

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

DDC TECHNOLOGY, LLC,

Plaintiff,

v.

**DPI, INC. (aka DIGITAL PRODUCTS
INTERNATIONAL, INC.),**

Defendant.

Case No.: 4:21-cv-00402

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff DDC Technology, LLC complains of Defendant DPI, Inc. (also known as Digital Products International, Inc.) as follows:

NATURE OF LAWSUIT

1. This is a claim for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

THE PARTIES

2. DDC Technology, LLC (“DDC”) is a limited liability company formed and existing under the laws of the State of Delaware.

3. DDC is the named assignee of, owns all right, title and interest in, and has standing to sue for infringement of United States Patent No. 9,420,075, entitled “Virtual Reality Viewer and Input Mechanism,” which issued on August 16, 2016 (“the ‘075 Patent”) (a true and correct copy is attached as Exhibit A); United States Patent No. 9,723,117, entitled “Virtual Reality Viewer and Input Mechanism,” which issued on August 1, 2017 (“the ‘117 Patent”) (a true and correct copy is attached as Exhibit B); United States Patent No. 9,811,184, entitled “Virtual Reality Viewer and Input Mechanism,” which issued on November 7, 2017 (“the ‘184 Patent”) (a true and

correct copy is attached as Exhibit C); and United States Patent No. 10,528,199, entitled “Virtual Reality Viewer and Input Mechanism,” which issued on January 7, 2020 (“the ‘199 Patent”) (a true and correct copy is attached as Exhibit D) (collectively, the “Asserted Patents”).

4. The Asserted Patents were invented by Mr. Patrick Buckley and originally assigned to DODOcase, Inc. (“DODOcase”). DODOcase was founded by Patrick Buckley and Craig Dalton in 2010 in the basement of Patrick Buckley’s home. They started the company with the mission of making mobile device accessories that were built by local craftsman.

5. For seven years they manufactured and sold mobile device accessories made in the United States of America. Most of their products were built in a factory they built themselves in San Francisco. DODOcase sold millions of products and was recognized globally as a premium brand for mobile accessories.

6. In 2014, DODOcase anticipated a growing mobile device accessories market, particularly for affordable virtual reality accessories that worked with smartphones. Patrick Buckley, an MIT trained mechanical engineer and inventor of multiple patents, recognized some breakthrough improvements that could be made to then-existing smartphone virtual reality accessories and filed for patent protection for an innovative way to make a low-cost virtual reality input system for touchscreen devices. DODOcase launched four virtual reality smartphone accessories in 2014 and sold over one-million smartphone virtual reality viewers.

7. In 2016, DODOcase was forced to abandon the sale and production of products that used its own patented technology because of severe price pressures resulting from infringers importing competitive products made outside of the United States.

8. On or about October 16, 2018, the Asserted Patents were assigned to DDC. As part of that assignment, DODOcase retained a financial interest in the Asserted Patents.

9. Based upon public information, Defendant DPI, Inc. (also known as Digital Products International, Inc.) (“DPI”) is a Missouri corporation with its principal place of business at 900 North 23rd Street, St. Louis, Missouri, 63106. DPI markets and sells virtual reality headsets under the brand name, “iLive.”

10. DPI makes or has made, imports, offers to sell and/or sells the Accused Products subject to this patent infringement action as set forth in more detail below.

