

1 Susan S.Q. Kalra (CA State Bar No. 16740)
Email: skalra@rameyfirm.com
2 RAMEY LLP
5020 Montrose Blvd., Suite 800
3 Houston, Texas 77006
Telephone: (800) 993-7499
4 Fax: (832) 900-4941

5 William P. Ramey, III (*pro hac vice* anticipated)
6 Email: wramey@rameyfirm.com
RAMEY LLP
7 5020 Montrose Blvd., Suite 800
Houston, TX 77006
8 Telephone: (713) 426-3923
Fax: (832) 689-9175

9 *Attorneys for Plaintiff*
10 VDPP LLC,

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN JOSE DIVISION**

14 VDPP, LLC,
15 Plaintiff,
16 v.

17 XIAOMI USA LLC,
18 Defendant,

Case No.: 5:24-cv-01783

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

(35 U.S.C. § 271)

JURY TRIAL DEMANDED

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

22
23 VDPP LLC (“Plaintiff” or “VDPP”) files this Original Complaint and demand
24 for jury trial seeking relief from patent infringement of the claims of U.S. Patent No.
25 9,948,922 (“the ’922 patent”) and U.S. Patent No. 10,021,380 (“the ’380 patent”)
26 (referred to as the “Patents-in-Suit”) by Xiaomi USA LLC, (“Defendant” or
27
28

1 “Xiaomi”).

2 **I. THE PARTIES**

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

6 2. On information and belief, Defendant is an incorporation organized and
7 existing under the laws of the State of California. On information and belief,
8 Defendant has an established place of business in this District at 97 E Brokaw Rd Ste
9 310 San Jose, CA, 95112. Defendant can be served with process through their
10 registered agent, Incorporating Services, LTD., at 9920 Pacific Heights Blvd., Suite
11 150, San Diego, California 92121, at its place of business, or anywhere else it may be
12 found.
13
14

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16 **II. JURISDICTION AND VENUE**

17 3. This Court has original subject-matter jurisdiction over the entire action
18 pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff’s claim arises under an
19 Act of Congress relating to patents, namely, 35 U.S.C. § 271.
20

21 4. This Court has personal jurisdiction over Defendant because: (i) Defendant is
22 present within or has minimum contacts within the State of California and this judicial
23 district; (ii) Defendant has purposefully availed itself of the privileges of conducting
24 business in the State of California and in this judicial district; and (iii) Plaintiff’s cause
25 of action arises directly from Defendant’s business contacts and other activities in the
26 State of California and in this judicial district.
27
28

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

11 **III. INFRINGEMENT OF THE '922 PATENT**

12
13 6. On April 17, 2018, U.S. Patent No. 9,948,922 (“the ’922 patent”, included as
14 Exhibit A) entitled “Faster State Transitioning for Continuous Adjustable 3Deeps
15 Filter Spectacles Using Multi-Layered Variable Tint Materials” was duly and legally
16 issued by the U.S. Patent and Trademark Office. Plaintiff owns the ’922 patent by
17 assignment.
18

19
20 7. The ’922 patent relates to a system called 3Deeps that will allow almost any
21 motion picture filmed in 2D (single image) to be viewed with the visual effect of 3-
22 dimensions.
23

24 8. Defendant maintains, operates, and administers systems, products, and services
25 in the field of motion pictures that infringes one or more of claims of the ’922 patent,
26 including one or more of claims 1-12, literally or under the doctrine of equivalents.
27 Defendant puts the inventions claimed by the ’922 Patent into service (i.e., used
28

1 them); but for Defendant's actions, the claimed-inventions embodiments involving
2 Defendant's products and services would never have been put into service.
3
4 Defendant's acts complained of herein caused those claimed-invention embodiments
5 as a whole to perform, and Defendant's procurement of monetary and commercial
6 benefit from it.

7
8 9. Defendant has and continues to induce infringement. Defendant has actively
9 encouraged or instructed others (e.g., its customers and/or the customers of its related
10 companies), and continues to do so, on a system comprising a storage adapted to store
11 one or more image frames and a processor adapted to obtain a first image frame from
12 a first video stream of one or more of claims 1-12 of the '922 patent, literally or under
13 the doctrine of equivalents. Moreover, Defendant has known of the '922 patent and
14 the technology underlying it from at least the filing date of the lawsuit.¹ For clarity,
15
16 direct infringement is previously alleged in this complaint.

17
18 10. Defendant has and continues to contributorily infringe. Defendant has actively
19 encouraged or instructed others (e.g., its customers and/or the customers of its related
20 companies), and continues to do so, on how to use its products and services (e.g., a
21 system related to the field of motion pictures) and related services that provide system
22 and method comprising a storage adapted to store one or more image frames and a
23 processor adapted to obtain a first image frame from a first video stream such as to
24
25
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27 _____
28 ¹ Plaintiff reserves the right to amend if discovery reveals an earlier date of knowledge.

1 cause infringement of one or more of claims 1-12 of the '922 patent, literally or under
2 the doctrine of equivalents. Moreover, Defendant has known of the '922 patent and
3
4 the technology underlying it from at least the filing date of the lawsuit.² For clarity,
5 direct infringement is previously alleged in this complaint.

6 11. Defendant has caused and will continue to cause Plaintiff damage by direct and
7
8 indirect infringement of (including inducing infringement of) the claims of the '922
9 patent.

10 **IV. INFRINGEMENT OF THE '380 PATENT**

11 12. On July 10, 2018, U.S. Patent No. 10,021,380 (“the '380 patent”, included as
12
13 Exhibit C and part of this complaint) entitled “Faster State Transitioning for
14 Continuous Adjustable 3Deeps Filter Spectacles Using Multi-Layered Variable Tint
15 Materials” was duly and legally issued by the U.S. Patent and Trademark Office.
16
17 Plaintiff owns the '380 patent by assignment.

