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8 VDPP, LLC
9

10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
12 **EASTERN DIVISION**

13 VDPP, LLC,
Plaintiff,
14 v.
15 FUNAI CORPORATION, INC.,
16 Defendant.

Case No.: 5:24-cv-00435

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

(35 U.S.C. § 271)

JURY TRIAL DEMANDED

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

21 VDPP, LLC, (“Plaintiff” or “VDPP”) files this Original Complaint and demand for
22 jury trial seeking relief from patent infringement of the claims of U.S. Patent No.
23 9,699,444 (“the ’444 patent”), U.S. Patent No. 9,948,922 (“the ’922 patent”), and U.S.
24 Patent No. 10,021,380 (“the ’380 patent”), (referred to as the “Patents-in-Suit”) by
25 Funai Corporation, Inc. (“Defendant” or “Funai”).
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1 **I. THE PARTIES**

2 1. Plaintiff is a company organized under the laws of Oregon with a principal
3 place of business located in Corvallis, Oregon.
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5 2. On information and belief, Defendant is a Stock Corporation organized and
6 existing under the laws of the State of Georgia. On information and belief, Defendant
7 has an established place of business in this District at 12489 Lakeland Road, Santa Fe
8 Spring, California 90670. Defendant can be served with process through their
9 registered agent, 1505 Corporation-Cogency Global Inc., 1325 J Street, Suite 1550,
10 Sacramento, California 95814, at its place of business, or anywhere else it may be
11 found.
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14 **II. JURISDICTION AND VENUE**

15 3. This Court has original subject-matter jurisdiction over the entire action
16 pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an
17 Act of Congress relating to patents, namely, 35 U.S.C. § 271.
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19 4. This Court has personal jurisdiction over Defendant because: (i) Defendant is
20 present within or has minimum contacts within the State of California and this judicial
21 district; (ii) Defendant has purposefully availed itself of the privileges of conducting
22 business in the State of California and in this judicial district; and (iii) Plaintiff's cause
23 of action arises directly from Defendant's business contacts and other activities in the
24 State of California and in this judicial district.
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1 5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b).
2 Defendant has committed acts of infringement and has a regular and established place
3 of business in this District. Further, venue is proper because Defendant conducts
4 substantial business in this forum, directly or through intermediaries, including: (i) at
5 least a portion of the infringements alleged herein; and (ii) regularly doing or
6 soliciting business, engaging in other persistent courses of conduct and/or deriving
7 substantial revenue from goods and services provided to individuals in California and
8 this District.
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12 **III. INFRINGEMENT - Infringement of the '444 Patent**

13 6. On July 4, 2017, U.S. Patent No. 9,699,444 (“the '444 patent”, included as
14 Exhibit A and part of this complaint) entitled “Faster State Transitioning for
15 Continuous Adjustable 3Deeps Filter Spectacles Using Multi-Layered Variable Tint
16 Materials” was duly and legally issued by the U.S. Patent and Trademark Office.
17 Plaintiff owns the '444 patent by assignment.
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20 7. The '444 patent relates to methods and systems for modifying an image.

21 8. Defendant maintains, operates, and administers systems, products, and services
22 in the field of automotive manufacture that infringes one or more of claims of the '444
23 patent, including one or more of claims 1-27, literally or under the doctrine of
24 equivalents. Defendant put the inventions claimed by the '444 Patent into service (i.e.,
25 used them); but for Defendant’s actions, the claimed-inventions embodiments
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1 involving Defendant's products and services would never have been put into service.
2 Defendant's acts complained of herein caused those claimed-invention embodiments
3 as a whole to perform, and Defendant's procurement of monetary and commercial
4 benefit from it.
5

6 9. Support for the allegations of infringement may be found in the preliminary
7 exemplary table attached as Exhibits B-D. These allegations of infringement are
8 preliminary and are therefore subject to change.
9

10 10. Defendant has and continues to induce infringement. Defendant has actively
11 encouraged or instructed others (e.g., its customers and/or the customers of its related
12 companies), and continues to do so, on how to use its products and services (e.g.,
13 systems and methods related to modifying an image) such as to cause infringement of
14 one or more of claims 1-27 of the '444 patent, literally or under the doctrine of
15 equivalents. Moreover, Defendant has known of the '444 patent and the technology
16 underlying it from at least the filing date of the lawsuit.¹ For clarity, direct
17 infringement is previously alleged in this complaint.
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20 11. Defendant has and continues to contributorily infringe. Defendant has actively
21 encouraged or instructed others (e.g., its customers and/or the customers of its related
22 companies), and continues to do so, on how to use its products and services (e.g.,
23 systems and methods related to modifying an image) such as to cause infringement of
24
25
26

27 ¹ Plaintiff reserves the right to amend if discovery reveals an earlier date of
28 knowledge.

