

1 D. James Pak, State Bar No. 194331
d.james.pak@bakermckenzie.com
2 **BAKER & MCKENZIE LLP**
Two Embarcadero Center, 11th Floor
3 San Francisco, California 94111
Telephone: (415) 576-3000
4 Facsimile: (415) 576-3099

5 Attorney for Plaintiff
REALD INC.

6
7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**

11
12 REALD INC.,

13 Plaintiff,

14 v.

15 VOLFONI, INC., VOLFONI
16 SAS, AND VOLFONI-RIO
ASIA COMPANY LIMITED,

17 Defendants.
18

Case No. 2:14-cv-2303

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff RealD Inc. (“Plaintiff” or “RealD”), by and through its counsel, files this Complaint for patent infringement against Defendants Volfoni, Inc., Volfoni SAS, and Volfoni-Rio Asia Company Limited (collectively, “Defendants” or “Volfoni”). Plaintiff alleges:

THE PARTIES

1. Plaintiff RealD Inc. (“RealD” or “Plaintiff”) is a corporation organized and existing under the laws of Delaware, with a principal place of business at 100 N. Crescent Dr. Suite 200, Beverly Hills, California 90210.

2. Defendant Volfoni, Inc. is a corporation organized and existing under the laws of California, with a principal place of business at 3450 Cahuenga Boulevard West, Unit 504, Los Angeles, California 90068.

3. Defendant Volfoni SAS is a corporation organized and existing under the laws of France, with a principal place of business at 49 Avenue Pierre Grenier, 92100 Boulogne Billancourt, France.

4. Defendant Volfoni-Rio Asia Company Limited is a joint venture organized and existing under the laws of Hong Kong, with a principal place of business at Rms 2006-8,20/F Two Chinachem Exchange, Square 338 King’s Rd North Point, Hong Kong.

JURISDICTION AND VENUE

5. The Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a) and (b) because this is a civil action involving a federal question related to claims for patent infringement under the Patent Act.

6. The Court has personal jurisdiction over Defendants because Volfoni, Inc. is a corporation organized and existing under the laws of California, Defendants have offered for sale and/or sold their products to customers in California, and Defendants regularly conduct and solicit business in California, including in this District, and have purposefully established substantial,

1 continuous, and systematic contacts with this District. Additionally, Defendants
2 have committed and continue to commit acts of patent infringement in violation of
3 35 U.S.C. § 271 in California and in this District.

4 7. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and
5 1400(b) for the reasons set forth above and below.

6 **BACKGROUND**

7 8. RealD is the owner and assignee of all rights, title, and interest in and
8 under U.S. Patent No. 8,220,934 (“the ’934 Patent”), entitled “Polarization
9 Conversion Systems for Stereoscopic Projection,” which was duly and legally
10 issued by the U.S. Patent and Trademark Office on July 17, 2012, after full and fair
11 examination. A copy of the ’934 Patent is attached as Exhibit A and is
12 incorporated herein by reference.

13 9. RealD is the owner and assignee of all rights, title, and interest in and
14 under U.S. Patent No. 7,857,455 (“the ’455 Patent”), entitled “Combining P and S
15 Rays for Bright Stereoscopic Projection,” which was duly and legally issued by the
16 U.S. Patent and Trademark Office on December 28, 2010, after full and fair
17 examination. A copy of the ’455 Patent is attached as Exhibit B and is
18 incorporated herein by reference.

19 10. RealD is the owner and assignee of all rights, title, and interest in and
20 under U.S. Patent No. 7,959,296 (“the ’296 Patent”), entitled “Combining P and S
21 Rays for Bright Stereoscopic Projection,” which was duly and legally issued by the
22 U.S. Patent and Trademark Office on June 14, 2011, after full and fair
23 examination. A copy of the ’296 Patent is attached as Exhibit C and is
24 incorporated herein by reference.

