

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LUXOTTICA OF AMERICA INC.,

Petitioner

v.

E-VISION SMART OPTICS, INC.,

Patent Owner.

Patent No. 11,971,612

IPR2025-01512

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**PATENT OWNER'S PRELIMINARY RESPONSE**

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## EXHIBIT LIST

<b>Exhibit Number</b>	<b>Description</b>
2001	File History of U.S. Pat. No. 11,487,138 (the '138 patent)

Patent Owner E-Vision Smart Optics, LLC (“Patent Owner”) respectfully requests that the Director deny institution in the present proceeding. Patent Owner submits that the Director should decline to institute the present petition for the reasons set forth herein.

For reference, the Petition nominally<sup>1</sup> sets forth six Grounds as follows:

<b>Ground</b>	<b>Reference(s)</b>	<b>Basis</b>	<b>Challenged Claims</b>
1	Howell and Gruber	§103	1-13, 15-27
2	Jannard-740	§103	1-27
3	Howell, Gruber, and Jannard-740	§103	2-14
4	Osterhout	§103	1-18, 23-26
5	Osterhout and Jannard-740	§103	2-14
6	Any of Grounds 2, 4, or 5 and Gruber	§103	1-27

Pet., 20. As set forth in detail below, the Petition presents a variety of weak and unfocused Grounds and fails to demonstrate a reasonable likelihood of prevailing with respect to a number of its challenges.

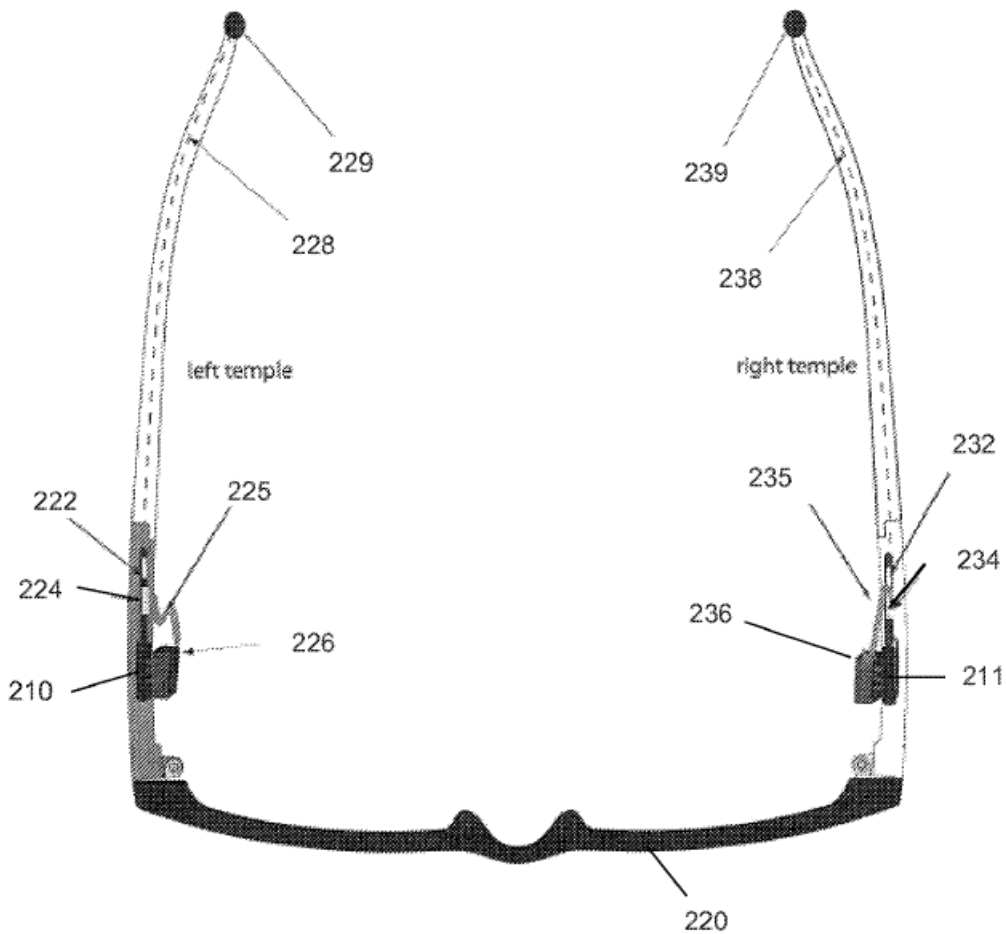
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<sup>1</sup> Ground 6 is in fact 3 separate Grounds. The Petition thus more accurately has 8 Grounds, 5 of which separately challenge the independent claims.

