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9 *Attorneys for Plaintiff*
10 VDPP LLC,

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
13 **SOUTHERN DIVISION**

14 VDPP, LLC,
15 Plaintiff
16 v.
17 TP-LINK SYSTEMS INC. d/b/a
18 TP-LINK USA CORPORATION,
Defendant

Case No.: 8:24-cv-01663

**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 Plaintiff VDPP, LLC (“VDPP”) files this Original Complaint and demand for
24 jury trial seeking relief from patent infringement of the claims of U.S. Patent No.
25 10,021,380 (“the ‘380 patent”), (referred to as the “Patent-in-Suit”) by TP-Link
26 Systems Inc. d/b/a TP-Link USA Corporation, (“Defendant” or “TP-Link”).
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1 **I. THE PARTIES**

2 1. Plaintiff VDPP is a company organized under the laws of Oregon with a
3 principal place of business located in Corvallis, Oregon.
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5 2. On information and belief, Defendant is a corporation organized and existing
6 under the laws of California that maintains a regular and established place of business
7 at 10 Mauchly, Irvine, CA 92618. Defendant can be served with process at its
8 registered agent, Deyi Shu, 10 Mauchly, Irvine, California 92618, or anywhere else it
9 can be found. On information and belief, Defendant sells and offers to sell products
10 and services throughout California, including in this judicial district, and introduces
11 products and services that perform infringing methods or processes into the stream of
12 commerce knowing that they would be sold in California and this judicial district.
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15 **II. JURISDICTION AND VENUE**

16 3. This Court has original subject-matter jurisdiction over the entire action
17 pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an
18 Act of Congress relating to patents, namely, 35 U.S.C. § 271.
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20 4. This Court has personal jurisdiction over Defendant because: (i) Defendant is
21 present within or has minimum contacts within the State of California and this judicial
22 district; (ii) Defendant has purposefully availed itself of the privileges of conducting
23 business in the State of California and in this judicial district; and (iii) Plaintiff's cause
24 of action arises directly from Defendant's business contacts and other activities in the
25 State of California and in this judicial district.
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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 has a regular and established place
3 of business in this District. Further, venue is proper because Defendant conducts
4 substantial business in this forum, directly or through intermediaries, including: (i) at
5 least a portion of the infringements alleged herein; and (ii) regularly doing or
6 soliciting business, engaging in other persistent courses of conduct and/or deriving
7 substantial revenue from goods and services provided to individuals in California and
8 this District.
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11 **III. INFRINGEMENT - Infringement of the '380 Patent**

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13 6. On July 10, 2018, U.S. Patent No. 10,021,380 (“the '380 patent”, included as
14 Exhibit A and part of this complaint) entitled “Faster State Transitioning for
15 Continuous Adjustable 3Deeps Filter Spectacles Using Multi-Layered Variable Tint
16 Materials” was duly and legally issued by the U.S. Patent and Trademark Office.
17 Plaintiff owns the '380 patent by assignment.
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19
20 7. The '380 patent relates to methods and systems for modifying an image.

21 8. Defendant maintains, operates, and administers systems, products, and services
22 in the field of motion pictures presentation that infringes one or more of claims of the
23 '380 patent, including one or more of claims 1-30, literally or under the doctrine of
24 equivalents. Defendant put the inventions claimed by the '380 Patent into service (i.e.,
25 used them); but for Defendant’s actions, the claimed-inventions embodiments
26 involving Defendant’s products and services would never have been put into service.
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1 Defendant's acts complained of herein caused those claimed-invention embodiments
2 as a whole to perform, and Defendant's procurement of monetary and commercial
3 benefit from it.
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5 9. Support for the allegations of infringement may be found in the preliminary
6 exemplary table attached as Exhibit B. These allegations of infringement are
7 preliminary and are therefore subject to change.
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9 10. Defendant has caused Plaintiff damage by direct infringement of the claims of
10 the '380 patent.
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12 **IV. CONDITIONS PRECEDENT**