25 11. RealD is the owner and assignee of all rights, title, and interest in and
26 under U.S. Patent No. 7,905,602 (“the ’602 Patent”), entitled “Polarization
27 Conversion Systems for Stereoscopic Projection,” which was duly and legally
28 issued by the U.S. Patent and Trademark Office on March 15, 2011, after full and

1 fair examination. A copy of the '602 Patent is attached as Exhibit D and is
2 incorporated herein by reference.

3 **FIRST CLAIM FOR RELIEF**

4 (Infringement of U.S. Patent No. 8,220,934)

5 12. Plaintiff incorporates by reference the allegations set forth in
6 paragraphs 1–11 of this Complaint as though fully set forth herein.

7 13. Defendants have been and are directly infringing one or more claims
8 of the '934 Patent under 35 U.S.C. § 271 by making, using, selling, offering for
9 sale, and/or importing in or into the United States, without authority, products,
10 including at least the Volfoni Diamond product, which embody one or more claims
11 of the '934 Patent.

12 14. Defendants have been and are indirectly infringing one or more claims
13 of the '934 Patent under 35 U.S.C. § 271(b) by actively inducing customers and/or
14 users to use, sell, offer for sale, and/or import in or into the United States, without
15 authority, the Volfoni Diamond product, which embodies one or more claims of
16 the '934 Patent. Defendants have known about the '934 Patent since at least as
17 early as September 2, 2013 when they received a cease and desist letter from
18 RealD identifying the '934 Patent. Since that date, Defendants have continued to
19 offer for sale, sell, and/or import in or into the United States the infringing Volfoni
20 Diamond product. Defendants knew or should have known that their continued
21 sales of the Volfoni Diamond product would induce direct infringement by
22 customers and/or users. Defendants also failed to redesign the Volfoni Diamond
23 product to cease infringement.

24 15. Defendants have been and are indirectly infringing one or more claims
25 of the '934 Patent under 35 U.S.C. § 271(c) by contributing to the direct
26 infringement of one or more claims of the '934 Patent by customers and/or users of
27 the Volfoni Diamond product, which embodies one or more claims of the '934
28 Patent, and has no substantial uses that do not infringe one or more claims of the

1 '934 Patent. Defendants have known about the '934 Patent since at least as early
2 as September 2, 2013 when they received a cease and desist letter from RealD
3 identifying the '934 Patent. Since that date, Defendants have continued to offer for
4 sale, sell, and/or import in or into the United States the infringing Volfoni
5 Diamond product, which Defendants knew or should have known to be especially
6 adapted for use in infringing the '934 Patent and would infringe one or more
7 claims of the '934 Patent if made, used, sold, offered for sale, or imported in or
8 into the United States.

9 16. Defendants' infringement of the '934 Patent has been and is willful.
10 Defendants have known about the '934 Patent since at least as early as September
11 2, 2013 when they received a cease and desist letter from RealD identifying the
12 '934 Patent. Since that date, Defendants have continued to make, use, sell, offer
13 for sale, and/or import in or into the United States the infringing Volfoni Diamond
14 product despite an objectively high likelihood that their actions constituted
15 infringement.

16 17. Defendants' infringement of the '934 Patent has caused damage to
17 RealD, and RealD is entitled to recover from Defendants the damages it has
18 sustained as a result of Defendants' wrongful acts, including lost profits.

19 18. Defendants' infringement of the '934 Patent will continue to damage
20 RealD, causing irreparable harm for which there is no adequate remedy at law,
21 unless enjoined by the Court.

22 **SECOND CLAIM FOR RELIEF**

23 (Infringement of U.S. Patent No. 7,857,455)

24 19. Plaintiff incorporates by reference the allegations set forth in
25 paragraphs 1–18 of this Complaint as though fully set forth herein.

26 20. Defendants have been and are directly infringing one or more claims
27 of the '455 Patent under 35 U.S.C. § 271 by making, using, selling, offering for
28 sale, and/or importing in or into the United States, without authority, products,

1 including at least the Volfoni Diamond product, which embody one or more claims
2 of the '455 Patent.

