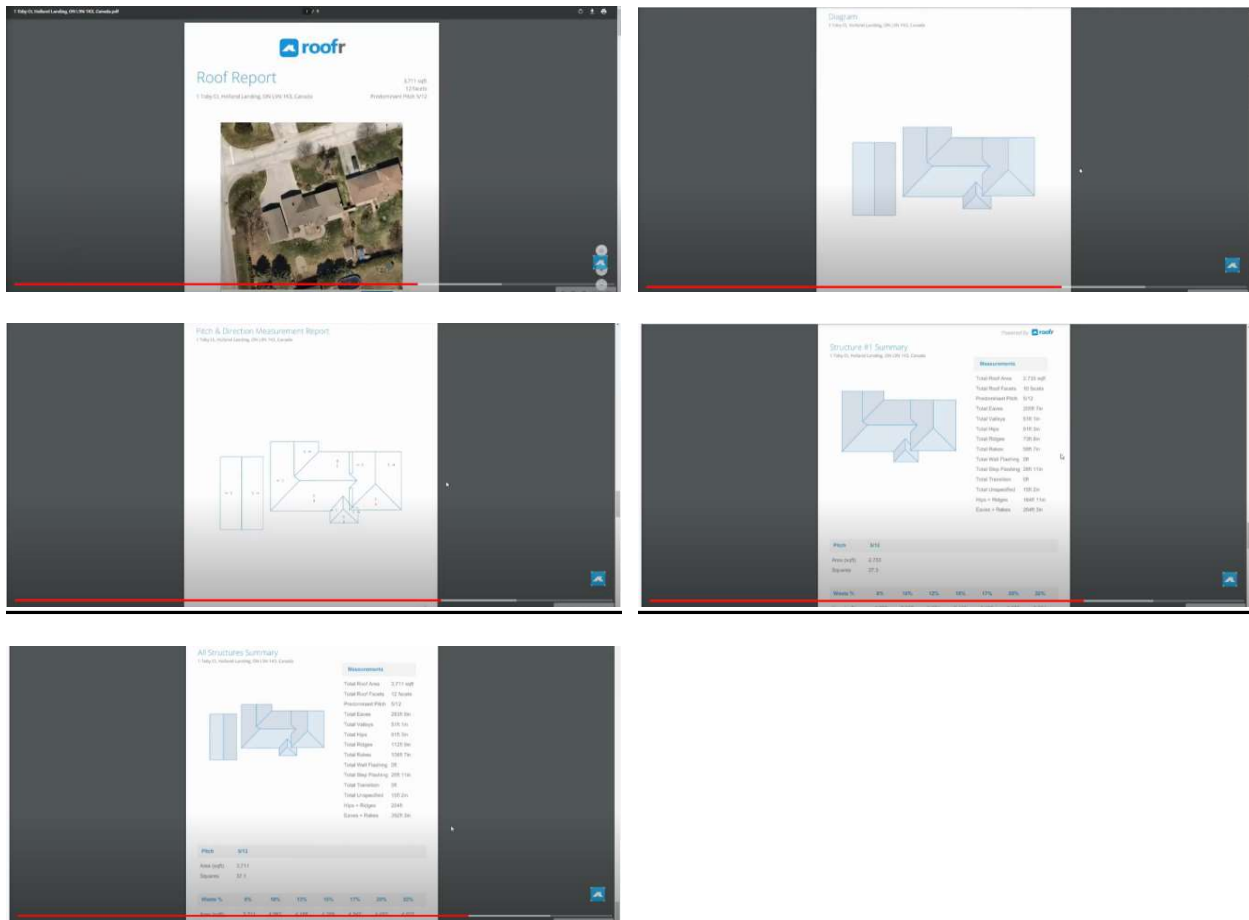


¹⁴ See Roofr, *Create your own Roof Measurement Report for Free!*, YouTube (Feb. 4, 2021), <https://www.youtube.com/watch?v=Vq6n9SgMAiY> (“Roofr YouTube Tutorial”); see also, e.g., **Exhibit 4**, *How to Create a Measurement Report (DIY)*, Roofr, <https://roofr.com/help/how-to-create-a-measurement-report> (last visited Dec. 20, 2021) (“Roofr Report DIY”).



36. The Accused Product receives, based on the displayed pitch determination marker, an indication of the pitch of one of the plurality of planar roof sections of the roof of the building and modifies a model of the roof based on the received indication of the pitch of the one planar roof section. For example, during the report generation process, a user moves a pitch determination marker overlaid on the aerial image to determine a pitch indication of the roof, and the received pitch indication informs the pitch numbers that are included in the report. Additionally, models of the roof included in the final report of the Accused Product are modified during the report generation process to reflect the received pitch numbers.¹⁷

¹⁷ See *id.*; see also **Exhibit 5** at 3-6 (*Fast accurate roof measurement reports*, Roofr, <https://roofr.com/1/measurements-details> (last visited Dec. 21, 2021) (follow “View sample report” hyperlink) (“Roofr Sample Report 1”). Roofr uses the Accused Product to generate roof reports for properties throughout the United States. Attached, for example, is a Roofr roof report for an address in Utah. See **Exhibit 6** (“Roofr Sample Report 2”).



37. On information and belief, Roofr has had knowledge of the '840 patent prior to the filing of the instant complaint, including because the '840 patent is identified on EagleView's website and roof reports as covering EagleView's technology and roof reports. Roofr's product is remarkably similar to, and appears to have been copied from, EagleView's technology and publicly-available sample roof reports, confirming that Roofr monitors EagleView's website, products, roof reports, and patents and is aware that such copying efforts constitute infringement of EagleView's patents.¹⁸ Additionally, Roofr would have been aware of the substantial press

¹⁸ See, e.g., EagleView, <https://www.eagleview.com/> (last visited Dec. 20, 2021). See also, e.g., *Sample Premium Report*, EagleView, https://www.eagleview.com/wp-content/uploads/2017/06/EagleView-Sample-Premium_Roof_Report.pdf (last visited Dec. 21, 2021); *ClaimsReady™ Residential Report*, EagleView, https://www.eagleview.com/wp-content/uploads/2017/06/EagleView_ClaimsReady-Residential.pdf (last visited Dec. 21, 2021).

