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Virtual 'try on' features lead to real lawsuits

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By Michelle Graff
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Tyler, Texas--A technology company has filed suit against Tacori, Macy's, Bloomingdale's and watch company Luminox claiming that the companies' use of technology that allows customers to virtually try on merchandise infringes on its patent.

In a lawsuit filed March 27 in federal court in Texas, Tyler-based Lennon Image Technologies LLC states that the "Virtual Try-On Interface" at Tacori.com "has an apparatus for manipulating a customer image corresponding to a customer," that infringes on "one or more claims" of Lennon's patent for "Customer Image Capture and Use Thereof in a Retailing System."

The United States Patent and Trademark Office issued Lennon a patent for this technology in September 2003, court papers state.

In a separate lawsuit, Lennon alleges that Macy's and Bloomingdale's, which are both owned by Macy's, have "virtual fitting apparatuses" that infringe on the same patent, naming specifically the "Swivel," the "Magic Mirror" and the "Magic Fitting Room."

Lennon makes the same accusation against Lumondi Inc., d/b/a Luminox Watch Company, for its "virtual reality feature" on Luminox.com, court papers show.

Lennon Image Technologies also has filed separate suits in the same Texas federal court against a number of eyewear companies over their virtual try-on features. The company is seeking monetary damages in the cases.

Tacori launched the "Try It On" feature at special event held at the Bloomingdale's flagship in New York City in December 2010, and added it to its website at the same time.

The online feature allows users to select a piece of jewelry and, by taking photo of themselves using their computer's camera, see what the piece would look like on their hand or neck, essentially "trying it on."

When contacted for comment Monday, a Tacori spokeswoman said the company licensed the technology from a third-party vendor. "We are currently looking into this claim with all parties," she said. "It's our hope to resolve the suit amicably with all involved."

Tacori has deactivated the feature on its site for now, she added.

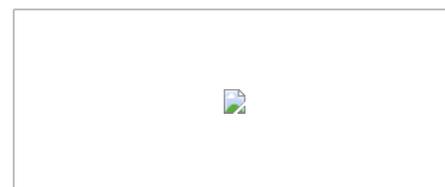
A Macy's spokesperson said the company does not comment on litigation.

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Luminox did not immediately respond to request for comment on Tuesday morning.

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