3 21. Defendants have been and are indirectly infringing one or more claims
4 of the '455 Patent under 35 U.S.C. § 271(b) by actively inducing customers and/or
5 users to use, sell, offer for sale, and/or import in or into the United States, without
6 authority, the Volfoni Diamond product, which embodies one or more claims of
7 the '455 Patent. Defendants have known about the '455 Patent since at least as
8 early as September 2, 2013 when they received a cease and desist letter from
9 RealD identifying the '455 Patent. Since that date, Defendants have continued to
10 offer for sale, sell, and/or import in or into the United States the infringing Volfoni
11 Diamond product. Defendants knew or should have known that their continued
12 sales of the Volfoni Diamond product would induce direct infringement by
13 customers and/or users. Defendants also failed to redesign the Volfoni Diamond
14 product to cease infringement.

15 22. Defendants have been and are indirectly infringing one or more claims
16 of the '455 Patent under 35 U.S.C. § 271(c) by contributing to the direct
17 infringement of one or more claims of the '455 Patent by customers and/or users of
18 the Volfoni Diamond product, which embodies one or more claims of the '455
19 Patent, and has no substantial uses that do not infringe one or more claims of the
20 '455 Patent. Defendants have known about the '455 Patent since at least as early
21 as September 2, 2013 when they received a cease and desist letter from RealD
22 identifying the '455 Patent. Since that date, Defendants have continued to offer for
23 sale, sell, and/or import in or into the United States the infringing Volfoni
24 Diamond product, which Defendants knew or should have known to be especially
25 adapted for use in infringing the '455 Patent and would infringe one or more
26 claims of the '455 Patent if made, used, sold, offered for sale, or imported in or
27 into the United States.

28 23. Defendants' infringement of the '455 Patent has been and is willful.

1 Defendants have known about the '455 Patent since at least as early as September
2 2, 2013 when they received a cease and desist letter from RealD identifying the
3 '455 Patent. Since that date, Defendants have continued to make, use, sell, offer
4 for sale, and/or import in or into the United States the infringing Volfoni Diamond
5 product despite an objectively high likelihood that their actions constituted
6 infringement.

7 24. Defendants' infringement of the '455 Patent has caused damage to
8 RealD, and RealD is entitled to recover from Defendants the damages it has
9 sustained as a result of Defendants' wrongful acts, including lost profits.

10 25. Defendants' infringement of the '455 Patent will continue to damage
11 RealD, causing irreparable harm for which there is no adequate remedy at law,
12 unless enjoined by the Court.

13 **THIRD CLAIM FOR RELIEF**

14 (Infringement of U.S. Patent No. 7,959,296)

15 26. Plaintiff incorporates by reference the allegations set forth in
16 paragraphs 1–25 of this Complaint as though fully set forth herein.

17 27. Defendants have been and are directly infringing one or more claims
18 of the '296 Patent under 35 U.S.C. § 271 by making, using, selling, offering for
19 sale, and/or importing in or into the United States, without authority, products,
20 including at least the Volfoni Diamond product, which embody one or more claims
21 of the '296 Patent.

22 28. Defendants have been and are indirectly infringing one or more claims
23 of the '296 Patent under 35 U.S.C. § 271(b) by actively inducing customers and/or
24 users to use, sell, offer for sale, and/or import in or into the United States, without
25 authority, the Volfoni Diamond product, which embodies one or more claims of
26 the '296 Patent. Defendants have known about the '296 Patent since at least as
27 early as September 2, 2013 when they received a cease and desist letter from
28 RealD identifying the '296 Patent. Since that date, Defendants have continued to

1 offer for sale, sell, and/or import in or into the United States the infringing Volfoni
2 Diamond product. Defendants knew or should have known that their continued
3 sales of the Volfoni Diamond product would induce direct infringement by
4 customers and/or users. Defendants also failed to redesign the Volfoni Diamond
5 product to cease infringement.

