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10

11 **UNITED STATES DISTRICT COURT**

12

13 **CENTRAL DISTRICT OF CALIFORNIA**

14

15 **SOUTHERN DIVISION**

16

VDPP, LLC, an Oregon Corporation,

Case No.: 8:23-cv-01968

17

Plaintiff,

**PLAINTIFF’S COMPLAINT FOR  
PATENT INFRINGEMENT**

18

v.

**(35 U.S.C. § 271)**

19

EPSON AMERICA, INC., a  
20 California Corporation,

**JURY TRIAL DEMANDED**

21

Defendant.

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VDPP LLC (“Plaintiff” or “VDPP”) files this Original Complaint and demand

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for jury trial seeking relief from patent infringement of the claims of U.S. Patent No.

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US 10,021,380 (“the ‘380 patent”) (referred to as the “Patent-in-Suit”) by Epson

28

1 America, Inc. (“Defendant” or “Epson”).

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3 **I. THE PARTIES**

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5 1. Plaintiff is a company organized under the laws of Oregon with a principal  
6 place of business located in Corvallis, Oregon.

7

8 2. On information and belief, Defendant is a Domestic Business Corporation  
9 organized and existing under the laws of the State of California, with a regular and  
10 established place of business located at 3131 Katella Ave, Los Alamitos CA 90720.

11

12 On information and belief, Defendant sells and offers to sell products and services  
13 throughout the State of California, including in this judicial district, and introduces  
14 products and services that perform infringing methods or processes into the stream of  
15 commerce knowing that they would be sold in California and this judicial district.

16

17 Defendant is registered to do business in California and has can be served with process  
18 through their registered agent, Corporation CSC – Lawyers Incorporating Service, at  
19 its place of business, 3131 Katella Avenue, Los Alamitos, California 90720, or  
20 anywhere else it may be found.

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22 **II. JURISDICTION AND VENUE**

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24 3. This Court has original subject-matter jurisdiction over the entire action  
25 pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff’s claim arises under an  
26 Act of Congress relating to patents, namely, 35 U.S.C. § 271.

27

28 4. This Court has personal jurisdiction over Defendant because: (i) Defendant is  
present within or has minimum contacts within the State of California and this judicial

1 district; (ii) Defendant has purposefully availed itself of the privileges of conducting  
2 business in the State of California and in this judicial district; and (iii) Plaintiff's cause  
3 of action arises directly from Defendant's business contacts and other activities in the  
4 State of California and in this judicial district.  
5

6 5. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b).  
7 Defendant has committed acts of infringement and has a regular and established place  
8 of business in this District. Further, venue is proper because Defendant conducts  
9 substantial business in this forum, directly or through intermediaries, including: (i) at  
10 least a portion of the infringements alleged herein; and (ii) regularly doing or  
11 soliciting business, engaging in other persistent courses of conduct and/or deriving  
12 substantial revenue from goods and services provided to individuals in California and  
13 this District.  
14  
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16

17 **III. INFRINGEMENT - Infringement of the '380 Patent**

18 6. On July 10, 2018, U.S. Patent No. 10,021,380 ("the '380 patent", included as  
19 Exhibit A and part of this complaint) entitled "Faster state transitioning for continuous  
20 adjustable 3deeps filter spectacles using multi-layered variable tint materials" was  
21 duly and legally issued by the U.S. Patent and Trademark Office. Plaintiff owns the  
22 '380 patent by assignment.  
23  
24

25 7. The '380 patent relates to the field of motion pictures and to a system called  
26 3Deeps that will allow almost any motion picture filmed in 2D (single image) to be  
27  
28

1 viewed with the visual effect of 3-dimensions when viewed through 3Deeps Filter  
2 Spectacles.  
3

4 8. Defendant maintains, operates, and administers systems, products, and services  
5 in the field of motion pictures that infringes one or more of claims 1-30 of the '380  
6 patent, literally or under the doctrine of equivalents. Defendant put the inventions  
7 claimed by the '380 Patent into service (i.e., used them); but for Defendant's actions,  
8 the claimed-inventions embodiments involving Defendant's products and services  
9 would never have been put into service. Defendant's acts complained of herein  
10 caused those claimed-invention embodiments as a whole to perform, and Defendant's  
11 procurement of monetary and commercial benefit from it.  
12  
13

