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U.S. DISTRICT COURT

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TX EASTERN-MARSHALL

BY _____

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

(1) IMMERSION MEDICAL, INC.

Plaintiff,

v.

(1) MENTICE AB,

(2) MENTICE SA,

(2) SIMBIONIX USA CORP., AND

(3) SIMBIONIX LTD.

Defendants.

Case No **2-08 CV-161** TSW/CE

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

TO THE HONORABLE JUDGE OF SAID COURT:

Plaintiff, Immersion Medical, Inc. ("IMMERSION"), for its Complaint against Defendants, Mentice AB, Mentice SA formerly known as Xitact SA, Symbionix USA Corp. ("Symbionix USA"), and Symbionix Ltd. and alleges:

THE PARTIES

1 Plaintiff, IMMERSION, is a corporation duly organized and existing under the laws of Maryland, USA, having a principal place of business at 55 West Watkins Mill Road, Gaithersburg, Maryland, USA

2. Defendant, Mentice AB, is a company organized under the laws of Sweden,

having a principal place of business at Rosenlundsgatan 8, SE-411 20 Gothenburg, Sweden.

3. Defendant, Mentice SA, is a company organized under the laws of Switzerland, having a principal place of business at 45 rue de Lausanne, 1110 Morges, Switzerland.

4. Defendant, Simbionix USA Corp., is a corporation duly organized and existing under the laws of Delaware, having a principal place of business at 11000 Cedar Ave., Suite 210 Cleveland, OH 44106.

5. Defendant, Simbionix Ltd., is a company organized under the laws of Israel, having a principal place of business at 6 Hamelacha St., Northern Industrial Zone, Lod 71520, Israel.

JURISDICTION

6. This is an action arising under the patent laws of the United States. Accordingly, this Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. On information and belief, this Court has personal jurisdiction over the Defendants in that Mentice AB, Mentice SA, Simbionix USA, and Simbionix Ltd. (hereinafter "Defendants") have established minimum contacts with the forum. On information and belief, each of Defendants manufacture and/or assemble hardware and/or software for surgical training systems that are and have been used, offered for sale, sold, purchased, or otherwise located in the United States and in the State of Texas. Each Defendant, directly and/or through its distribution network, places its hardware and/or software for surgical training systems within the stream of commerce, which stream is directed at the State of Texas. Therefore, the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice.

VENUE

8. Each of Defendants do business in this district, including providing surgical training systems that are used, offered for sale, sold, have been purchased, or otherwise located in the State of Texas. Mentice AB, Mentice SA, and Simbionix Ltd. are foreign corporations that may be sued in any district. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), (c), and (d) and 1400(b).

FACTUAL ALLEGATIONS

9. United States Patent No. 6,106,301 (“the ‘301 patent”), entitled *Interventional Radiology Interface Apparatus And Method*, was duly and lawfully issued August 22, 2000. IMMERSION is the current owner of all rights, title, and interest in the ‘301 patent. A true and correct copy of the ‘301 patent is attached hereto as Exhibit A.

10. United States Patent No. 5,821,920 (“the ‘920 patent”), entitled *Control Input Device for Interfacing an Elongated Flexible Object with a Computer System*, was duly and lawfully issued October 13, 1998. IMMERSION is the current owner of all rights, title, and interest in the ‘920 patent. A true and correct copy of the ‘920 patent is attached hereto as Exhibit B.

11. United States Patent No. 6,323,837 (“the ‘837 patent”), entitled *Method and Apparatus for Interfacing an Elongated Object with a Computer System*, was duly and lawfully issued November 27, 2001. IMMERSION is the current owner of all rights, title, and interest in the ‘837 patent. A true and correct copy of the ‘837 patent is attached hereto as Exhibit C.

12. United States Patent No. 5,844,392 (“the ‘392 patent”), entitled *Haptic Browsing*, was duly and lawfully issued December 1, 1998. IMMERSION is the current owner of all rights, title, and interest in the ‘392 patent. A true and correct copy of the ‘392 patent is attached hereto as Exhibit D.

FIRST COUNT

(Infringement of the ‘301 patent)

13. IMMERSION incorporates by reference the allegations set forth in Paragraphs 1-12 of this Complaint as though fully set forth herein.

14. Each of Defendants has infringed and is infringing the ‘301 patent by making, using, importing, offering for sale and/or selling in the United States, without authority, products, including hardware and/or software for surgical training systems, that embody the inventions patented within the ‘301 patent, and, on information and belief, by actively inducing and/or

contributing to infringement of said patent by others.

15 Upon information and belief, Defendants will continue to directly infringe, induce infringement and/or contribute to the infringement of the '301 patent unless enjoined by this Court.

