

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA**

IRONBURG INVENTIONS LTD. a  
United Kingdom Limited Company,

Plaintiff,

vs.

COLLECTIVE MINDS GAMING  
CO. LTD., a Canadian Limited  
Company,

Defendant.

**JURY TRIAL DEMANDED**

Civil Action No.

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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Ironburg Inventions Ltd. (“Plaintiff”), by and through counsel, files this Complaint for patent infringement and demand for jury trial against Defendant Collective Minds Gaming Co. Ltd. (“Defendant”).

Plaintiff alleges as follows:

### **PARTIES**

1. Plaintiff Ironburg Inventions Ltd. (“Ironburg”) is a company organized and existing under the laws of the United Kingdom having its principal place of business at 10 Market Place, Wincanton, BA9 9LP, Great Britain.
2. Ironburg conducts business in the United States by and through Scuf Gaming International, LLC (“Scuf Gaming”), a Georgia-based manufacturer, wholesaler, retailer, and restorer of custom video game equipment and accessories, including video game controllers (“gaming controllers”), which include Plaintiff’s patented technology.
3. On information and belief, Defendant Collective Minds Gaming Co. Ltd. (“Collective Minds”) is a company organized and existing under the laws of Canada, having a place of business at 8515 Place Devonshire, Suite 205, Mount Royal, Quebec H4P 2K1, Canada.

### **JURISDICTION AND VENUE**

4. This is a complaint for patent infringement arising under the patent laws of

the United States, 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§1331 and 1338(a).

5. Defendant has committed acts and continues to commit acts within this District giving rise to this action, and venue is proper under 28 U.S.C. § 1391(b) and §1400(b).

6. On February 4, 2014, United States Patent No. 8,641,525 (hereafter the “'525 Patent”) entitled, “CONTROLLER FOR VIDEO GAME CONSOLE,” was duly and legally issued to Plaintiff Ironburg. A copy of the '525 Patent is annexed hereto as **Exhibit A**.

7. On July 28, 2015, United States Patent No. 9,089,770 (hereafter the “'770 Patent”) entitled, “CONTROLLER FOR VIDEO GAME CONSOLE,” which is a continuation of the '525 Patent, was duly and legally issued to Plaintiff Ironburg. A copy of the '770 Patent is annexed hereto as **Exhibit B**.

8. On March 22, 2016, United States Patent No. 9,289,688 (hereafter the “'688 Patent”) entitled, “GAMES CONTROLLER,” was duly and legally issued to Plaintiff Ironburg. A copy of the '688 Patent is annexed hereto as **Exhibit C**.

9. On May 31, 2016, United States Patent No. 9,352, 229 (hereinafter the “'229 Patent”) entitled “CONTROLLER FOR A GAMESCONSOLE,” was duly and legally issued to Ironburg. A copy of the '229 Patent is annexed hereto as

**Exhibit D.**

10. On April 12, 2016, United States Patent No. 9,308,450 (hereinafter the “450 Patent”) entitled “GAME CONTROLLER,” was duly and legally issued to Ironburg. A copy of the '450 Patent is annexed hereto as **Exhibit E**.

11. Plaintiff Ironburg is the owner and assignee of record of the 525, the '770, the '688, the '229 and the '450 Patents (together the “Patents-in-Suit”).

**FACTUAL BACKGROUND**

12. As part of its business, Plaintiff licenses its patents, including to Scuf Gaming and Microsoft Corporation.

13. Defendant is presently making, using, importing, marketing, selling, and/or offering to sell gaming controller products, including but not limited to Defendant’s Strike Pack product and Defendant’s Trigger Grips product<sup>1</sup>, in this District and elsewhere in the United States, which products are intended to be used, per instructions that Defendant provides to its customers, to modify Microsoft Xbox One gaming controllers, with the result being that the modified Xbox One gaming controllers incorporate one or more of Plaintiff’s patented technologies.

