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10	Attorneys for Plaintiff Gamevice, Inc.		
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12 13 14	IN THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA		
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16	GAMEVICE, INC., a Delaware corporation,)	
17	Plaintiff,)	
18		j	CASE NO. 17-cv-5923
19	v. NINTENDO CO., LTD., a Japanese corporation, and NINTENDO OF)	COMPLAINT FOR PATENT
20)) INFRINGEMENT)
21	AMERICA, INC., a Washington corporation)	JURY TRIAL DEMANDED
22	Defendants.	ĺ	
23	Defendants.	,	
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COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Gamevice, Inc. ("Gamevice") hereby asserts the following claims for patent infringement against Defendants Nintendo Co., Ltd. and Nintendo of America, Inc. (collectively, "Nintendo"), and alleges as follows:

NATURE OF THE ACTION

- 1. This is a civil action for patent infringement under the patent laws of the United States, 35 U.S.C. § 1 *et seq*.
- 2. Defendants have infringed and continue to infringe, and have induced and continue to induce infringement of, one or more claims of Gamevice's U.S. Patent No. 9,126,119 ("the '119 patent") at least by importing, selling and offering to sell the Nintendo Switch gaming console.
- 3. Gamevice is the legal owner by assignment of the '119 patent, which was duly and legally issued by the United States Patent and Trademark Office ("USPTO"). Gamevice seeks injunctive relief and monetary damages.

THE PARTIES

- 4. Gamevice, Inc. is a corporation organized and existing under the laws of the State of Delaware with its principal place of business at 685 Cochran St., Suite 200, Simi Valley, CA 93065.
- 5. Upon information and belief, defendant Nintendo Co., Ltd. ("Nintendo Co.") is a corporation organized and existing under the laws of Japan with its principal place of business at 11-1 Hokotate-cho, Kamitoba, Minami-ku, Kyoto, Japan 601-8501. Nintendo Co. is in the business of researching, designing, developing, manufacturing, and selling video game consoles, handheld videogame systems, video games, accessories, and components of those products and accessories, for importation into the United States and sales in the United States, including in this District.
- 6. Upon information and belief, defendant Nintendo of America, Inc. ("Nintendo of America") is a corporation organized under the laws of Washington,

- having a principal place of business at 4600 150th Avenue NE, Redmond, Washington 98052. Nintendo of America is in the business of importing, marketing, advertising, and selling video game consoles, handheld videogame systems, video games, and accessories in the United States, including in this District.
 - 7. Nintendo of America is a wholly owned subsidiary of Nintendo Co.
- 8. Upon information and belief, each of the Defendants directly and/or indirectly imports, develops, designs, manufactures, distributes, markets, offers to sell and/or sells infringing products and services in the United States, including in the Central District of California, and otherwise purposefully directs infringing activities to this district in connection with the Nintendo Switch.
- 9. Upon information and belief and as further explained below, Defendants have been and are acting in concert, and are otherwise liable jointly, severally or otherwise for a right to relief related to or arising out of the same transaction, occurrence or series of transactions or occurrences related to the making, using, importing into the United States, offering for sale or selling the Nintendo Switch in this District. In addition, this action involves questions of law and fact that are common to all Defendants.

JURISDICTION AND VENUE

- 10. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq*.
- 11. This Court has subject matter jurisdiction over the matters asserted herein under 28 U.S.C. §§ 1331 and 1338(a).
- 12. Nintendo is subject to this Court's personal jurisdiction. Nintendo has infringed the '119 patent in this District by, among other things, engaging in infringing conduct within and directed at or from this District. For example, Nintendo has purposefully and voluntarily placed the Nintendo Switch into the stream of commerce with the expectation that these infringing products will be used

used in this District.

13. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400(b) at least because Nintendo has committed acts of infringement in this District and has a regular and established place of business in this District.

in this District. These infringing products have been and continue to be sold and

GAMEVICE'S HISTORY AND PATENTED TECHNOLOGY

14. Originally founded in 2008 (under the name Wikipad, Inc.), Gamevice has long sought to develop and create innovative solutions for video game players. Its first product, the Wikipad, was a full function, Android-based tablet computer that included a detachable game controller. Because tablet or smartphone based games typically required the user to control the screen action using touch-sensitive controls that appeared directly on the screen (taking up valuable screen space), Gamevice's well-received Wikipad product included a detachable game controller that both held the Wikipad while providing separate gaming controls, *e.g.*, joysticks, buttons and triggers, so that avid video gamers could enjoy a full screen gaming experience.



15. Recognizing the growing migration of popular video games to handheld devices, Gamevice continued to innovate, and in 2015 it released its namesake device, the Gamevice, a game controller that provides true gaming controls for use with a smartphone or tablet. The Gamevice game controller is

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designed to work with both Apple and Samsung devices and includes a collection of traditional gaming controls, allowing gamers to play hundreds of video games on their smartphone and tablet devices.



16. Gamevice has filed for patent protection on its innovations, and currently holds over 41 patents in 10 countries related to a range of gaming devices, controls and accessories. The '119 patent, granted by the United States Patent and Trademark Office on September 8, 2015, is entitled "Combination Computing Device and Game Controller with Flexible Bridge Section." Gamevice is the current owner of the '119 patent. A true and correct copy of the '119 patent is attached hereto as Exhibit A.

