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9 **UNITED STATES DISTRICT COURT**  
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
11 **WESTERN DIVISION**

12 VIRTUAL IMMERSION  
13 TECHNOLOGIES LLC,

14 Plaintiff,

15 v.

16 FLUOR CORPORATION,

17 Defendant.

Case No.: 2:22-cv-4516

**COMPLAINT FOR PATENT  
INFRINGEMENT**

1 Plaintiff Virtual Immersion Technologies LLC (“VIT” or “Plaintiff”), for its  
2 Complaint against Defendant Fluor Corporation (“Fluor” or “Defendant”), alleges  
3 the following:

4 **NATURE OF THE ACTION**

5 1. This is an action for patent infringement arising under the patent laws  
6 of the United States, 35 U.S.C. § 1 *et seq.*

7 **THE PARTIES**

8 2. Plaintiff VIT is a limited liability company organized under the laws  
9 of the state of Texas.

10 3. Upon information and belief, Fluor is a corporation organized and  
11 existing under the laws of the state of Delaware, with a principal place of business  
12 located at 6700 Las Colinas Boulevard, Irving, Texas, 75039. Upon information  
13 and belief, Fluor sells and offers to sell products and services throughout the  
14 United States, including in this District, and introduces products and services into  
15 the stream of commerce that incorporate infringing technology knowing that they  
16 would be sold in this District and elsewhere in the United States.

17 **JURISDICTION AND VENUE**

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

20 5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331  
21 and 1338(a).

22 6. Venue is proper in this judicial district pursuant to 28 U.S.C.  
23 §1400(b). On information and belief, Fluor has committed acts of infringement in  
24 this District and maintains an established place of business in the state of  
25 California and in this District, specifically including the Fluor offices at 1) 1500  
26 Hughes Way Pod B, Long Beach, California, 90810 and 2) 3 Polaris Way, Aliso  
27 Viejo, California, 92698.

1           7.     Upon information and belief, the Defendant is subject to this Court’s  
2 general and specific personal jurisdiction due at least to their substantial business  
3 in California and in this District, directly or through intermediaries, including: (i)  
4 at least a portion of the infringements alleged herein; and (ii) regularly doing or  
5 soliciting business, engaging in other persistent courses of conduct and/or deriving  
6 substantial revenue from goods and services provided to individuals and entities in  
7 the State of California.

8     **BACKGROUND AND PATENT ELIGIBILITY OF THE PATENT IN SUIT**

9           8.     A true and correct copy of U.S. Patent No. 6,409,599 (“the ’599  
10 patent” or the “patent in suit”) is attached as Exhibit A. The ’599 patent includes 9  
11 claims (’599 patent, Ex. A at 16:6-20:12)<sup>1</sup>, including claim 9 (*id.* at 18:61-20:12).

12           9.     The ’599 patent relates to systems and methods in which participants  
13 interact with a computerized environment in addition to live and/or pre-recorded  
14 performers. (*See* Ex. A at 1:20-23.) The ’599 patent describes and enables  
15 immersive interactive virtual reality computer systems and methods in which  
16 participants interact with a virtual reality environment and live performers using a  
17 variety of immersion and input devices.” (*Id.* at 1:23-26.)

18           10.    The claims of the ’599 patent are directed to tangible embodiments.  
19 Claim 9, for example, is a method claim, which requires providing several  
20 input/output devices in electronic communication with an immersive virtual reality  
21 environment. (*Id.* at 18:61-20:12.)

22           11.    The claims of the ’599 patent are directed to providing a unique  
23 computing solution that addresses a problem particular to computerized virtual  
24 reality systems—providing an immersive interactive virtual reality system in which  
25 there exists three-way communication among and between participants, live  
26 performers and the virtual reality environment. (*Id.* at 3:24-27.)

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27 <sup>1</sup> Citations to patents in this Complaint refer to columns and lines within columns of any cited  
28 patent. For example, the citation referenced by this footnote refers to column 16, at line 6  
through column 20, line 12, in the ’599 patent.

1           12. Providing an immersive interactive virtual reality system with three-  
2 way communication in the manner claimed in the '599 patent solved new  
3 challenges over the techniques and systems known in the art at the time. Thus, the  
4 claims of the '599 patent contain inventive concepts, being both novel and  
5 unconventional, which are sufficient to render the '599 patent claims to be patent-  
6 eligible.

7           13. Prior to the priority date of the '599 patent, in systems such as  
8 traditional virtual reality systems, figures or objects not controlled by participants  
9 moved autonomously or, if a participant had an opportunity to interact with such  
10 objects in the virtual reality environment, the objects were limited to computer  
11 generated images and not live performers. (*Id.* at 1:57-67.)