13 11. Plaintiff has never sold a product. Upon information and belief, Plaintiff
14 predecessors-in-interest have never sold a product. Plaintiff is a non-practicing entity,
15 with no products to mark. Plaintiff has pled all statutory requirements to obtain pre-
16 suit damages. Further, all conditions precedent to recovery are met. Under the rule
17 of reason analysis, Plaintiff has taken reasonable steps to ensure marking by any
18 licensee producing a patented article.
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21 12. Plaintiff and its predecessors-in-interest have entered into settlement
22 licenses with several defendant entities, but none of the settlement licenses were to
23 produce a patented article, for or under the Plaintiff's patents. Duties of confidentiality
24 prevent disclosure of settlement licenses and their terms in this pleading but
25 discovery will show that Plaintiff and its predecessors-in-interest have substantially
26 complied with Section 287(a). Furthermore, each of the defendant entities in the
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1 settlement licenses did not agree that they were infringing any of Plaintiff's patents,
2 including the Patents-in-Suit, and thus were not entering into the settlement license to
3 produce a patented article for Plaintiff or under its patents. Further, to the extent
4 necessary, Plaintiff has limited its claims of infringement to method claims and
5 thereby remove any requirement for marking.
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8 13. To the extent Defendant identifies an alleged unmarked product
9 produced for Plaintiff or under Plaintiff's patents, Plaintiff will develop evidence in
10 discovery to either show that the alleged unmarked product does not practice the
11 Patents-in-suit and that Plaintiff has substantially complied with the marking statute.
12 Defendant has failed to identify any alleged patented article for which Section 287(a)
13 would apply. Further, Defendant has failed to allege any defendant entity produce a
14 patented article.
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17 14. The policy of § 287 serves three related purposes: (1) helping to avoid
18 innocent infringement; (2) encouraging patentees to give public notice that the article
19 is patented; and (3) aiding the public to identify whether an article is patented.
20 These policy considerations are advanced when parties are allowed to freely settle
21 cases without admitting infringement and thus not require marking. All settlement
22 licenses were to end litigation and thus the policies of §287 are not violated. Such a
23 result is further warranted by 35 U.S.C. §286 which allows for the recovery of
24 damages for six years prior to the filing of the complaint.
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1 15. For each previous settlement license, Plaintiff understood that (1) the
2 settlement license was the end of litigation between the defendant entity and Plaintiff
3 and was not a license where the defendant entity was looking to sell a product under
4 any of Plaintiff's patents; (2) the settlement license was entered into to terminate
5 litigation and prevent future litigation between Plaintiff and defendant entity for
6 patent infringement; (3) defendant entity did not believe it produced any product that
7 could be considered a patentable article under 35 U.S.C. §287; and, (4) Plaintiff
8 believes it has taken reasonable steps to ensure compliance with 35 U.S.C. §287 for
9 each prior settlement license.
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13 16. Each settlement license that was entered into between the defendant entity and
14 Plaintiff was negotiated in the face of continued litigation and while Plaintiff
15 believes there was infringement, no defendant entity agreed that it was infringing.
16 Thus, each prior settlement license reflected a desire to end litigation and as such the
17 policies of §287 are not violated.
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20 **V. JURY DEMAND**

21 Plaintiff hereby requests a trial by jury on issues so triable by right.
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23 **VI. PRAYER FOR RELIEF**

24 WHEREFORE, Plaintiff prays for relief as follows:

- 25 a. enter judgment that Defendant has infringed the claims of the Patents-in-Suit;
26 b. award Plaintiff damages in an amount sufficient to compensate it for
27 Defendant's infringement of the Patents-in-Suit in an amount no less than a
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- 1 reasonable royalty or lost profits, together with pre-judgment and post-
2 judgment interest and costs under 35 U.S.C. § 284;
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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; and,
13
14 f. award Plaintiff such other and further relief as this Court deems just and proper.
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16 Dated: July 31, 2024

Respectfully submitted,

17 RAMEY LLP

18 /s/ Susan S.Q. Kalra

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