ACTS GIVING RISE TO THIS ACTION

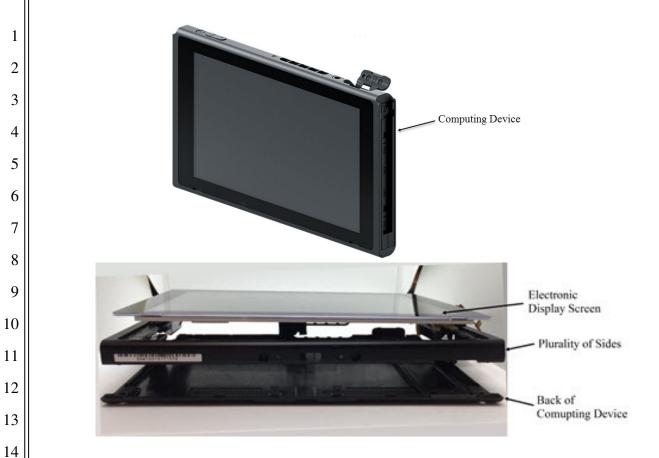
17. On October 20, 2016, Nintendo unveiled a new home gaming console, the Nintendo Switch. The Nintendo Switch console consists of a multi-touch capacitive touch screen that includes a slot that accepts Nintendo Switch game cards. Players can place the console into the Switch dock, connected to a television monitor, and play games using one or more "Joy-Con" controllers. Alternatively,



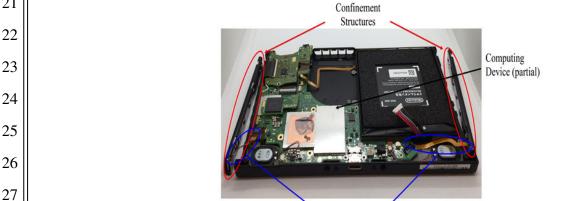
when mobility is desired, users can remove the gaming console from its dock and attach the two Joy Con controllers to rails on each side of the Switch console, creating a mobile, handheld gaming device.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 9,126,119

- 18. Gamevice incorporates by reference and re-alleges all the foregoing paragraphs of this Complaint as if fully set forth herein.
- 19. Defendants have directly infringed and are currently directly infringing the '119 patent by making, using, selling, offering for sale, and/or importing into the United States, without authority, products and equipment that embody one or more claims of the '119 patent, including but not limited to the Nintendo Switch.
- 20. As just one non-limiting example, set forth below (with claim language in italics) is a description of infringement of exemplary claim 1 of the '119 patent in connection with the Nintendo Switch. This description is based on publicly available information. Gamevice reserves the right to modify this description, including, for example, on the basis of information about the Nintendo Switch that it obtains during discovery.
- 1(a) *A combination comprising:* The Nintendo Switch is a combination of the claimed elements, as described below.
- 1(b) a computing device, the computing device providing a plurality of sides, each of the plurality of sides are disposed between an electronic display screen of the computing device and a back of the computing device; The Nintendo Switch includes a computing device in the form of an electronic tablet having a plurality of sides disposed between a screen and a back of the computing device.



1(c) a communication port interacting with the computing device, the communication port providing a communication link and a pair of confinement structures, the pair of confinement structures adjacent to and confining the computing device on at least two opposing sides of the plurality of sides of the computing device; The Nintendo Switch includes a communications port providing a communication link and a pair of confinement structures as indicated below:



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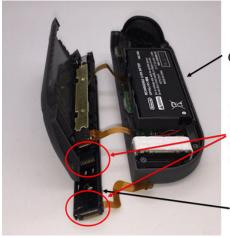
Communication

Link

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1(d)(i) an input device attached to and in electronic communication with the communication port, The Nintendo Switch includes two Joy-Con control modules that provide an input device to the computing device. The two Joy-Cons are in electronic communication with the communication port through at least the reciprocal connectors on the Joy-Cons and the confinement structures.



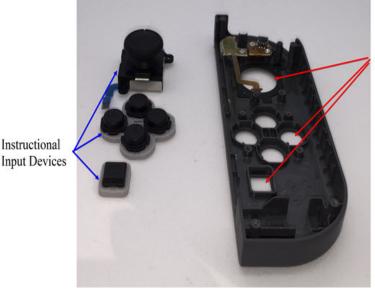


Control Module

Electrical connection made when Joy-Con connected to Confinement Structure

Confinement Structure of Communication Port

1(d)(ii) the input device providing a pair of control modules, the pair of control modules providing input module apertures, each input module aperture secures an instructional input device, wherein said input module apertures are adjacent each of the at least two opposing sides of the plurality of sides of the computing device, and wherein the input device is a separate and distinct structure from the communication port, forming no structural portion of the communication port; and The two Nintendo Switch Joy-Cons are a pair of control modules. Each Joy-Con has apertures in which are secured instructional input devices, including joy sticks and buttons. The Joy-Cons are separate and distinct from the other components that make-up the communication port.