## **I. OVERVIEW OF THE '612 PATENT**

The challenged claims are directed to innovative eyewear and methods for using the same. The claimed eyewear provides functionality such that a wearer can state a “verbal query,” and the eyewear can transmit that verbal query to an external device, such as a smart phone. The external device can then search a computer network such as the internet for a response to the verbal query. A response is then provided to the wearer of the eyewear via a speaker contained within or attached to the eyewear. *See, e.g.,* Ex-1001, claim 1.

The '612 patent provides innovative electronic modules and docking stations for eyewear. Ex-1001, Abstract. An exemplary depiction of an embodiment of the innovative eyewear of the '612 patent is shown below in Figure 3:



**FIG. 3**

Ex-1001, Fig. 3, 12:41-13:5. The eyewear can include an eyewear frame with a speaker (e.g., 229, 239) and an “application module” (e.g., 226, 236). *Id.* at 13:22-29. The application module can contain a microphone to receive voice communications from a wearer as well as a Bluetooth chip which can facilitate communication with an external device, such as a mobile phone. *Id.* at 19:64-20:21.

The independent claims of the '612 patent are directed to communication between the wearer of the eyewear device and an external device. Ex-1001, 1, 24.

The claimed eyewear provides functionality such that a wearer can state a “verbal query,” and the eyewear can transmit (e.g., via Bluetooth) that verbal query to an external device, such as a smart phone. The external device can then search a computer network, such as the internet, for a response to the verbal query. A response is then provided to the wearer of the eyewear via a speaker contained within or attached to the eyewear. Dependent claims further specify the functionality of the eyewear. For example, dependent claims 2-13 all require that the claimed eyewear have an “electronic lens” “having a display function that provides virtual reality, augmented reality, or gaming to a person wearing the eyewear.” Ex-1001, claim 2.

## **II. CLAIM CONSTRUCTION**

For the limited purpose of this Preliminary Response, Patent Owner does not contend that any claim terms need construction to arrive at the conclusion that the Petition is substantively deficient. *See Wellman, Inc. v. Eastman Chem. Co.*, 642 F.3d 1355, 1361 (Fed. Cir. 2011) (terms “need only be construed ‘to the extent necessary to resolve the controversy’”). Patent Owner reserves the right to seek construction of terms if trial is instituted.

## **III. INSTITUTION SHOULD BE DENIED BECAUSE THE PETITION FAILS TO DEMONSTRATE UNPATENTABILITY OF MANY OF THE CHALLENGED CLAIMS**

Patent Owner submits that the petition should not be instituted because it fails to demonstrate a reasonable likelihood of prevailing with respect to a large number

of the challenged claims.