18 13. The '380 patent relates to methods and systems for modifying an image.

19 14. Defendant maintains, operates, and administers systems, products, and services
20
21 in the field of automotive manufacture that infringes one or more of claims of the '380
22 patent, including one or more of claims 1-30, literally or under the doctrine of
23 equivalents. Defendant puts the inventions claimed by the '380 patent into service
24
25 (i.e., used them); but for Defendant's actions, the claimed-inventions embodiments
26

27 _____
28 ² Plaintiff reserves the right to amend if discovery reveals an earlier date of knowledge.

1 involving Defendant's products and services would never have been put into service.
2 Defendant's acts complained of herein caused those claimed-invention embodiments
3 as a whole to perform, and Defendant's procurement of monetary and commercial
4 benefit from it.
5

6 15.Support for the allegations of infringement may be found in the preliminary
7 exemplary table attached as Exhibit D. These allegations of infringement are
8 preliminary and are therefore subject to change.
9

10 16.Defendant has and continues to induce infringement. Defendant has actively
11 encouraged or instructed others (e.g., its customers and/or the customers of its related
12 companies), and continues to do so, on how to use its products and services (e.g.,
13 systems and methods related to modifying an image) such as to cause infringement of
14 one or more of claims 1-30 of the '380 patent, literally or under the doctrine of
15 equivalents. Moreover, Defendant has known of the '380 patent and the technology
16 underlying it from at least the filing date of the lawsuit.³ For clarity, direct
17 infringement is previously alleged in this complaint.
18
19
20

21 17.Defendant has and continues to contributorily infringe. Defendant has actively
22 encouraged or instructed others (e.g., its customers and/or the customers of its related
23 companies), and continues to do so, on how to use its products and services (e.g.,
24 systems and methods related to modifying an image) such as to cause infringement of
25
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27 _____
28 ³ Plaintiff reserves the right to amend if discovery reveals an earlier date of knowledge.

1 one or more of claims 1-30 of the '380 patent, literally or under the doctrine of
2 equivalents. Moreover, Defendant has known of the '380 patent and the technology
3 underlying it from at least the filing date of the lawsuit.⁴ For clarity, direct
4 infringement is previously alleged in this complaint.
5

6 18. Defendant has caused and will continue to cause Plaintiff damage by direct and
7 indirect infringement of (including inducing infringement of) the claims of the '380
8 patent.
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11 **V. CONDITIONS PRECEDENT**

12 19. Plaintiff is a non-practicing entity, with no products to mark. Plaintiff has plead
13 all statutory requirements to obtain pre-suit damages. Further, all conditions precedent
14 for recovery are met.
15

16 **VI. JURY DEMAND**

17 Plaintiff hereby requests a trial by jury on issues so triable by right.
18

19 **VII. PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff prays for relief as follows:

- 21 a. enter judgment that Defendant has infringed the claims of the '922 and '380
22 patents;
23
24 b. award Plaintiff damages in an amount sufficient to compensate it for
25 Defendant's infringement of the Patents-in-Suit in an amount no less than a
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27 _____
28 ⁴ Plaintiff reserves the right to amend if discovery reveals an earlier date of knowledge.

- 1 reasonable royalty or lost profits, together with pre-judgment and post-
2 judgment interest and costs under 35 U.S.C. § 284;
3
4 c. award Plaintiff an accounting for acts of infringement not presented at trial and
5 an award by the Court of additional damage for any such acts of infringement;
6
7 d. declare this case to be “exceptional” under 35 U.S.C. § 285 and award Plaintiff
8 its attorneys’ fees, expenses, and costs incurred in this action;
9
10 e. declare Defendant’s infringement to be willful and treble the damages,
11 including attorneys’ fees, expenses, and costs incurred in this action and an
12 increase in the damage award pursuant to 35 U.S.C. § 284;
13
14 f. a decree addressing future infringement that either (if) awards a permanent
15 injunction enjoining Defendant and their agents, servants, employees,
16 affiliates, divisions, and subsidiaries, and those in association with Defendant
17 from infringing the claims of the Patents-in-Suit, or (ii) awards damages for
18 future infringement in lieu of an injunction in an amount consistent with the
19 fact that for future infringement the Defendant will be an adjudicated infringer
20 of a valid patent, and trebles that amount in view of the fact that the future
21 infringement will be willful as a matter of law; and
22
23
24 g. award Plaintiff such other and further relief as this Court deems just and proper.
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1 Dated: March 22, 2024

Respectfully submitted,

2 RAMEY LLP

3 /s/ Susan S.Q. Kalra

4 Susan S.Q. Kalra (CA State Bar No. 16740)

RAMEY LLP

5 5020 Montrose Blvd., Suite 800

Houston, Texas 77006

6 (800) 993-7499

(832) 900-4941 (facsimile)

7 *Northern California Office:*

8 303 Twin Dolphin Drive, Suite 600

9 Redwood City, CA, US 94065

10 /s/ William P. Ramey, III

11 William P. Ramey, III (*pro hac vice*)

wramey@rameyfirm.com

12

13 Jeffrey E. Kubiak (*pro hac vice*)

14 Texas Bar No. 24028470

jkubiak@rameyfirm.com

15 5020 Montrose Blvd., Suite 800

16 Houston, Texas 77006

17 Telephone: (713) 426-3923

18 Fax: (832) 689-9175

19 *Attorneys for Plaintiff*

20 **VDPP LLC**

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