coverage of EagleView's patent portfolio as it relates to roof reports, which includes Eagle View Tech.'s '840 patent, in light of EagleView's successful litigation against Xactware Solutions, Inc. and Verisk Analytics, Inc. in the District Court of New Jersey.¹⁹

38. On information and belief, Roofr's infringement of the '840 patent has been and continues to be willful. Roofr has acted with knowledge of the '840 patent and without a reasonable basis for a good-faith belief that it would not be liable for infringement of the '840 patent. For example, after learning of the '840 patent, Roofr continued to make and use rooftop aerial measurement products, including but not limited to the Accused Product, within the United States in a manner that infringes the '840 patent. Roofr has disregarded and continues to disregard its infringement and/or an objectively high likelihood that its actions constitute infringement of the '840 patent. This objectively-defined risk was known or is so obvious that it should have been known to Roofr. Roofr's infringement of the '840 patent has been and continues to be willful, entitling EagleView to enhanced damages under 35 U.S.C. § 284.

39. Roofr's acts of infringement have caused damage to EagleView, and EagleView is entitled to recover from Roofr the damages sustained by EagleView as a result of Roofr's wrongful acts in an amount subject to proof at trial.

¹⁹ See, e.g., Craig Clough, *EagleView's Adventures in IP Earn Co. \$375M Enhanced Win*, Law360 (Feb. 16, 2021 10:52 PM EST) <https://www.law360.com/articles/1355754/eagleview-s-adventures-in-ip-earn-co-375m-enhanced-win>; Chris Gray, *Jury Orders Xactware, Verisk to Pay \$125 Million for Infringing EagleView's Patents*, Roofing Contractor (Sept. 27, 2019) <https://www.roofingcontractor.com/articles/93946-jury-orders-xactware-verisk-to-pay-125-million-for-infringing-eagleviews-patents>; *EagleView Awarded \$375M in Lawsuit Against Xactware*, Restoration & Remediation (Apr. 11, 2021) <https://www.randrmagonline.com/articles/89375-eagleview-awarded-375m-in-lawsuit-against-verisk-analytics-parent-company-to-xactware>.

40. Roofr's acts of infringement have caused, and unless restrained and enjoined, will continue to cause, irreparable injury and damage to EagleView for which there is no adequate remedy at law.

41. This case is exceptional, entitling EagleView to an award of attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT 2: INFRINGEMENT OF THE '538 PATENT

42. Plaintiffs reallege the foregoing paragraphs as if fully set forth herein.

43. The USPTO duly and legally issued the '538 patent on November 10, 2015.

44. Roofr has directly infringed and continues to directly infringe one or more claims of the '538 patent, in connection with rooftop aerial measurement products, including the Accused Product.

45. Roofr makes and uses rooftop aerial measurement products, including but not limited to the Accused Product, within the United States, and as such, Roofr has directly infringed and continues to directly infringe, either literally or under the doctrine of equivalents, at least one claim of the '538 patent, including under 35 U.S.C. § 271(a).

46. Claim 14 of the '538 patent recites:

14. A roofing estimate method, comprising:

receiving, by at least one computer processor from a user via a user terminal, a geographic location of a roof;

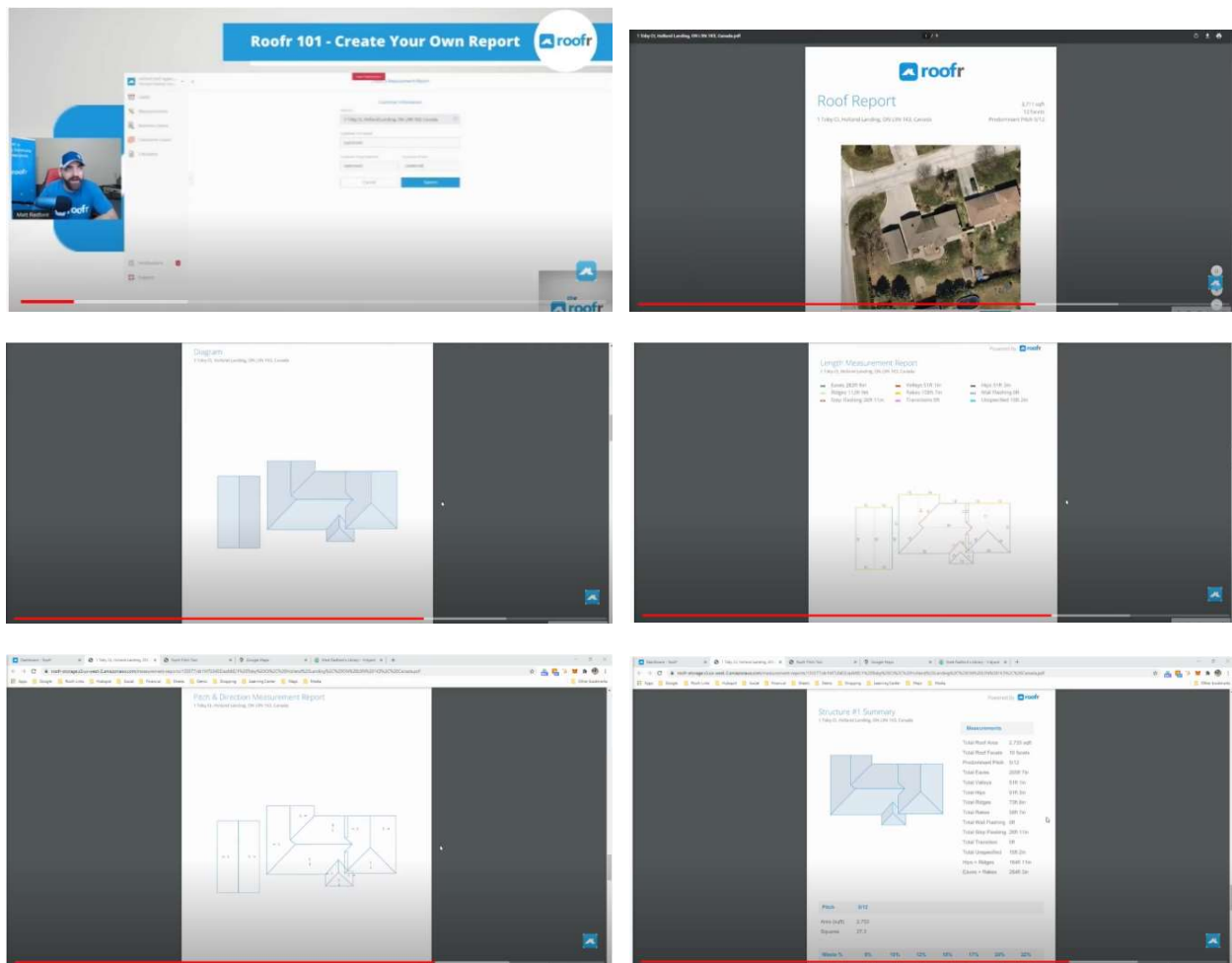
providing to the user, with the computer processor, imagery of the roof based on the geographic location of the roof;