The Office must institute on all grounds or none, *SAS Institute Inc. v. Iancu*, 584 U.S. 357, 364–65 (2018), and it is the Office’s policy that the Board address all grounds in its final written decision.<sup>2</sup> Here, if the present proceeding is instituted, maintaining a trial in this case would require the Board and Patent Owner to expend resources addressing multiple claims and Grounds that do not meet the reasonable likelihood standard (as set forth below). Patent Owner submits that that is not an efficient use of Office or party resources and thus institution should be denied. *See* Interim Processes for PTAB Workload Management Memorandum (March 26, 2025) (“March 26, 2025 Memo”), 3; *Zhuhai CosMX Battery Co. v. Ningde Amperex Tech. Ltd.*, IPR2025-00405, Paper 24, 3 (Director Oct. 15, 2025); *Chevron Oronite Co. v. Infineum USA L.P.*, IPR2018-00923, Paper 9, 10–11 (PTAB Nov. 7, 2018) (informative); *Deeper, UAB v. Vexilar, Inc.*, IPR2018-01310, Paper 7, 2 (PTAB Jan. 24, 2019) (informative); *see also* Interim Director Discretionary Process I.F. (Office may address “whether a petition presents a sufficient number of grounds/challenges of claims that meet the reasonable likelihood standard” as explained in *Chevron* and

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<sup>2</sup> *See* Memorandum entitled “Final Written Decision Procedures for AIA Trial Proceedings,” dated July 29, 2025, available at <https://www.uspto.gov/sites/default/files/documents/20250729095727582.pdf>.

*Deeper*), FAQ #11.

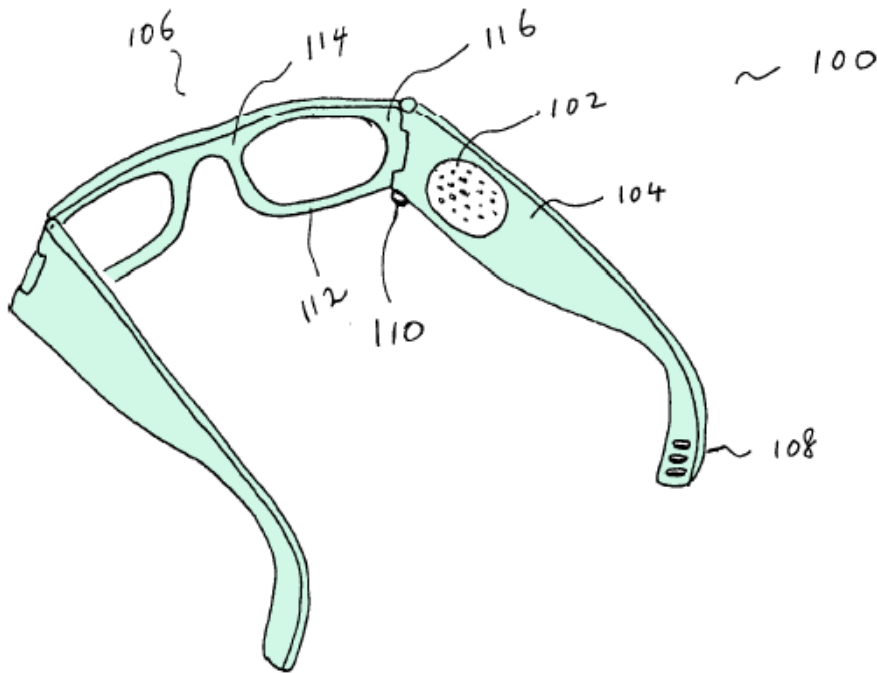
The petition's deficiencies are magnified by the fact that it repeatedly and impermissibly uses expert testimony to supply missing claim limitations not found in the applied references. *See* March 26, 2025 Memo, p. 2; Director's July 31, 2025 Memorandum entitled "Enforcement and Non-Waiver Of 37 C.F.R. § 42.104(B)(4) and Permissible Uses Of General Knowledge In Inter Partes Reviews" ("[E]xpert testimony . . . that is not 'prior art consisting of patents or printed publications' . . . may not be used to supply a missing claim limitation"); 37 C.F.R. § 42.104(b)(4); *Xerox Corp. v. Bymark, Inc.*, IPR2022-00624, Paper 9, at 16 (PTAB August 24, 2022) (precedential). Patent Owner highlights the petition's improper use of expert testimony to fill the gaps in the references it relies upon in detail below.

