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Attorneys for Plaintiff Craig Thorner

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CRAIG THORNER,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Civil Action No.:
3:13-CV-03426-MLC-DEA

**JURY TRIAL
DEMANDED**

AMENDED COMPLAINT

Plaintiff Craig Thorner (“Thorner”) for his Amended Complaint against Defendant Microsoft Corporation (“Microsoft”), hereby alleges as follows:

THE PARTIES

1. Plaintiff Thorner is an individual whose residence is located at 14 Stuyvesant Road, Brick, NJ 08723.

2. Upon information and belief, Defendant Microsoft is a corporation organized and existing under the laws of the State of Washington and maintains a place of business at One Microsoft Way, Redmond, WA 98052.

NATURE OF THE ACTION

3. This is a civil action for the infringement of United States Patent No. 6,422,941 (“the 941 Patent”). This action is based on the Patent Laws of the United States, 35 U.S.C. § 1 *et. seq.*

JURISDICTION AND VENUE

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338, as the cause of action arises under the patent laws of the United States.

5. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1332, as the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and the action is between citizens of different states.

6. Venue is proper in the judicial district pursuant to 28 U.S.C. §§ 1391(b), (c) and/or 1400(b).

FACTS

7. On July 23, 2002, the 941 Patent entitled “UNIVERSAL TACTILE FEEDBACK SYSTEM FOR COMPUTER VIDEO GAMES AND SIMULATIONS,” was duly and legally issued. The 941 Patent is valid and enforceable.

8. A true and authentic copy of the 941 patent is attached hereto as Exhibit A.

9. Plaintiff Thorner is a named inventor on the 941 Patent.

10. Plaintiff Thorner is the owner of all right, title and interest in and to the 941 Patent.

11. On information and belief, Defendant Microsoft manufactures and sells devices that incorporate the claimed subject matter of the 941 Patent, including, but not limited to, the XBOX console, the XBOX 360 console, game controllers for the XBOX console systems, game interface devices for personal computer gaming systems and video games.

12. Defendant Microsoft is not licensed under the 941 Patent, and is not authorized or permitted to manufacture, use, import, sell or offer to sell any of the subject matter claimed in the 941 Patent.

COUNT I
PATENT INFRINGEMENT

13. Plaintiff Thorner repeats and re-alleges the allegations of paragraphs 1-12 above as if fully set forth herein.

14. In violation of 35 U.S.C. § 271, Defendant Microsoft has infringed and is continuing to infringe, literally and/or under the doctrine of equivalents, claims 1 and 3 of the 941 Patent by manufacturing, using, importing, selling and/or offering to sell its XBOX console, its XBOX 360 console, its game controllers, its personal computer game interface devices and its video games, and/or by inducing or contributing to the infringement of one or more claims of the 941 Patent by others.

15. A claim chart demonstrating Microsoft's infringement of claim 1 of the 941 Patent is attached as Exhibit B.

16. Plaintiff Thorner has suffered monetary damages as a result of Defendant Microsoft's infringement of the claims of the 941 Patent.

17. Upon information and belief, Defendant Microsoft will continue to infringe the claims of the 941 Patent unless enjoined by this Court.

18. Plaintiff Thorner has suffered and will continue to suffer irreparable harm for which he has no adequate remedy at law.

WHEREFORE, Plaintiff Thorner prays for judgment and relief against Defendant Microsoft as follows:

- A. Entry of judgment in his favor against Defendant Microsoft.
- B. That Defendant Microsoft has infringed, induced others to infringe, and/or contributed to the infringement of one or more claims of the 941 Patent.
- C. That Defendant Microsoft, its agents, servants, representatives, officers, directors, attorneys, employees, affiliates, assigns and all persons acting in concert with it, directly or indirectly, be preliminarily and permanently enjoined from infringing, inducing others to infringe and/or contributing to the infringement of the 941 Patent.
- D. That Plaintiff Thorner be awarded compensatory damages, including at least a reasonable royalty, for all infringement of the 941 Patent, together with interest and costs of suit.
- E. That Plaintiff Thorner be awarded his reasonable attorney's fees, cost and expense incurred in prosecuting this action.

F. That Plaintiff Thorner be granted such other relief as is just and proper.

Respectfully submitted,

Dated: July 25, 2013

By: s/ Glen M. Diehl
Glen M. Diehl, Esq.
GRAHAM CURTIN, P.A.

Attorneys for Plaintiff
Craig Thorner

DEMAND FOR JURY TRIAL

Plaintiff Craig Thorner hereby demands a trial by jury on all issues
so triable.

Respectfully submitted,

Dated: July 25, 2013

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Craig Thorner

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

I further certify that United States Patent No. 6,422,941 is the subject of the CRAIG THORNER et al. v. SONY COMPUTER ENTERTAINMENT AMERICA LLC et al., Civil Action No. 3:09-cv-01894 in the United States District Court for the District of New Jersey.

Respectfully submitted,

Dated: July 25, 2013

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