

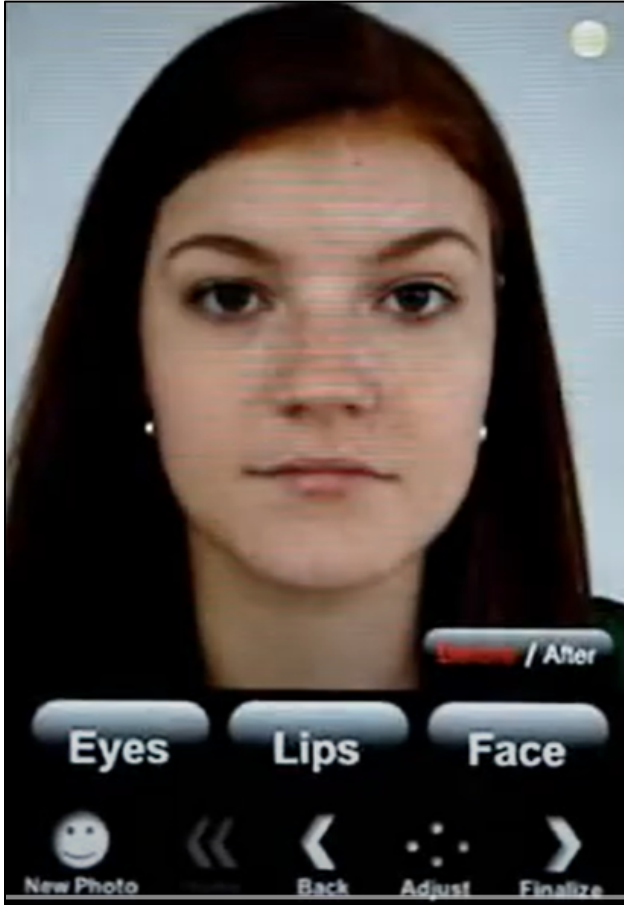
APPENDIX E: Invalidity Chart for the '595 Patent Based on ModiFace

As demonstrated in the below claim chart, all asserted claims (claims 5, 6, 9, 11 and 13) of U.S. Patent No. 9,542,595 (“the ’595 Patent”) are anticipated by The ModiFace Application¹ (“ModiFace”) or rendered obvious in view of ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, at least based on Plaintiff’s apparent (or implied) interpretation of the claims. No inference is intended, nor should any be drawn, that L’Oreal USA agrees with Plaintiff’s apparent claim constructions or infringement contentions.

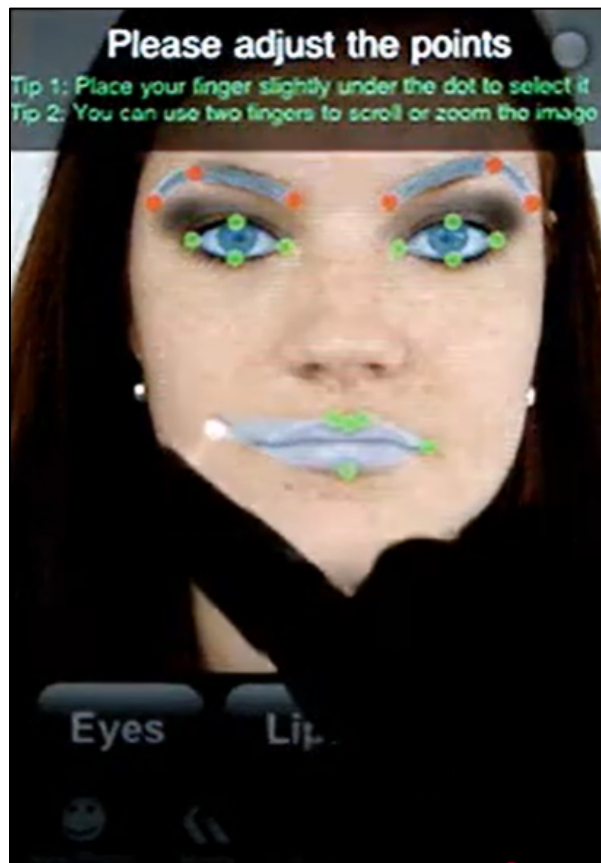
ModiFace was launched in 2010 and is therefore prior art to the ’595 Patent at least under 35 U.S.C. § 102(a)(1).

¹ ModiFace is detailed in the following video and website: <https://www.youtube.com/watch?v=zaKfRQl8tjU>, <https://www.amazon.com/ModiFace-Inc-Virtual-Makeover/dp/B009DJBPBW>. These links illustrate that the ModiFace Application was released under the title of “Makeup 7.0” in 2010, and later upgraded and named “Virtual Makeover,” and released on Amazon in 2012.

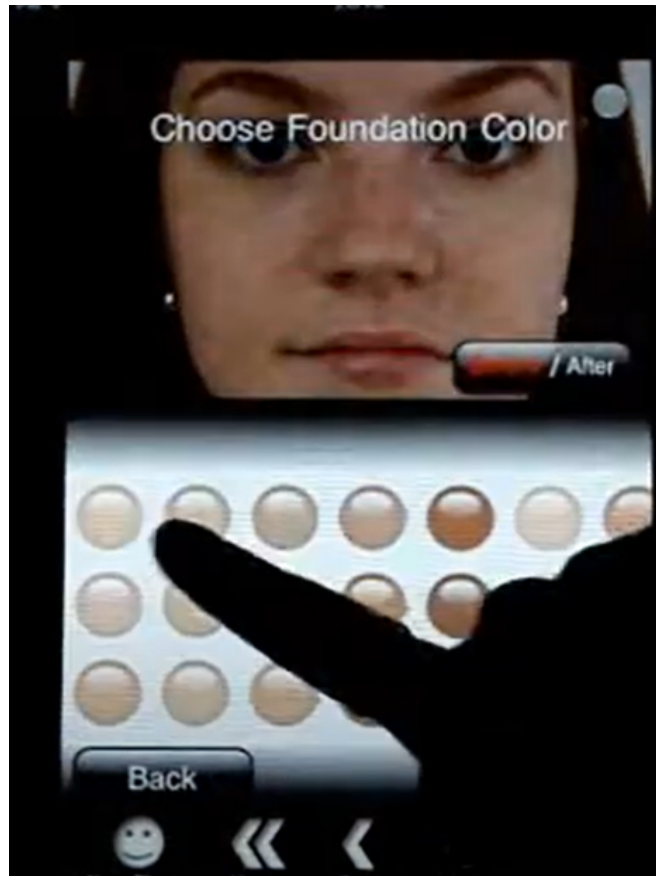
APPENDIX E: '595 Patent Claim Chart (ModiFace)

