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Virtual Reality Feedback Corporation
and Craig Thorner

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

VIRTUAL REALITY FEEDBACK
CORPORATION and CRAIG THORNER,

Plaintiffs,

v.

LUMISOURCE, INC., and CIRCUIT CITY
STORES, INC.

Defendants.

Civil Action No.:

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs Virtual Reality Feedback Corporation ("VRF") and Craig Thorner ("Thorner") for their Complaint against Defendants Lumisource, Inc. ("Lumisource") and Circuit City Stores, Inc. ("Circuit City") hereby allege as follows:

THE PARTIES

1A. Plaintiff VRF is a corporation organized and existing under the laws of the State of New Jersey with a place of business located at 14 Stuyvesant Road, Brick, NJ 08723.

1B. Plaintiff Thorner is an individual whose principle residence is located at 14 Stuyvesant Road, Brick, NJ 08723.

1C. Upon information and belief, Defendant Lumisource is a corporation organized and existing under the laws of the State of Illinois and maintains a place of business at 2950 Old Higgins Road, Elk Grove Village, IL 60007.

1D. Upon information and belief, Defendant Circuit City is a corporation organized and existing under the laws of the State of Virginia and maintains a place of business at 9950 Mayland Drive, Richmond, VA 23233.

NATURE OF THE ACTION

2. This is a civil action for the infringement of United States Patent Nos. 5,669,818 ("the 818 patent"), 5,684,722 ("the 722 patent") and 6,422,941 ("the 941 patent"). This action is based on the Patent Laws of the United States, 35 U.S.C. § 1 *et. seq.*

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338, as Counts I, II and III arise under the patent laws of the United States.

4. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1332, as the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and the action is between citizens of different states.

5. Venue is proper in the judicial district pursuant to 28 U.S.C §§ 1391(b), (c) and/or 1400(b).

FACTUAL BACKGROUND

6. On September 23, 1997, the 818 patent, entitled "Seat-Based Tactile Sensation Generator," was duly and legally issued. The 818 patent is valid and enforceable. A true copy of the 818 patent is attached hereto as Exhibit A.

7. On November 4, 1997, the 722 patent, entitled "Apparatus and Method for Generating a Control Signal for a Tactile Sensation Generator," was duly and legally issued. The 722 patent is valid and enforceable. A true copy of the 722 patent is attached hereto as Exhibit B.

8. On July 23, 2002, the 941 patent, entitled "Universal Tactile

Feedback System for Computer Video Games and Simulations," was duly and legally issued. The 941 patent is valid and enforceable. A true copy of the 941 patent is attached hereto as Exhibit C.

9. Plaintiffs Thorner and VRF are the owners of all right, title and interest in and to the 818 patent.

10. Plaintiffs Thorner and VRF are the owners of all right, title and interest in and to the 722 patent.

11. Plaintiff Thorner is the owner of all right, title and interest in and to the 941 patent.

12. Plaintiff VRF is Thorner's exclusive licensee of the 722 patent.

13. The 818, 722 and 941 patents relate generally to tactile sensation generators, devices that incorporate such generators and methods of using such generators.

14. On information and belief, Defendant Lumisource manufactures, or has manufactured, and sells devices that incorporate the subject matter of the 818, 722 and 941 patents, including, but not limited to, one or more video gaming chairs sold under the name Boomchair within this district and elsewhere throughout the United States.

15. On information and belief, Defendant Lumisource has been and is infringing, inducing others to infringe and/or contributing to the infringement of

the 818, 722 and 941 patents by manufacturing, using, importing, selling and/or offering to sell one or more video gaming chairs sold under the name Boomchair within this district and elsewhere throughout the United States.

16. Defendant Lumisource is not licensed under the 818, 722 and 941 patents and is not authorized or permitted to manufacture, use, import, sell or offer to sell any of the subject matter claimed in the 818, 722 and 941 patents.

17. On information and belief, Defendant Circuit City sells devices that incorporate the subject matter of the 818, 722 and 941 patents, including, but not limited to, one or more video gaming chairs sold under the name Boomchair within this district and elsewhere throughout the United States.

18. On information and belief, Defendant Circuit City has been and is infringing, inducing others to infringe and/or contributing to the infringement of the 818, 722 and 941 patents by manufacturing, using, importing, selling and/or offering to sell one or more video gaming chairs sold under the name Boomchair within this district and elsewhere throughout the United States.

19. Defendant Circuit City is not licensed under the 818, 722 and 941 patents and is not authorized or permitted to manufacture, use, import, sell or offer to sell any of the subject matter claimed in the 818, 722 and 941 patents.

COUNT I
PATENT INFRINGEMENT

20. Plaintiffs VRF and Thorner repeat and re-allege the allegations of paragraphs 1-19 above as if fully set forth herein.

