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8 VDPP, LLC
9

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

13 VDPP, LLC,
Plaintiff,
14 v.

15 AMERICAN HONDA MOTOR CO.,
16 INC.,
17 Defendant.

Case No.: 2:24-cv-01501

**PLAINTIFF’S FIRST AMENDED
COMPLAINT FOR PATENT
INFRINGEMENT**

(35 U.S.C. § 271)

JURY TRIAL DEMANDED

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20 **PLAINTIFF’S FIRST AMENDED**
21 **COMPLAINT FOR PATENT INFRINGEMENT**

22 VDPP, LLC (“Plaintiff” or “VDPP”) files this First Amended Complaint and
23 demand for jury trial seeking relief from patent infringement of the claims of U.S.
24 Patent No. 9,426,452 (“the ’452 patent”), (referred to as the “Patent-in-Suit”) by
25 American Honda Motor Co., Inc. (“Defendant” or “Honda”).
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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 Delaware.

6 3. Defendant has a regular and established place of business located at 1919
7 Torrance Boulevard, Torrance, California 90501. On information and belief,
8 Defendant sells and offers to sell products and services throughout California,
9 including in this judicial district, and introduces products and services that perform
10 infringing methods or processes into the stream of commerce knowing that they
11 would be sold in California and this judicial district.

12 4. Defendant has been served.

13 **II. JURISDICTION AND VENUE**

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

17 6. This Court has personal jurisdiction over Defendant because: (i) Defendant is
18 present within or has minimum contacts within the State of California and this judicial
19 district; (ii) Defendant has purposefully availed itself of the privileges of conducting
20 business in the State of California and in this judicial district; and (iii) Plaintiff's cause
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1 of action arises directly from Defendant’s business contacts and other activities in the
2 State of California and in this judicial district.
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4 7. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b).
5 Defendant has committed acts of infringement and has a regular and established place
6 of business in this District. Further, venue is proper because Defendant conducts
7 substantial business in this forum, directly or through intermediaries, including: (i) at
8 least a portion of the infringements alleged herein; and (ii) regularly doing or
9 soliciting business, engaging in other persistent courses of conduct and/or deriving
10 substantial revenue from goods and services provided to individuals in California and
11 this District.
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14 **III. INFRINGEMENT - Infringement of the ’452 Patent**
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16 8. On August 23, 2016, U.S. Patent No. 9,426,452 (“the ’452 patent”, included as
17 Exhibit A and part of this complaint) entitled “Faster State Transitioning for
18 Continuous Adjustable 3Deeps Filter Spectacles Using Multi-Layered Variable Tint
19 Materials” was duly and legally issued by the U.S. Patent and Trademark Office.
20 Plaintiff owns the ’452 patent by assignment.
21

22 9. The ’452 patent relates to an electrically controlled spectacle frame and
23 optoelectronic lenses housed in the frame. The ’452 patent expired on January 22,
24 2022.
25

26 10. Defendant maintains, operates, and administers systems, products, and
27 services in the field of motion pictures that directly infringed one or more of claims
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1 of the '452 patent prior to the patent's expiration, including one or more of claims 1-
2 4, literally or under the doctrine of equivalents. Defendant put the inventions claimed
3 by the '452 Patent into service (i.e., used them); but for Defendant's actions, the
4 claimed-inventions embodiments involving Defendant's products and services would
5 never have been put into service. Defendant's acts complained of herein caused those
6 claimed-invention embodiments as a whole to perform, and Defendant's procurement
7 of monetary and commercial benefit from it. Plaintiff does not allege indirect
8 infringement of any claim, and instead only alleges direct infringement for accused
9 systems available in the United States in Acura-branded vehicles¹ prior to the
10 expiration of the '452 patent.
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12 11. Support for the allegations of infringement may be found in the chart attached
13 as Exhibit B. These allegations of infringement are preliminary and are therefore
14 subject to change.
15

16 12. Defendant has caused Plaintiff damage by direct infringement of the claims of
17 the '452 patent prior to its expiration.
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19 **IV. CONDITIONS PRECEDENT**

20 13. Plaintiff is a non-practicing entity, with no products to mark. Plaintiff has pled
21 all statutory requirements to obtain pre-suit damages. Further, all conditions precedent
22 to recovery are met.
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28 ¹ Plaintiff does not allege infringement based on any Honda-branded vehicles.

1 14. The '452 patent is expired and Plaintiff only seeks pre-expiration past damages
2 are sought.
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4 **V. PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff prays for relief as follows:

- 6 a. enter judgment that Defendant has infringed the claims of the '452 patent;
7
8 b. award Plaintiff damages in an amount sufficient to compensate it for
9 Defendant's infringement of the Patent-in-Suit in an amount no less than a
10 reasonable royalty or lost profits, together with pre-judgment and post-
11 judgment interest and costs under 35 U.S.C. § 284;
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13 c. award Plaintiff an accounting for acts of infringement not presented at trial and
14 an award by the Court of additional damage for any such acts of infringement;
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16 d. declare this case to be "exceptional" under 35 U.S.C. § 285 and award Plaintiff
17 its attorneys' fees, expenses, and costs incurred in this action;
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19 e. award Plaintiff such other and further relief as this Court deems just and proper.

20 Dated: May 21, 2024

Respectfully submitted,

21 RAMEY LLP

22 /s/ Susan S.Q. Kalra

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DEMAND FOR JURY TRIAL

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

Dated: May 21, 2024

Respectfully submitted,

RAMEY LLP

/s/ Susan S.Q. Kalra

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