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8 VDPP, LLC
9

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**
12 **SOUTHERN DIVISION**

13 VDPP, LLC,
Plaintiff,
14 v.
15 MAZDA MOTOR OF AMERICA,
16 INC.
17 Defendant.

Case No.: 8:24-cv-00571

**PLAINTIFF’S ORIGINAL
COMPLAINT FOR PATENT
INFRINGEMENT**

(35 U.S.C. § 271)

JURY TRIAL DEMANDED

19
20 **PLAINTIFF’S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

21 VDPP, LLC (“Plaintiff” or “VDPP”) files this Original Complaint and demand for
22 jury trial seeking relief from patent infringement of the claims of U.S. Patent
23 No. 9,426,452 (“the ’452 patent”), (referred to as the “Patent-in-Suit”) by Mazda
24 Motor of America, Inc. (“Defendant” or “Mazda”).
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1 **I. THE PARTIES**

2 1. Plaintiff VDPP, LLC is a company organized under the laws of Oregon with a
3 principal place of business located in Corvallis, Oregon.

4 2. On information and belief, Defendant is a corporation organized and existing
5 under the laws of the State of California.
6

7 3. Defendant has a regular and established place of business located at 200
8 Spectrum Center Dr, Irvine, Ste 100, California, 92618. On information and belief,
9 Defendant sells and offers to sell products and services throughout California,
10 including in this judicial district, and introduces products and services that perform
11 infringing methods or processes into the stream of commerce knowing that they
12 would be sold in California and this judicial district.
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16 4. Defendant can be served with process through their registered agent, Hanh
17 Nguyen, 200 Spectrum Center Drive, Suite 100, Irvine, California, 92618, at its place
18 of business, or anywhere else it may be found.
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20 **II. JURISDICTION AND VENUE**

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

25 6. This Court has personal jurisdiction over Defendant because: (i) Defendant is
26 present within or has minimum contacts within the State of California and this judicial
27 district; (ii) Defendant has purposefully availed itself of the privileges of conducting
28

1 business in the State of California and in this judicial district; and (iii) Plaintiff's cause
2 of action arises directly from Defendant's business contacts and other activities in the
3 State of California and in this judicial district.
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5 7. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b).
6 Defendant has committed acts of infringement and has a regular and established place
7 of business in this District. Further, venue is proper because Defendant conducts
8 substantial business in this forum, directly or through intermediaries, including: (i) at
9 least a portion of the infringements alleged herein; and (ii) regularly doing or
10 soliciting business, engaging in other persistent courses of conduct and/or deriving
11 substantial revenue from goods and services provided to individuals in California and
12 this District.
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16 **III. INFRINGEMENT - Infringement of the '452 Patent**

17 8. On August 23, 2016, U.S. Patent No. 9,426,452 ("the '452 patent", included as
18 Exhibit A and part of this complaint) entitled "Faster State Transitioning for
19 Continuous Adjustable 3Deeps Filter Spectacles Using Multi-Layered Variable Tint
20 Materials" was duly and legally issued by the U.S. Patent and Trademark Office.
21 Plaintiff owns the '452 patent by assignment.
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24 9. The '452 patent relates to an electrically controlled spectacle frame and
25 optoelectronic lenses housed in the frame.
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27 10. Defendant maintains, operates, and administers systems, products, and
28 services in the field of motion pictures that infringes one or more of claims of the '452

1 patent, including one or more of claims 1-4, literally or under the doctrine of
2 equivalents. Defendant put the inventions claimed by the '452 Patent into service (i.e.,
3 used them); but for Defendant's actions, the claimed-inventions embodiments
4 involving Defendant's products and services would never have been put into service.
5 Defendant's acts complained of herein caused those claimed-invention embodiments
6 as a whole to perform, and Defendant's procurement of monetary and commercial
7 benefit from it.
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10 11. Support for the allegations of infringement may be found in the chart attached
11 as Exhibit B. These allegations of infringement are preliminary and are therefore
12 subject to Defendant has and continues to induce infringement. Defendant has
13 actively encouraged or instructed others (e.g., its customers and/or the customers of
14 its related companies), and continues to do so, on how to use its products and services
15 (e.g., a system related to an electrically controlled spectacle frame and
16 optoelectronic lenses housed in the frame) and related services such as to cause
17 infringement of one or more of claims 1-4 of the '452 patent, literally or under the
18 doctrine of equivalents. Moreover, Defendant has known of the '452 patent and the
19 technology underlying it from at least the filing date of the lawsuit.¹ For clarity, direct
20 infringement is previously alleged in this complaint.
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27 _____
28 ¹ Plaintiff reserves the right to amend if discovery reveals an earlier date of knowledge.

1 12. Defendant has and continues to contributorily infringe. Defendant has actively
2 encouraged or instructed others (e.g., its customers and/or the customers of its related
3 companies), and continues to do so, on how to use its products and services (e.g., a
4 system related to an electrically controlled spectacle frame and optoelectronic
5 lenses housed in the frame) and related services such as to cause infringement of one
6 or more of claims 1-4 of the '452 patent, literally or under the doctrine of equivalents.
7 Moreover, Defendant has known of the '452 patent and the technology underlying it
8 from at least the filing date of the lawsuit.² For clarity, direct infringement is
9 previously alleged in this complaint.
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13 13. Defendant has caused and will continue to cause Plaintiff damage by direct
14 and indirect infringement of (including inducing infringement of) the claims of the
15 '452 patent.
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17 **IV. CONDITIONS PRECEDENT**

18 14. Plaintiff is a non-practicing entity, with no products to mark. Plaintiff has pled
19 all statutory requirements to obtain pre-suit damages. Further, all conditions precedent
20 to recovery are met.
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23 **V. PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiff prays for relief as follows:

- 25 a. enter judgment that Defendant has infringed the claims of the '452 patent;

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28 ² Plaintiff reserves the right to amend 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 Patent-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
24
25 g. award Plaintiff such other and further relief as this Court deems just and proper.
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1 Dated: March 18, 2024

Respectfully submitted,

2 RAMEY LLP

3
4 /s/ Susan S.Q. Kalra

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9 *Attorneys for Plaintiff*

10 *VDPP, LLC*

11
12 **DEMAND FOR JURY TRIAL**

13 Plaintiff hereby requests a trial by jury on issues so triable by right.

14 Dated: March 18, 2024

Respectfully submitted,

15 RAMEY LLP

16
17 /s/ Susan S.Q. Kalra

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