12           14. Groups of participants have been entertained by graphically enhanced  
13 performers on stage or television. However, these instances occurred through non-  
14 immersion mediums without the enhancements of immersion-type devices or  
15 methods. (*Id.* at 2:5-9.)

16           15. Early entertainment systems, which allowed participants to interact  
17 with a host and an environment using some input device, did not operate within an  
18 immersive virtual reality environment and therefore lacked its immersive effects  
19 and their impact on participants. (*Id.* at 2:40-47.)

20           16. The '599 patent overcame these disadvantages by, for example,  
21 describing and enabling a system and method for delivering information “which  
22 provides three-way immersive interactive communication amongst and between”  
23 participants, an immersive environment, and live performers. (*Id.* at 2:55-57.)

24           17. The inventors of the claimed invention in the '599 patent changed the  
25 focus from an interaction between individual participants and computer-generated  
26 graphical objects within a virtual reality environment to a three-way  
27 communication amongst and between participants, live or pre-recorded performers,  
28 and an immersive virtual reality environment. (*Id.* at 3:11-17.) The inclusion of

1 three-way communication results in a synergistic effect, which creates an  
2 unparalleled experience. (*Id.* at 3:18-22.)

3 18. Furthermore, the claimed invention of the '599 patent represents an  
4 intrinsic improvement to the underlying computer technology involved. The  
5 disclosed system includes a variety of audio and video components. (*See, e.g.*,  
6 claim 9 of the '599 patent.) The variety of audio and video components enable  
7 innovative mixing and switching techniques which allows the system to present to  
8 each of the participants a virtual reality environment in which a live representation  
9 of the performers is superimposed within the environment. (*Id.* at 4:5-9.) The  
10 participants are able to view and interact with a novel display of both graphical  
11 data and live representations for an exciting experience. (*Id.* at 4:9-12.)

12 19. The inventors of the '599 patent took considerable personal risks to  
13 nurture and prove out the technology systems described in the '599 patent,  
14 contributing substantially to today's virtual reality industry explosion.

15 20. The inventors of the '599 patent have utilized the technology  
16 described by the '599 patent for more than ten years, shipping virtual reality  
17 systems to five continents and entertaining or educating an estimated 30 million  
18 people worldwide with their immersive virtual reality live theater attractions and  
19 promotions.

20 21. The virtual reality theater technology created by the inventors has  
21 been recognized and awarded on an international scale, the products winning "Best  
22 New Product" and "Best of Show" at the International Association of Amusement  
23 Parks and Attractions global convention in Atlanta in November 2000, and again  
24 for 'Best of Show' in 2002 in Orlando, as well as national awards for graphics and  
25 creativity in the Print Media industry. The products and concepts have garnered  
26 dozens of feature articles in news media promoting clients and their products in a  
27 variety of industries.

28

1           22. The inventors of the '599 patent continue to have a direct interest in  
2 activities related to the '599 patent, working closely with VIT to identify and  
3 evaluate entities making use of the technology claimed by the '599 patent without  
4 permission or license thereto.

5           23. The inventions of the '599 patent resolve technical problems related to  
6 virtualized interactive technology. For example, the inventions allow parties to  
7 interact in a virtual environment in real time with one or more live performers and  
8 participants, which, on information and belief, is exclusively implemented using  
9 computer technology.

10           24. The claims of the '599 patent do not merely recite the performance of  
11 some method known from the pre-Internet world along with the requirement to  
12 perform it on the Internet. Instead, the claims of the '599 patent recite inventive  
13 concepts that are rooted in computerized virtual reality technology and overcome  
14 problems specifically arising in the realm of computerized virtual reality  
15 technologies.

16           25. The claims of the '599 patent recite an invention that is not merely the  
17 routine or conventional use of computerized communication technology. Instead,  
18 the invention makes it possible to interact with one or more live performers and/or  
19 participants in a virtualized environment, which does not require the physical  
20 presence of either the one or more performers, or participants in order for such  
21 interactions to take place. The '599 patent claims thus specify how communication  
22 input, output, and system devices are manipulated to yield a virtual, interactive  
23 experience controlled in part by one or more participants.

24           26. The technology claimed in the '599 patent does not preempt all ways  
25 of using interactive communications technology, nor preempt the use of any well-  
26 known communications technology, nor preempt any other well-known or prior art  
27 technology.

28

1 27. The '599 patent claims are not directed to any “method of organizing  
2 human activity,” “fundamental economic practice long prevalent in our system of  
3 commerce,” nor are any of the claims “a building block of the modern economy.”

4 28. The '599 patent does not take a well-known or established business  
5 method or process and apply it to a general-purpose computer. Instead, the  
6 specific systems and processes described in the '599 patent have no direct  
7 corollary to a process that predates the advent of the Internet.