determining and providing, with the computer processor, an estimated roofing area based at least on a predominant pitch and a footprint of the roof by analyzing one or more image showing the roof, the footprint of the roof determined at least in part using at least one image of the roof; and

generating, with the computer processor, a roof report for determination of an amount of materials needed for a construction project, wherein the roof report includes at least one image showing the roof and the estimated roofing area of the roof.

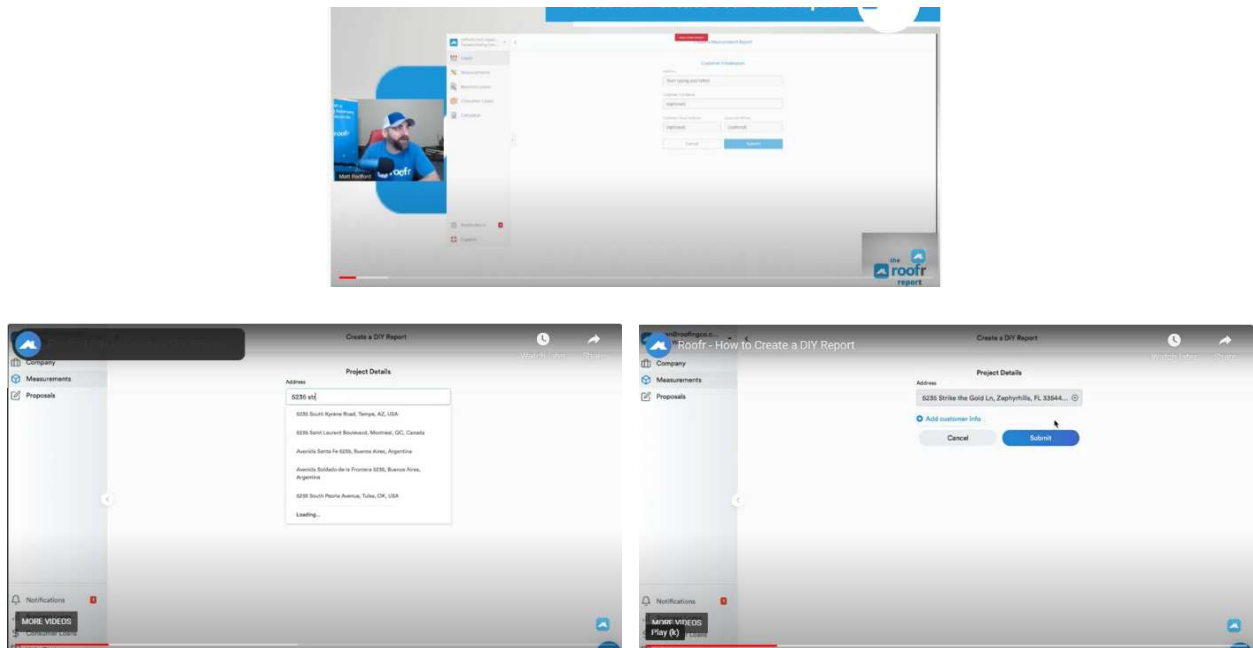
47. Roofr's Accused Product infringes at least claim 14 of the '538 patent, including by Roofr's use of the Accused Product to perform the claimed method of claim 14.

48. The Accused Product includes a roof estimate method. For example, as shown in the following screenshots and further explained below, the process is computer implemented for generating a roof report.²⁰



²⁰ See Roofr YouTube Tutorial; *see also, e.g.*, Roofr Report DIY; Roofr Sample Report 1 at 3-6.

49. The Accused Product receives, by at least one computer processor from a user via a user terminal, a geographic location of a roof, such as an address of a building.²¹

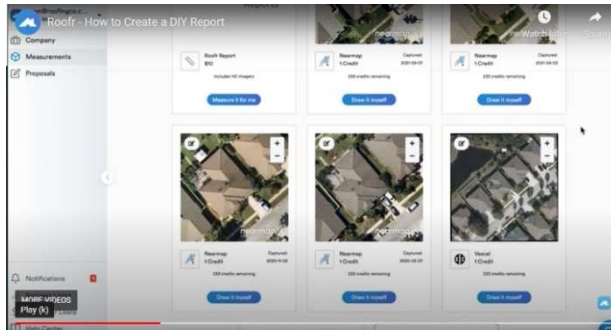


50. The Accused Product provides to the user, with the computer processor, imagery of the roof based on the geographic location of the roof. For example, images of the roof corresponding to the geographic location are provided to the user.²²

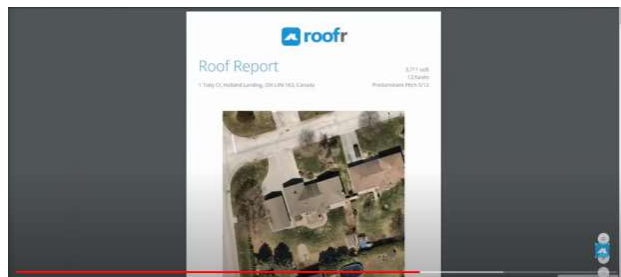
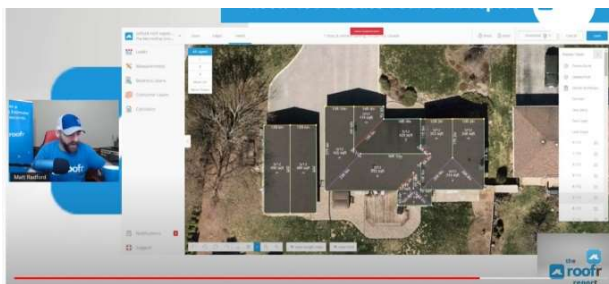


²¹ See Roofr YouTube Tutorial; *see also, e.g.*, Roofr Report DIY.