JURISDICTION AND VENUE

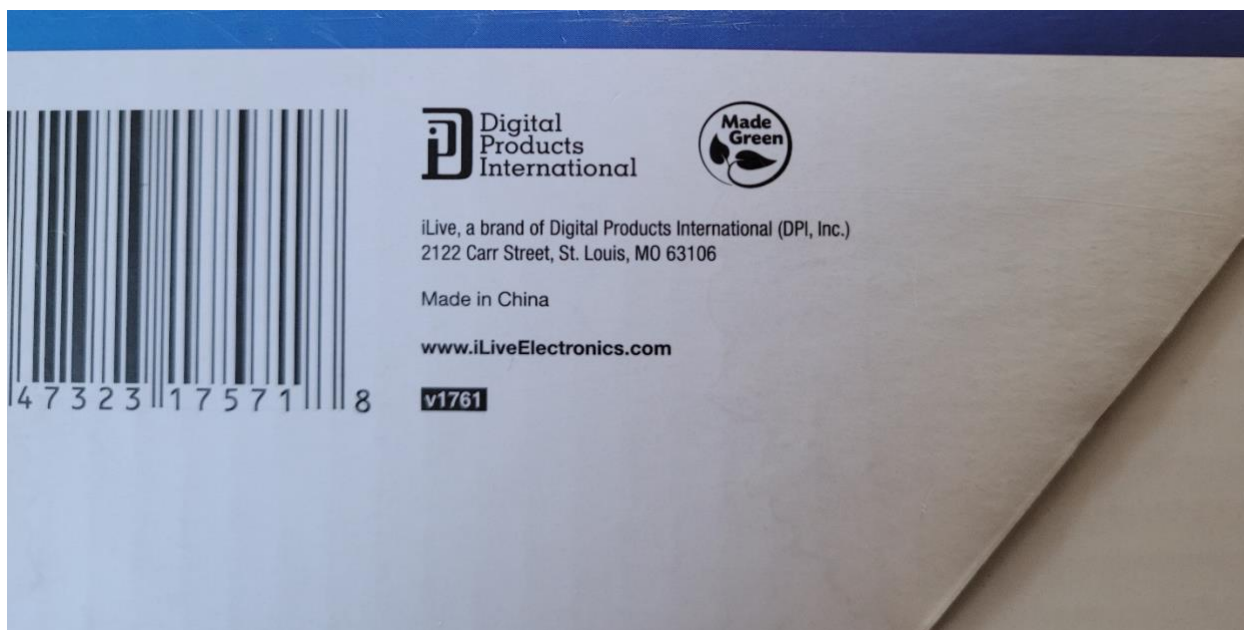
11. This Court has exclusive jurisdiction over the subject matter of the Complaint under 28 U.S.C. §§ 1331 and 1338(a).

12. Personal jurisdiction is proper in this Court. DPI is an entity formed and existing under the laws of the State of Missouri and maintains its principal place of business in Missouri. Further, DPI has minimum contacts with the State of Missouri, and has purposefully availed itself of the privileges of conducting business in the State of Missouri, including through the sale and offer for sale of the Accused Products throughout the State of Missouri and this Judicial District.

13. Venue in this judicial district is proper under 28 U.S.C. § 1400(b) because DPI resides in this Judicial District because it is an entity formed and existing under the laws of the State of Missouri.

THE ACCUSED PRODUCTS

14. DPI infringed, and continues to infringe, the Asserted Patents by having made, selling, offering to sell, and/or importing DPI’s iLive Virtual Reality Headsets that include an “action button” or other “magnetic trigger control” including, but not necessarily limited to, the iLive 3D Virtual Reality Headset and the iLive Virtual Reality Goggles Headset (collectively referred to herein as the “Accused Products”).



