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6 *Attorneys for Plaintiff*
7 VDPP LLC,

8
9 **IN THE UNITED STATES DISTRICT COURT**
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
WESTERN DIVISION

11 VDPP LLC,
12
13 v. Plaintiff,
14 BANG & OLUFSEN AMERICA,
INC.,
15 Defendant.

Case No.: 2:24-cv-00241

**PLAINTIFF’S ORIGINAL
COMPLAINT FOR PATENT
INFRINGEMENT**

(35 U.S.C. § 271)

JURY TRIAL DEMANDED

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18 **PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

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20 VDPP LLC (“Plaintiff” or “VDPP”) files this Original Complaint and demand
21 for jury trial seeking relief from patent infringement of the claims of U.S. Patent No.
22 US 9,699,444 (“the ’444 patent”) (referred to as the “Patent-in-Suit”) by Bang &
23 Olufsen America, Inc. (“Defendant” or “BnO”).
24

25 **I. THE PARTIES**

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27 1. Plaintiff is a company organized under the laws of Oregon with a principal
28 place of business located in Corvallis, Oregon.

1 2. On information and belief, Defendant is a Limited Liability Company
2 organized and existing under the laws of the State of Delaware. On information and
3 belief, Defendant has an established place of business in this District at 650 E.
4 Colorado Blvd, Pasadena, California 91101. Defendant can be served with process
5 through their registered agent, The Corporation Trust Company, Corporation Trust
6 Center, 1209 Orange Street, Wilmington, Delaware 19801, at its place of business, or
7
8 anywhere else it may be found.

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10 **II. JURISDICTION AND VENUE**

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12 3. This Court has original subject-matter jurisdiction over the entire action
13 pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an
14 Act of Congress relating to patents, namely, 35 U.S.C. § 271.

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16 4. This Court has personal jurisdiction over Defendant because: (i) Defendant is
17 present within or has minimum contacts within the State of California and this judicial
18 district; (ii) Defendant has purposefully availed itself of the privileges of conducting
19 business in the State of California and in this judicial district; and (iii) Plaintiff's cause
20 of action arises directly from Defendant's business contacts and other activities in the
21 State of California and in this judicial district.

22
23
24 5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b).
25 Defendant has committed acts of infringement and has a regular and established place
26 of business in this District. Further, venue is proper because Defendant conducts
27 substantial business in this forum, directly or through intermediaries, including: (i) at
28

1 least a portion of the infringements alleged herein; and (ii) regularly doing or
2 soliciting business, engaging in other persistent courses of conduct and/or deriving
3 substantial revenue from goods and services provided to individuals in California and
4 this District.

6 **III. INFRINGEMENT - Infringement of the '444 Patent**

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8 6. On July 4, 2017, U.S. Patent No. 9,699,444 (“the '444 patent”, included as
9 Exhibit A and part of this complaint) entitled “Faster state transitioning for continuous
10 adjustable 3deeps filter spectacles using multi-layered variable tint materials” was
11 duly and legally issued by the U.S. Patent and Trademark Office. Plaintiff owns the
12 '444 patent by assignment.

14 7. The '444 patent relates to the field of motion pictures and to a system called
15 3Deeps that allows almost any motion picture filmed in 2D (single image) to be
16 viewed with the visual effect of 3-dimensions when viewed through 3Deeps Filter
17 Spectacles.

19
20 8. Defendant maintains, operates, and administers systems, products, and
21 services in the field of motion pictures that infringes one or more of claims 1-27 of
22 the '444 patent, literally or under the doctrine of equivalents. Defendant put the
23 inventions claimed by the '444 Patent into service (i.e., used them); but for
24 Defendant's actions, the claimed-inventions embodiments involving Defendant's
25 products and services would never have been put into service. Defendant's acts
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1 complained of herein caused those claimed-invention embodiments as a whole to
2 perform, and Defendant's procurement of monetary and commercial benefit from it.

