Meta, EssilorLuxottica Can't Escape 'Smart Glasses' IP Suit

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By Julie Manganis · Listen to article

Law360 (November 23, 2026, 7:28 PM EST) -- A Massachusetts federal judge on Monday rejected separate bids by Meta and EssilorLuxottica to toss claims that their jointly produced "smart glasses" infringe on multiple patents held by a competitor.

U.S. District Judge Allison Burroughs ruled that Meta cannot rely on a potential separate dispute over ownership of the patents to escape or indefinitely stay claims brought by Solos Technology Ltd.

The judge also found Solos had made a plausible showing that EssilorLuxottica was aware of the patents when it went in with Meta on the deal to manufacture glasses for the social media company.

Solos, which developed its own line of smart glasses, filed suit against Meta, EssilorLuxottica and Oakley earlier this year, alleging they had incorporated technology protected by five patents owned by Solos.

Meta moved for dismissal, contending a dispute between Solos and a small Colorado engineering firm, BlueRadios Inc., over whether the latter may have an ownership interest in the patents requires that both companies be plaintiffs in any patent infringement claim.

Alternatively, Meta argued, the case should be stayed pending the resolution of any disputes between Solos and BlueRadios, a former partner with Kopin. Solos was spun off from Massachusetts-based Kopin in 2019, acquiring the patents, according to the decision.

"Between 2015 and 2019, the Luxottica defendants' personnel had substantial exposure to Solos' smart glasses technology through interactions with Kopin/Solos personnel," Judge Burroughs said in her decision, describing meetings in which EssilorLuxottica executives regularly attended industry conferences where they met with Kopin/Solos representatives and tested the glasses themselves.

"Meta personnel have likewise been exposed to Solos' technology and intellectual

property," the judge said. "In 2021, an MIT graduate student who later became a product manager at Meta published a research study that analyzed Solos' smart glasses technology and architecture, and acknowledged the portfolio of patents protecting it."

Meta and EssilorLuxottica entered a partnership in 2019 to develop their own Ray-Ban smart glasses, which went on the market in 2021, the judge noted.

Meta says that shortly after Solos filed its patent infringement lawsuit, BlueRadios sent a letter asserting the technology dates back to its work on the product it was developing with Kopin in the 2000s, before their collaboration ended.

Solos disputes that BlueRadios' work played any role in the patented technology. In its opposition to Meta's motion to dismiss, it says the "required party" rule only applies to third parties with actual ownership rights, not someone with a potential claim.

The court said while it's true that actual co-owners of a patent must be joined in litigation, courts have more discretion in a scenario in which an entity has a "nonfrivolous" claim that has not been developed.

Meta would need to show more than just that BlueRadios might have a claim, the judge said. "Rather, it must either (1) show that BlueRadios is an actual co-owner subject to the bright-line co-owner joinder rule, or (2) show that BlueRadios has a nonfrivolous claim to an interest and that the interest may practically be impaired under the pragmatic Rule 19 [required party] test."

The court said Meta had met neither pathway, noting the existence of other litigation brought by BlueRadios as "an experienced and sophisticated litigant" "capable of asserting its interests in court when it believes those interests are threatened."

"Nonetheless, BlueRadios has not sought to intervene or expressed reservations about Solos' ability or incentive to defend the asserted patents' validity," Judge Burroughs said. "The court therefore declines to override BlueRadios's decision to remain a nonparty to this case."

In the separate EssilorLuxottica motion, the eyewear maker alleged Solos had failed to show presuit knowledge of the patents, or that it intended to infringe or induce infringement of them, adding that the components had noninfringing uses.

The judge found that the examples of contacts between Solos and EssilorLuxottica allowed her to draw inferences about what the defendant knew.

"The extensive presuit contacts between Solos and the Luxottica defendants demonstrate that the latter have paid close attention to Solos' products and technological developments for several years," Judge Burroughs said.

"We are very pleased with the court's decision denying Meta's and Luxottica's motions to dismiss," said Solos' counsel, Jameson Pasek of Caldwell Law. "This is an important step forward for Solos and allows its claims of patent infringement, including willful infringement, to proceed. Solos remains committed to protecting its intellectual property rights and pursuing the remedies available under the patent laws."

Messages seeking comment from counsel for the defendants did not immediately receive responses on Monday.

Meta is represented by Lisa Nguyen and Eric Lancaster of Paul Hastings LLP.

Solos is represented by Jameson Pasek, Keegan Michael Caldwell and Shixiong Wang of Caldwell Law.

EssilorLuxottica USA and Oakley are represented by Katherine Soule, Ali S. Razai, Andrew V. Devkar and Brandon G. Smith of Morgan Lewis & Bockius LLP.

The case is Solos Technology Ltd. v. Meta Platforms Inc., case number 1:26-cv-10304, in the U.S. District Court for the District of Massachusetts.

--Additional reporting by Rae Ann Varona. Editing by Philip S