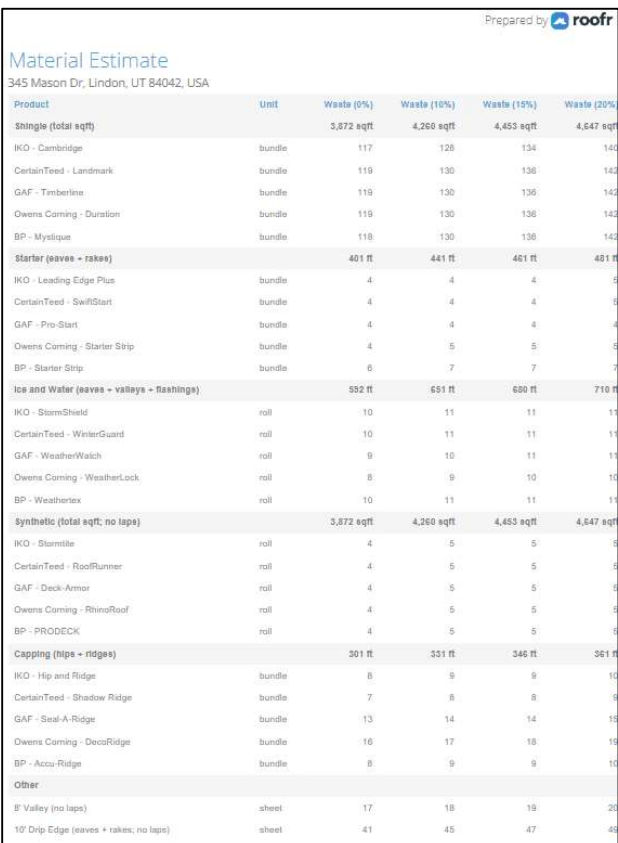
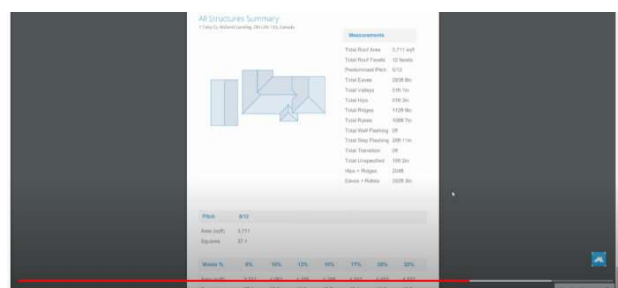
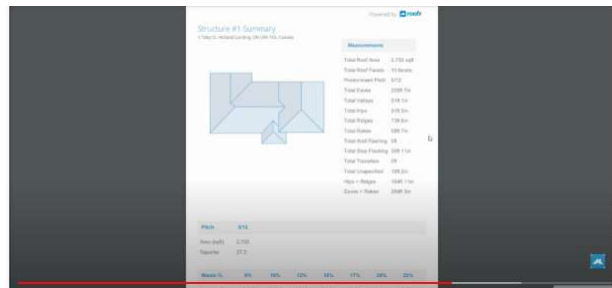
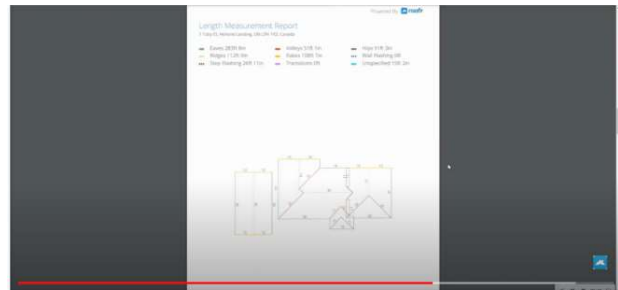
²² See Roofr YouTube Tutorial; Roofr Report DIY.



51. The Accused Product determines and provides, with the computer processor, an estimated roofing area based at least on a predominant pitch and a footprint of the roof by analyzing one or more images showing the roof, the footprint of the roof determined at least in part using at least one image of the roof; and generates, with the computer processor, a roof report for determination of an amount of materials needed for a construction project, wherein the roof report includes at least one image showing the roof and the estimated roofing area of the roof. For example, during the report generation process, the estimated roofing area is determined and provided based at least on a predominant pitch and roof footprint by analyzing one or more images of the roof. Additionally, the final roof report is generated for determination of the amount of materials needed, and includes, for example, an image of the roof and the estimated roofing area.²³



²³ See Roofr YouTube Tutorial; Roofr Report DIY; Roofr Sample Report 1 at 6 (All Structures Summary), 7 (Material Estimate); *see also id.* at 3 (Length Measurement Report), 4 (Area Measurement Report), 5 (Pitch & Direction Report); Roofr Sample Report 2 at 4 (Length Measurement Report), 5 (Area Measurement Report), 6 (Pitch & Direction Report), 7 (All Structures Summary), 8 (Material Estimate).





52. Further, claim 1 of the '538 patent recites:

1. One or more non-transitory computer readable medium storing a set of computer executable instructions for running on one or more computer systems that when executed cause the one or more computer systems to:

identify a geographic location of a roof;

determine a footprint and predominant pitch of the roof by analyzing one or more image showing the roof;

determine an estimated roofing area of the roof based on the predominant pitch and the footprint of the roof; and generate a roof report for determination of an amount of materials needed for a construction project,

wherein the roof report includes at least one image showing the roof and the estimated roofing area of the roof.