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<sup>1</sup> Pictures from Defendant’s website of Defendant’s Strike Pack product (<http://www.collectiveminds.ca/cm00030.html>) and of Defendant’s Trigger Grips product (<http://www.collectiveminds.ca/cm00090.html>), and which include instructions for using those products to modify Xbox One gaming controllers, are annexed hereto as **Exhibit F**.

14. At least as early as March 4, 2016, in written and oral communications with Collective Minds, Ironburg notified Collective Minds that its marketing of gaming controller products, including Collective Minds' Strike Pack product and Trigger Grips product, when used as intended to modify Xbox One gaming controllers, resulted in gaming controllers that infringed Ironburg's gaming controller patents. In those pre-suit communications with Collective Minds, Ironburg specifically identified various claims in patents and then-pending patent applications as being met by Xbox One gaming controllers modified with Collective Minds gaming controller products as follows:

- On March 4, 2016
  - Claim 20 of the '525 Patent (related to Collective Minds' Strike Pack)
  - Claim 1 of the '770 Patent (related to Collective Minds' Strike Pack)
  - Claim 1 of the then-pending patent application for the yet-to-be-issued '450 Patent (related to Collective Minds' Trigger Grips)
- On March 29, 2016
  - Claim 1 of the '688 Patent (related to Collective Minds' Strike

Pack)

- On April 15, 2016
  - Claim 1 of the just-issued '450 Patent (related to Collective Minds' Trigger Grips)
- On October 25, 2016
  - Claim 24 of the '229 Patent (related to Collective Minds' Strike Pack)

15. Despite the repeated notice that Ironburg provided Collective Minds regarding the '525, '770, '688, '229 and '450 Patents being infringed as a result of Collective Minds' marketing of its gaming controller products, Collective Minds still continues to market those gaming controller products in the U.S., including through its website, and still continues to have U.S. retailers like GameStop, BestBuy USA, Amazon.com and EBGames sell those gaming controller products. *See, e.g.,* <http://www.collectivemindss.ca/index.html>.

**COUNT I**  
**(Direct and Induced Infringement of U.S. Patent No. 8,641,525)**

16. Plaintiff repeats and realleges Paragraphs 1 through 15 of this complaint as if fully set forth herein.

17. Gaming controller products made, used and sold by the Defendant, including

Defendant's Strike Pack, when used as intended to modify Xbox One gaming controllers, including with instructions from Defendant on how its customers should modify the controllers, result in a modified gaming controller ("Strike Pack Modified Controller").

18. Each and every claim in the '525 patent is directed to a gaming controller. There are only two independent claims in the '525 patent: Claims 1 and 20. They are similar, but Claim 1 includes a limitation that Claim 20 does not (Claim 20 does not specify that an element is resilient and flexible). Claims 1 and 20 include the following claim elements: (1) an outer case, (2) a front control, (3) shaped to be held in the hand of a user such that the user's thumb is positioned to operate the front control, and (4) two back controls with elongated members. The Strike Pack Modified Controller is a hand held controller that includes the aforementioned claim elements, viz., (1) an outer case, (2) a front control, (3) shaped to be held in the hand of a user such that the user's thumb is positioned to operate the front control, and (4) two back controls with elongated members. The remaining claims of the patent include the elements of Claim 1 and add additional limitations. For example, Claim 12 further requires that the elongate members are parallel to one another, and Claim 15 further requires a switch mechanism disposed between each of the elongate members and an outer surface of the back of the controller. The

Strike Pack Modified Controller includes each element of exemplary Claims 1, 20 and 12, 15. Plaintiff contends that the infringement is literal, but reserves the right to rely on the doctrine of equivalents.

19. Defendant directly infringes the '525 patent by making the Strike Pack Modified Controller and advertising it to customers in the United States. *See, e.g., Exhibit F; see also [www.collectivemindss.ca/index.html](http://www.collectivemindss.ca/index.html).*

20. Defendant's customers directly infringe the '525 patent by making and using the Strike Pack Modified Controller in the United States.