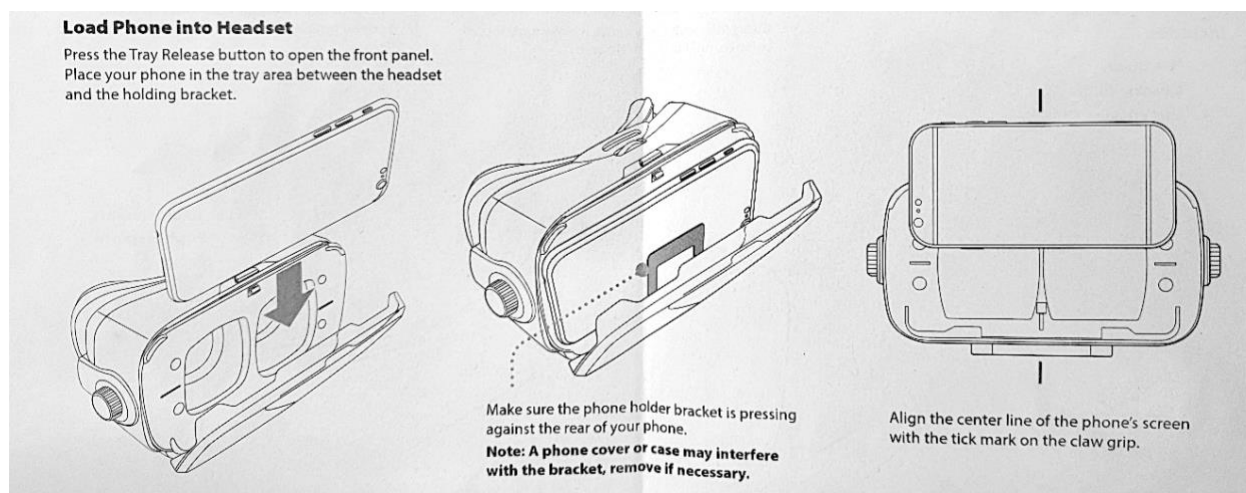
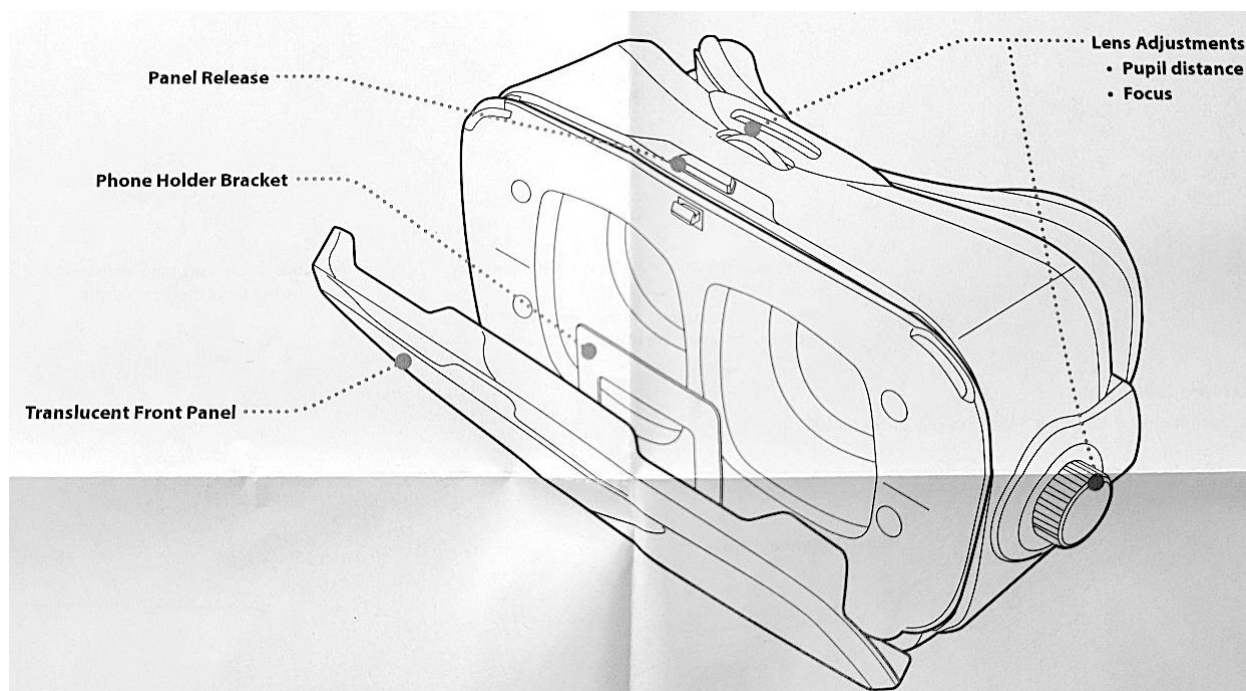
15. The Accused Products are virtual reality viewers designed to operate with a mobile electronic device having a touchscreen (*e.g.*, “smartphone”).



