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12 *Attorneys for Plaintiff*  
13 VDPP, LLC,

14 **IN THE UNITED STATES DISTRICT COURT**  
15 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
16 **WESTERN DIVISION**

17 VDPP, LLC,  
18 Plaintiff,  
19 v.  
20 SUNBRITETV, LLC,  
21 Defendant.

Case No.: 2:24-cv-05237

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

**(35 U.S.C. § 271)**

**JURY TRIAL DEMANDED**

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

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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 SunBriteTV, LLC, (“Defendant”  
2 or “SunBrite”).  
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4  
5 **I. THE PARTIES**

6 1. Plaintiff VDPP is a company organized under the laws of Oregon with a  
7 principal place of business located in Corvallis, Oregon.  
8

9 2. On information and belief, Defendant is a corporation organized and existing  
10 under the laws of the State of Delaware, with a regular and established place of  
11 business located at 2630 Townsgate Rd #F, Westlake Village, CA 91361. On  
12 information and belief, Defendant sells and offers to sell products and services  
13 throughout California, including in this judicial district, and introduces products and  
14 services that perform infringing methods or processes into the stream of commerce  
15 knowing that they would be sold in California and this judicial district. Defendant can  
16 be served with process through their registered agent, Corporation Service Company,  
17 251 Little Falls Drive, Wilmington, Delaware 19808, at its place of business, or  
18 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.<sup>1</sup> For clarity, direct  
2 infringement is previously alleged in this complaint.  
3

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.<sup>2</sup> For clarity, direct  
11 infringement is previously alleged in this complaint.  
12  
13

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.  
17

#### 18 **IV. CONDITIONS PRECEDENT**

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

28 <sup>2</sup> 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       f.     a decree addressing future infringement that either (if) awards a permanent
- 25             injunction enjoining Defendant and its agents, servants, employees, affiliates,
- 26             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  
6

7  
8 g. award Plaintiff such other and further relief as this Court deems just and proper.

9 Dated: June 21, 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 21, 2024

Respectfully submitted,

**RAMEY LLP**

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