21. In violation of 35 U.S.C. § 271, Defendants Lumisource and Circuit City have infringed and are continuing to infringe, literally and/or under the doctrine of equivalents, one or more claims of the 818 patent by manufacturing, using, importing, selling and/or offering to sell one or more video gaming chairs sold under the name Boomchair within this district and elsewhere throughout the United States, and/or by inducing or contributing to the infringement of one or more claims of the 818 patent by others.

22. On information and belief, Defendants Lumisource's and Circuit City's infringement of the 818 patent has been and continues to be deliberate and willful, rendering this case "exceptional" under 35 U.S.C. § 285.

23. Plaintiffs VRF and Thorner have suffered monetary damages as a result of Defendant Lumisource's and Circuit City's infringement of the 818 patent.

24. Upon information and belief, Defendants Lumisource and Circuit City will continue to infringe the 818 patent unless enjoined by this Court.

25. Plaintiffs VRF and Thorner have suffered and continue to suffer irreparable harm for which they have no adequate remedy at law.

COUNT II
PATENT INFRINGEMENT

26. Plaintiffs VRF and Thorner repeat and re-allege the allegations of paragraphs 1-25 above as if fully set forth herein.

27. In violation of 35 U.S.C. § 271, Defendants Lumisource and Circuit City have infringed and are continuing to infringe, literally and/or under the doctrine of equivalents, one or more claims of the 722 patent by manufacturing, using, importing, selling and/or offering to sell one or more video gaming chairs sold under the name Boomchair within this district and elsewhere throughout the United States, and/or by inducing or contributing to the infringement of one or more claims of the 722 patent by others.

28. On information and belief, Defendant Lumisource's and Circuit City's infringement of the 722 patent has been and continues to be deliberate and willful, rendering this case "exceptional" under 35 U.S.C. § 285.

29. Plaintiffs VRF and Thorner have suffered monetary damages as a result of Defendants Lumisource's and Circuit City's infringement of the 722 patent.

30. Upon information and belief, Defendants Lumisource and Circuit City will continue to infringe the 722 patent unless enjoined by this Court.

31. Plaintiffs VRF and Thorner have suffered and continue to suffer irreparable harm for which they have no adequate remedy at law.

COUNT III
PATENT INFRINGEMENT

32. Plaintiffs VRF and Thorner repeat and re-allege the allegations of paragraphs 1-31 above as if fully set forth herein.

33. In violation of 35 U.S.C. § 271, Defendants Lumisource and Circuit City have infringed and are continuing to infringe, literally and/or under the doctrine of equivalents, one or more claims of the 941 patent by manufacturing, using, importing, selling and/or offering to sell one or more video gaming chairs sold under the name Boomchair within this district and elsewhere throughout the United States, and/or by inducing or contributing to the infringement of one or more claims of the 941 patent by others.

34. On information and belief, Defendants Lumisource's and Circuit City's infringement of the 941 patent has been and continues to be deliberate and willful, rendering this case "exceptional" under 35 U.S.C. § 285.

35. Plaintiffs VRF and Thorner have suffered monetary damages as a result of Defendants Lumisource's and Circuit City's infringement of the 941 patent.

36. Upon information and belief, Defendants Lumisource and Circuit City will continue to infringe the 941 patent unless enjoined by this Court.

37. Plaintiffs VRF and Thorner have suffered and continue to suffer irreparable harm for which they have no adequate remedy at law.

WHEREFORE, Plaintiffs VRF and Thorner pray for judgment and relief against Defendants Lumisource and Circuit City as follows:

A. Entry of judgment in their favor against Defendants Lumisource and Circuit City;

B. That Defendants Lumisource and Circuit City be held to have infringed, induced others to infringe, and/or contributed to the infringement of one or more claims of the 818, 722 and 941 patents.

C. That Defendants Lumisource and Circuit City, their agents, servants, representatives, officers, directors, attorneys, employees, affiliates, assigns and all persons acting in concert with them, directly or indirectly, be preliminarily and permanently enjoined from infringing, inducing others to infringe and/or contributing to the infringement of the 818, 722 and 941 patents;

D. That Plaintiffs VRF and Thorner be awarded compensatory damages for all past infringement, together with interest and costs of suit;

E. That Plaintiffs VRF and Thorner be awarded enhanced damages up to treble the amount found or assessed;

F. That Plaintiffs VRF and Thorner be awarded their reasonable attorney's fees, cost and expense incurred in prosecuting this action; and

G. That Plaintiffs VRF and Thorner be granted such other relief as is just and proper.

Respectfully submitted,

Dated: May 6, 2008

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DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38 and L. Civ. R. 38.1, Plaintiffs Virtual Reality Feedback Corporation and Craig Thorner hereby demand a trial by jury on all issues so triable.

Respectfully submitted,

Dated: May 6, 2008

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CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

I hereby certify that the patents in suit here are not the subject of any other action pending in any other court.

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