Claim 5	ModiFace
[5pre] A method for analyzing a skin of a subject and identifying a cosmetic product for the subject, comprising:	To the extent the preamble is limiting, ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, discloses or suggests [5pre], as evidenced by the exemplary citations below. < https://www.youtube.com/watch?v=zaKfRQl8tjU > at: 

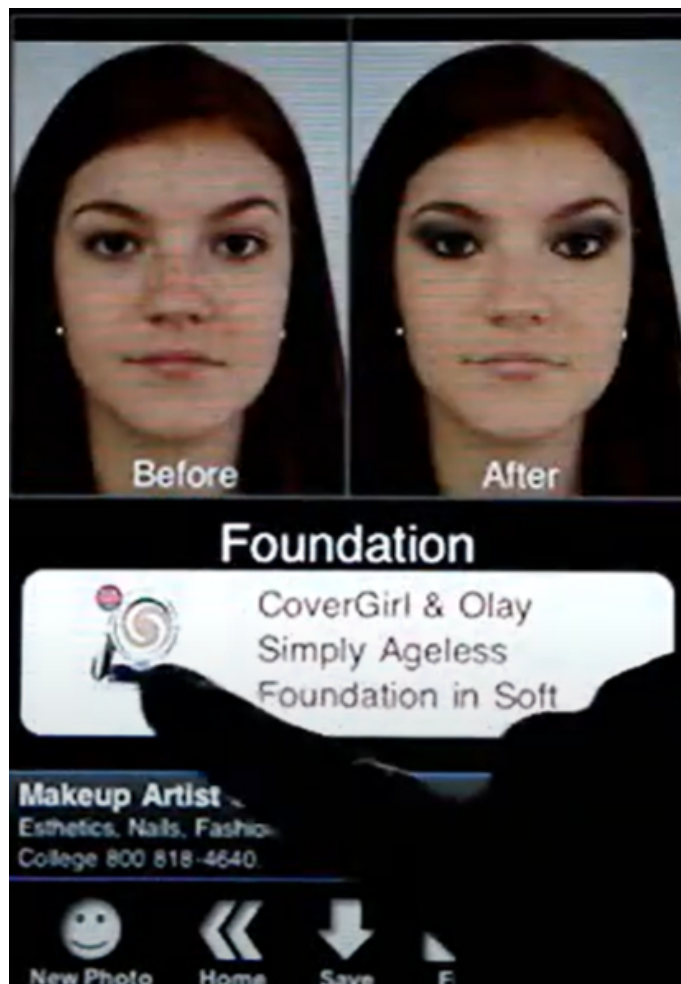
APPENDIX E: '595 Patent Claim Chart (ModiFace)



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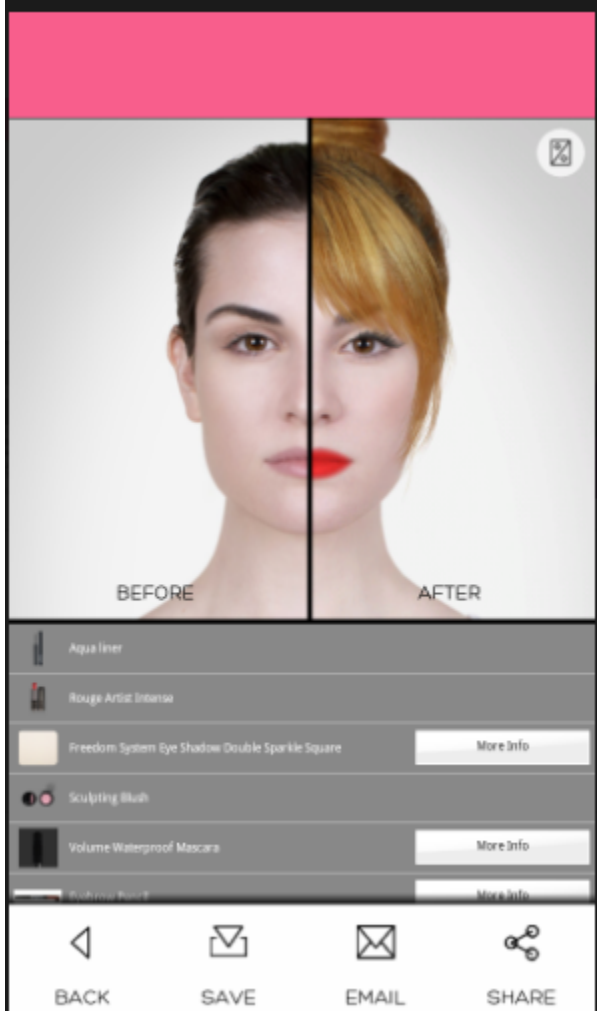


<<https://www.amazon.com/ModiFace-Inc-Virtual-Makeover/dp/B009DJBPBW>> at:

APPENDIX E: '595 Patent Claim Chart (ModiFace)

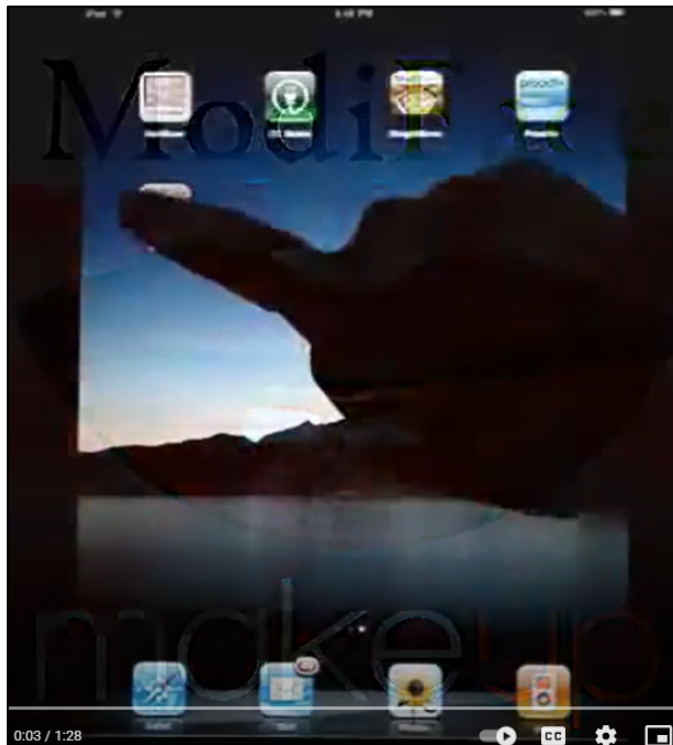
	Product features • Try on makeup on your own photo ♥ • 2,000+ real-life cosmetics shades • Over 80 celebrity hairstyles • Over 20 celebrity looks • Sunglasses try-on • Build-in color blending technology • Latest Facial Recognition algorithm • Drawing with crayons • Support popular social networks (Facebook, Twitter, etc.) • Support sharing options (Email, Picasa, etc.) Product description The brand new ModiFace Virtual Makeover is here! ModiFace Virtual Makeover is all you need to try out different makeup or cosmetic products for FREE. This app is ModiFace's next generation virtual makeover application that offers realistic cosmetics, hairstyles, and accessories to try-on. This app is simple yet packed with features! Choose a photo or take one using camera. Perform simple calibration. Apply makeup products such as mascara, eye shadow, lipstick, blush, concealer, foundation, and so much more! Don't forget to try over 80 different celebrity hairstyles! Once you are done with the makeover, save it to your album and share with your friends and family! You can even use it as a new display photo on Facebook, Twitter, and other popular social networks.
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APPENDIX E: '595 Patent Claim Chart (ModiFace)