**A. Ground 1 (Howell and Gruber) (claims 2-13)**

In Ground 1, Petitioner challenges claims 1-13 and 15-27 based on the combination of Howell and Gruber. Claims 2-13 all require that the claimed eyewear have an "electronic lens" "having a display function that provides virtual reality, augmented reality, or gaming to a person wearing the eyewear." Ex-1001, claim 2.

The Petition contends under Ground 1 that Howell discloses the claimed electronic lens. Pet., 32-33. However, Petitioner does not identify any "electronic lens" in Howell, let alone one that can provide the claimed functionality. Instead,

Petitioner points to “a display located at the inside 114 of [Howell’s] lens holder” as being the claimed “electronic lens.” See Pet., 32-33 (relying on Ex-1008, [0110], Fig. 1). Howell describes the function of this display as being “a notification electrical component to provide a notification to the user wearing the glasses.” Ex-1008, [0110]. As the Figure reproduced by Petitioner illustrates, the portion of Howell’s eyewear identified by Petitioner is *part of the frame* and is not a lens. See Pet., 32-33. Petitioner’s annotated version of Figure 1 is reproduced below:



**Ex.1008, fig.1(excerpt)**

See Pet., 33.

Petitioner cites paragraph 0110 of Howell to support its characterization. However, other portions of Howell’s paragraph 0110 make it clear that the display

is part of the lens holder and is not a lens. In Howell’s words: “[t]here can be a display located at the inside 114 of the lens holder, or at the vicinity of the junction 116 or the hinge of a lens holder and its corresponding temple facing the user. Or, there can be a display at the inside surface of a temple, or at other locations on the glasses.” Ex-1008, [0110]. Petitioner’s expert offers no explanation as to why this display would be considered to be an electronic lens. *See* Ex-1003, ¶95; *see, e.g., Xerox*, IPR2022-00624, Paper 9at 15 (“We have reviewed this excerpt from Dr. Jones’ declaration and note that it merely repeats, *verbatim*, the conclusory assertion for which it is offered to support. . . . Thus, the cited declaration testimony is conclusory and unsupported, adds little to the conclusory assertion for which it is offered to support, and is entitled to little weight.”). Petitioner thus fails to identify an “electronic lens” in the prior art it relies upon.

Petitioner also manufactures the alleged *functioning* of this “display” out of whole cloth. *See* Pet., 32-33. It cites to Howell’s statement that “a number or a variable-height bar can be shown” on the display (which, as noted above, is on the frame). Pet., 33 (*citing* Ex-1008, [0110]). It then relies on its expert’s unsupported assertion that “[t]his number or bar is a display function that provides augmented reality to a person wearing the glasses.” *Id.* (*citing* Ex-1003, ¶96). Petitioner’s expert provides no further explanation as to why displaying “a number or a variable-height bar” would be considered to be “augmented reality” as opposed to a nothing

more than primitive display function that is part of a frame. *See* Ex-1003, ¶96.

The Petition’s analysis for claims 5 and 6 (which depend, ultimately, from claim 2) is also fatally deficient. The Petition relies solely on expert testimony to supply the functionality required by the claims. Pet., 35-37; *see also* Ex-1003, ¶110. Claim 5 requires that “the processor is configured to adjust a lens function of the eyewear based on data received via the video connections.” Ex-1001, claim 5. Petitioner does not contend that either Howell or Gruber teaches this functionality. Instead, it merely argues that it would have been obvious to incorporate such functionality into the “Howell-Gruber[.]” Pet., 35-37

The Petition’s analysis for claim 8 (which also depends, ultimately, from claim 2) is similarly deficient. Claim 8 requires that “the processor is disposed within the first temple.” Ex-1001, claim 8. Neither Petitioner nor its expert undertakes any analysis of how a “circuit board” (which Petitioner maps to the claimed processor) could both be small enough to be “disposed within the first temple” as required by claim 8 but also be able to provide the functionality required by claim 2. *See* Pet., 38; Ex-1003, ¶¶119-121.

