

PARTIES

1. Plaintiff Ironburg Inventions Ltd. (“Ironburg”) is a company organized and existing under the laws of England having its principal place of business at 10 Market Place, Wincanton, Somerset, Great Britain.

2. Within the United States, Ironburg conducts business by and through Scuf Gaming International, LLC (“Scuf Gaming”).

3. Plaintiff, Scuf Gaming is a corporation organized and existing under the laws of the State of Georgia, having its principal place of business at 141 W. Wieuca Road NE 202B, Atlanta, Georgia 30342.

4. Defendant, Playrapid EURL (“Playrapid”) is a corporation organized and existing under the laws of France, having a principal place of business at 4 Street Press, 13150 Tarascon, France.

5. Defendant, BURN Controllers (“BURN”) is a corporation organized and existing under the laws of France having principal places of business at 210 Route des Cayades, 13150 Tarascon, France and/or 25 Avenue Des Artisans, 13150 Tarascon, France.

6. Defendant Playrapid is the parent company of BURN Controllers.

JURISDICTION AND VENUE

7. This is a Complaint for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

8. This Court has original jurisdiction under 28 U.S.C. § 1338 over this patent infringement action.

9. Each of the Defendants has committed acts and continues to commit acts within this judicial district giving rise to this action. Venue is proper under 28 U.S.C. § 1391(b) and § 1400(b).

FACTUAL BACKGROUND

10. Plaintiff Scuf Gaming is a Georgia corporation established on July 20, 2011.

11. Plaintiff Scuf Gaming is the manufacturer, wholesaler, retailer, and restorer of custom video game equipment and accessories, including video game controllers (“gaming controllers”).

12. Plaintiff Scuf Gaming has made significant investments in human capital in this endeavor, employing more than 45 people within this District.

13. Plaintiff Scuf Gaming has invested more than two million dollars in marketing and other operational expenses in connection with its gaming controller

business.

14. As a result, Plaintiff Scuf Gaming has earned total revenues exceeding ten million dollars since its establishment.

15. Plaintiff Scuf Gaming has an inventory of more than five hundred and fifty thousand dollars (\$550,000) worth of gaming controller inventory ordered to meet forecasted customer demand until the introduction of new gaming controller consoles scheduled to be released for the popular Xbox and PlayStation platforms at the end of 2013.

16. Defendants are presently making, using, importing, marketing and/or selling gaming controllers in the United States, which gaming controllers incorporate Plaintiffs' patented technology.

17. In fact, Defendants have sold gaming controllers in this District, which gaming controllers incorporate Plaintiffs' patented technology.

THE PATENTS IN SUIT

18. On July 9, 2013, United States Patent No. 8,480,491, entitled "GAME CONTROLLER" was duly and legally issued to Plaintiff Ironburg, a copy of which is annexed hereto as Exhibit A.

19. On September 25, 2012, United States Patent No. D667,892, entitled “GAME CONTROLLER” was duly and legally issued to Plaintiff Ironburg, a copy of which is annexed hereto as Exhibit B.

20. On February 4, 2014, United States Patent No. 8,641,525, entitled “CONTROLLER FOR VIDEO GAME CONSOLE” was duly and legally issued to Plaintiff Ironburg, a copy of which is annexed hereto as Exhibit G.

21. Plaintiff Ironburg is the owner of rights in and to United States Patent Nos. 8,480,491, 8,641,525 and D667,892 (collectively, the patents-in-suit) sufficient to bring this action.

22. Plaintiff Scuf Gaming is the exclusive licensee of the patents-in-suit, in the U.S.

COUNT I. INFRINGEMENT OF U.S. PATENT NO. 8,480,491

23. Plaintiff repeats and realleges Paragraphs 1 through 22 of this Complaint as if fully set forth herein.

24. Defendants manufacture and retail custom video game equipment, including gaming controllers.

25. Defendants’ website and Twitter social media account promote the sale of the gaming controllers with delivery to international locations, including the

United States. Exhibit C.

26. Components of gaming controllers manufactured, sold and/or offered by Defendants in the United States (“the Accused Products”) are substantially similar to the invention disclosed and claimed in United States Patent No. 8,480,491. Exhibit D.

27. The gaming controllers manufactured, sold and/or offered by Defendants (“the Accused Products”) include each and every element recited in some or all of the claims of United States Patent No. 8,480,491.

28. Defendant BURN has offered for sale and sold gaming controllers within this District and elsewhere, gaming controllers which infringe United States Patent No. 8,480,491. For example, Exhibit E.

29. Plaintiff Ironburg and Defendant BURN are currently engaged in litigation disputes in France over substantially identical gaming controller features patented by United States Patent No. 8,480,491.

30. Accordingly, Defendants are aware that Plaintiffs consider the patented technology to be proprietary to Plaintiffs.

31. Defendants have constructive and actual knowledge of the existence of United States Patent No. 8,480,491.

32. Despite Defendants' full knowledge of Plaintiff Ironburg's claim to and ownership of proprietary rights to the patented features, the Defendants knowingly and willfully sold or offered to sell the Accused Products within the United States.

33. As a result of Defendants' foreknowledge of the Plaintiffs' patent rights and willful disregard, Plaintiffs have suffered and will continue to suffer grievous damage.

34. Defendants' infringement of United States Patent No. 8,480,491 will continue unless and until enjoined by this Court.

35. Pursuant to 35 U.S.C. § 281, Plaintiffs are entitled to recover damages from Defendants to compensate them for Defendants' infringement of the '491 Patent.