	
[5a] at an electronic device with one or more processors and memory storing one or more programs for execution by the one or more	ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, discloses or suggests [5a], as evidenced by the exemplary citations below. < https://www.youtube.com/watch?v=zaKfRQl8tjU > at:

APPENDIX E: '595 Patent Claim Chart (ModiFace)

processors:

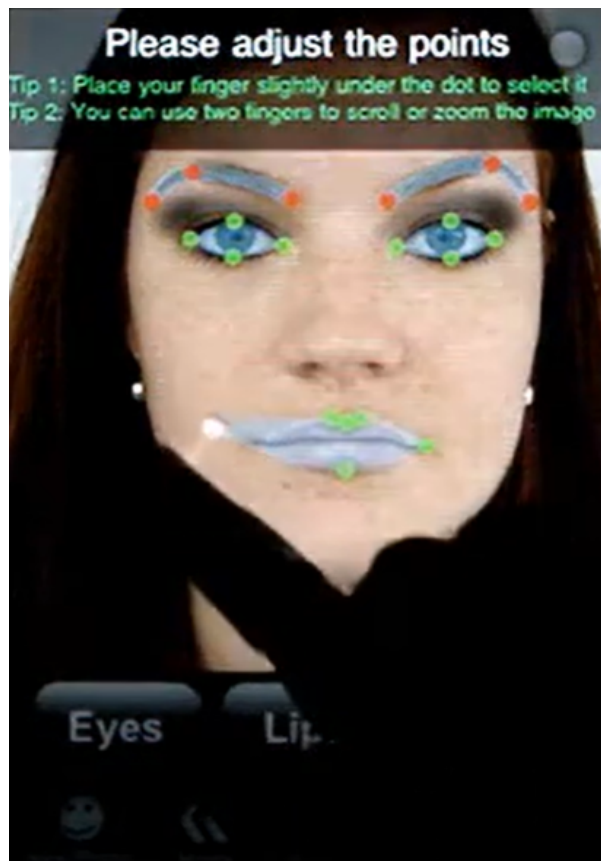


<<https://www.amazon.com/ModiFace-Inc-Virtual-Makeover/dp/B009DJBPBW>> at:

APPENDIX E: '595 Patent Claim Chart (ModiFace)

	Technical details Size: 43.8MB Version: 2.9 Developed By: ModiFace Inc. Application Permissions: (Help me understand what permissions mean) • Access coarse (e.g., Cell-ID, Wi-Fi) location • Access information about networks • Access information about Wi-Fi networks • Required to be able to access the camera device • Open network sockets • Read from external storage • Write to external storage Minimum Operating System: Android 4.0.3 Approximate Download Time: More than 5 minutes
[5a1] calibrating colors of a first digital image, wherein the first digital image depicts at least a portion of a face of the subject, and the first digital image includes a plurality of pixels;	ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, discloses or suggests [5a1], as evidenced by the exemplary citations below. < https://www.youtube.com/watch?v=zaKfRQl8tjU > at:

APPENDIX E: '595 Patent Claim Chart (ModiFace)



<https://www.amazon.com/ModiFace-Inc-Virtual-Makeover/dp/B009DJBPBW> at:

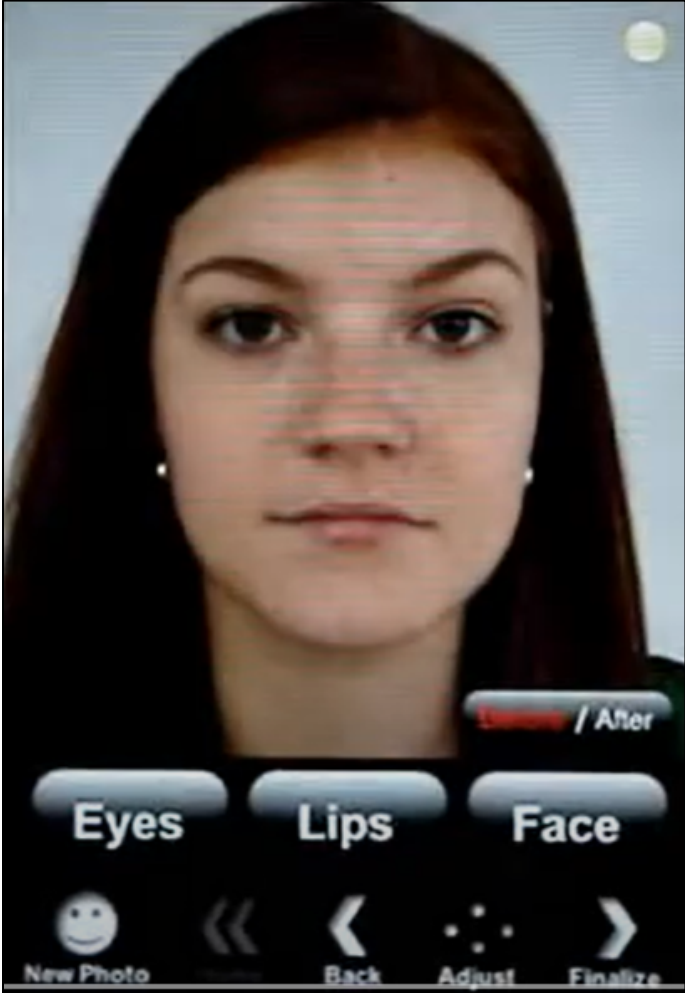
APPENDIX E: '595 Patent Claim Chart (ModiFace)