1 one or more of claims 1-27 of the '444 patent, literally or under the doctrine of
2 equivalents. Moreover, Defendant has known of the '444 patent and the technology
3 underlying it from at least the filing date of the lawsuit.² For clarity, direct
4 infringement is previously alleged in this complaint.
5

6 12. Defendant has caused and will continue to cause Plaintiff damage by direct and
7 indirect infringement of (including inducing infringement of) the claims of the '444
8 patent.
9

10 **IV. INFRINGEMENT - Infringement of the '922 Patent**

11 13. On April 17, 2018, U.S. Patent No. 9,948,922 (“the '922 patent”, included as
12 Exhibit E and part of this complaint) entitled “Faster State Transitioning for
13 Continuous Adjustable 3Deeps Filter Spectacles Using Multi-Layered Variable Tint
14 Materials” was duly and legally issued by the U.S. Patent and Trademark Office.
15 Plaintiff owns the '922 patent by assignment.
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18 14. The '922 patent relates to methods and systems for modifying an image.
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20 15. Defendant maintains, operates, and administers systems, products, and
21 services in the field of automotive manufacture that infringes one or more of claims
22 of the '922 patent, including one or more of claims 1-12, literally or under the doctrine
23 of equivalents. Defendant put the inventions claimed by the '922 Patent into service
24 (i.e., used them); but for Defendant’s actions, the claimed-inventions embodiments
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26

27
28 ² Plaintiff reserves the right to amend if discovery reveals an earlier date of

1 involving Defendant's products and services would never have been put into service.
2
3 Defendant's acts complained of herein caused those claimed-invention embodiments
4 as a whole to perform, and Defendant's procurement of monetary and commercial
5 benefit from it.

6
7 16. Support for the allegations of infringement may be found in the preliminary
8 exemplary table attached as Exhibit F. These allegations of infringement are
9 preliminary and are therefore subject to change.

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11 17. Defendant has and continues to induce infringement. Defendant has actively
12 encouraged or instructed others (e.g., its customers and/or the customers of its related
13 companies), and continues to do so, on how to use its products and services (e.g.,
14 systems and methods related to modifying an image) such as to cause infringement of
15 one or more of claims 1-12 of the '922 patent, literally or under the doctrine of
16 equivalents. Moreover, Defendant has known of the '922 patent and the technology
17 underlying it from at least the filing date of the lawsuit.³ For clarity, direct
18 infringement is previously alleged in this complaint.

19
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21 18. Defendant has and continues to contributorily infringe. Defendant has actively
22 encouraged or instructed others (e.g., its customers and/or the customers of its related
23 companies), and continues to do so, on how to use its products and services (e.g.,
24 systems and methods related to modifying an image) such as to cause infringement of
25
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27 ³ Plaintiff reserves the right to amend if discovery reveals an earlier date of
28 knowledge.

1 one or more of claims 1-12 of the '922 patent, literally or under the doctrine of
2 equivalents. Moreover, Defendant has known of the '922 patent and the technology
3 underlying it from at least the filing date of the lawsuit.⁴ For clarity, direct
4 infringement is previously alleged in this complaint.
5

6 19. Defendant has caused and will continue to cause Plaintiff damage by direct
7 and indirect infringement of (including inducing infringement of) the claims of the
8 '922 patent.
9

10 **V. INFRINGEMENT - Infringement of the '380 Patent**

11 20. On July 10, 2018, U.S. Patent No. 10,021,380 (“the '380 patent”, included as
12 Exhibit G and part of this complaint) entitled “Faster State Transitioning for
13 Continuous Adjustable 3Deeps Filter Spectacles Using Multi-Layered Variable Tint
14 Materials” was duly and legally issued by the U.S. Patent and Trademark Office.
15 Plaintiff owns the '380 patent by assignment.
16
17

18 21. The '380 patent relates to methods and systems for modifying an image.
19

20 22. Defendant maintains, operates, and administers systems, products, and
21 services in the field of automotive manufacture that infringes one or more of claims
22 of the '380 patent, including one or more of claims 1-30, literally or under the doctrine
23 of equivalents. Defendant put the inventions claimed by the '380 Patent into service
24 (i.e., used them); but for Defendant’s actions, the claimed-inventions embodiments
25
26

27 ⁴ Plaintiff reserves the right to amend if discovery reveals an earlier date of
28 knowledge.