8 29. The '599 patent claims are directed toward a solution rooted in  
9 computer technology and uses technology, unique to computers and networks, to  
10 overcome a problem specifically arising in the realm of computerized virtual  
11 reality technologies.

12 30. The '599 patent claims are not directed at a mere mathematical  
13 relationship or formula.

14 31. The '599 patent claims cannot be performed by a human, in the  
15 human mind, or by pen and paper.

16 32. Accordingly, claim 9 of the '599 patent recites a combination of  
17 elements sufficient to ensure that the claim in practice amounts to significantly  
18 more than a patent on an ineligible concept.

19 **VIT'S PATENT LITIGATION HISTORY**

20 33. The '599 patent has been subject to prior litigation through VIT in  
21 approximately 50 different matters in various other districts, all of which have been  
22 terminated.

23 **COUNT I – INFRINGEMENT OF U.S. PATENT NO. 6,409,599**

24 34. The allegations set forth in the foregoing paragraphs 1 through 33 are  
25 incorporated into this First Claim for Relief.

26 35. On June 25, 2002, the '599 patent, was duly and legally issued by the  
27 United States Patent and Trademark Office under the title “Interactive Virtual  
28 Reality Performance Theater Entertainment System.”

1           36. VIT is the assignee and owner of the right, title and interest in and to  
2 the '599 patent, including the right to assert all causes of action arising under said  
3 patents and the right to any remedies for infringement of them.

4           37. The '599 patent expired on or about July 19, 2019.

5           38. Upon information and belief, Defendant has directly infringed under  
6 35 U.S.C. § 271(a), literally and/or under the doctrine of equivalents, claim 9 of the  
7 '599 patent by making, using, selling, offering to sell, importing and/or providing  
8 and/or causing to be used systems in a method according to claim 9. (*See, e.g.*,  
9 Fluor augmented reality remote expert inspections in PDF of 2020 sustainability  
10 report at page 22 of 70 at [https://www.fluor.com/SiteCollectionDocuments/2020-](https://www.fluor.com/SiteCollectionDocuments/2020-fluor-sustainability-report.pdf)  
11 [fluor-sustainability-report.pdf](https://www.fluor.com/SiteCollectionDocuments/2020-fluor-sustainability-report.pdf) last accessed and downloaded, June 30, 2022, the  
12 “Accused Instrumentalities”.)

13           39. Upon information and belief, the Accused Instrumentalities performs  
14 a method for providing interactive communications between participants and  
15 performers including providing an immersive virtual reality environment and  
16 providing in electronic communication with the immersive virtual reality  
17 environment, a performer input device, a participant input device, a performer  
18 output device, a participant output device. The method includes having a live  
19 performer interact with a participant and said immersive virtual reality  
20 environment, by including with the virtual reality environment a live or  
21 prerecorded video image of the live performer and audio communication between  
22 the live performer and the participant, or between the participant and the live  
23 performer, or both and having the participant interact with the live performer and  
24 the immersive virtual reality environment, resulting in an experience which is in  
25 part controlled by the participant and the participant input device.

26           40. Exemplary infringement analysis showing infringement of claim 9 of  
27 the '599 patent is set forth in Exhibit B. This infringement analysis is necessarily  
28 preliminary, as it is provided in advance of any discovery provided by Fluor with



1 respect to the '599 patent. VIT reserves all rights to amend, supplement and  
2 modify this preliminary infringement analysis. Nothing in the attached chart  
3 should be construed as any express or implied contention or admission regarding  
4 the construction of any term or phrase of the claims of the '599 patent.

5 41. Claim 9, which is a method claim, is the only claim of the '599 patent  
6 that is asserted in this Complaint.

7 42. Upon information and belief, the Accused Instrumentality has  
8 infringed claim 9 of the '599 patent during the pendency of the '599 patent.

9 43. VIT has been harmed by Fluor's infringing activities.

10 **JURY DEMAND**

11 Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff VIT  
12 demands a trial by jury on all issues triable as such.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, VIT demands judgment for itself and against Fluor as  
15 follows:

16 A. An adjudication that Fluor has infringed the '599 patent;

17 B. An award of damages to be paid by Fluor adequate to compensate  
18 VIT for Fluor's past infringement of the '599 patent, including interest, costs,  
19 expenses and an accounting of all infringing acts including, but not limited to,  
20 those acts not presented at trial;

21 C. A declaration that this case is exceptional under 35 U.S.C. § 285, and  
22 an award of VIT's reasonable attorneys' fees; and

23 D. An award to VIT of such further relief at law or in equity as the Court  
24 deems just and proper.

1  
2 Dated: July 1, 2022

Respectfully submitted,  
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