	Product features • Try on makeup on your own photo ♥ • 2,000+ real-life cosmetics shades • Over 80 celebrity hairstyles • Over 20 celebrity looks • Sunglasses try-on • Build-in color blending technology • Latest Facial Recognition algorithm • Drawing with crayons • Support popular social networks (Facebook, Twitter, etc.) • Support sharing options (Email, Picasa, etc.) Product description The brand new ModiFace Virtual Makeover is here! ModiFace Virtual Makeover is all you need to try out different makeup or cosmetic products for FREE. This app is ModiFace's next generation virtual makeover application that offers realistic cosmetics, hairstyles, and accessories to try-on. This app is simple yet packed with features! Choose a photo or take one using camera. Perform simple calibration. Apply makeup products such as mascara, eye shadow, lipstick, blush, concealer, foundation, and so much more! Don't forget to try over 80 different celebrity hairstyles! Once you are done with the makeover, save it to your album and share with your friends and family! You can even use it as a new display photo on Facebook, Twitter, and other popular social networks.
[5a2] displaying the first digital image;	ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, discloses or suggests [5a2], as evidenced by the exemplary citations below. < https://www.youtube.com/watch?v=zaKfRQl8tjU > at:

APPENDIX E: '595 Patent Claim Chart (ModiFace)



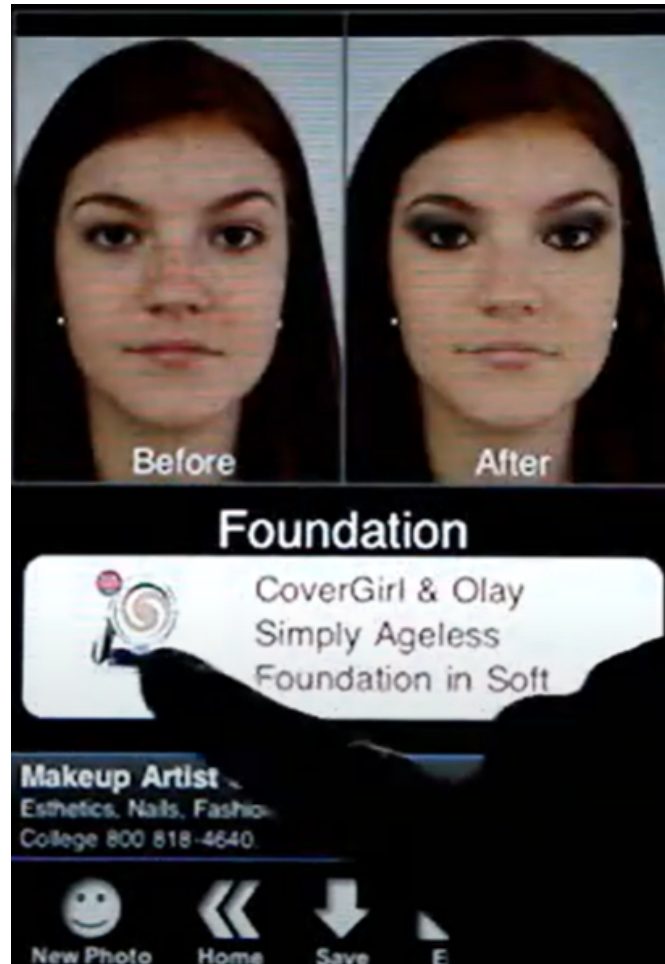
APPENDIX E: '595 Patent Claim Chart (ModiFace)

	 The screenshot displays the ModiFace application interface. At the top, a woman's face is shown. Below the face, there are three large buttons labeled 'Eyes', 'Lips', and 'Face'. To the right of the 'Face' button, there is a small red button labeled 'Before / After'. At the bottom of the interface, there is a row of five icons: a smiley face, two left-pointing chevrons, a single left-pointing chevron, a cluster of four dots, and a right-pointing chevron. Below these icons are the labels 'New Photo', 'Back', 'Adjust', and 'Finalize' respectively.
[5a3] dividing the display of the first digital image into two sides, wherein one side of the first digital	ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, discloses or suggests [5a3], as evidenced by the exemplary citations below.

APPENDIX E: '595 Patent Claim Chart (ModiFace)

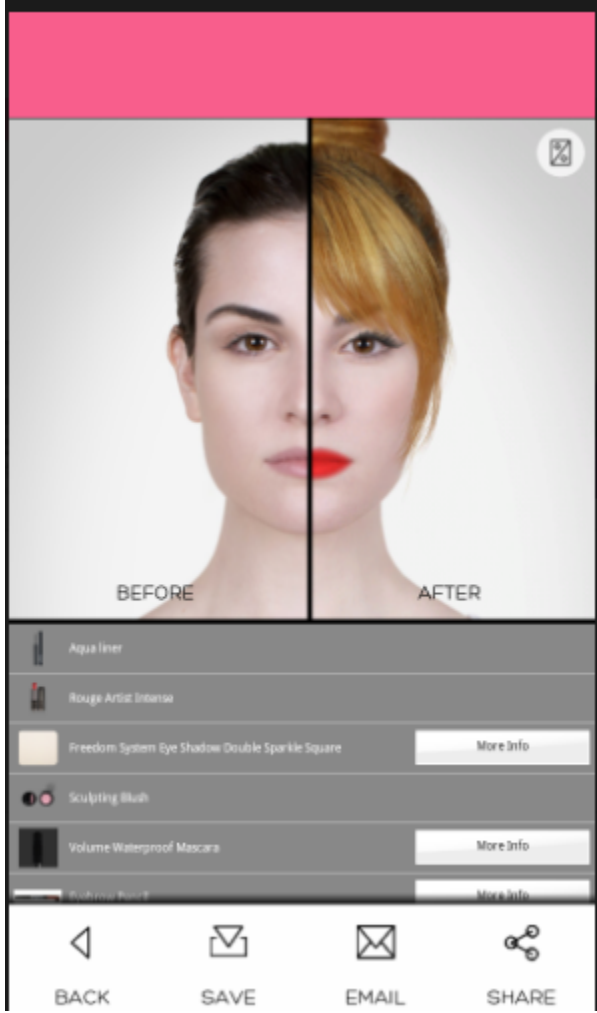
image is displayed with no cosmetic product applied, and one side of the first digital image is displayed with a simulated application of a cosmetic product;

< <https://www.youtube.com/watch?v=zaKfRQl8tjU> > at:



<<https://www.amazon.com/ModiFace-Inc-Virtual-Makeover/dp/B009DJBPBW>> at:

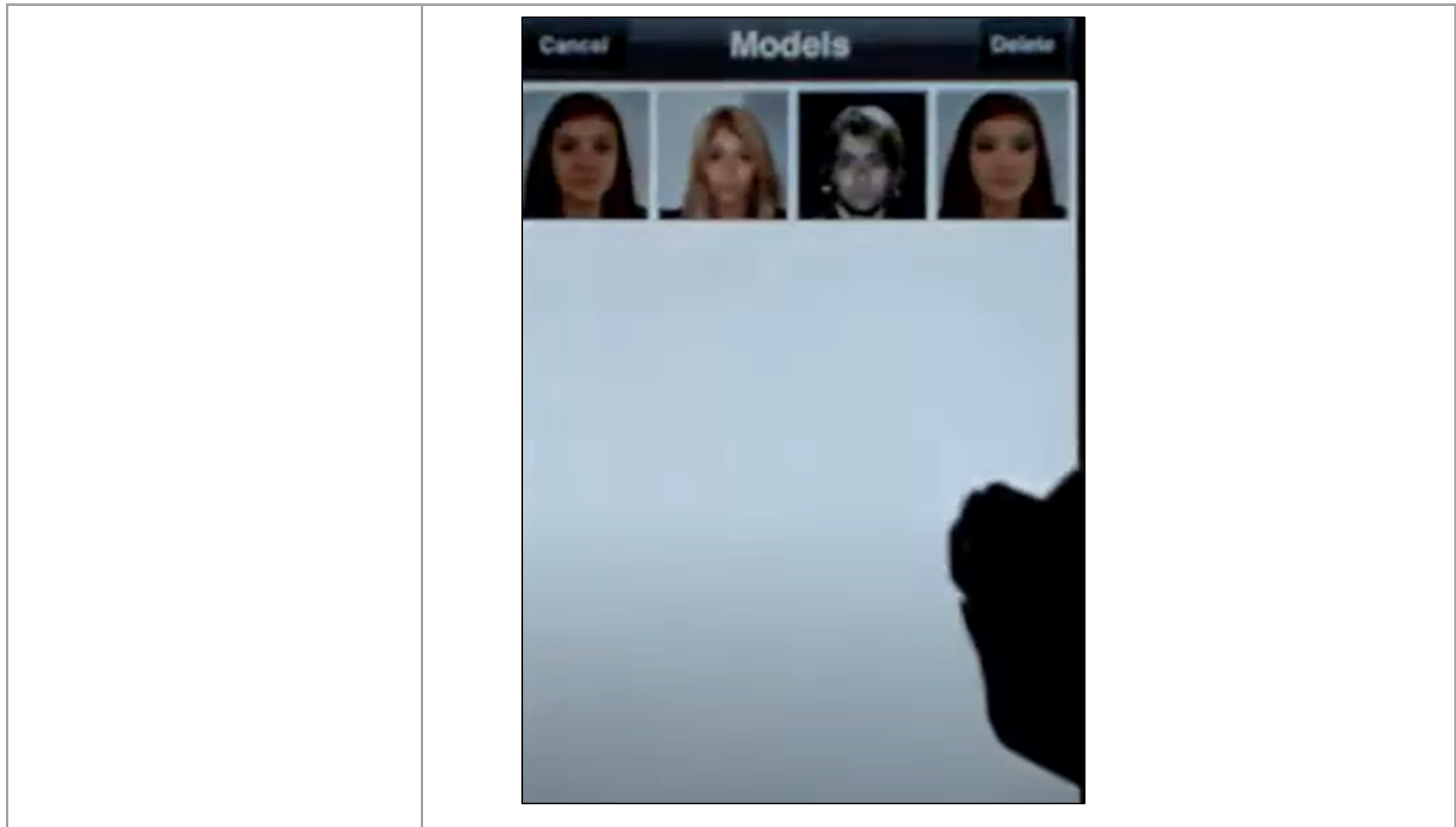
APPENDIX E: '595 Patent Claim Chart (ModiFace)

	
[5a4] transferring the first digital image; and	ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, discloses or suggests [5a4], as evidenced by the exemplary citations below. < https://www.youtube.com/watch?v=zaKfRQl8tjU > at:

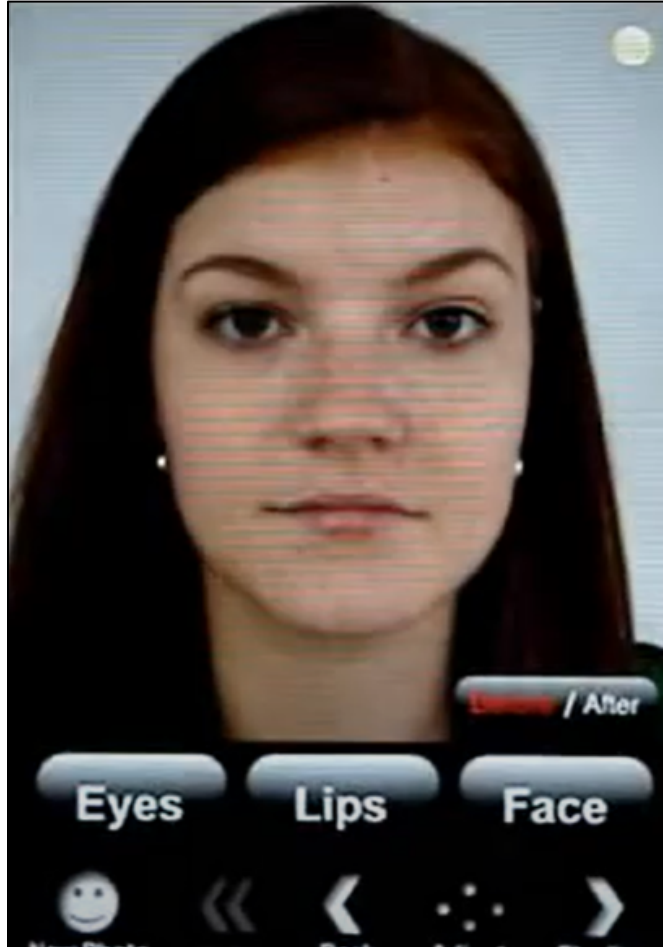
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<<https://www.amazon.com/ModiFace-Inc-Virtual-Makeover/dp/B009DJBPBW>> at:

Product description

The brand new ModiFace Virtual Makeover is here!

ModiFace Virtual Makeover is all you need to try out different makeup or cosmetic products for FREE. This app is ModiFace's next generation virtual makeover application that offers realistic cosmetics, hairstyles, and accessories to try-on.