16. The Accused Products include two lenses for viewing the mobile electronic device.



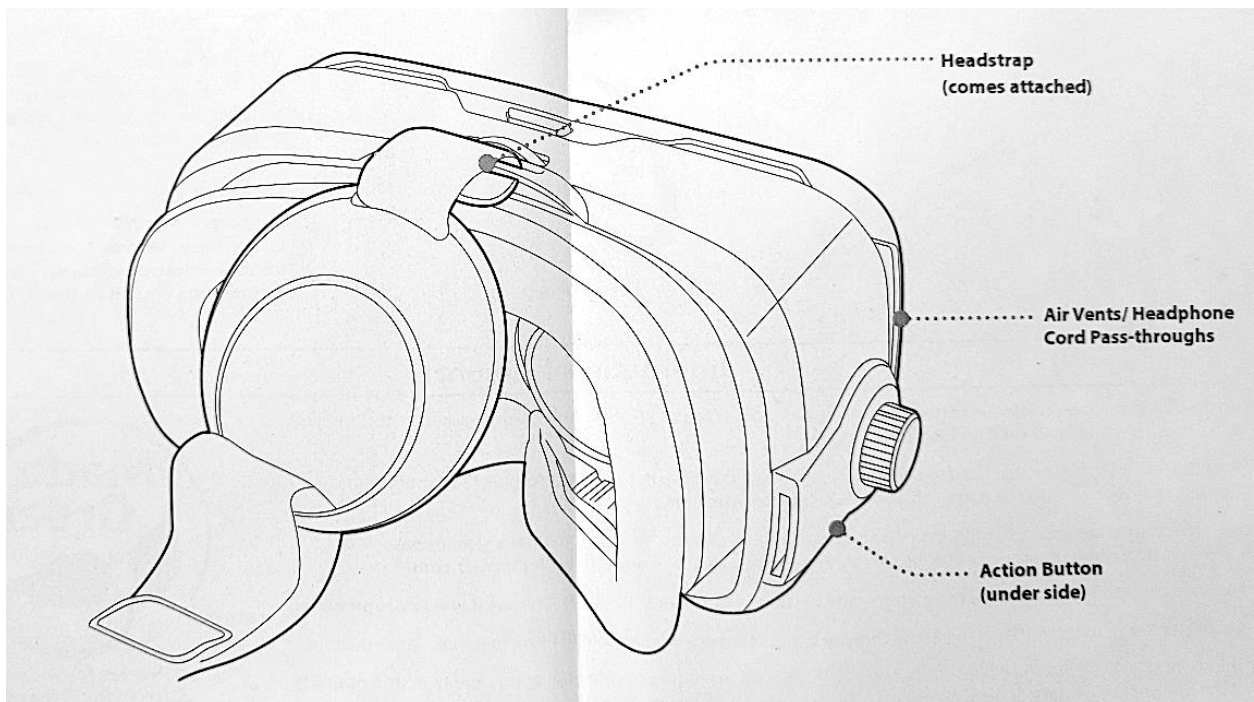
17. The Accused Products comprise a housing configured to receive and hold the mobile electronic device such that the touchscreen is generally centered in a horizontal direction directly in a user's field of view.



18. The Accused Products further include an input mechanism that is accessible on the exterior of the Accused Products.



19. DPI calls this input mechanism an “action button” on the iLive website, in the user manuals, and on the packaging for the Accused Products.



20. The “action button” of the Accused Products, when in a second (or extended) position, contacts the touchscreen of the mobile electronic device within the virtual reality viewer housing.



21. The “action button” of the Accused Products comprises a capacitive material to activate the touchscreen of a mobile electronic device.

22. The Accused Products subject to this Complaint necessarily include all substantively similar products (including other virtual reality viewers that comprise an “action button” for use with a touchscreen of a mobile electronic device) and any predecessor and/or successor versions of the foregoing.