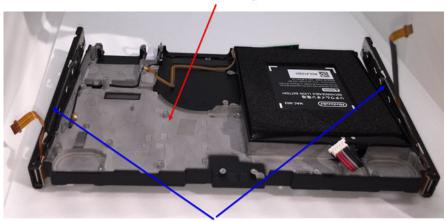






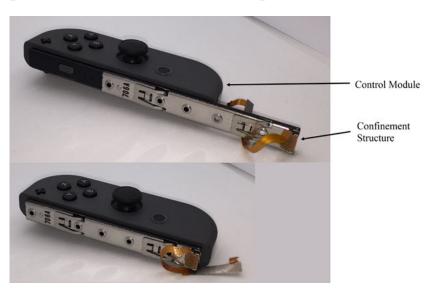
1(e)(i) a structural bridge securing the pair of confinement structures one to the other, The Nintendo Switch includes a structural bridge to which the two confinement structures are connected.

Structural Bridge



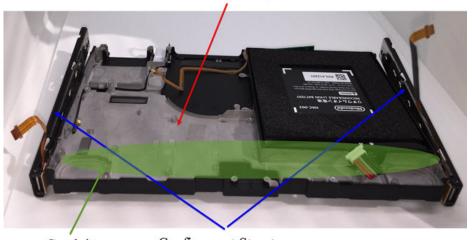
Confinement Structures

1(e)(ii) in which each of the pair of control modules provide an attachment structure cooperating with the communication port, each attachment structure secures the input device to the communication port, Each Joy-Con includes an attachment structure that cooperates with features on the confinement structures to secure the input device to the communication port, as shown below.



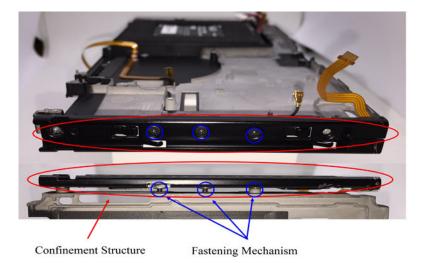
1(f) (i) and in which the structural bridge comprising: a conduit between the pair of control modules; The structural bridge in the Nintendo Switch comprises a pathway between the two Joy-Cons.

Structural Bridge



Conduit Confinement Structure

1(f)(ii) [the structural bridge comprising:] and a fastening mechanism cooperating with the pair of confinement structures, the fastening mechanism secures the pair of confinement structures one to the other. The confinement structures of the Nintendo Switch are secured to the structural bridge with screws, thereby securing the pair of confinement structures one to the other.



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- 21. At least as early as the filing and service of this Complaint, Nintendo is also indirectly infringing the '119 patent.
- 22. Nintendo has actual knowledge of Gamevice's rights in the '119 patent and details of Nintendo's infringement of the '119 patent based on at least the filing and service of this Complaint.
- 23. Nintendo manufactures, uses, imports, offers for sale, and/or sells the Nintendo Switch with knowledge of or willful blindness to the fact that its actions will induce Nintendo's retail partners and end users to infringe the '119 patent by at least using and/or selling the Nintendo Switch in violation of 35 U.S.C. § 271.
- 24. Nintendo's infringement has caused, and is continuing to cause, damage and irreparable injury to Gamevice, and Gamevice will continue to suffer damage and irreparable injury unless and until that infringement is enjoined by this Court.
- 25. Gamevice is entitled to injunctive relief and damages in accordance with 35 U.S.C. §§ 271, 281, 283, and 284.

PRAYER FOR RELIEF

WHEREFORE, Gamevice respectfully requests:

- A. That Judgment be entered that Nintendo has infringed the '119 patent, directly and indirectly, literally or under the doctrine of equivalents;
- B. That, in accordance with 35 U.S.C. § 283, Nintendo and all affiliates, employees, agents, officers, directors, attorneys, successors, and assigns and all those acting on behalf of or in active concert or participation with any of them, be preliminarily and permanently enjoined from (1) infringing the '119 patent and (2) making, using, selling, and offering for sale the Nintendo Switch;
- C. An award of damages sufficient to compensate Gamevice for Nintendo's infringement under 35 U.S.C. ¶ 284;
- D. That the case be found exceptional under 35 U.S.C. § 285 and that Gamevice be awarded its attorneys' fees;

1	E.	Costs and expenses in	n this action;	
2	F.	An award of prejudgment and post-judgment interest; and		
3	G.	Such other and further relief as the Court may deem just and proper.		
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5	DATED:	August 9, 2017	QUINN EMANUEL URQUHART &	
6			SULLIVAN, LLP	
7				
8			By/s/ Chris A. Mathews John B. Quinn	
9			Chris A. Mathews	
10			Bruce R. Zisser Scott Florance	
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DEMAND FOR JURY TRIAL Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Gamevice respectfully demands a trial by jury on all issues triable by jury. DATED: August 9, 2017 QUINN EMANUEL URQUHART & SULLIVAN, LLP By/s/ Chris A. Mathews John B. Quinn Chris A. Mathews Bruce R. Zisser **Scott Florance** Attorneys for Plaintiff Gamevice, Inc.