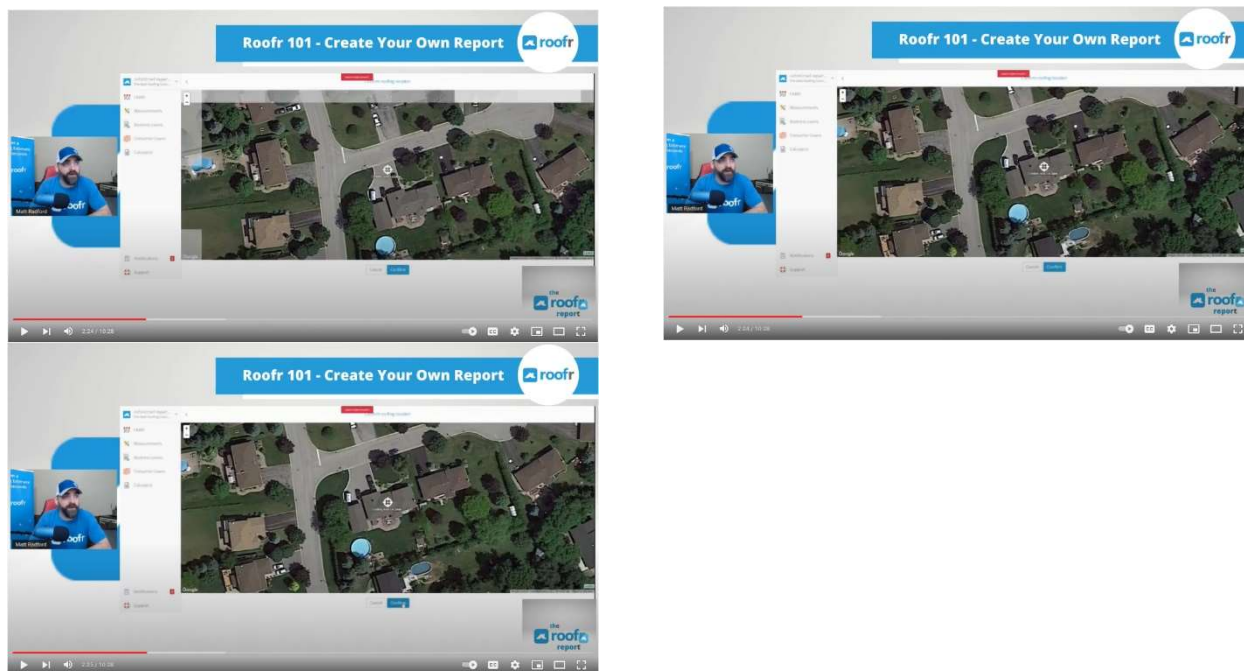
53. Roofr infringes claim 1 of the '538 patent, including by using an Accused Product in the manner set forth above in paragraphs 48 through 52.

54. Claims 6 and 7 of the '538 patent depend from claim 1 and recite:

6. The one or more non-transitory computer readable medium storing a set of computer executable instructions for running on one or more computer systems of claim 1, that when executed further cause the one or more computer systems to receive customer input to validate geographic location of the roof.

7. The one or more non-transitory computer readable medium of claim 6, wherein the geographic location includes coordinates and validation of the geographic location includes instructions for receiving customer input to alter one or more coordinates of the geographic location.

55. Roofr further infringes claims 6 and 7 of the '538 patent, including by using an Accused Product that, during the report generation process, receives a user's validation of the geographic location of the roof within the image, including by altering one or more coordinates of the geographic location, which is subsequently used in the report generation.



56. The '538 patent is identified on EagleView's website as covering EagleView's technology and publicly-available roof reports. Roofr's roof reports are remarkably similar to, and appear to have been copied from, EagleView's technology and publicly-available roof reports, confirming that Roofr monitors EagleView's roof reports, website, products, and patents, and is aware that such copying efforts constitute infringement of EagleView's patents, including Pictometry's '538 patent.²⁴ Additionally, Roofr would have been aware of the substantial press

²⁴ See, e.g., EagleView, <https://www.eagleview.com/> (last visited Dec. 29, 2021). See also, e.g., *Sample Premium Report*, EagleView, https://www.eagleview.com/wp-content/uploads/2017/06/EagleView-Sample-Premium_Roof_Report.pdf (last visited Dec. 29, 2021); *ClaimsReady™ Residential Report*, EagleView, https://www.eagleview.com/wp-content/uploads/2017/06/EagleView_ClaimsReady-Residential.pdf (last visited Dec. 29, 2021).

coverage of EagleView's patent portfolio as it relates to roof reports in light of EagleView's successful prior litigation.

57. Roofr's acts of infringement have caused damage to EagleView, and EagleView is entitled to recover from Roofr the damages sustained by EagleView as a result of Roofr's wrongful acts in an amount subject to proof at trial.

58. Roofr's acts of infringement have caused, and unless restrained and enjoined, will continue to cause, irreparable injury and damage to EagleView for which there is no adequate remedy at law.

59. This case is exceptional, entitling EagleView to an award of attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

COUNT 3: INFRINGEMENT OF THE '800 PATENT

60. Plaintiffs reallege the foregoing paragraphs as if fully set forth herein.

61. The USPTO duly and legally issued the '800 patent on May 12, 2020.

62. Roofr has directly infringed and continues to directly infringe one or more claims of the '800 patent, in connection with rooftop aerial measurement products, including the Accused Product.

63. Roofr makes and uses rooftop aerial measurement products, including but not limited to the Accused Product, within the United States, and as such, Roofr has directly infringed and continues to directly infringe, either literally or under the doctrine of equivalents, at least one claim of the '800 patent, including under 35 U.S.C. § 271(a).