3
4 9. Support for the allegations of infringement may be found in the chart attached
5 as Exhibit B. These allegations of infringement are preliminary and are therefore
6 subject to change.

7
8 10. Defendant has and continues to induce infringement. Defendant has actively
9 encouraged or instructed others (e.g., its customers and/or the customers of its related
10 companies), and continues to do so, on how to use its products and services (e.g., in
11 the field of motion pictures) such as to cause infringement of the claims 1-27 of the
12 '444 patent, literally or under the doctrine of equivalents. Moreover, Defendant has
13 known of the '444 patent and the technology underlying it from at least the filing date
14 of the lawsuit.¹ For clarity, direct infringement is previously alleged in this complaint.

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16
17 11. Defendant has and continues to contributorily infringe. Defendant has actively
18 encouraged or instructed others (e.g., its customers and/or the customers of its related
19 companies), and continues to do so, on how to use its products and services (e.g., in
20 the field of motion pictures) and related services such as to cause infringement of
21 claims 1-27 of the '444 patent, literally or under the doctrine of equivalents. Further,
22 there are no substantial noninfringing uses for Defendant's products and services.
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25
26 ¹ Plaintiff reserves the right to amend and add inducement pre-suit if discovery
27 reveals an earlier date of knowledge.
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1 Moreover, Defendant has known of the '444 patent and the technology underlying it
2 from at least the filing date of the lawsuit.² For clarity, direct infringement is
3
4 previously alleged in this complaint.

5 12. Defendant has caused and will continue to cause Plaintiff damage by direct and
6 indirect infringement of (including inducing infringement of) the claims of the '444
7
8 patent.

9 **IV. CONDITIONS PRECEDENT**

10 13. Plaintiff is a non-practicing entity, with no products to mark. Plaintiff has plead
11
12 all statutory requirements to obtain pre-suit damages. Further, all conditions precedent
13 for recovery are met.

14 **V. JURY DEMAND**

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16 Plaintiff hereby requests a trial by jury on issues so triable by right.

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18 **VI. PRAYER FOR RELIEF**

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20 WHEREFORE, Plaintiff prays for relief as follows:

- 21 a. enter judgment that Defendant has infringed the claims of the '444 patent;
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23 b. award Plaintiff damages in an amount sufficient to compensate it for
24 Defendant's infringement of the Patents-in-Suit in an amount no less than a
25

26 ² Plaintiff reserves the right to amend and add inducement pre-suit if discovery
27 reveals an earlier date of knowledge.
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- 1 reasonable royalty or lost profits, together with pre-judgment and post-
2 judgment interest and costs under 35 U.S.C. § 284;
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4 c. award Plaintiff an accounting for acts of infringement not presented at trial and
5 an award by the Court of additional damage for any such acts of infringement;
6
7 d. declare this case to be “exceptional” under 35 U.S.C. § 285 and award Plaintiff
8 its attorneys’ fees, expenses, and costs incurred in this action;
9
10 e. declare Defendant’s infringement to be willful and treble the damages,
11 including attorneys’ fees, expenses, and costs incurred in this action and an
12 increase in the damage award pursuant to 35 U.S.C. § 284;
13
14 f. a decree addressing future infringement that either (if) awards a permanent
15 injunction enjoining Defendant and its agents, servants, employees, affiliates,
16 divisions, and subsidiaries, and those in association with Defendant from
17 infringing the claims of the Patents-in-Suit, or (ii) awards damages for future
18 infringement in lieu of an injunction in an amount consistent with the fact that
19 for future infringement the Defendant will be an adjudicated infringer of a valid
20 patent, and trebles that amount in view of the fact that the future infringement
21 will be willful as a matter of law; and
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23
24 g. award Plaintiff such other and further relief as this Court deems just and proper.
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1 Dated: January 10, 2024

Respectfully submitted,

2 RAMEY LLP

3 /s/ Susan S.Q. Kalra

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