21. Defendant has induced and continues to induce its customers to directly infringe the '525 patent. Defendant (i) knew and still knows that that patent exists, (ii) knew and still knows that the acts it has induced and still is inducing (i.e. its customers' modifications to create Strike Pack Modified Controllers using Defendant's instructions) would cause infringement of that patent, and (iii) intended and still intends that those acts of inducement occur with the desired result (i.e. Xbox One gaming controllers being modified to create Strike Pack Modified Controllers, with infringement resulting therefrom).

22. Defendant's acts which cause infringement of the '525 Patent have caused and will continue to cause Plaintiff substantial and irreparable injury, for which Plaintiff is entitled to receive injunctive relief and damages adequate to



compensate Plaintiff for such infringement.

23. Plaintiff is entitled to damages under 35 U.S.C. § 284 for Defendant's acts to cause infringement of one or more claims of the '525 Patent.

**COUNT II**  
**(Direct and Induced Infringement of U.S. Patent No. 9,089,770)**

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

25. Gaming controller products made, used and sold by the Defendant, including Defendant's Strike Pack, when used as intended to modify Xbox One gaming controllers, including with instructions from Defendant on how its customers should modify the controllers, result in a Strike Pack Modified Controller.

26. Each and every claim in the '770 patent is directed to a gaming controller. There is only one independent claim in the '770 patent: Claim 1. Claim 1 includes the following claim elements: (1) an outer case, (2) two back controls with elongated members, (3) the first back control extending at least half the distance between the top and bottom of the controller, and (4) the second back control also extending at least half the distance between the top and bottom of the controller. The Strike Pack Modified Controller is a hand held controller that includes the aforementioned claim elements, viz., (1) an outer case, (2) two back controls with elongated members, (3) the first back control extending at least half the distance

between the top and bottom of the controller, and (4) the second back control also extending at least half the distance between the top and bottom of the controller.

The remaining claims of the patent include the elements of Claim 1 and add additional limitations. For example, Claim 13 further requires a switch mechanism disposed between each of the elongate members and an outer surface of the back of the controller. The Strike Pack Modified Controller includes each element of exemplary Claims 1 and 13. Plaintiff contends that the infringement is literal, but reserves the right to rely on the doctrine of equivalents.

27. Defendant directly infringes the '770 patent by making the Strike Pack Modified Controller and advertising it to customers in the United States. *See, e.g., Exhibit F; see also [www.collectivemindss.ca/index.html](http://www.collectivemindss.ca/index.html).*

28. Defendant's customers directly infringe the '770 patent by making and using the Strike Pack Modified Controller in the United States.

29. Defendant has induced and continues to induce its customers to directly infringe the '770 patent. Defendant (i) knew and still knows that that patent exists, (ii) knew and still knows that the acts it has induced and still is inducing (i.e. its customers' modifications to create Strike Pack Modified Controllers using Defendant's instructions) would cause infringement of that patent, and (iii) intended and still intends that those acts of inducement occur with the desired

result (i.e. Xbox One gaming controllers being modified to create Strike Pack Modified Controllers, with infringement resulting therefrom).

30. Defendant's acts which cause infringement of the '770 Patent have caused and will continue to cause Plaintiff substantial and irreparable injury, for which Plaintiff is entitled to receive injunctive relief and damages adequate to compensate Plaintiff for such infringement.

31. Plaintiff is entitled to damages under 35 U.S.C. § 284 for Defendant's acts to cause infringement of one or more claims of the '770 Patent.

**COUNT III**  
**(Direct and Induced Infringement of U.S. Patent No. 9,289,688)**

32. Plaintiff repeats and realleges Paragraphs 1 through 31 of this complaint as if fully set forth herein.

33. Gaming controller products made, used and sold by the Defendant, including Defendant's Strike Pack, when used as intended to modify Xbox One gaming controllers, including with instructions from Defendant on how its customers should modify the controllers, result in a Strike Pack Modified Controller.