14 9. Support for the allegations of infringement may be found in the chart attached  
15 as Exhibit B. These allegations of infringement are preliminary and are therefore  
16 subject to change.  
17  
18

19 10. Defendant has and continues to induce infringement. Defendant has  
20 actively encouraged or instructed others (e.g., its customers and/or the customers of  
21 its related companies), and continues to do so, on how to use its products and services  
22 (e.g., in the field of videos with 3D imaging) such as to cause infringement of the  
23 claims 1-30 of the '380 patent, literally or under the doctrine of equivalents.  
24 Moreover, Defendant has known of the '380 patent and the technology underlying it  
25 from at least June 26, 2023, the filing date of a lawsuit against Defendant in the  
26  
27  
28

1 Eastern District of Texas (Case No. 2:23-cv-00307-JRG).<sup>1</sup> For clarity, direct  
2 infringement is previously alleged in this complaint.  
3

4 11. Defendant has and continues to contributorily infringe. Defendant has  
5 actively encouraged or instructed others (e.g., its customers and/or the customers of  
6 its related companies), and continues to do so, on how to use its products and services  
7 (e.g., in the field of video with 3D imaging) and related services such as to cause  
8 infringement of claims 1-30 of the ‘380 patent, literally or under the doctrine of  
9 equivalents. Further, there are no substantial noninfringing uses for Defendant’s  
10 products and services. Moreover, Defendant has known of the ‘380 patent and the  
11 technology underlying it from at least June 26, 2023, the filing date of a lawsuit  
12 against Defendant in the Eastern District of Texas (Case No. 2:23-cv-00307-JRG).<sup>2</sup>  
13 For clarity, direct infringement is previously alleged in this complaint.  
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16  
17 12. Defendant has caused and will continue to cause Plaintiff damage by  
18 direct and indirect infringement of (including inducing infringement of) the claims of  
19 the ‘380 patent.  
20

21 **IV. PRAYER FOR RELIEF**

22 WHEREFORE, Plaintiff prays for relief as follows:  
23

- 24 a. enter judgment that Defendant has infringed the claims of the ‘380 patent;  
25

26 <sup>1</sup> Plaintiff reserves the right to amend and add inducement pre-suit if discovery  
27 reveals an earlier date of knowledge.

28 <sup>2</sup> Plaintiff reserves the right to amend and add inducement pre-suit if discovery  
reveals an earlier date of knowledge.

- 1 b. award Plaintiff damages in an amount sufficient to compensate it for  
2 Defendant's infringement of the Patents-in-Suit in an amount no less than a  
3 reasonable royalty or lost profits, together with pre-judgment and post-  
4 judgment interest and costs under 35 U.S.C. § 284;  
5  
6 c. award Plaintiff an accounting for acts of infringement not presented at trial and  
7 an award by the Court of additional damage for any such acts of infringement;  
8  
9 d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award Plaintiff  
10 its attorneys' fees, expenses, and costs incurred in this action;  
11  
12 e. declare Defendant's infringement to be willful and treble the damages,  
13 including attorneys' fees, expenses, and costs incurred in this action and an  
14 increase in the damage award pursuant to 35 U.S.C. § 284;  
15  
16 f. a decree addressing future infringement that either (i) awards a permanent  
17 injunction enjoining Defendant and its agents, servants, employees, affiliates,  
18 divisions, and subsidiaries, and those in association with Defendant from  
19 infringing the claims of the Patents-in-Suit, or (ii) awards damages for future  
20 infringement in lieu of an injunction in an amount consistent with the fact that  
21 for future infringement the Defendant will be an adjudicated infringer of a valid  
22 patent, and trebles that amount in view of the fact that the future infringement  
23 will be willful as a matter of law; and  
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1 g. award Plaintiff such other and further relief as this Court deems just and proper.  
2  
3

4 Dated: October 19, 2023

Respectfully submitted,

5 RAMEY LLP

6 /s/ Susan S.Q. Kalra

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**DEMAND FOR JURY TRIAL**

VDPP, LLC hereby requests a trial by jury on issues so triable by right.

Dated: October 19, 2023

Respectfully submitted,

RAMEY LLP

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***VDPP, LLC***