Accordingly, Petitioner does not have a reasonable likelihood of prevailing with respect to, at least, claims 2-13 under Ground 1.

**B. Ground 2 (Jannard-740) (all claims)**

Petitioner challenges all claims of the ’612 patent based on Jannard-740 alone.

Independent claim 1 requires that the eyewear “receive a verbal query from a wearer of the eyewear,” “transmit the verbal query to an external device, receive a response to the verbal query from the external device, and provide the response to the wearer via the speaker” “wherein the verbal query causes the external device to obtain the response to the verbal query by searching a computer network for the response to the verbal query.” Independent claim 24 is similar.

Jannard-740 does not teach the claimed verbal query and response “wherein the verbal query causes the external device to obtain the response to the verbal query by searching a computer network for the response to the verbal query.” Petitioner points to disparate teachings in Jannard-740 relating to communication generally with an external device, but identifies no instance of a verbal query and response that in fact satisfies the claims. *See* Pet., 49-52. Petitioner’s citations to teachings relating to commands issued to select between audio content sources or issuance of voice commands to listen to content do not teach the claimed verbal query and response. At best, Petitioner can merely identify a teaching in Jannard-382 (which Petitioner contends is incorporated into Jannard-740) wherein, when a “source device is configured to receive email, the device can be configured to signal the user with an audio signal that an email has been received. The user can send a signal to the source device to open the email. The text-to-speech engine can be configured to read the email to the user. Thus, a user can ‘listen’ to email through the audio

device.” *See* Pet., 52 (*citing* Ex-1007, [0295]-[0299]). Nowhere in this example does a “verbal query cause[] the external device to obtain the response to the verbal query by searching a computer network for the response to the verbal query” as claimed.

Unable to identify any disclosure of the claimed verbal query in Jannard-740, Petitioner relies on the testimony of its expert to argue that it would have been obvious to configure Jannard-740 to “allow[] a wearer to verbally request a specific Internet-accessible content (e.g., specific email, audio file, or news) from an external device and have it audibly presented via the eyewear’s speaker.” Pet., 52-54; *see also* Ex-1003, ¶191. In so arguing, Petitioner identifies no specific functionality taught by Jannard-740 that would allow a user to do this.

Claim 11 requires, among other things, first and second “conductive link[s] positioned within the eyewear.” Ex-1001, claim 11. Petitioner identifies no disclosures in Jannard-740 of any such conductive links, and instead relies on expert testimony and obviousness arguments. Pet., 62-63; Ex-1003, ¶¶239-241. Petitioner also does not even argue that there would have been a reasonable expectation of success in making the modifications to Jannard-740 that Petitioner proposes.

Petitioner’s analysis for claim 14 is similarly deficient. Claim 14 requires that a “processor is configured to adjust a tint and/or a focus of the electronic lens in response to an oral command received by the microphone.” Ex-1001, claim 14.

Petitioner identifies no such disclosure of such a command in Jannard-740, and again, relies on expert testimony that Jannard-740 “would” include such functionality. *See* Pet., 64-65 (*citing* Ex-1003, ¶251).

