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

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	:	
	:	
CRAIG THORNER,	:	Civil Action No.
	:	
Plaintiff,	:	
	:	
v.	:	
	:	COMPLAINT
	:	AND
MICROSOFT CORPORATION,	:	JURY DEMAND
	:	
Defendant.	:	
	:	
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Plaintiff Craig Thorner ("Thorner"), by his undersigned attorneys, as and for his complaint against defendant Microsoft Corporation ("Microsoft"), says:

PARTIES

1. Plaintiff Thorner is a citizen of the State of New Jersey and resides at 14 Stuyvesant Road, Brick, NJ 08723.

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

JURISDICTION

3. This is a civil action for the infringement of United States Patent No. 8,834,266 ("the '266 patent").

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338, as it arises under the patent laws of the United States, 35 U.S.C. §1, *et seq.*

BACKGROUND

5. On September 16, 2014, the United States Patent and Trademark Office ("PTO") duly and legally issued the 266 patent, entitled "Methods and Apparatuses for Generating Tactile Feedback for Games and Simulations." The '266 patent is attached as Exhibit A.

6. Plaintiff Thorner is a named inventor on, and the owner of all right, title and interest in and to, the '266 patent.

7. The '266 patent generally relates to tactile sensation generators and methods of using such generators, and to video gaming systems, software, and controllers.

8. Defendant Microsoft manufactures and sells products that

incorporate the claimed subject matter of the '266 patent, including, but not limited to, the XBOX and XBOX 360 consoles, game controllers for those products, and game interface devices for personal computer gaming systems and video games.

9. Defendant Microsoft is not licensed under the '266 patent, and is not authorized or permitted to manufacture, use, import, sell or offer to sell products incorporating the subject matter claimed in the '266 patent.

COUNT I

10. Plaintiff Thorner repeats and re-alleges the allegations of paragraphs 1-9 as if fully set forth here.

11. 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, all of the claims of the '266 patent by manufacturing, using, importing, selling and/or offering to sell its XBOX and XBOX 360 consoles, game controllers, personal computer game interface devices and video games, and/or by inducing or contributing to such infringement.

12. Plaintiff Thorner has suffered and will continue to suffer monetary damages and irreparable harm as a result of defendant Microsoft's infringement of the claims of the 266 patent.

WHEREFORE, Plaintiff Thorner prays for judgment and relief

against defendant Microsoft as follows:

A. That defendant Microsoft be held to have infringed, induced others to infringe, and/or contributed to the infringement of one or more claims of the '266 patent.

B. 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 '266 patent.

C. That plaintiff Thorner be awarded compensatory damages, including at least a reasonable royalty, for all infringement of the '266 patent, together with interest and costs of suit.

D. That plaintiff Thorner be awarded reasonable attorneys' fees, costs and expenses incurred in prosecuting this action.

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

Respectfully submitted,

Dated: September 16, 2014

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

Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

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

Respectfully submitted,

Dated: September 16, 2014

By: s/ Glen M. Diehl
Glen M. Diehl, Esq.
GRAHAM CURTIN, P.A.
Attorneys for Plaintiff
Craig Thorner

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

I hereby certify that United States Patent No. 8,834,266 is not the subject of any other action pending in any other court.

I further certify that United States Patent No. 6,422,941, to which U.S. Patent No. 8,834,266 claims priority, is the subject of another action pending in this Court, *Craig Thorner, et al. v. Microsoft Corporation*, Civil Action No. 3:09-cv-01894 (D.N.J.).

Respectfully submitted,

Dated: September 16, 2014

By: s/ Glen M. Diehl
Glen M. Diehl, Esq.
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Attorneys for Plaintiff
Craig Thorner