23. After adequate discovery, DDC may seek leave to amend this Complaint to include additional details of infringement, if any, by other products hereafter discovered to infringe the Asserted Patents.

COUNT I: INFRINGEMENT OF UNITED STATES PATENT NO. 9,420,075

24. DDC realleges and incorporates by reference paragraphs 1 through 23, inclusive, as though fully set forth herein.

25. DPI's actions (*e.g.*, the sales, offers of sale, importation, and having products manufactured) with respect to the Accused Products have directly infringed, and continue to directly infringe, at least independent claims 1 and 18 of the '075 Patent.

CLAIM 1

26. DPI's Accused Products are virtual reality viewers for use with a mobile electronic device having a touchscreen.

27. The Accused Products comprise a housing configured to receive the mobile electronic device.

28. Said housing is configured to hold the mobile electronic device such that the touchscreen is generally centered in a horizontal direction and directly in a user's field of view when looking into a generally hollow interior of the housing through a side opposite the touchscreen.

29. The Accused Products include an input mechanism that is accessible from an exterior of the housing and is moveable within the interior between at least a first position and an extended position.

30. Said input mechanism comprises an electrical shield having a surface, wherein only a portion of the surface of the electrical shield is configured to contact a central region of the touchscreen of the mobile electronic device when the input mechanism is in the extended position.

31. Further, the actions of Defendant (*e.g.*, the sales, offers of sale, importation, and having products manufactured) with respect to the Accused Products likely infringe dependent claims 2-9 and 17 of the '075 Patent.

CLAIM 18

32. DPI's Accused Products are virtual reality viewers for use with a mobile electronic device having a capacitive touchscreen.

33. The Accused Products comprise a housing configured to receive the mobile electronic device and substantially enclose the touchscreen within a generally hollow interior of the housing, wherein the housing holds the touchscreen in a position that is generally centered in a horizontal direction and directly in a user's field of view when viewing the touchscreen through a back wall of the housing, wherein the back-wall is opposite the touchscreen and includes a left and a right lens for viewing a left region and a right region of the interior and the touchscreen.

34. The Accused Products include an input device including, a first portion that is accessible from an exterior of the housing, and an elongate[d] second portion disposed within the interior of the housing between the left and right regions wherein the second portion is generally oriented in a vertical direction that is perpendicular to the horizontal direction.

35. Said input device comprises an electric shield, wherein a first surface of the electric shield is disposed on the first portion and is electrically coupled to a second surface of the electric shield, wherein the second surface is disposed on the second portion within the interior and is generally centered in the horizontal direction between the left and right regions, and wherein only the second surface of the electric shield is configured to contact a central portion of the touchscreen of the mobile electronic device and selectively transfer a capacitive touch input to the touchscreen in response to a user interaction with the first portion of the input mechanism.

36. DDC notified DPI of the '075 Patent and these claims of infringement on March 3, 2021 pursuant to email correspondence from DDC to DPI via its President and CEO, for which an email read receipt was received. DPI did not respond.

37. To the extent required by law, DDC has complied with, and requires each licensee to comply with, the provisions of 35 U.S.C. § 287.

38. DPI's direct infringement as described above has injured and will continue to injure DDC as long as such infringement continues.

39. DDC is entitled to recover damages adequate to compensate it for such infringement but in no event less than a reasonable royalty for DPI's infringement of the Asserted Patents, together with interest and costs.

COUNT II: INFRINGEMENT OF UNITED STATES PATENT NO. 9,723,117

40. DDC realleges and incorporates by reference paragraphs 1 through 23, inclusive, as though fully set forth herein.

41. DPI's actions (*e.g.*, the sales, offers of sale, importation, and having products manufactured) with respect to the Accused Products have directly infringed, and continue to directly infringe, at least independent claim 12 of the '117 Patent.

CLAIM 12

42. DPI's Accused Products are virtual reality viewers for use with a mobile electronic device having a touchscreen.

43. The Accused Products comprise a first lens and a second lens, wherein the first lens is facing the same direction as the second lens, and wherein the first lens and the second lens are spaced apart in a horizontal direction.

