

1 Marc E. Hankin (SBN: 170505)
2 Marc@HankinPatentLaw.com
3 Kevin Schraven (SBN: 259446)
4 Kevin@HankinPatentLaw.com
5 **HANKIN PATENT LAW, APC**
6 12400 Wilshire Boulevard, Suite 1265
7 Los Angeles, CA 90025
8 Tel: (310) 979-3600
9 Fax: (310) 979-3603

6 Richard C. Augustine (SBN: 105363)
7 rcalaw@aol.com
8 2060 N. Tustin Ave.
9 Santa Ana, CA 92705
10 Tel: (714) 542-2444
11 Fax: (714) 541-2811

9 Attorneys for PLAINTIFF,
10 **VINYL VISIONS, LLC.**

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
13 **WESTERN DIVISION - SPRING STREET**

15 VINYL VISIONS, LLC, a Delaware
16 limited liability company,

17 Plaintiff,

18 v.

19 CRAIG A. OEHME, individually, dba
20 E.E. PAULEY PLASTIC
21 EXTRUSION; BENJAMIN OEHME,
22 individually; and, Does 2 through 10,
23 inclusive,

24 Defendants.

FILED
CLERK, U.S. DISTRICT COURT

NOV. 18, 2014

CENTRAL DISTRICT OF CALIFORNIA

BY: _____ YS _____ DEPUTY

CASE No. 5:13-cv-01818 TJH-DTB

Assigned Judge: Hon. Terry J. Hatter, Jr.

**[PROPOSED] SECOND AMENDED
COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL.

24 Plaintiff, VINYL VISIONS, LLC, dba as TrimQuick Company (“Vinyl
25 Visions” or “Plaintiff”), and formerly known as Halle-Hopper, LLC, for its Complaint
26 for Patent Infringement against Defendants CRAIG A. OEHME, an individual dba
27 E.E. PAULEY PLASTIC EXTRUSION, BENJAMIN OEHME, an individual, and
28

1 DOES 2 through 10, alleges as follows:

2 **JURISDICTION AND VENUE**

3 1. This is an action for patent infringement arising under the patent laws of
4 the United States, Title 35, United States Code. As the action concerns a Federal
5 question, this Court has subject matter jurisdiction pursuant to 28 U.S.C., Sections
6 1331 and 1338 (a).

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

13 3. On information and belief, Defendant BENJAMIN OEHME is subject
14 to personal jurisdiction in the Central District of California because he maintains
15 offices and facilities in this District, offers products for sale in this District, has
16 transacted business in the District, has committed acts of patent infringement in this
17 District, and/or has placed infringing products into the stream of commerce with the
18 expectation that such products will be purchased by residents of this District.

19 4. Venue is proper in this District pursuant to 28 U.S.C., Sections 1391 (b)
20 and (c) and 1400 (b).

21 **NATURE OF THE ACTION**

22 5. Plaintiff VINYL VISIONS brings this Complaint pursuant to Patent
23 Laws, 35 U.S.C. Sections 1331 and 1338 (a), and seeks damages and injunctive relief
24 under 35 U.S.C. Sections 271, 281, 283-285 against Defendants for the infringement
25 of United States Patent No. 7,785,684 B2 (the '684 Patent), entitled "WINDOW
26 TRIM APPARATUS," issued August 31, 2010, and No. 8,530,037 B2 (the '037
27 Patent), entitled "WINDOW TRIM APPARATUS AND METHODS FOR MAKING
28

1 AND USING SAME,” issued September 10, 2013. A copy of the ‘684 Patent is
2 attached hereto as Exhibit A. A copy of the ‘037 Patent is attached hereto as Exhibit
3 B.

4 **PARTIES**

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

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

12 8. On information and belief, Defendant BENJAMIN OEHME, an
13 individual, is located in Apple Valley, County of San Bernardino, California.

14 9. Plaintiff is currently without knowledge of the true legal names or
15 capacities of Defendants sued herein as Does 2 through 10, inclusive, and therefore
16 sues said Defendants by said fictitious names. Plaintiff will seek leave of this Court
17 to amend this Complaint to reflect the true legal names when ascertained. Plaintiff is
18 informed and believes, and thereon alleges, that each of the fictitiously named
19 Defendants were responsible in some manner for the acts of infringement herein
20 alleged, and that Plaintiff’s damages alleged were proximately caused by such
21 Defendants.

22 10. At all relevant times, Defendants, and each of them, were the agents,
23 servants and representatives each of the other, and were acting in the course and scope
24 of such capacity and employment. Further, Defendants acted with the approval,
25 knowledge, direction, participation, acquiescence, and ratification of the acts by each
26 of the remaining co-defendants.

27 **FACTS COMMON TO ALL CLAIMS FOR RELIEF**

28

1 11. Plaintiff has obtained the duly and properly issued ‘684 and ‘037 patents,
2 which claim a unique window trim apparatus (sold under the registered trademark
3 “Deep Score”) having blade cut, scored grooves structured to provide window trim
4 that can be easily reduced in width to fit a given window without requiring the installer
5 to use cutting tools. Certain of the patent claims are drawn to a trim apparatus
6 containing a plurality of pre-cut, blade-scored parallel grooves having progressively
7 shallower depths as a function of their distance from the edge of the trim apparatus.