64. Claim 1 of the '800 patent recites:

1. A process, comprising:

receiving first location data;

providing visual access to a first image corresponding to the first location data, the first image including a roof structure of a building;

providing a first computer input capable of signaling a designation from a user of a building roof structure location within the first image, wherein the building roof structure location is a geographic position of the building roof structure and is different than the first location data;

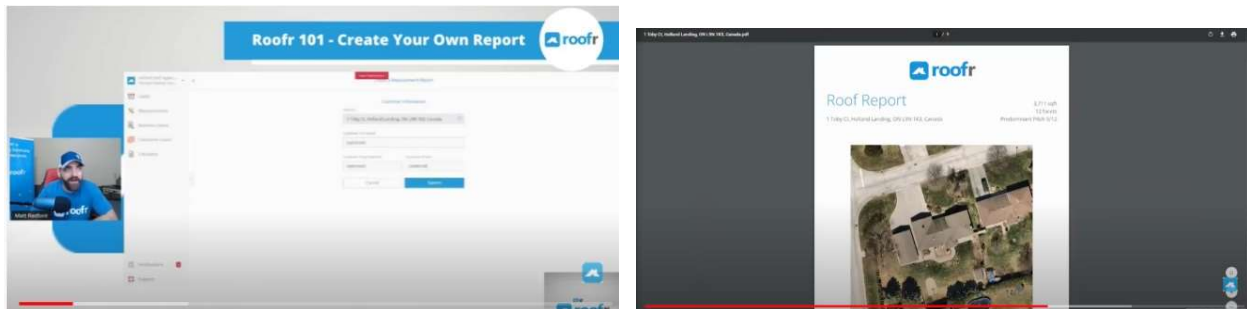
receive a designation of the building roof structure within the first image;

responsive to receiving the designation of the building roof structure location, providing a second computer input capable of signaling user-acceptance of the building roof structure location within the first image, wherein user-acceptance is one or more affirmative steps undertaken by the user to confirm the designation of the building roof structure location; and

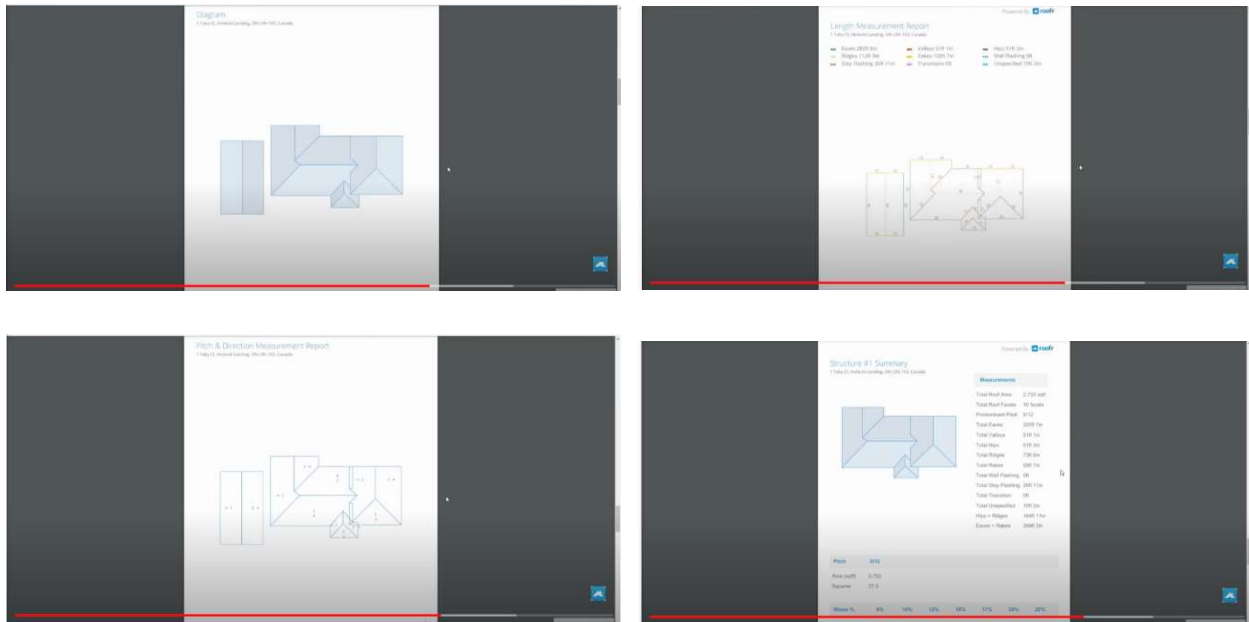
subsequent to receiving the user-acceptance confirming the designation of the building roof structure location, providing a report for the building roof structure.

65. Roofr's Accused Product infringes at least claim 1 of the '800 patent, including by Roofr's use of the Accused Product to perform the claimed method of claim 1.

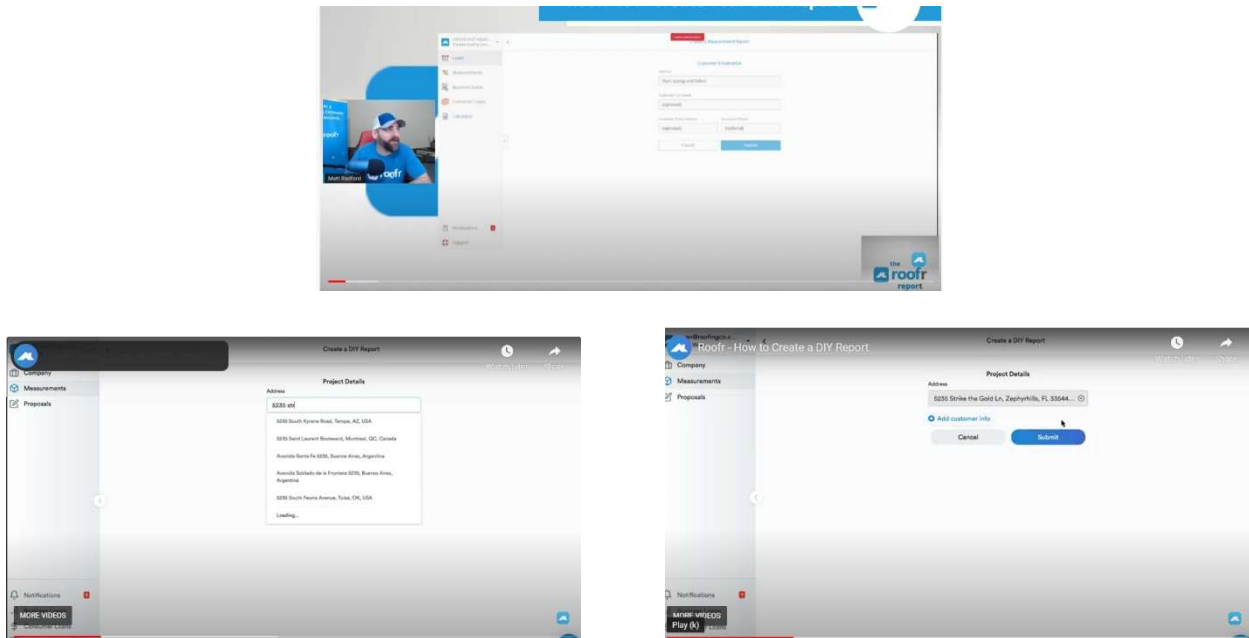
66. The Accused Product includes a process. For example, as shown in the following screenshots and further explained below, the process is computer implemented for generating a roof report.²⁵



²⁵ See Roofr YouTube Tutorial; *see also, e.g.*, Roofr Report DIY; Roofr Sample Report 1; Roofr Sample Report 2.



