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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

4 Attorney for Plaintiff,
5 VINYL VISIONS, LLC

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

11 VINYL VISIONS, a California Limited Liability
12 Company,

CASE NO.: 5:12-cv-02200 TJH-DTB

13 Plaintiff,

Assigned Judge: Terry J. Hatter, Jr.
D-17

14 v.

**FIRST AMENDED COMPLAINT
FOR PATENT INFRINGEMENT**

15 CRAIG A. OEHME, individually and dba E.E.
16 PAULEY PLASTIC EXTRUSION; and, Does 1
through 10, inclusive.

DEMAND FOR JURY TRIAL

17 Defendants.

18
19 Plaintiff, VINYL VISIONS, LLC, dba as TrimQuick Company (TrimQuick), and
20 formerly known as Halle-Hopper, LLC, for its Complaint for Patent Infringement against
21 Defendant alleges as follows:

22 **NATURE OF THE ACTION**

23 1. Plaintiff VINYL VISIONS brings this Complaint pursuant to Patent Laws, 35 U.S.C.
24 Sections 1331 and 1338 (a), and seeks damages and injunctive relief under 35 U.S.C. Sections
25 271, 281, 283-285 against Defendant for the infringement of United States Patent No.
26 7,785,684 ("the '684 Patent"), entitled "WINDOW TRIM APPARATUS," issued August 31,
27 2010. A copy of the '684 Patent is attached hereto as Exhibit A.

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PARTIES, JURISDICTION AND VENUE

2. Plaintiff VINYL VISIONS is a California Limited Liability Company with its principal place of business located in Norco, County of Riverside, California. At all relevant times, Plaintiff has been engaged in the development, manufacture and sale of vinyl trim assemblies and materials used by the window replacement industry.

3. TrimQuick invented a unique window trim apparatus (“Deep Score”) with blade cut, scored progressive grooves structured to provide window trim that can be more easily made to fit without requiring the installer to use special cutting tools. On August 31, 2010, TrimQuick obtained a duly and properly issued patent for the above described window trim apparatus and methods for manufacturing from the U.S. Patent and Trademark Office.

4. On information and belief, Defendant CRAIG A. OEHME, dba as E. E. PAULEY PLASTIC EXTRUSION, has its principal place of business located in Apple Valley, County of San Bernardino, California.

5. On information and belief, Defendant is engaged in the design, manufacture, and sale within the United States, offering for sale in the United States, including this judicial district, window trim apparatus products and methods for making and using the same with Plaintiff’s patented product relating to window trim with blade scored progressive grooves. Defendant’s on-line flyer describes vinyl window trim with pre-scoring that infringes the patent at issue. A copy of the flyer is attached as Exhibit B.

6. Plaintiff does not know the true names or capacities of Defendants sued herein as Does 1 through 10, inclusive, and therefore sues said Defendants by said fictitious names. Plaintiff will seek leave of this Court to amend this Complaint to reflect the true names when ascertained. Plaintiff is informed and believes, and thereon alleges, that each of the fictitiously named Defendants were responsible in some manner for the occurrence herein alleged, and that Plaintiff’s damages alleged were proximately caused by such Defendants.

7. At all relevant times, Defendant, and each of them, were the agents, servants and

1 representatives each of the other, and were acting in the course and scope of such capacity and
2 employment. Further, Defendants acted with the approval, knowledge, direction, participation,
3 acquiescence, and ratification of the acts by each of the remaining co-defendants.

4 8. This is an action for patent infringement arising under the patent laws of the United
5 States, Title 35, United States Code.

6 9. This Court has subject matter jurisdiction pursuant to 28 U.S.C., Sections 1331 and
7 1338 (a).

8 10. On information and belief, Defendant is subject to personal jurisdiction in the Central
9 District of California - Eastern Division in Riverside (the District) because he maintains offices
10 and facilities in this District, offers products for sale in this District, has transacted business in
11 the District, has committed and/or induced acts of patent infringement in this District, and/or has
12 placed infringing products into the stream of commerce with the expectation that such products
13 will be purchased by residents of this District.