6 29. Defendants have been and are indirectly infringing one or more claims
7 of the '296 Patent under 35 U.S.C. § 271(c) by contributing to the direct
8 infringement of one or more claims of the '296 Patent by customers and/or users of
9 the Volfoni Diamond product, which embodies one or more claims of the '296
10 Patent, and has no substantial uses that do not infringe one or more claims of the
11 '296 Patent. Defendants have known about the '296 Patent since at least as early
12 as September 2, 2013 when they received a cease and desist letter from RealD
13 identifying the '296 Patent. Since that date, Defendants have continued to offer for
14 sale, sell, and/or import in or into the United States the infringing Volfoni
15 Diamond product, which Defendants knew or should have known to be especially
16 adapted for use in infringing the '296 Patent and would infringe one or more
17 claims of the '296 Patent if made, used, sold, offered for sale, or imported in or
18 into the United States.

19 30. Defendants' infringement of the '296 Patent has been and is willful.
20 Defendants have known about the '296 Patent since at least as early as September
21 2, 2013 when they received a cease and desist letter from RealD identifying the
22 '296 Patent. Since that date, Defendants have continued to make, use, sell, offer
23 for sale, and/or import in or into the United States the infringing Volfoni Diamond
24 product despite an objectively high likelihood that their actions constituted
25 infringement.

26 31. Defendants' infringement of the '296 Patent has caused damage to
27 RealD, and RealD is entitled to recover from Defendants the damages it has
28 sustained as a result of Defendants' wrongful acts, including lost profits.

1 32. Defendants' infringement of the '296 Patent will continue to damage
2 RealD, causing irreparable harm for which there is no adequate remedy at law,
3 unless enjoined by the Court.

4 **FOURTH CLAIM FOR RELIEF**

5 (Infringement of U.S. Patent No. 7,905,602)

6 33. Plaintiff incorporates by reference the allegations set forth in
7 paragraphs 1–32 of this Complaint as though fully set forth herein.

8 34. Defendants have been and are directly infringing one or more claims
9 of the '602 Patent under 35 U.S.C. § 271 by making, using, selling, offering for
10 sale, and/or importing in or into the United States, without authority, products,
11 including at least the Volfoni Diamond product, which embody one or more claims
12 of the '602 Patent.

13 35. Defendants have been and are indirectly infringing one or more claims
14 of the '602 Patent under 35 U.S.C. § 271(b) by actively inducing customers and/or
15 users to use, sell, offer for sale, and/or import in or into the United States, without
16 authority, the Volfoni Diamond product, which embodies one or more claims of
17 the '602 Patent. Defendants have known about the '602 Patent since at least as
18 early as September 2, 2013 when they received a cease and desist letter from
19 RealD identifying the '602 Patent. Since that date, Defendants have continued to
20 offer for sale, sell, and/or import in or into the United States the infringing Volfoni
21 Diamond product. Defendants knew or should have known that their continued
22 sales of the Volfoni Diamond product would induce direct infringement by
23 customers and/or users. Defendants also failed to redesign the Volfoni Diamond
24 product to cease infringement.

25 36. Defendants have been and are indirectly infringing one or more claims
26 of the '602 Patent under 35 U.S.C. § 271(c) by contributing to the direct
27 infringement of one or more claims of the '602 Patent by customers and/or users of
28 the Volfoni Diamond product, which embodies one or more claims of the '602

1 Patent, and has no substantial uses that do not infringe one or more claims of the
2 '602 Patent. Defendants have known about the '602 Patent since at least as early
3 as September 2, 2013 when they received a cease and desist letter from RealD
4 identifying the '602 Patent. Since that date, Defendants have continued to offer for
5 sale, sell, and/or import in or into the United States the Volfoni Diamond product,
6 which Defendants knew or should have known to be especially adapted for use in
7 infringing the '602 Patent and would infringe one or more claims of the '602
8 Patent if made, used, sold, offered for sale, or imported in or into the United States.