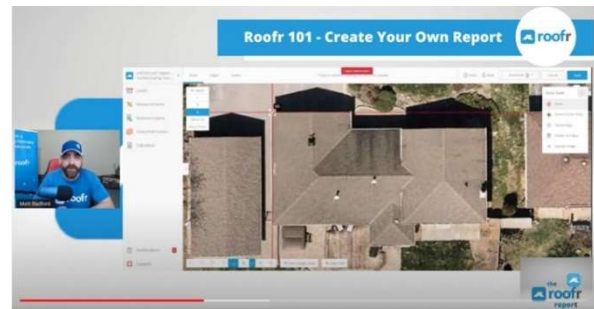
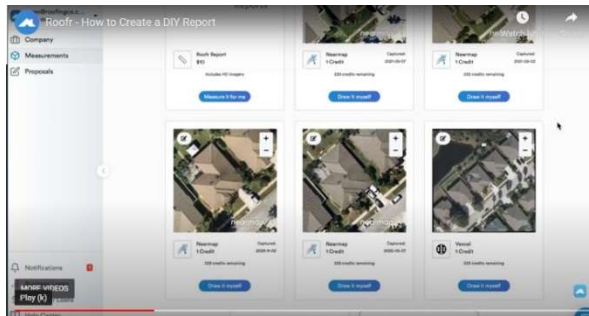
67. The Accused Product receives first location data, such as an address of a building.²⁶



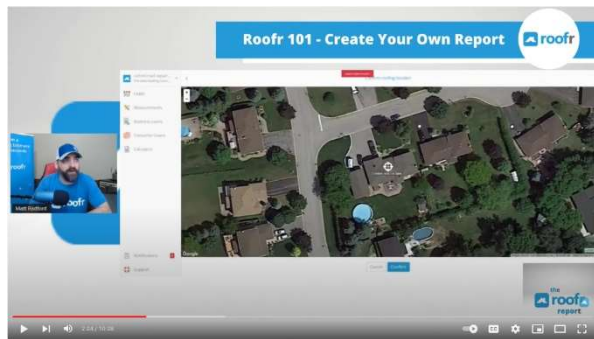
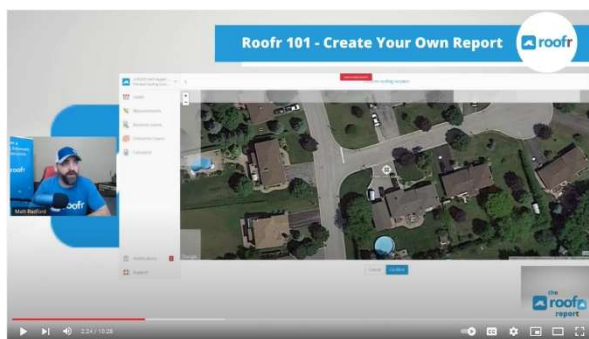
68. The Accused Product provides visual access to a first image corresponding to the first location data, the first image including a roof structure of a building. For example, during the

²⁶ See Roofr YouTube Tutorial; Roofr Report DIY.

report generation process, images of the roof corresponding to the location data for the building are provided.²⁷

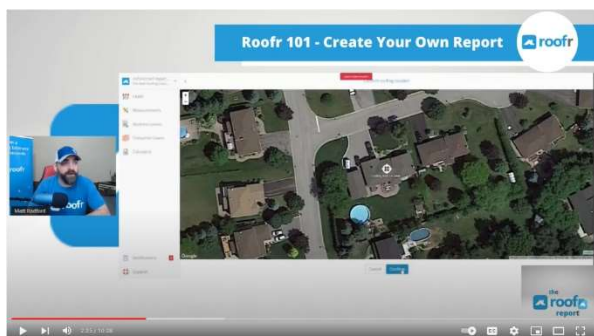


69. The Accused Product provides a first computer input capable of signaling a designation from a user of a building roof structure location within the first image, wherein the building roof structure location is a geographic position of the building roof structure and is different than the first location data; and receives a designation of the building roof structure within the first image. For example, during the report generation process, a user designates the building roof structure location within the image, which is subsequently received and used in the report generation.²⁸



²⁷ See Roofr YouTube Tutorial; *see also, e.g.*, Roofr Report DIY.