Petitioner’s analysis for claims 19-21 and 25-27 is premised on pure expert testimony. Pet., 66-67, 70-71. These claims are directed to the claimed external device (e.g., a smart phone) controlling “an external audio device” (claim 19), and “an external video device” (claim 20) “based at least in part on an instruction from the wearer,” and “controlling light and/or temperature in an environment based at least in part on preferences of the wearer” (claim 21). Ex-1001, claims 19-21. Claims 25-27 are similar, requiring a “verbal instruction” from the wearer “causing the external audio device” (claim 25) or “video device” (claim 26) to adjust a parameter of that device. Claim 27, similar to claim 21, is directed to a “verbal instruction causing the external device to adjust a light in an environment of the person wearing the eyewear frame.” Petitioner identifies *no disclosures* in Jannard-740 of the claimed functionality. Pet., 66-67, 70-71; Ex-1003, ¶¶264-268, ¶¶283-288. Control of selection of sources (i.e., determining from which external source audio will be played using a headset) Ex-1006, [0229], relied upon by Petitioner, does not teach control of the external device nor does it teach sending a “verbal instruction” to that device. *See, e.g.*, Pet., 70. Recognizing this, Petitioner instead relies on bare expert testimony to fill in the gaps.

Petitioner’s analysis of claims 21 and 27 is even more problematic. Petitioner attempts to rely on *video content* to meet the claimed “control” or “adjust[ment]” of “light” because, according to Petitioner, “[w]hen a user selects video content for presentation on the display connected to the external device, the user uses the external device to control light in the user’s environment based on the selection of content.” Pet., 66-67, 71. Petitioner’s interpretation of claims 21 and 27—that mere control of video content satisfies this claim because when video plays, the light in the environment changes due to the video content—is an unreasonably broad and unsupported reading of the claim language in view of the specification, and should be rejected.

Accordingly, Petitioner does not have a reasonable likelihood of prevailing with respect to any claims under Ground 2.

**C. Ground 3 (Howell, Gruber, and Jannard-740) (claims 2-14)**

In Ground 3, Petitioner argues that for the claims requiring an “electronic lens” (claims 2-14), it would have been obvious to incorporate Jannard-740’s “lenses with optical devices” into “Howell-Gruber’s eyewear.” Pet., 72-73. Petitioner fails to clearly articulate the basis for its contentions and has thus not demonstrated a reasonable likelihood of prevailing as to any challenged claims under this Ground. *See* 37 C.F.R. § 42.104(B)(4). Because Petitioner also relies in this Ground on its Grounds 1 and 2 analyses, this Ground is also deficient for the reasons set forth

above as to Grounds 1 and 2.

The Petition's analysis under this Ground spans two pages. As an initial matter, despite purporting to challenge claims 2-14, in this Ground, Petitioner only references its prior analyses of §VII(B) and §VIII(B) (Ground 1, claim 2 and Ground 2, claim 2). As a result, the precise nature of Petitioner's contentions is unclear. Petitioner provides no specific claim mapping for any of claims 2-13, and thus it is unclear whether and to what extent Petitioner is relying on Jannard-740's and/or "Howell-Gruber's" teachings to satisfy the claims, including precisely what modifications Petitioner is proposing. This lack of clarity makes it difficult if not impossible to evaluate the Petition's arguments and violates the requirements that a petition must specify where each element of the claim is found in the prior art patents or printed publications relied upon. *See* 37 C.F.R. § 42.104(B)(4).

For example, the Petition does not make clear whether it is relying on Howell's "processor" in this challenge or whether it contends that that "processor" would be modified in some way to accommodate the increased functionality that would be needed to provide control for an electronic lens. The Petition appears to suggest the former (arguing that the combination "would also represent nothing more than the simple addition of one known element (Jannard-740's lenses with optical devices) to another known element (Howell-Gruber's eyewear))." Pet., 72. If this is the Petition's argument, it fails outright because Howell's processor alone

is not “configured to adjust [a] display function of [an] electronic lens,” (claim 2) as explained above under the analysis of Ground 1.

As another example, as relevant to claims 8-11, Petitioner provides no analysis of how Jannard-740’s “processor” and “power supply,” which are external to the earstem, would have been incorporated into the frame of “Howell-Gruber” in a way that would meet the elements of claims 8-11 that require that the “processor” controlling the lenses (claim 8) and “a power supply” (claim 10) be “disposed within the first temple” of Howell’s frame. *See* Ex-1001, claims 8-11; Pet., 54-56. This is particularly important given that Howell does not already teach the use of “electronic lenses” (as explained above under the analysis of Ground 1) and further because both the “processor” and “power supply” must provide sufficient power to perform the claimed display functionality set forth in claim 2.