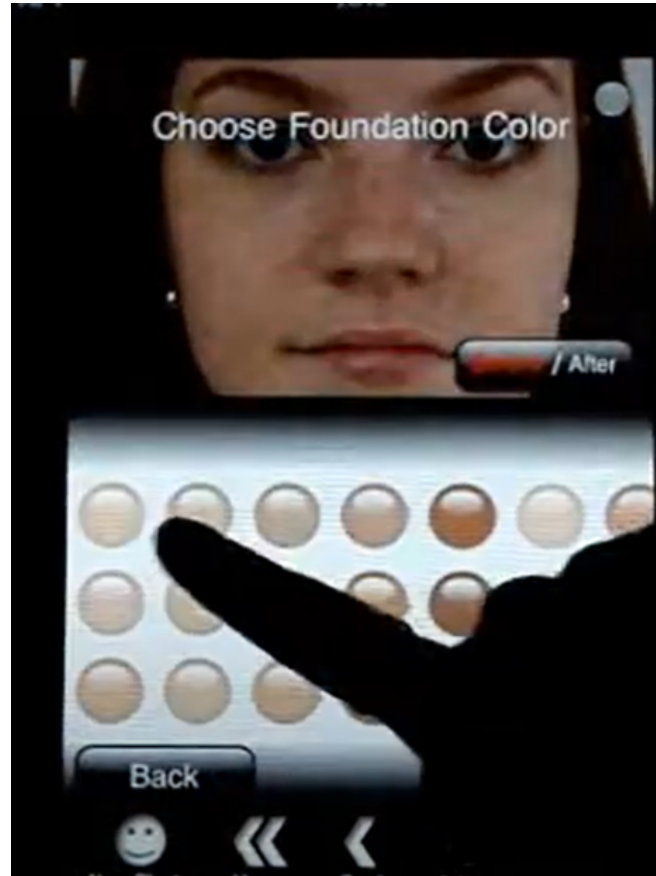
This app is simple yet packed with features! Choose a photo or take one using camera. Perform simple calibration. Apply makeup products such as mascara, eye shadow, lipstick, blush, concealer, foundation, and so much more! Don't forget to try over 80 different celebrity hairstyles! Once you are done with the makeover, save it to your album and share with your friends and family! You can even use it as a new display photo on Facebook, Twitter, and other popular social networks.

APPENDIX E: '595 Patent Claim Chart (ModiFace)

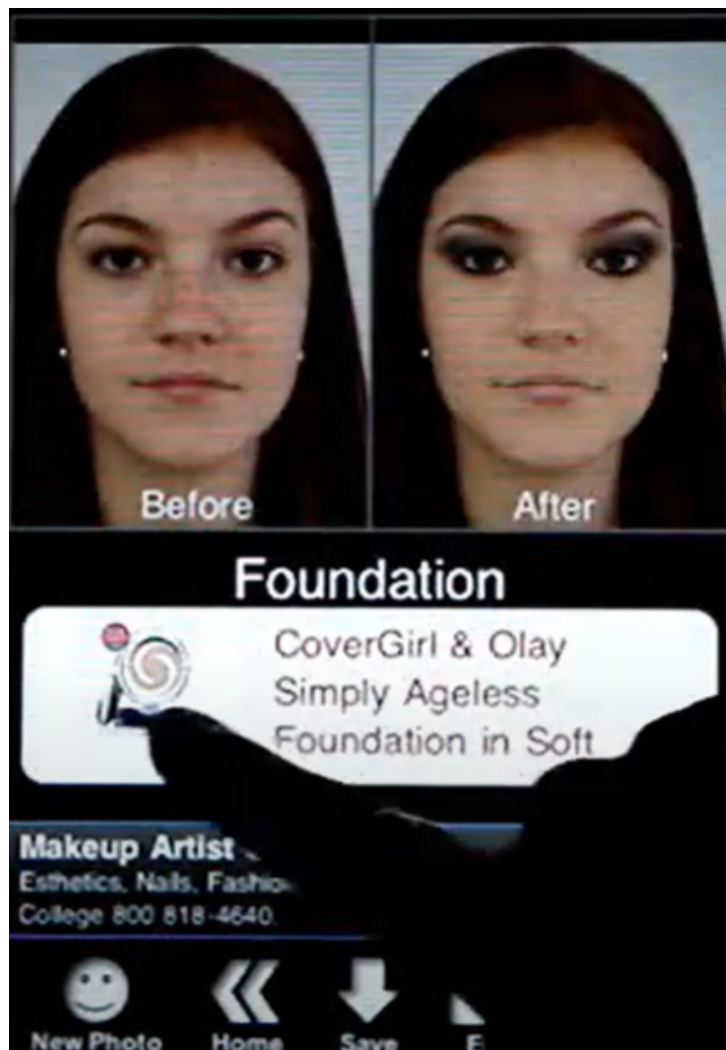
[5a5] transferring information of a cosmetic product, wherein skin pixels in the plurality of pixels are identified, color space values are identified from the skin pixels, and the cosmetic product is identified at least based on the color space values.

ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, discloses or suggests [5a5], as evidenced by the exemplary citations below.

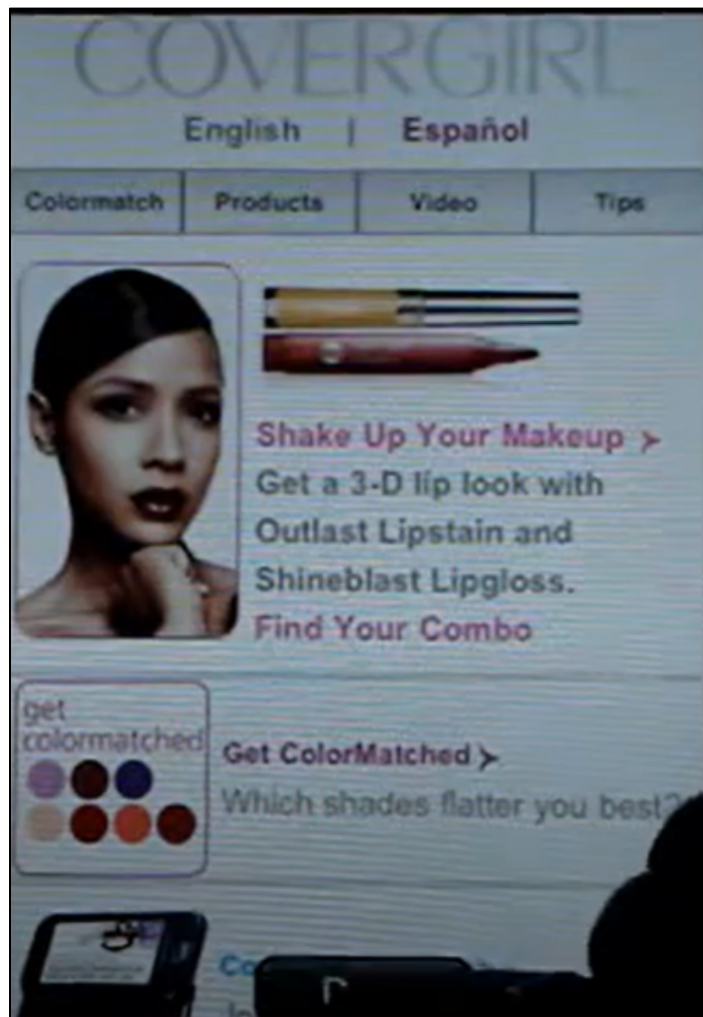
< <https://www.youtube.com/watch?v=zaKfRQl8tjU> > at:



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<<https://www.amazon.com/ModiFace-Inc-Virtual-Makeover/dp/B009DJBPBW>> at:

APPENDIX E: '595 Patent Claim Chart (ModiFace)

	Product description The brand new ModiFace Virtual Makeover is here! ModiFace Virtual Makeover is all you need to try out different makeup or cosmetic products for FREE. This app is ModiFace's next generation virtual makeover application that offers realistic cosmetics, hairstyles, and accessories to try-on. This app is simple yet packed with features! Choose a photo or take one using camera. Perform simple calibration. Apply makeup products such as mascara, eye shadow, lipstick, blush, concealer, foundation, and so much more! Don't forget to try over 80 different celebrity hairstyles! Once you are done with the makeover, save it to your album and share with your friends and family! You can even use it as a new display photo on Facebook, Twitter, and other popular social networks.
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Claim 6	ModiFace
[6pre] An electronic device, comprising:	To the extent the preamble is limiting, ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, discloses or suggests [6], as evidenced by the exemplary citations below. See supra [5a]
[6a] one or more processors; and	ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, discloses or suggests [6a], as evidenced by the exemplary citations below. See supra [5a]
[6b] memory storing one or more programs for execution by the one or more processors, the one or more programs causing the electronic device to perform a method comprising:	ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, discloses or suggests [6b], as evidenced by the exemplary citations below. See supra [5a]
[6b1] calibrating colors of a first digital image, wherein the first digital image depicts at least a portion of a face of the subject, and the first digital image includes a plurality of pixels;	ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, discloses or suggests [6b1], as evidenced by the exemplary citations below.

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	See supra [5a1]
[6b2] transferring the first digital image;	ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, discloses or suggests [6b2], as evidenced by the exemplary citations below. See supra [5a4]
[6b3] displaying the first digital image;	ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, discloses or suggests [6b3], as evidenced by the exemplary citations below. See supra [5a2]
[6b4] dividing the display of the first digital image into two sides, wherein one side of the first digital image is displayed with no cosmetic product applied, and one side of the first digital image is displayed with a simulated application of a cosmetic product; and	ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, discloses or suggests [6b4], as evidenced by the exemplary citations below. See supra [5a3]
[6b5] transferring information of a cosmetic product, wherein skin pixels in the plurality of pixels are identified, color space values are identified from the skin pixels, and the cosmetic product is identified at least based on the color space values.	ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, discloses or suggests [6b5], as evidenced by the exemplary citations below. See supra [5a5]

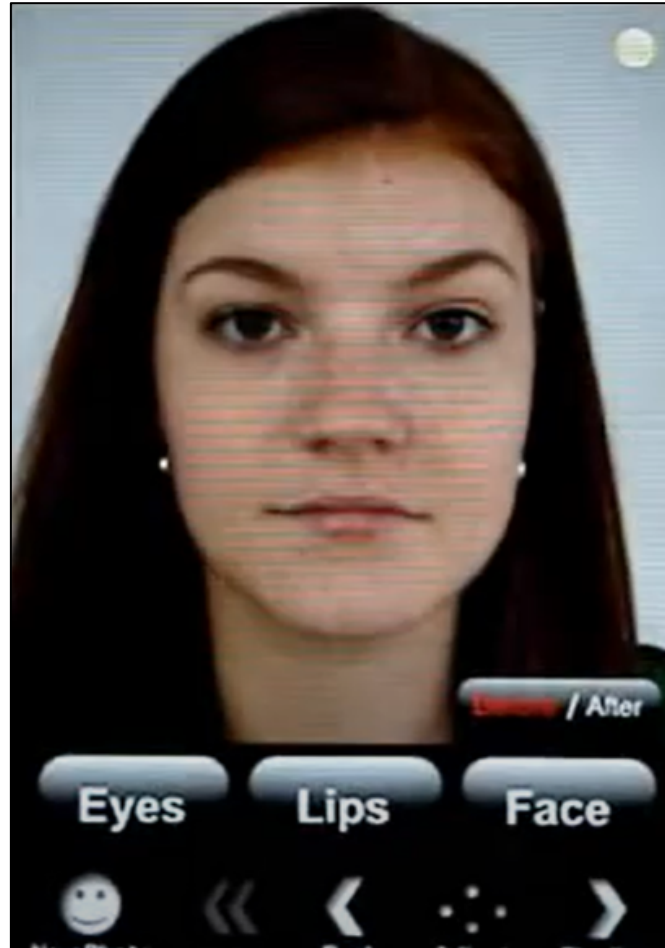
Claim 9	ModiFace
[9] The electronic device of claim 6, wherein the method includes:	ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, discloses or suggests [9], as evidenced by the exemplary

APPENDIX E: '595 Patent Claim Chart (ModiFace)

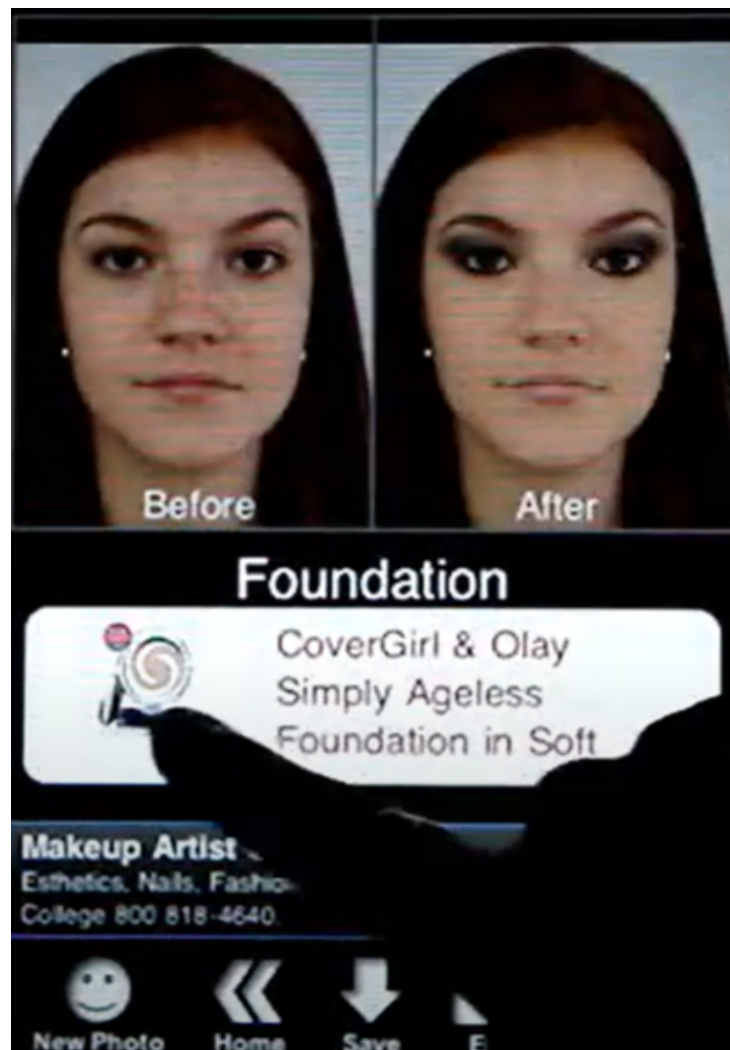
transferring a modified image, wherein the modified image is prepared based on the first digital image, and at least a portion of the modified image shows a simulated effect of application of the cosmetic product.

citations below.