34. Each and every claim in the '688 patent is directed to a gaming controller. There are only two independent claims in the '688 patent: Claims 1 and 30. They are similar, but Claim 1 is directed to a controller with certain features and controls, and Claim 30 is directed to features and controls. Claim 1 includes the

following claim elements: (1) an outer case, (2) multiple controls on the front and top of the case, (3) the case shaped to be held in two hands with the user's thumbs operating the top controls and index fingers operating the front controls, (4) at least one additional back control with an elongate member that is operable by the user's middle, ring or little finger, (5) and the elongate member has one side disposed proximate an outer surface of the case and the opposite side is non-parallel with that outer surface. The Strike Pack Modified Controller is a hand held controller that includes the aforementioned claim elements, viz., (1) an outer case, (2) multiple controls on the front and top of the case, (3) the case shaped to be held in two hands with the user's thumbs operating the top controls and index fingers operating the front controls, (4) at least one additional back control with an elongate member that is operable by the user's middle, ring or little finger, (5) and the elongate member has one side disposed proximate an outer surface of the case and the opposite side is non-parallel with that outer surface. The remaining claims of the patent include the elements of Claim 1 and add additional limitations. The Strike Pack Modified Controller includes each element of exemplary Claim 1. Plaintiff contends that the infringement is literal, but reserves the right to rely on the doctrine of equivalents.

35. Defendant directly infringes the '688 patent by making the Strike Pack

Modified Controller and advertising it to customers in the United States. *See, e.g.,*

**Exhibit F**; *see also* [www.collectivemindss.ca/index.html](http://www.collectivemindss.ca/index.html).

36. Defendant's customers directly infringe the '688 patent by making and using the Strike Pack Modified Controller in the United States.

37. Defendant has induced and continues to induce its customers to directly infringe the '688 patent. Defendant (i) knew and still knows that that patent exists, (ii) knew and still knows that the acts it has induced and still is inducing (i.e. its customers' modifications to create Strike Pack Modified Controllers using Defendant's instructions) would cause infringement of that patent, and (iii) intended and still intends that those acts of inducement occur with the desired result (i.e. Xbox One gaming controllers being modified to create Strike Pack Modified Controllers, with infringement resulting therefrom).

38. Defendant's acts which cause infringement of the '688 Patent have caused and will continue to cause Plaintiff substantial and irreparable injury, for which Plaintiff is entitled to receive injunctive relief and damages adequate to compensate Plaintiff for such infringement.

39. Plaintiff is entitled to damages under 35 U.S.C. § 284 for Defendant's acts to cause infringement of one or more claims of the '688 Patent.

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**COUNT IV**

**(Direct and Induced Infringement Of U.S. Patent No. 9,352,229)**

40. Plaintiff repeats and realleges Paragraphs 1 through 39 of this complaint as if fully set forth herein.

41. Gaming controller products made, used and sold by the Defendant, including Defendant's Strike Pack, when used as intended to modify Xbox One gaming controllers, including with instructions from Defendant on how its customers should modify the controllers, result in a Strike Pack Modified Controller.

42. Each and every claim in the '229 patent is directed to a gaming controller. There are only two independent claim in the '229 patent: Claims 1 and 24. They are similar, but Claim 24 also includes an element for a mounting plate on the back of the controller. Claim 1 includes the following claim elements: (1) an outer case, (2) multiple controls on the front and top of the case, (3) the case is shaped to be held in two hands with the user's thumbs operating the top controls and index fingers operating the front controls, (4) at least one additional back control with an elongate member that is operable by the user's middle finger, (5) the additional control is inherently resilient and flexible and can be displaced by the user to activate a control function, and (6) the elongate member is at least partially disposed in a respective channel located on the back of the outer case (the channel being elongated along a longitudinal dimension of the elongate member). The