14 11. Venue is proper in this District pursuant to 28 U.S.C., Sections 1391 (b) and 1400 (b).

15 12. Plaintiff has complied with its marking obligations.

16 13. All conditions precedent to bringing this suit have been performed or have been
17 waived.

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19 **INFRINGEMENT OF U.S. PATENT NO. 7,785,684**

20 14. Plaintiff incorporates by reference paragraphs 1 through 13.

21 15. TrimQuick Company is the owner of all rights, title, and interest in the U.S. Patent No.
22 7,785,684 B2 ('684 patent), entitled "WINDOW TRIM APPARATUS."

23 16. Defendant CRAIG A. OEHME has been infringing on the '684 patent by, among other
24 things, making, using, offering to sell, and using an allegedly infringing product in the United
25 States, and/or engaging in processes that practice one or more inventions claimed in the
26 TrimQuick Patent and covered by at least claims 1-3, 6, 7 and 9.

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1 17. Defendant sells vinyl trim pre-scored products which comprise: (a) V-shaped
2 longitudinal grooves formed by a stationary blade after extrusion; (b) V-sharped longitudinal
3 grooves of different depths; (c) and, each longitudinal groove further away from the edge being
4 of progressively shallower depth.

5 18. In a series of letters, Plaintiff noticed and instructed the Defendant to “immediately
6 cease and desist” any further use of the patented product. Plaintiff also informed this Defendant
7 that it “intended to enforce its rights” if it continued the use of the technology in question.
8 Defendant responded with a belief that no patent infringement has occurred and a refusal to stop
9 the use of what it claimed is disputed technology.

10 19. Defendant have profited through infringement of the TrimQuick Patent. As a result
11 of Defendant’s unlawful infringement, Plaintiff has suffered and will continue to suffer damage.
12 Plaintiff is entitled to recover from Defendant the damages suffered by Plaintiff as a result of
13 Defendant’s unlawful acts.

14 20. On information and belief, Defendant’s infringement of the TrimQuick Patent is
15 willful and deliberate, entitling Plaintiff to enhanced damages and reasonable attorney fees and
16 costs.

17 21. On information and belief, Defendant intends to continue their unlawful infringing
18 activity, and Plaintiff continues to and will continue to suffer irreparable harm - for which
19 there is no adequate remedy at law from such unlawful infringing activity - unless Defendant is
20 enjoined by this Court.

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22 **DEMAND FOR JURY TRIAL**

23 22. Pursuant to Rule 38 (b) of the Federal Rules of Civil Procedure, Plaintiff respectfully
24 requests a trail by jury of all issues properly triable by jury.


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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

- A. For a judgment declaring that Defendant has infringed the TrimQuick Patent;
- B. For a judgment awarding Plaintiff compensatory damages as a result of Defendant’s infringement of the TrimQuick Patent, together with interest and costs, and in no event less than a reasonable royalty;
- C. For a judgment declaring that Defendant’s infringement of the TrimQuick Patent has been willful and deliberate;
- D. For a judgment awarding Plaintiff treble damages and pre-judgment interest under 35 U.S.C. Section 284 as a result of Defendant’s willful and deliberate infringement of the TrimQuick Patent;
- E. For a judgment awarding Plaintiff its expenses, costs, and attorney fees in accordance with 35 U.S.C. Sections 284, 285, and Rule 54 (d) of the Federal Rules of Civil Procedure; and
- F. For a grant of a permanent injunction pursuant to 35 U.S.C. Section 283, enjoining the Defendants from further acts of infringement; and
- G. For such other and further relief as this Court may deem just and proper.

Dated: *April 1, 2013*


 RICHARD C. AUGUSTINE
 Attorney for Plaintiff,
 VINYL VISIONS, LLC