< <https://www.youtube.com/watch?v=zaKfRQl8tjU> > at:

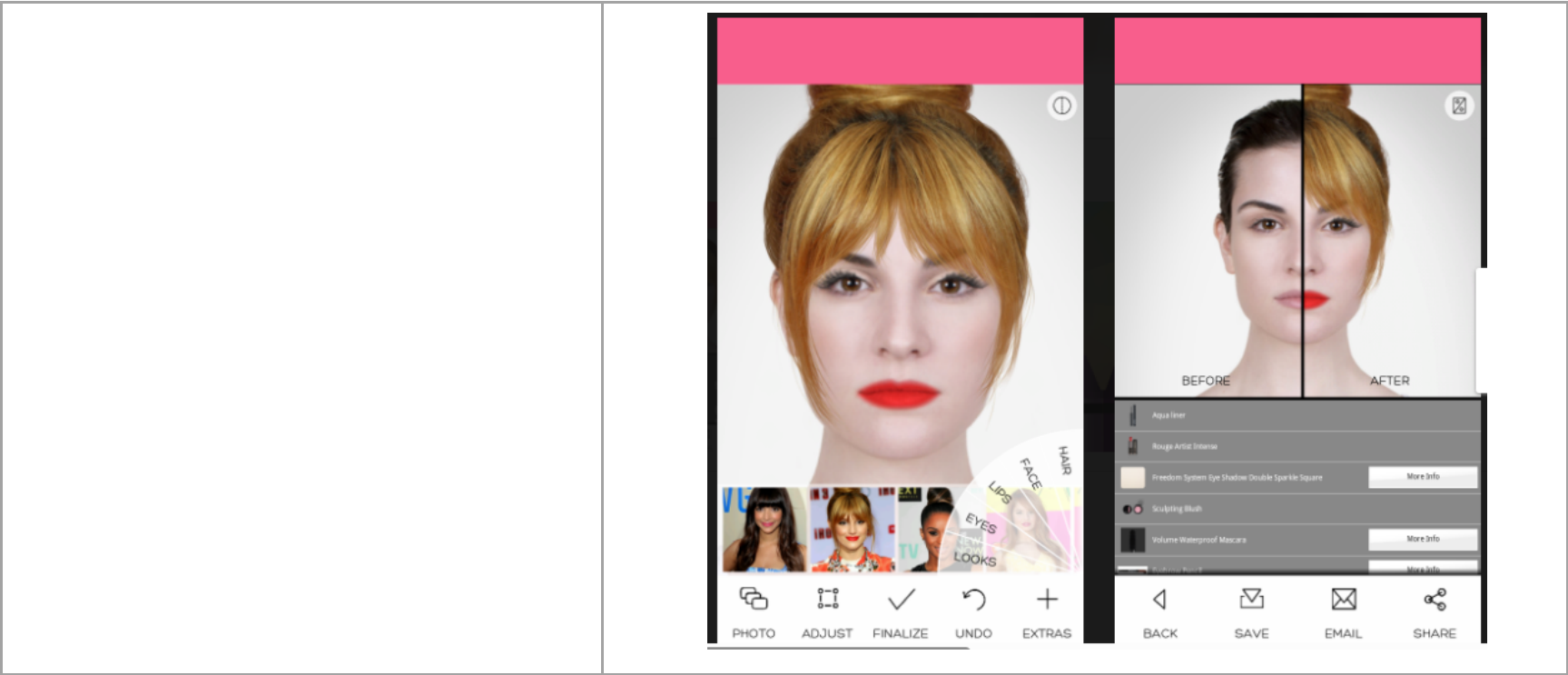


APPENDIX E: '595 Patent Claim Chart (ModiFace)



<<https://www.amazon.com/ModiFace-Inc-Virtual-Makeover/dp/B009DJBPBW>> at:

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APPENDIX E: '595 Patent Claim Chart (ModiFace)

	Product features • Try on makeup on your own photo ♥ • 2,000+ real-life cosmetics shades • Over 80 celebrity hairstyles • Over 20 celebrity looks • Sunglasses try-on • Build-in color blending technology • Latest Facial Recognition algorithm • Drawing with crayons • Support popular social networks (Facebook, Twitter, etc.) • Support sharing options (Email, Picasa, etc.)
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Claim 11	ModiFace
[11pre] A non-transitory computer readable storage medium storing one or more programs for execution by one or more processors of an electronic device, the one or more programs causing the electronic device to perform a method comprising:	To the extent the preamble is limiting, ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, discloses or suggests [11pre], as evidenced by the exemplary citations below. See supra [5a]
[11a] calibrating colors of a first digital image, wherein the first digital image depicts at least a portion of a face of the subject, and the first digital image includes a plurality of pixels;	ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, discloses or suggests [11a], as evidenced by the exemplary citations below. See supra [5a1]
[11b] transferring the first digital image;	ModiFace, either alone or in combination with the knowledge of a person of

APPENDIX E: '595 Patent Claim Chart (ModiFace)

	ordinary skill in the art, discloses or suggests [11b], as evidenced by the exemplary citations below. See supra [5a4]
[11c] displaying the first digital image;	ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, discloses or suggests [11c], as evidenced by the exemplary citations below. See supra [5a2]
[11d] dividing the display of the first digital image into two sides, wherein one side of the first digital image is displayed with no cosmetic product applied, and one side of the first digital image is displayed with a simulated application of a cosmetic product; and	ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, discloses or suggests [11d], as evidenced by the exemplary citations below. See supra [5a3]
[11e] transferring information of a cosmetic product, wherein skin pixels in the plurality of pixels are identified, color space values are identified from the skin pixels, and the cosmetic product is identified at least based on the color space values.	ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, discloses or suggests [11e], as evidenced by the exemplary citations below. See supra [5a5]

Claim 13	ModiFace
[13] The computer readable storage medium of claim 11, wherein the method includes: transferring a modified image, wherein the modified image is prepared based on the first digital image, and at least a portion of the	ModiFace, either alone or in combination with the knowledge of a person of ordinary skill in the art, discloses or suggests [13], as evidenced by the exemplary citations below. See supra [9]

APPENDIX E: '595 Patent Claim Chart (ModiFace)

modified image shows a simulated effect of application of the cosmetic product.	
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