44. The Accused Products comprise a housing having a back side configured to be held against or in proximity to a user's face and a front side configured to receive the mobile electronic

device, the front side of the housing opposite the back side of the housing such that the touchscreen is viewable from the back side of the housing and through the first lens and the second lens.

45. The Accused Products include a user input that is accessible from an exterior of the housing and has a first position and a second position.

46. The Accused Products include a touchscreen input conductively coupled to the user input and generally centered between the first lens and the second lens in the horizontal direction, wherein, upon receipt of the mobile electronic device, the touchscreen input is in physical contact with the touchscreen when the user input is in the second position.

47. Further, the actions of Defendant (*e.g.*, the sales, offers of sale, importation, and having products manufactured) with respect to the Accused Products likely infringe dependent claims 13-15, 18, and 20 of the '117 Patent.

48. DDC notified DPI of the '117 Patent and these claims of infringement on March 3, 2021 pursuant to email correspondence from DDC to DPI via its President and CEO, for which an email read receipt was received. DPI did not respond.

49. To the extent required by law, DDC has complied with, and requires each licensee to comply with, the provisions of 35 U.S.C. § 287.

50. DPI's direct infringement as described above has injured and will continue to injure DDC as long as such infringement continues.

51. DDC is entitled to recover damages adequate to compensate it for such infringement but in no event less than a reasonable royalty for DPI's infringement of the Asserted Patents, together with interest and costs.

COUNT III: INFRINGEMENT OF UNITED STATES PATENT NO. 9,811,184

52. DDC realleges and incorporates by reference paragraphs 1 through 23, inclusive, as though fully set forth herein.

53. DPI's actions (*e.g.*, the sales, offers of sale, importation, and having products manufactured) with respect to the Accused Products have directly infringed, and continue to directly infringe, at least independent claim 12 of the '184 Patent.

CLAIM 12

54. DPI's Accused Products are virtual reality viewers for use with a mobile electronic device having a touchscreen.

55. The Accused Products comprise a first lens and a second lens, wherein the first lens is facing the same direction as the second lens and wherein the first lens and the second lens are spaced apart in a horizontal direction.

56. The Accused Products comprise an enclosure having a first side and a second side opposite the first side, the first side configured to hold the first lens and the second lens, the second side configured to receive the mobile electronic device.

57. The Accused Products include a user input that is accessible from an exterior of the enclosure and has a first position and a second position.

58. The Accused Products include a touchscreen input conductively coupled to the user input and generally centered between the first lens and the second lens in the horizontal direction, wherein, upon receipt of the mobile electronic device, the touchscreen input is in physical contact with the touchscreen when the user input is in the second position.

59. Further, the actions of Defendant (*e.g.*, the sales, offers of sale, importation, and having products manufactured) with respect to the Accused Products likely infringe dependent claims 15-18 and 20 of the '184 Patent.

60. DDC notified DPI of the '184 Patent and these claims of infringement on March 3, 2021 pursuant to email correspondence from DDC to DPI via its President and CEO, for which an email read receipt was received. DPI did not respond

61. To the extent required by law, DDC has complied with, and requires each licensee to comply with, the provisions of 35 U.S.C. § 287.

62. DPI's direct infringement as described above has injured and will continue to injure DDC as long as such infringement continues.

63. DDC is entitled to recover damages adequate to compensate it for such infringement but in no event less than a reasonable royalty for DPI's infringement of the Asserted Patents, together with interest and costs.

COUNT IV: INFRINGEMENT OF UNITED STATES PATENT NO. 10,528,199

64. DDC realleges and incorporates by reference paragraphs 1 through 23, inclusive, as though fully set forth herein.

65. DPI's actions (*e.g.*, the sales, offers of sale, importation, and having products manufactured) with respect to the Accused Products have directly infringed, and continue to directly infringe, at least independent claims 1 and 30 of the '199 Patent.