COUNT II. INFRINGEMENT OF U.S. DESIGN PATENT NO. D667,892

36. Plaintiff repeats and realleges Paragraphs 1 through 35 of this Complaint as if fully set forth herein.

37. Defendants manufacture and retail custom video game equipment, including gaming controllers.

38. Defendants' website and Twitter social media account promote the

sale of the gaming controllers with delivery to international locations, including the United States.

39. Gaming controllers manufactured, sold and/or offered by Defendants include features (“the Accused Designs”) that are substantially similar to the design claimed in United States Patent No. D667,892.

40. The substantial similarity between the Accused Designs and the Plaintiffs’ patented design is such that that a purchaser familiar with the prior art would be deceived. See, for example, Exhibit F.

41. The substantial similarity between the Accused Designs and the Plaintiffs’ patented design is such that that a purchaser familiar with the prior art would be induced to purchase Defendants’ gaming controllers supposing them to be the product of Plaintiffs.

42. Defendants have offered for sale and sold gaming controllers within this District and elsewhere, gaming controllers that include the Accused Designs, which infringe United States Patent No. D667,892.

43. Plaintiff Ironburg and Defendant BURN are currently engaged in litigation disputes in France over substantially identical gaming controller designs patented by United States Patent No. D667,892.

44. Despite Defendants’ full knowledge of Plaintiff Ironburg’s claim to

and ownership of proprietary rights to the patented designs, the Defendants knowingly and willfully sold or offered to sell products incorporating the Accused Designs within the United States.

45. As a result of Defendants' foreknowledge of the Plaintiffs' patent rights and willful disregard, Plaintiffs have suffered and will continue to suffer grievous damage.

46. Defendants' infringement of United States Patent No. D667,892 will continue unless and until enjoined by this Court.

47. Pursuant to 35 U.S.C. § 281, Plaintiffs are entitled to recover damages from Defendants to compensate them for Defendants' infringement of United States Patent No. D667,892.

COUNT III. INFRINGEMENT OF U.S. PATENT NO. 8,641,525

48. Plaintiff repeats and realleges Paragraphs 1 through 47 of this Complaint as if fully set forth herein.

49. Components of the Accused Products are substantially similar to the invention disclosed and claimed in United States Patent No. 8,641,525. Exhibit G.

50. The gaming controllers manufactured, sold and/or offered by Defendants ("the Accused Products") include each and every element recited in

some or all of the claims of United States Patent No. 8,641,525.

51. Defendant BURN has offered for sale and sold gaming controllers within this District and elsewhere, gaming controllers which infringe United States Patent No. 8,641,525. For example, Exhibit E.

52. Plaintiff Ironburg and Defendant BURN are currently engaged in litigation disputes in France over substantially identical gaming controller features patented by United States Patent No. 8,641,525.

53. Accordingly, Defendants are aware that Plaintiffs consider the patented technology to be proprietary to Plaintiffs.

54. Defendants have constructive and actual knowledge of the existence of United States Patent No. 8,641,525, the application for which published on December 20, 2012 (U.S. Publication No. 20120322553).

55. Despite Defendants' full knowledge of Plaintiff Ironburg's claim to and ownership of proprietary rights to the patented features, the Defendants knowingly and willfully used, caused to be used, sold or offered to sell the Accused Products within the United States, before issuance of United States Patent No. 8,641,525, and upon information and belief, after issuance.

56. As a result of Defendants' foreknowledge of the Plaintiffs' patent rights and willful disregard, Plaintiffs have suffered and will continue to suffer

grievous damage.

57. Defendants' infringement of United States Patent No. 8,641,525 will continue unless and until enjoined by this Court.

58. Pursuant to 35 U.S.C. § 281, Plaintiffs are entitled to recover damages from Defendants to compensate them for Defendants' infringement of the '525 Patent.

DEMAND FOR JURY TRIAL

59. Pursuant to Rule 38 of the Federal Rule of Civil Procedure, Plaintiffs demand trial by jury on all claims asserted herein.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for:

A. A finding by this Court that Defendants have infringed United States Patent Nos. 8,480,491, 8,641,525 and D667,892 and that said infringement has been willful;

B. An order permanently enjoining Defendants and their officers, agents, servants, employees and attorneys and all other persons acting in concert or in participation with Defendants from infringing Plaintiff's United States Patents No.

8,480,491, 8,641,525 and D667,892;

C. An award against Defendants for the damages suffered by Plaintiffs as a result of Defendants' acts of infringement with prejudgment interest thereon;

D. An assessment of up to three (3) times the damages so determined, pursuant to 35 U.S.C. § 284;

E. An award to Plaintiffs of attorney's fees, costs and expenses in this action; and

F. That this Court grant such other and further relief as this Court may deem just.

Respectfully submitted,

/Cynthia R. Parks

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Attorney for Plaintiffs Ironburg Inventions LTD, and Scuf Gaming International, LLC

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SCUF GAMING)	
INTERNATIONAL, LLC,)	
a Georgia Corporation)	
and)	
IRONBURG INVENTIONS LTD.)	
a U.K. Corporation,)	
Plaintiffs,)	
)	CIVIL ACTION NO.
vs.)	<u>1:13-cv-03224-TWT</u>
)	
PLAYRAPID EURL)	Jury Trial Demanded
a French Corporation,)	
and)	
BURN CONTROLLERS)	
a French Corporation)	
Defendants.)	

CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have this date served a copy of the **FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT OR IN THE ALTERNATIVE, PLAINTIFF’S FIRST SUPPLEMENTAL COMPLAINT** with the Clerk of Court via the CM/ECF system, which will automatically send e-mail notification of such filing to the following Counsel of Record:

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This 27th day of June, 2014.

Respectfully submitted,

/Cynthia R. Parks/

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*Attorney for Plaintiffs Ironburg Inventions
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