8 12. On information and belief, Defendant CRAIG A. OEHME is, and has
9 for a time unknown, been engaged in the manufacturing, using, selling, offering for
10 sale, and/or importing within the United States, including this judicial district,
11 window trim having pre-cut, blade-scored grooves, including window trim having a
12 plurality of pre-cut, blade-scored parallel grooves with progressively shallower depths
13 as a function of their distance from the edge of the trim apparatus. For example,
14 Defendant’s on-line “Products” description (www.pauleyplastic.com) lists vinyl
15 window trim with pre-scoring that infringes one or more claims of the ‘684 and/or
16 ‘037 patents. A copy of the flyer is attached as Exhibit C.

17 13. On information and belief, Defendant BENJAMIN OEHME is
18 substantially in control of the fictitious business entity, E. E. PAULEY PLASTIC
19 EXTRUSION.

20 14. On information and belief, Defendant BENJAMIN OEHME is, and has
21 for a time unknown, been engaged in the manufacturing, using, selling, offering for
22 sale, and/or importing within the United States, including this judicial district,
23 window trim having pre-cut, blade-scored grooves, including window trim having a
24 plurality of pre-cut, blade-scored parallel grooves with progressively shallower depths
25 as a function of their distance from the edge of the trim apparatus. For example,
26 Defendant’s on-line “Products” description (www.pauleyplastic.com) lists vinyl
27 window trim with pre-scoring that infringes one or more claims of the ‘684 and/or
28

1 '037 patents. A copy of the flyer is attached as Exhibit C.

2 15. Plaintiff has complied with its patent marking obligations pursuant to 35
3 U.S.C. Section 287.

4 16. Plaintiff is the sole assignee of all rights, title, and interest in the U.S.
5 Patent No. 7,785,684 B2 ('684 patent) and U.S. Patent No. 8,530,037 B2 ('037
6 patent), and collectively, (the Vinyl Visions Patents).

7 17. On information and belief, Defendants are currently, and for a presently
8 unknown period of time have been, infringing on at least one claim of the '684 and/or
9 '037 patent by making, using, selling, offering to sell, and/or importing infringing
10 product in the United States.

11 18. In a series of letters, Plaintiff noticed and instructed the Defendant to
12 "immediately cease and desist" any further use of the patented product. Plaintiff also
13 informed this Defendant that it "intended to enforce its rights" if he continued the use
14 of the technology in question. Defendant responded with a belief that no patent
15 infringement has occurred and a refusal to stop the use of what he claimed is disputed
16 technology.

17 19. Defendants have profited through infringement of the Vinyl Vision
18 Patents. As a result of Defendants' unlawful infringement, Plaintiff is entitled to
19 recover past, present and future damages from Defendants.

20 20. On information and belief, Defendants intend to continue their infringing
21 activity, and Plaintiff has suffered, and will continue to suffer irreparable harm as a
22 result of such infringing activity for which there is no adequate remedy at law - unless
23 Defendants are enjoined by this Court.

24 **FIRST CLAIM FOR RELIEF**

25 (Infringement of U.S. Patent No. 7,785,684 B2)

26 21. Plaintiff incorporates by reference paragraphs 1 through 20.

27 22. Defendants are, and have been, directly infringing the '684 patent by,
28

1 thickness of the trim strip, where the depths of the grooves are different and become
2 progressively shallower as a function of their distance from an edge of the trim strip,
3 and wherein the polymeric window trim apparatus is structured to be reduced by
4 tearing the window trim along at least one longitudinally extending groove without
5 using a blade.

6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff prays for judgment to be entered in its favor and
8 against Defendants, and each of them, as follows:

- 9 A. For a judgment declaring that Defendants have infringed one or both of
10 the '684 and/or the '037 patents;
- 11 B. For a judgment awarding Plaintiff compensatory damages as a result of
12 Defendants' infringement of the Vinyl Visions Patents, together with
13 interest and costs, and in no event less than a reasonable royalty;
- 14 C. For a judgment awarding Plaintiff its expenses, costs, and attorney fees
15 in accordance with 35 U.S.C. Sections 284, 285, and Rule 54 (d) of the
16 Federal Rules of Civil Procedure;
- 17 D. For a grant of a permanent injunction pursuant to 35 U.S.C. Section 283,
18 enjoining the Defendants from further acts of infringement; and
- 19 F. For such other and further relief in equity and the law as this Court may
20 deem just and proper.

21
22 Respectfully Submitted,

HANKIN PATENT LAW, APC

23
24 Date: November 3, 2014

By: /Marc E. Hankin/

25 _____
26 Marc E. Hankin (SBN# 170505)
27 Attorney for PLAINTIFF,
28 **VINYL VISIONS, LLC**

JURY TRIAL DEMANDED

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

Pursuant to Federal Rule of Civil Procedure 38(b) and Local Rule 3-6(a),
Plaintiff hereby demands a Trial by Jury as to all issues so triable.

Respectfully Submitted,
HANKIN PATENT LAW, APC

Date: November 3, 2014

By: /Marc E. Hankin/

Marc E. Hankin (SBN# 170505)
Attorney for PLAINTIFF,
VINYL VISIONS, LLC