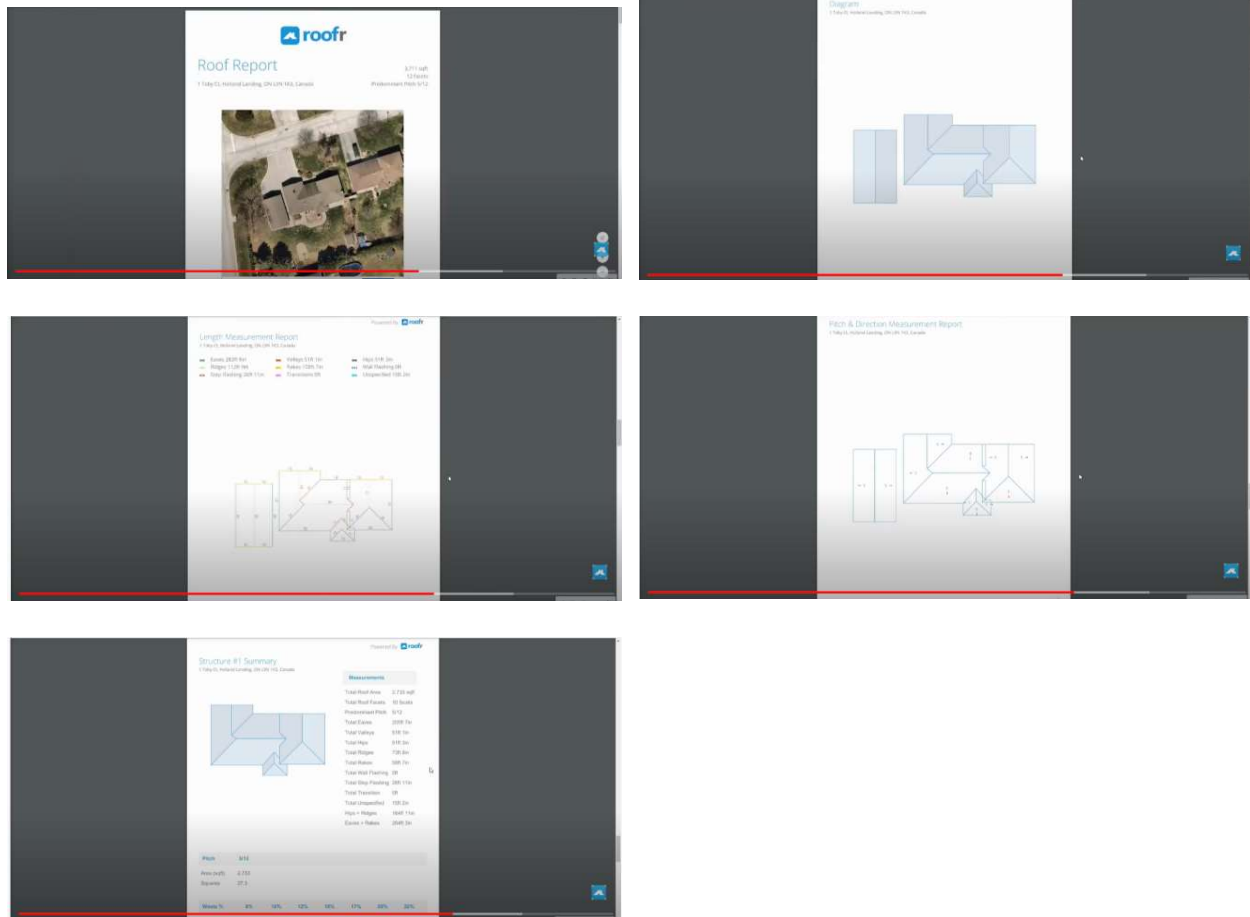
²⁸ See Roofr YouTube Tutorial.



70. The Accused Product, responsive to receiving the designation of the building roof structure location, provides a second computer input capable of signaling user-acceptance of the building roof structure location within the first image, wherein user-acceptance is one or more affirmative steps undertaken by the user to confirm the designation of the building roof structure location. For example, during the report generation process, user-acceptance is indicated through a confirmation and submission process.

71. The Accused Product, subsequent to receiving the user-acceptance confirming the designation of the building roof structure location, provides a report for the building roof structure.²⁹

²⁹ See Roofr YouTube Tutorial; *see also, e.g.*, Roofr Sample Report 1; Roofr Sample Report 2.



72. Roofr's roof reports are remarkably similar to, and appear to have been copied from, EagleView's technology and publicly-available roof reports, confirming that Roofr monitors EagleView's roof reports, website, products, and patents, and is aware that such copying efforts constitute infringement of EagleView's patents, including Pictometry's '800 patent.³⁰ Additionally, Roofr would have been aware of the substantial press coverage of EagleView's patent portfolio as it relates to roof reports in light of EagleView's successful prior litigation.

³⁰ See, e.g., EagleView, <https://www.eagleview.com/> (last visited Dec. 29, 2021). See also, e.g., *Sample Premium Report*, EagleView, https://www.eagleview.com/wp-content/uploads/2017/06/EagleView-Sample-Premium_Roof_Report.pdf (last visited Dec. 29, 2021); *ClaimsReady™ Residential Report*, EagleView, https://www.eagleview.com/wp-content/uploads/2017/06/EagleView_ClaimsReady-Residential.pdf (last visited Dec. 29, 2021).

73. Roofr's acts of infringement have caused damage to EagleView, and EagleView is entitled to recover from Roofr the damages sustained by EagleView as a result of Roofr's wrongful acts in an amount subject to proof at trial.

74. Roofr's acts of infringement have caused, and unless restrained and enjoined, will continue to cause, irreparable injury and damage to EagleView for which there is no adequate remedy at law.

75. This case is exceptional, entitling EagleView to an award of attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

JURY DEMAND

In accordance with Rule 38 of the Federal Rules of Civil Procedure and Civil Local Rule 3-6, Plaintiffs hereby demand a jury trial on all issues triable before a jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for the following relief:

A. For entry of judgment by this Court against Roofr and in favor of Plaintiffs in all respects, including that Roofr has and continues to directly infringe one or more claims of the Patents-in-Suit;

B. For an order enjoining Roofr, and its officers, directors, shareholders, agents, servants, employees, attorneys, all parent, subsidiary and affiliate corporations, their successors in interest and assigns, and all other entities and individuals acting in concert with it or on its behalf, including customers, from making, importing, using, offering for sale, and/or selling any product or service falling within the scope of any claim of the Patents-in-Suit, including the Accused Product, or otherwise infringing any claim of the Patents-in-Suit;

C. Alternatively, in the event that an injunction does not issue, that this Court award a compulsory ongoing future royalty;

D. For damages arising from Roofr's infringement of the Patents-in-Suit, including lost profits suffered by Plaintiffs as a result of Roofr's infringement and in an amount not less than a reasonable royalty, together with pre-judgment and post-judgment interest;

E. That this Court declare Roofr's infringement as to the '840 patent to be willful and award increased damages in an amount not less than three times the damages assessed for Roofr's infringement to Plaintiffs for the period of such willful infringement pursuant to 35 U.S.C. § 284;

F. That this Court declare this to be an exceptional case pursuant to 35 U.S.C. § 285 and award Plaintiffs their attorneys' fees;

G. That Plaintiffs be awarded costs of court; and

H. For such other and further relief as the Court may deem just and proper.

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Dated: April 1, 2022

/s/ Nathan R. Hoeschen

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