CLAIM 1

66. DPI's Accused Products are virtual reality viewers for use with a mobile electronic device having a touchscreen.

67. The Accused Products comprise a first lens and a second lens, wherein the first lens is facing the same direction as the second lens, and wherein the first lens and the second lens are spaced apart in a horizontal direction.

68. The Accused Products comprise a frame having a first side and a second side opposite the first side, the first side configured to hold the first lens and the second lens, the second side configured to receive the mobile electronic device, wherein the frame is configured to hold the mobile electronic device such that the mobile electronic device is generally centered in a

horizontal direction and directly in a user's field of view when looking through the first side of the frame.

69. The Accused Products include a touchscreen input constructed of material and having a surface such that only a portion of the surface of the touchscreen input is configured to contact a central region of the touchscreen of the mobile electronic device when the touchscreen input is activated.

70. Further, the actions of Defendant (*e.g.*, the sales, offers of sale, importation, and having products manufactured) with respect to the Accused Products likely infringe dependent claims 2, 4-6, and 16-27 of the '199 Patent.

CLAIM 30

71. DPI's Accused Products are virtual reality viewers for use with a mobile electronic device having a touchscreen.

72. The Accused Products comprise a first lens and a second lens, wherein the first lens is facing the same direction as the second lens, and wherein the first lens and the second lens are spaced apart in a horizontal direction.

73. The Accused Products comprise a frame having a first side and a second side opposite the first side, the first side configured to hold the first lens and the second lens, the second side configured to receive the mobile electronic device, wherein the frame is configured to hold the mobile electronic device such that the mobile electronic device is generally centered in a horizontal direction and directly in a user's field of view when looking through the first side of the frame.

74. The Accused Products include a user input that is accessible from an exterior of the enclosure and has a first position and a second position.

75. The Accused Products include a touchscreen input that is coupled to the user input and generally centered between the first lens and the second lens in the horizontal direction, wherein the touchscreen has a surface such that only a portion of the surface of the touchscreen input is configured to contact a central region of the touchscreen when the user input is in the second position.

76. Further, the actions of Defendant (*e.g.*, the sales, offers of sale, importation, and having products manufactured) with respect to the Accused Products likely infringe dependent claims 33-35 and 37-40 of the '199 Patent.

77. DDC notified DPI of the '199 Patent and these claims of infringement on March 3, 2021 pursuant to email correspondence from DDC to DPI via its President and CEO, for which an email read receipt was received. DPI did not respond.

78. To the extent required by law, DDC has complied with, and requires each licensee to comply with, the provisions of 35 U.S.C. § 287.

79. DPI's direct infringement as described above has injured and will continue to injure DDC as long as such infringement continues.

80. DDC is entitled to recover damages adequate to compensate it for such infringement but in no event less than a reasonable royalty for DPI's infringement of the Asserted Patents, together with interest and costs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff DDC Technology, LLC respectfully requests this Court to enter judgment against Defendant DPI, Inc. (also known as Digital Products International, Inc.) and against each of its subsidiaries, predecessors, successors, parents, affiliates, officers, directors, agents, servants, employees, and all persons in active concert or participation with it – granting the following relief:

A. The entry of judgment in favor of DDC and against DPI that the Asserted Patents are valid, enforceable and infringed by DPI;

B. An award of damages against DPI adequate to compensate DDC for the infringement that has occurred, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284, together with prejudgment interest from the date the infringement began;

C. A finding that this case is exceptional based at least on DPI's willful infringement of the Asserted Patents and an award to DDC of its reasonable attorneys' fees and costs as provided by 35 U.S.C. § 285; and

D. An accounting of all costs associated with the filing and maintenance of this action incurred by DDC; and

E. Such other relief to which DDC is entitled under the law and any other and further relief that this Court or a jury may deem just and proper.

JURY DEMAND

Plaintiff DDC Technology, LLC demands a trial by jury on all issues so triable.

Dated: April 6, 2021

Respectfully submitted,

/s/ Timothy J. Haller

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