Strike Pack Modified Controller is a hand held controller that includes the aforementioned claim elements, viz., (1) an outer case, (2) multiple controls on the front and top of the case, (3) the case is shaped to be held in two hands with the user's thumbs operating the top controls and index fingers operating the front controls, (4) at least one additional back control with an elongate member that is operable by the user's middle finger, (5) the additional control is inherently resilient and flexible and can be displaced by the user to activate a control function, and (6) the elongate member is at least partially disposed in a respective channel located on the back of the outer case (the channel being elongated along a longitudinal dimension of the elongate member). The Strike Pack Modified Controller also includes the additional aforementioned claim element of a mounting plate on the back of the controller. The remaining claims of the patent include the elements of Claim 1 and add additional limitations. The Strike Pack Modified Controller includes each element of exemplary Claims 1 and 24. Plaintiff contends that the infringement is literal, but reserves the right to rely on the doctrine of equivalents.

43. Defendant directly infringes the '229 patent by making the Strike Pack Modified Controller and advertising it to customers in the United States. *See, e.g., Exhibit F; see also [www.collectivemindss.ca/index.html](http://www.collectivemindss.ca/index.html).*

44. Defendant's customers directly infringe the '229 patent by making and using the Strike Pack Modified Controller in the United States.

45. Defendant has induced and continues to induce its customers to directly infringe the '229 patent. Defendant (i) knew and still knows that that patent exists, (ii) knew and still knows that the acts it has induced and still is inducing (i.e. its customers' modifications to create Strike Pack Modified Controllers using Defendant's instructions) would cause infringement of that patent, and (iii) intended and still intends that those acts of inducement occur with the desired result (i.e. Xbox One gaming controllers being modified to create Strike Pack Modified Controllers, with infringement resulting therefrom).

46. Defendant's acts which cause infringement of the '229 Patent have caused and will continue to cause Plaintiff substantial and irreparable injury, for which Plaintiff is entitled to receive injunctive relief and damages adequate to compensate Plaintiff for such infringement.

47. Plaintiff is entitled to damages under 35 U.S.C. § 284 for Defendant's acts to cause infringement of one or more claims of the '229 Patent.

**COUNT V**  
**(Direct and Induced Infringement of U.S. Patent No. 9,289,688)**

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



49. Gaming controller products made, used and sold by the Defendant, including Defendant's Trigger Grips, when used as intended to modify Xbox One gaming controllers, including with instructions from Defendant on how its customers should modify the controllers, result in a modified gaming controller ("Trigger Grips Modified Controller").

50. Each and every claim in the '450 patent is directed to a gaming controller. There is only one independent claim in the '450 patent: Claim 1. Claim 1 includes the following claim elements: (1) a chassis with an outer wall that includes an outer surface of the controller, (2) a trigger that extends through that outer wall and moves relative to the chassis, (3) a strike plate that is connected to and moves with the trigger, (4) a screw that goes through that outer wall and contacts the strike plate to adjustably define a command initiation point, and (5) the command initiation point is one end of a range of motion of the trigger. The Trigger Grips Modified Controller is a hand held controller that includes the aforementioned claim elements, viz., (1) a chassis with an outer wall that includes an outer surface of the controller, (2) a trigger that extends through that outer wall and moves relative to the chassis, (3) a strike plate that is connected to and moves with the trigger, (4) a screw that goes through that outer wall and contacts the strike plate to adjustably define a command initiation point, and (5) the command initiation point

is one end of a range of motion of the trigger. The remaining claims of the patent include the elements of Claim 1 and add additional limitations. The Trigger Grips Modified Controller includes each element of exemplary Claim 1. Plaintiff contends that the infringement is literal, but reserves the right to rely on the doctrine of equivalents.

51. Defendant directly infringes the '450 patent by making the Strike Pack Modified Controller and advertising it to customers in the United States. *See, e.g., Exhibit F; see also [www.collectivemindss.ca/index.html](http://www.collectivemindss.ca/index.html).*

52. Defendant's customers directly infringe the '450 patent by making and using the Strike Pack Modified Controller in the United States.

