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13 VDPP, LLC,

14 **UNITED STATES DISTRICT COURT**
15 **CENTRAL DISTRICT OF CALIFORNIA**
16 **EASTERN DIVISION**

17 VDPP, LLC,
18 Plaintiff,
19 v.
20 SKYWORTH USA CORPORATION
21 Defendant.

Case No.: 5:24-cv-01176

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

(35 U.S.C. § 271)

JURY TRIAL DEMANDED

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

25
26 VDPP LLC (“Plaintiff” or “VDPP”) files this Original Complaint and demand for
27 jury trial seeking relief from patent infringement of the claims of 10,021,380 (“the
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1 '380 patent”) (referred to as the “Patent-in-Suit”) by Skyworth USA Corporation
2 (“Defendant” or “Skyworth”).
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6 **I. THE PARTIES**
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8 1. Plaintiff VDPP is a company organized under the laws of Oregon with a
9 principal place of business located in Corvallis, Oregon.
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11 2. On information and belief, Defendant is a corporation organized and existing
12 under the laws of the State of California, with a regular and established place of
13 business located at 14586 Central Avenue, Chino, CA, 91710. On information and
14 belief, Defendant sells and offers to sell products and services throughout California,
15 including in this judicial district, and introduces products and services that perform
16 infringing methods or processes into the stream of commerce knowing that they
17 would be sold in California and this judicial district. Defendant can be served with
18 process through their registered agent, FangFang Li, 14586 Central Avenue, Chino,
19 California 91710, at its place of business, or anywhere else it may be found.
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23 **II. JURISDICTION AND VENUE**

24 3. This Court has original subject-matter jurisdiction over the entire action
25 pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff’s claim arises under an
26 Act of Congress relating to patents, namely, 35 U.S.C. § 271.
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1 4. This Court has personal jurisdiction over Defendant because: (i) Defendant is
2 present within or has minimum contacts within the State of California and this judicial
3 district; (ii) Defendant has purposefully availed itself of the privileges of conducting
4 business in the State of California and in this judicial district; and (iii) Plaintiff's cause
5 of action arises directly from Defendant's business contacts and other activities in the
6 State of California and in this judicial district.
7

8
9 5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b).
10 Defendant has committed acts of infringement and has a regular and established place
11 of business in this District. Further, venue is proper because Defendant conducts
12 substantial business in this forum, directly or through intermediaries, including: (i) at
13 least a portion of the infringements alleged herein; and (ii) regularly doing or
14 soliciting business, engaging in other persistent courses of conduct and/or deriving
15 substantial revenue from goods and services provided to individuals in California and
16 this District.
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20 **III. Infringement of the '380 Patent**

21 6. On July 10, 2018, U.S. Patent No. 10,021,380 ("the '380 patent", included as
22 Exhibit A and part of this complaint) entitled "Faster State Transitioning for
23 Continuous Adjustable 3Deeps Filter Spectacles Using Multi-Layered Variable Tint
24 Materials" was duly and legally issued by the U.S. Patent and Trademark Office.
25 Plaintiff owns the '380 patent by assignment.
26
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28 7. The '380 patent relates to methods and systems for modifying an image.

1 8. Defendant maintains, operates, and administers systems, products, and services
2 in the field of automotive manufacture that infringes one or more of claims of the '380
3 patent, including one or more of claims 1-30, literally or under the doctrine of
4 equivalents. Defendant put the inventions claimed by the '380 Patent into service (i.e.,
5 used them); but for Defendant's actions, the claimed-inventions embodiments
6 involving Defendant's products and services would never have been put into service.
7 Defendant's acts complained of herein caused those claimed-invention embodiments
8 as a whole to perform, and Defendant's procurement of monetary and commercial
9 benefit from it.
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13 9. Support for the allegations of infringement may be found in the preliminary
14 exemplary table attached as Exhibit B. These allegations of infringement are
15 preliminary and are therefore subject to change.
16

17 10. Defendant has and continues to induce infringement. 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.,
20 systems and methods related to modifying an image) such as to cause infringement of
21 one or more of claims 1-30 of the '380 patent, literally or under the doctrine of
22 equivalents. Moreover, Defendant has known of the '380 patent and the technology
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1 underlying it from at least the filing date of the lawsuit.¹ For clarity, direct
2 infringement is previously alleged in this complaint.
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4 11. Defendant has and continues to contributorily infringe. Defendant has actively
5 encouraged or instructed others (e.g., its customers and/or the customers of its related
6 companies), and continues to do so, on how to use its products and services (e.g.,
7 systems and methods related to modifying an image) such as to cause infringement of
8 one or more of claims 1-30 of the '380 patent, literally or under the doctrine of
9 equivalents. Moreover, Defendant has known of the '380 patent and the technology
10 underlying it from at least the filing date of the lawsuit.² For clarity, direct
11 infringement is previously alleged in this complaint.
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14 12. Defendant has caused and will continue to cause Plaintiff damage by direct and
15 indirect infringement of (including inducing infringement of) the claims of the '380
16 patent.
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18 **IV. CONDITIONS PRECEDENT**

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20 13. Plaintiff is a non-practicing entity, with no products to mark. Plaintiff has pled
21 all statutory requirements to obtain pre-suit damages. Further, all conditions
22 precedent to recovery are met.
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26 _____
27 ¹ Plaintiff reserves the right to amend if discovery reveals an earlier date of
knowledge.

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

1 **V. PRAYER FOR RELIEF**

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3 WHEREFORE, Plaintiff prays for relief as follows:

- 4 a. enter judgment that Defendant has infringed the claims of the '359 patent;
- 5 b. award Plaintiff damages in an amount sufficient to compensate it for
- 6 Defendant's infringement of the Patent-in-Suit in an amount no less than a
- 7 reasonable royalty or lost profits, together with pre-judgment and post-
- 8 judgment interest and costs under 35 U.S.C. § 284;
- 9
- 10 c. award Plaintiff an accounting for acts of infringement not presented at trial and
- 11 an award by the Court of additional damage for any such acts of infringement;
- 12
- 13 d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award Plaintiff
- 14 its attorneys' fees, expenses, and costs incurred in this action;
- 15
- 16 e. provided discovery reveals that Defendant knew (1) knew of the patent-in-suit
- 17 prior to the filing date of the lawsuit; (2) after acquiring that knowledge, it
- 18 infringed the patent; and (3) in doing so, it knew, or should have known, that
- 19 its conduct amounted to infringement of the patent, declare Defendants'
- 20 infringement to be willful and treble the damages, including attorneys' fees,
- 21 expenses, and costs incurred in this action and an increase in the damage award
- 22 pursuant to 35 U.S.C. § 284;
- 23
- 24
- 25 f. a decree addressing future infringement that either (if) awards a permanent
- 26 injunction enjoining Defendant and its agents, servants, employees, affiliates,
- 27 divisions, and subsidiaries, and those in association with Defendant from
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1 infringing the claims of the Patents-in-Suit, or (ii) awards damages for future
2 infringement in lieu of an injunction in an amount consistent with the fact that
3 for future infringement the Defendant will be an adjudicated infringer of a valid
4 patent, and trebles that amount in view of the fact that the future infringement
5 will be willful as a matter of law; and
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7
8 g. award Plaintiff such other and further relief as this Court deems just and proper.

9 Dated: June 5, 2024

Respectfully submitted,

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RAMEY LLP

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/s/ Susan S.Q. Kalra

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DEMAND FOR JURY TRIAL

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

Dated: June 5, 2024

Respectfully submitted,

RAMEY LLP

/s/ Susan S.Q. Kalra
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