16. Upon information and belief, Defendants' infringement of the '301 patent is willful, entitling IMMERSION to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285

17. Defendants' acts of infringement have caused damage to IMMERSION and IMMERSION is entitled to recover from Defendants the damages sustained by IMMERSION as a result of Defendants' wrongful acts in an amount subject to proof at trial. Defendants' acts of infringement will continue to damage IMMERSION, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

SECOND COUNT

(Infringement of the '920 patent)

18 IMMERSION incorporates by reference the allegations set forth in Paragraphs 1-17 of this Complaint as though fully set forth herein

19. Each of Defendants has infringed and is infringing the '920 patent by making, using, importing, offering for sale and/or selling in the United States, without authority, products, including hardware and/or software for surgical training systems, that embody the inventions patented within the '920 patent, and, on information and belief, by actively inducing and/or contributing to infringement of said patent by others

20. Upon information and belief, Defendants will continue to directly infringe, induce infringement and/or contribute to the infringement of the '920 patent unless enjoined by this Court.

21. Upon information and belief, Defendants' infringement of the '920 patent is willful, entitling IMMERSION to increased damages under 35 U.S.C. § 284 and to attorneys'

fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

22. Defendants' acts of infringement have caused damage to IMMERSION and IMMERSION is entitled to recover from Defendants the damages sustained by IMMERSION as a result of Defendants' wrongful acts in an amount subject to proof at trial. Defendants' acts of infringement will continue to damage IMMERSION, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court.

THIRD COUNT

(Infringement of the '837 patent)

23. IMMERSION incorporates by reference the allegations set forth in Paragraphs 1-22 of this Complaint as though fully set forth herein

24. Each of the Defendants has infringed and is infringing the '837 patent by making, using, importing, offering for sale and/or selling in the United States, without authority, products, including hardware and/or software for surgical training systems, that embody the inventions patented within the '837 patent, and, on information and belief, by actively inducing and/or contributing to infringement of said patent by others.

25. Upon information and belief, Defendants will continue to directly infringe, induce infringement and/or contribute to the infringement of the '837 patent unless enjoined by this Court

26. Upon information and belief, Defendants' infringement of the '837 patent is willful, entitling IMMERSION to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285

27. Defendants' acts of infringement have caused damage to IMMERSION and IMMERSION is entitled to recover from Defendants the damages sustained by IMMERSION as a result of Defendants' wrongful acts in an amount subject to proof at trial. Defendants' acts of infringement will continue to damage IMMERSION, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court

FOURTH COUNT

(Infringement of the '392 patent)

28 IMMERSION incorporates by reference the allegations set forth in Paragraphs 1-27 of this Complaint as though fully set forth herein.

29 Each of Defendants has infringed and is infringing the '392 patent by making, using, importing, offering for sale and/or selling in the United States, without authority, products, including hardware and/or software for surgical training systems, that embody the inventions patented within the '392 patent, and, on information and belief, by actively inducing and/or contributing to infringement of said patent by others.

30. Upon information and belief, Defendants will continue to directly infringe, induce infringement and/or contribute to the infringement of the '392 patent unless enjoined by this Court

31. Upon information and belief, Defendants' infringement of the '392 patent is willful, entitling IMMERSION to increased damages under 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

32. Defendants' acts of infringement have caused damage to IMMERSION and IMMERSION is entitled to recover from Defendants the damages sustained by IMMERSION as a result of Defendants' wrongful acts in an amount subject to proof at trial. Defendants' acts of infringement will continue to damage IMMERSION, causing irreparable harm, for which there is no adequate remedy at law, unless enjoined by this Court

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure and Local Rule CV-38, plaintiff demands a trial by jury of this action

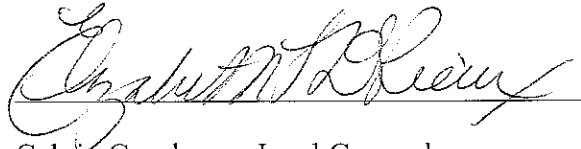
PRAYER FOR RELIEF

WHEREFORE, IMMERSION prays for judgment and seeks relief against Defendants as follows:

- (a) For judgment that the '301 patent has been and/or continues to be infringed by each of the Defendants;
- (b) For judgment that the '920 patent has been and/or continues to be infringed by each of the Defendants;
- (c) For judgment that the '837 patent has been and/or continues to be infringed by each of the Defendants;
- (d) For judgment that the '392 patent has been and/or continues to be infringed by each of the Defendants;
- (e) For an accounting of all damages sustained by IMMERSION as the result of Defendants' acts of infringement;
- (f) For preliminary and permanent injunctions enjoining the aforesaid acts of infringement by Defendants, their officers, agents, servants, employees, subsidiaries, successors, assigns, and all other persons acting in concert or participation with any of Defendants, including related individuals and entities, customers, representatives, dealers, distributors, and importers;
- (g) For actual damages together with prejudgment interest;
- (h) For enhanced damages pursuant to 35 U.S.C. § 284;
- (i) For an award of attorneys' fees pursuant to 35 U.S.C. § 285 or as otherwise permitted by law;
- (j) For all costs of suit; and
- (k) For such other and further relief as the Court may deem just and proper

DATED: April 16, 2008

Respectfully submitted,



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