53. Defendant has induced and continues to induce its customers to directly infringe the '450 patent. Defendant (i) knew and still knows that that patent exists, (ii) knew and still knows that the acts it has induced and still is inducing (i.e. its customers' modifications to create Trigger Grips Modified Controllers using Defendant's instructions) would cause infringement of that patent, and (iii) intended and still intends that those acts of inducement occur with the desired result (i.e. Xbox One gaming controllers being modified to create Trigger Grips Modified Controllers, with infringement resulting therefrom).

54. Defendant's acts which cause infringement of the '450 Patent have caused

and will continue to cause Plaintiff substantial and irreparable injury, for which Plaintiff is entitled to receive injunctive relief and damages adequate to compensate Plaintiff for such infringement.

55. Plaintiff is entitled to damages under 35 U.S.C. § 284 for Defendant's acts to cause infringement of one or more claims of the '450 Patent.

**INCREASED DAMAGES UNDER 35 U.S.C. § 284**

56. Plaintiff repeats and realleges Paragraphs 1 through 55 of this Complaint as if fully set forth herein.

57. Plaintiff is entitled to increased or enhanced damages under 35 U.S.C. Section 284 for ongoing egregious and willful misconduct. Collective Minds' infringement and inducing infringement has been and is willful and its conduct has been and is egregious.

58. Collective Minds' egregious and willful misconduct includes but is not limited to the continued, deliberate sale of gaming controller products, including the Strike Pack and Trigger Grips, and instructing its customers to use those products to modify Xbox One gaming controllers, despite repeated and ever increasing notifications and cease and desist demands from Ironburg that Xbox One controllers modified with those products infringe at least four Ironburg patents. Collective Minds' egregious conduct is beyond what is found in a typical

patent case.

59. Collective Minds has and continues to sell the accused controller products and to instruct its customers to use those products to modify Xbox One gaming controllers despite actual knowledge that such modified controllers actually infringe at least the four patents at issue in this suit.

60. Additionally, Collective Minds acted despite a high likelihood that its actions, including but not limited to its marketing and sales of its Strike Pack and Trigger Grips products, together with Collective Minds' instructions to its customers, constituted infringement and inducement to infringe of the Patents-in-Suit. Collective Minds acted despite the fact that the risk of such infringement should have been known to the Collective Minds and was actually known to Collective Minds. Collective Minds' infringement and inducement, including but not limited to its marketing and sales of the Strike Pack and Trigger Grips and instructing its customers to use those products to modify Xbox One gaming controllers, has been with actual notice of infringement of each of the Patents-in-Suit, including as a result of Ironburg's communications with Collective Minds regarding Defendant's Strike Pack and Trigger Grips products and Ironburg's patents and patent applications.

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### **REQUEST FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

A. The entry of judgment declaring that Defendant has induced infringed each of the Patents-in-Suit;

B. An award of all available damages, including, but not limited to any lost profits from Defendant's inducing infringement of the Patents-in-Suit, but in any event not less than a reasonable royalty, together with pre-judgment and post-judgment interest;

C. An injunction restraining Defendant and its affiliates, subsidiaries, officers, directors, agents, servants, employees, representatives, licensees, successors, assigns, and all those acting for them and on their behalf, from further inducing infringement of the Patents-in-Suit, as well as any other contributions to infringement of the Patents-in-Suit;

D. The entry of an order declaring that this is an exceptional case and awarding Plaintiff its costs, expenses, and reasonable attorney fees under 35 U.S.C. § 285 and all other applicable statutes, rules, and common law;

E. An award of enhanced and treble damages under 35 U.S.C. § 284 for Defendant's egregious conduct beyond what is found in a typical patent case; AND

F. An order awarding Plaintiff any such other relief as the Court may deem just and proper under the circumstances.

**DEMAND FOR JURY TRIAL**

Plaintiff demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: November 2, 2016

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