

E-filing

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10 IMMERSION CORPORATION

ORIGINAL  
FILED  
SEP 24 2004

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

ADR

13 IMMERSION CORPORATION,  
14 Plaintiff,  
15 vs.  
16 ELECTRO SOURCE, LLC,  
17 Defendant.

18 Case No. **04 4040**  
19 **EMC**  
20 COMPLAINT FOR PATENT  
21 INFRINGEMENT  
22 DEMAND FOR JURY TRIAL

23 Plaintiff Immersion Corporation ("Immersion") hereby pleads the following claims  
24 for patent infringement against Defendant Electro Source, LLC ("Electro Source"), and  
25 alleges as follows:

26 **JURISDICTION AND VENUE**

27 1. This is an action for willful patent infringement under the Patent Act of the  
28 United States, including 35 U.S.C. § 271. This Court has subject matter jurisdiction over  
the matters pleaded herein under 28 U.S.C. §§ 1338(a) and 1331.

2. Venue over these claims is proper in this judicial district pursuant to 28  
U.S.C. §§ 1400(b) and 1391(c) because, among other reasons, Electro Source is subject to

1 personal jurisdiction in this judicial district, and has committed acts of infringement in this  
2 judicial district.

3 **THE PARTIES**

4 3. Plaintiff Immersion is a corporation organized and existing under the laws of  
5 Delaware, having a principal place of business at 801 Fox Lane, San Jose, California  
6 95131. Immersion develops hardware and software technologies that enable users to  
7 interact with computers using their sense of touch.

8 4. Defendant Electro Source is a corporation organized and existing under the  
9 laws of California, having a principal place of business at 1840 East 27th Street, Vernon,  
10 California 90058. Electro Source promotes itself as one of the leading distributors of  
11 video game software, hardware, and accessories in the United States. Among Electro  
12 Source's products are video game accessories for game systems including the Sony  
13 PlayStation and Sony PlayStation2, among others. On information and belief, Electro  
14 Source also does business under the trade name "Pelican Accessories," and also sells and  
15 distributes products under the "Pelican" brand.

16 **FIRST CLAIM FOR RELIEF AGAINST ELECTRO SOURCE**

17 **FOR PATENT INFRINGEMENT**

18 **('213 PATENT)**

19 5. Immersion is the owner of the entire right, title and interest in and to U.S.  
20 Patent No. 6,275,213 (the "'213 patent"), entitled "TACTILE FEEDBACK MAN-  
21 MACHINE INTERFACE DEVICE," which was duly issued on August 14, 2001 in the  
22 name of inventors Mark R. Tremblay and Mark H. Yim, and is now assigned to  
23 Immersion. A copy of the '213 patent is attached as Exhibit A hereto.

24 6. Electro Source has infringed and is currently infringing the '213 patent, in  
25 violation of 35 U.S.C. § 271, through its conduct in connection with video game  
26 controllers and associated products, including by way of example and not limited to the  
27 PL659 Chameleon Controller, PL678 After Glow, PL688 Rockster, PL2023 Eclipse,  
28 PL2021 Trick Controller, among others.

1 7. Electro Source has actual knowledge of the '213 patent.

2 8. Electro Source's infringement of the '213 patent is and has been willful and  
3 deliberate.

4 9. Immersion has been injured and damaged, and will continue to be injured  
5 and damaged, by Electro Source's infringement of the '213 patent. Electro Source's  
6 infringement has caused, and will continue to cause, irreparable harm to Immersion unless  
7 and until enjoined by this Court.

8 **SECOND CLAIM FOR RELIEF AGAINST ELECTRO SOURCE**  
9 **FOR PATENT INFRINGEMENT**  
10 **('333 PATENT)**

11 10. Immersion is the owner of the entire right, title and interest in and to U.S.  
12 Patent No. 6,424,333 (the "'333 patent"), entitled "TACTILE FEEDBACK MAN-  
13 MACHINE INTERFACE DEVICE," which was duly issued on July 23, 2002 in the name  
14 of inventors Mark R. Tremblay and Mark H. Yim, and is now assigned to Immersion. A  
15 copy of the '333 patent is attached as Exhibit B hereto.

16 11. Electro Source has infringed and is currently infringing the '333 patent, in  
17 violation of 35 U.S.C. § 271, through its conduct in connection with video game  
18 controllers and associated products, including by way of example and not limited to the  
19 PL659 Chameleon Controller, PL678 After Glow, PL688 Rockster, PL2023 Eclipse,  
20 PL2021 Trick Controller, among others.

21 12. On information and belief, Electro Source has actual knowledge of the '333  
22 patent.

23 13. On information and belief, Electro Source's infringement of the '333 patent is  
24 and has been willful and deliberate.

25 14. Immersion has been injured and damaged, and will continue to be injured  
26 and damaged, by Electro Source's infringement of the '333 patent. Electro Source's  
27 infringement has caused, and will continue to cause, irreparable harm to Immersion unless  
28 and until enjoined by this Court.

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WHEREFORE, Plaintiff Immersion prays for judgment as follows:

1. That Electro Source has infringed U.S. Patent Nos. 6,424,333 and 6,275,213;

2. That Electro Source, and its respective agents, servants, officers, directors, employees, and all persons acting in concert with it directly or indirectly, be enjoined from infringing U.S. Patent Nos. 6,424,333 and 6,275,213;

3. That Electro Source be ordered to account for and pay to Immersion the damages to Immersion arising out of its infringing activities, together with interest and costs;

4. That the infringement by Electro Source be adjudged willful and that the damages to Immersion be increased under 35 U.S.C. § 284 to three times the amount found or measured;

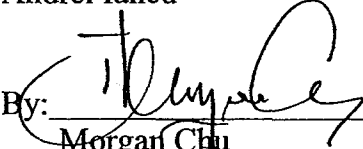
5. That this be adjudged an exceptional case and that Immersion be awarded its attorneys' fees in this action pursuant to 35 U.S.C. § 285; and

6. That Immersion be awarded such other and further relief as the Court may deem appropriate.

Dated: September 23, 2004

Respectfully submitted,

IRELL & MANELLA LLP  
Morgan Chu  
Richard M. Birnholz  
Andrei Iancu

By:   
Morgan Chu

Attorneys for Plaintiff  
Immersion Corporation

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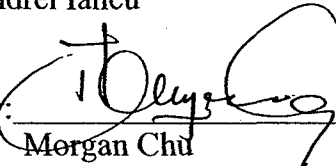
**DEMAND FOR JURY TRIAL**

Plaintiff Immersion Corporation hereby demands trial by jury on all issues.

Dated: September 23, 2004

Respectfully submitted,

IRELL & MANELLA LLP  
Morgan Chu  
Richard M. Birnholz  
Andrei Iancu

By:  \_\_\_\_\_  
Morgan Chu

Attorneys for Plaintiff  
Immersion Corporation

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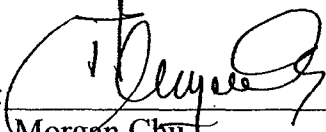
**CERTIFICATION OF INTERESTED ENTITIES OR PERSONS**

Pursuant to Northern District Civil Local Rule 3-16, the undersigned certifies that as of this date, other than the named parties, there is no such interest to report.

Dated: September 23, 2004

Respectfully submitted,

IRELL & MANELLA LLP  
Morgan Chu  
Richard M. Birnholz  
Andrei Iancu

By:   
Morgan Chu

Attorneys for Plaintiff  
Immersion Corporation