9 37. Defendants' infringement of the '602 Patent has been and is willful.
10 Defendants have known about the '602 Patent since at least as early as September
11 2, 2013 when they received a cease and desist letter from RealD identifying the
12 '602 Patent. Since that date, Defendants have continued to make, use, sell, offer
13 for sale, and/or import in or into the United States the infringing Volfoni Diamond
14 product despite an objectively high likelihood that their actions constituted
15 infringement.

16 38. Defendants' infringement of the '602 Patent has caused damage to
17 RealD, and RealD is entitled to recover from Defendants the damages it has
18 sustained as a result of Defendants' wrongful acts, including lost profits.

19 39. Defendants' infringement of the '602 Patent will continue to damage
20 RealD, causing irreparable harm for which there is no adequate remedy at law,
21 unless enjoined by the Court.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, RealD respectfully requests that the Court enter judgment in
24 its favor and against the Defendants as follows:

25 a. Declaring that Volfoni, Inc. has infringed U.S. Patent Nos. 8,220,934,
26 7,857,455, 7,959,296, and 7,905,602;

27 b. Declaring that Volfoni, SAS has infringed U.S. Patent Nos. 8,220,934,
28 7,857,455, 7,959,296, and 7,905,602;

1 c. Declaring that Volfoni-Rio Asia Company Limited has infringed U.S.
2 Patent Nos. 8,220,934, 7,857,455, 7,959,296, and 7,905,602;

3 d. Declaring that U.S. Patent Nos. 8,220,934, 7,857,455, 7,959,296, and
4 7,905,602 are valid;

5 e. Preliminarily enjoining Defendants and their officers, agents,
6 employees, and their privies, from further infringement, including contributory
7 infringement, of U.S. Patent Nos. 8,220,934, 7,857,455, 7,959,296, and 7,905,602;

8 f. Permanently enjoining Defendants and their officers, agents,
9 employees, and their privies, from further infringement, including contributory
10 infringement, of U.S. Patent Nos. 8,220,934, 7,857,455, 7,959,296, and 7,905,602;

11 g. Awarding a future compulsory royalty in the event that full injunctive
12 relief is not awarded as requested;

13 h. Awarding damages arising out of Defendants' infringement of U.S.
14 Patent Nos. 8,220,934, 7,857,455, 7,959,296, and 7,905,602, including pre-
15 judgment and post-judgment interest;

16 i. Declaring that Defendants' infringement was willful and awarding
17 treble damages and interest to RealD under 35 U.S.C. § 284;

18 j. Declaring this to be an exceptional case under 35 U.S.C. § 285 and
19 awarding to RealD its reasonable attorneys' fees, costs, and expenses incurred in
20 this action; and

21 k. Awarding such other and further relief as the Court deems just and
22 proper.
23
24
25
26
27
28

1 Dated: March 26, 2014

BAKER & MCKENZIE LLP

2
3 By: /s/ D. James Pak

4 D. James Pak, State Bar No. 194331
5 d.james.pak@bakermckenzie.com
6 **BAKER & MCKENZIE LLP**
7 Two Embarcadero Center, 11th Floor
8 San Francisco, California 94111
9 Telephone: (415) 576-3000
10 Facsimile: (415) 576-3099

11 Attorney for Plaintiff
12 REALD INC.
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DEMAND FOR JURY TRIAL

RealD hereby demands a jury trial pursuant to Rule 38 of the Federal Rules of Civil Procedure as to all issues in this lawsuit.

Dated: March 26, 2014

BAKER & MCKENZIE LLP

By: /s/ D. James Pak

D. James Pak, State Bar No. 194331
d.james.pak@bakermckenzie.com
BAKER & MCKENZIE LLP
Two Embarcadero Center, 11th Floor
San Francisco, California 94111
Telephone: (415) 576-3000
Facsimile: (415) 576-3099

Attorney for Plaintiff
REALD INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28