Petitioner *does* purport to separately address claim 14, but its analysis nonetheless falls short. *See* Pet., 73. Petitioner relies on Jannard-740 as teaching an oral command that causes its processor to adjust the lens tint. *Id.* However, as explained above under the analysis for Ground 2, Jannard-740 teaches no such command.

Accordingly, Petitioner does not have a reasonable likelihood of prevailing with respect to any claims under Ground 3.

**D. Ground 4 (Osterhout) (all challenged claims)**

Petitioner also challenges claims 1-18 and 23-26 of the '612 patent based on Osterhout alone. Pet., 20. Osterhout also does not teach the claimed verbal query and response “wherein the verbal query causes the external device to obtain the response to the verbal query by searching a computer network for the response to the verbal query.” *See* Ex-1001, claim 1; *see also* claim 24. Petitioner points to Osterhout’s teachings of a user issuing a “voice command” to “access a database and search within the database for particular information, such as manuals or other repair and maintenance documents” where that database “can be accessible over the Internet or perhaps via an intranet.” Pet., 77-79 (citing Ex-1005, [0309]). Even if such a “command” is a verbal query, accessing a database over the internet is not the same as “searching a computer network for the response to the verbal query.”

Like Petitioner’s challenge for Ground 3, Petitioner again relies on expert testimony to fill the gap in the identified prior art with respect to the claimed verbal query. *See* Pet., 79. However, neither Petitioner nor its expert explains why “[a] POSITA would also recognize that, after identifying that database, the external device searches a computer network for a response to the verbal query from the database to obtain the requested information.” *See* Pet., 79 (citing Ex-1003, ¶314). To the contrary, querying a database is not the same as searching a computer network for the response to a question.

Petitioner’s contentions regarding claim 2 are similarly flawed. Under claim 2, Petitioner identifies Osterhout’s “lenses 2106” as being the claimed electronic lens. *See* Pet., 82. Osterhout does not anywhere teach that the “lenses 2106” themselves, can “provide[] virtual reality, augmented reality, or gaming to a person wearing the eyewear.” *See, e.g.*, Pet., 82-83. Osterhout’s disclosures relating to “augmented reality-based advertis[ing],” “virtual reality,” and “virtual 3D gaming experience[s],” *see*, Pet., 82-83 (*citing* Ex-1005, [0323]-[0326], [0356]) are not tied in any way to Osterhout’s “lenses 2106”—Petitioner identifies no teaching of a “variable lens,” Ex-1005, [0171], Pet., 99, 82, that could provide that functionality in Osterhout. The portions of Osterhout relied on by Petitioner instead appear to refer, at best, to functionality provided in connection with content projected onto waveguides. *See* Pet., 82-83.

Petitioner’s arguments for claim 5 under this Ground are similarly premised on expert testimony instead of on the teachings of Osterhout. Claim 5 recites: “wherein the processor is configured to adjust a lens function of the eyewear based on data received via the video connections.” Ex-1001, claim 5. Under claim 2, Petitioner identifies Osterhout’s “lenses 2106” as being the claimed electronic lens and states that the opacity of such lenses may be altered. *See* Pet., 82. Petitioner (and its expert) assert but nowhere explain (let alone with citations to Osterhout) how any “alteration is based on video data presented by the eyepiece to the wearer”

with respect to “lenses 2106.” Pet., 84-85 (*citing* Ex-1003, ¶333). Instead, Petitioner’s expert merely asserts, without support, that “the video data dictates lens opacity adjustments.” Ex-1003, ¶333.