1 involving Defendant's products and services would never have been put into service.
2 Defendant's acts complained of herein caused those claimed-invention embodiments
3 as a whole to perform, and Defendant's procurement of monetary and commercial
4 benefit from it.
5

6 23. Support for the allegations of infringement may be found in the preliminary
7 exemplary table attached as Exhibit H. These allegations of infringement are
8 preliminary and are therefore subject to change.
9

10 24. Defendant has and continues to induce infringement. Defendant has actively
11 encouraged or instructed others (e.g., its customers and/or the customers of its related
12 companies), and continues to do so, on how to use its products and services (e.g.,
13 systems and methods related to modifying an image) such as to cause infringement of
14 one or more of claims 1-30 of the '380 patent, literally or under the doctrine of
15 equivalents. Moreover, Defendant has known of the '380 patent and the technology
16 underlying it from at least the filing date of the lawsuit.⁵ For clarity, direct
17 infringement is previously alleged in this complaint.
18
19

20 25. Defendant has and continues to contributorily infringe. Defendant has actively
21 encouraged or instructed others (e.g., its customers and/or the customers of its related
22 companies), and continues to do so, on how to use its products and services (e.g.,
23 systems and methods related to modifying an image) such as to cause infringement of
24
25
26

27 ⁵ Plaintiff reserves the right to amend if discovery reveals an earlier date of
28 knowledge.

1 one or more of claims 1-30 of the '380 patent, literally or under the doctrine of
2 equivalents. Moreover, Defendant has known of the '380 patent and the technology
3 underlying it from at least the filing date of the lawsuit.⁶ For clarity, direct
4 infringement is previously alleged in this complaint.
5

6 26. Defendant has caused and will continue to cause Plaintiff damage by direct
7 and indirect infringement of (including inducing infringement of) the claims of the
8 '380 patent.
9

10 **VI. PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff prays for relief as follows:
12

- 13 a. enter judgment that Defendant has infringed the claims of the patents-in-suit;
14
15 b. award Plaintiff damages in an amount sufficient to compensate it for
16 Defendant's infringement of the Patent-in-Suit in an amount no less than a
17 reasonable royalty or lost profits, together with pre-judgment and post-
18 judgment interest and costs under 35 U.S.C. § 284;
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20 c. award Plaintiff an accounting for acts of infringement not presented at trial and
21 an award by the Court of additional damage for any such acts of infringement;
22
23 d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award Plaintiff
24 its attorneys' fees, expenses, and costs incurred in this action;
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27 ⁶ Plaintiff reserves the right to amend if discovery reveals an earlier date of
28 knowledge.

- 1 e. declare Defendant's infringement to be willful and treble the damages,
2 including attorneys' fees, expenses, and costs incurred in this action and an
3 increase in the damage award pursuant to 35 U.S.C. § 284;
4
5 f. a decree addressing future infringement that either (i) awards a permanent
6 injunction enjoining Defendant and its agents, servants, employees, affiliates,
7 divisions, and subsidiaries, and those in association with Defendant from
8 infringing the claims of the Patents-in-Suit, or (ii) awards damages for future
9 infringement in lieu of an injunction in an amount consistent with the fact that
10 for future infringement the Defendant will be an adjudicated infringer of a valid
11 patent, and trebles that amount in view of the fact that the future infringement
12 will be willful as a matter of law; and
13
14 g. award Plaintiff such other and further relief as this Court deems just and proper.
15

16 Dated: February 26, 2024

Respectfully submitted,

17 RAMEY LLP

18 /s/ Susan S.Q. Kalra _____

19 Susan S.Q. Kalra (CA State Bar No. 16740)

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/s/ William P. Ramey, III
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DEMAND FOR JURY TRIAL

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

Dated: February 26, 2024

Respectfully submitted,

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