Petitioner’s arguments regarding claims 25 and 26 are also constructed entirely based on expert testimony. Petitioner identifies no disclosures in Osterhout of a wearer verbally controlling an external audio or video device in the manner required by the claims. *See* Ex-1001, claims 25-26. Instead, Petitioner relies on its expert who constructs various scenarios which are untethered to Osterhout’s specific teachings.

Accordingly, Petitioner does not have a reasonable likelihood of prevailing with respect to all claims challenged under Ground 4.

**E. Ground 5 (Osterhout and Jannard-740) (claims 2-14)**

Similar to its arguments in Ground 3, in Ground 5, Petitioner argues for incorporating Jannard-740’s “lenses with optical devices” into “Osterhout’s eyewear.” Pet., 99-101. Again, despite purporting to challenge claims 2-14, in this Ground, Petitioner references its prior analysis of §VIII(B) and §X(B). (Ground 2, claim 2 and Ground 4, claim 2), and, in passing refers to its prior analysis of §X(E) (Ground 4, claim 5). As a result, the precise nature of Petitioner’s contentions is unclear. Petitioner provides no specific claim mapping for any of claims 2-14, and thus it is unclear whether and to what extent Petitioner is relying on Jannard-740’s

and/or Osterhout's teachings to satisfy the claims, including precisely what modifications Petitioner is proposing. This lack of clarity makes it difficult if not impossible to evaluate the Petition's arguments and violates the requirements that a petition must specify where each element of the claim is found in the prior art patents or printed publications relied upon. *See* 37 C.F.R. § 42.104(B)(4).

Petitioner's failure of explanation is particularly important given that Osterhout does not anywhere teach that the "lenses 2106" themselves, can "provide[] virtual reality, augmented reality, or gaming to a person wearing the eyewear," as explained above. *See, e.g.,* Pet., 82-83. This lack of clarity again forces Patent Owner and the Office to guess at the nature of Petitioner's contentions, and weighs against institution.

Accordingly, Petitioner does not have a reasonable likelihood of prevailing with respect to all claims challenged under Ground 5.

#### **F. Ground Six (catch-all)**

Petitioner's Ground 6 is more accurately understood as three separate Grounds. Petitioner's purported addition of Gruber's teachings to any of Grounds 2 (Jannard-740), 4 (Osterhout) or 5 (Osterhout and Jannard-740)—even accepting Petitioner's assertions—could only arguably address the deficiencies identified above with respect to independent claims 1 and 24 and the claimed verbal query. It would not remedy the other significant deficiencies in Petitioner's analyses

identified above with respect to each of its Grounds.

#### IV. CONCLUSION

Patent Owner respectfully requests that the Director deny institution of the present petition.

Date: <u>December 23, 2025</u>	<u>/Elizabeth A. Laughton/ (RN 70,484)</u> Matthew A. Smith Elizabeth A. Laughton SMITH BALUCH LLP 700 Pennsylvania Ave. SE Second Floor Washington, D.C. 20003 (202) 669-6207 (703) 585-8839 smith@smithbaluch.com laughton@smithbaluch.com  <i>Counsel for Patent Owner E-Vision Smart Optics, LLC</i>
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing Patent Owner's Preliminary Response, together with all exhibits and other documents filed therewith, was served by filing the documents through the Patent Trial and Appeal Case Tracking System (P-TACTS) and via electronic mail, using at the following addresses:

MLB-Luxottica-IPR-612@morganlewis.com  
ali.razai@morganlewis.com  
jacob.peterson@morganlewis.com  
peter.loderup@morganlewis.com

Date: December 23 2025

/Elizabeth A. Laughton/ (RN 70,484)

**CERTIFICATE OF WORD COUNT**

The undersigned hereby certifies that the foregoing Patent Owner's Preliminary Response contains 4,018 words according to the word-processing software used to prepare it.

/Matthew A. Smith/ Reg. No. 49,003