

Glen M. Diehl, Esq.
DIEHL SERVILLA LLC
33 Wood Avenue South,
Second Floor, Suite 210
Iselin, New Jersey 08830
Telephone: (732) 815-0404
Facsimile: (732) 815-1330
Email: gdiehl@dsiplaw.com

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

VIRTUAL REALITY FEEDBACK
CORPORATION and CRAIG THORNER,

Plaintiffs,

v.

AMAZON.COM, INC.

Defendant.

Civil Action No.

COMPLAINT

JURY TRIAL DEMANDED

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiffs Virtual Reality Feedback Corporation (“VRF”) and Craig Thorner (“Thorner”) for their Complaint against Defendant Amazon.com, Inc. (“Amazon.com”) hereby allege as follows:

THE PARTIES

1. 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, New Jersey 08723.

2. Plaintiff Thorner is an individual whose principle residence is located at 14 Stuyvesant Road, Brick, New Jersey 08723.

3. On information and belief, Defendant Amazon.com is a corporation organized and existing under the laws of the State of Delaware and maintains a place of business at 410

Terry Avenue North, Seattle, Washington 98109.

NATURE OF THE ACTION

4. This is a civil action for the infringement of United States Patent Nos. 5,684,722 (the “722 patent”) and 5,669,818 (the “818 patent”). This action is based on the patent laws of the United States, 35 U.S.C. § 1 *et. seq.*

JURISDICTION AND VENUE

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

6. This Court has personal jurisdiction over Defendant Amazon.com based upon Amazon.com’s sales/business activity conducted through its interactive website. Amazon.com actively does business over the Internet through its sale of products that infringe the 722 and 818 patents via its website at <http://www.amazon.com>. On information and belief, Amazon.com knew or had reason to know that New Jersey citizens accessed its website and purchased infringing products through its website. On information and belief, Amazon.com processed orders and received payments from New Jersey citizens via its website. In addition, visitors to Amazon.com’s website are asked to submit personal information when making purchases and returns as well as when requesting company information, investor information and customer service. Thus, Amazon.com’s website is interactive and Amazon.com knew or should have known that it engaged in business transactions with New Jersey citizens through its website.

7. Thus, the exercise of personal jurisdiction over Defendant Amazon.com will not offend traditional notions of fair play and substantial justice. Such an exercise is proper and consistent with New Jersey’s long-arm rule pursuant to N.J. Ct. R. 4:4-4.

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

1400(b).

FACTUAL BACKGROUND

9. 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 copy of the 722 patent is attached hereto as Exhibit A.

10. 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 copy of the 818 patent is attached hereto as Exhibit B.

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

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

13. The 722 and 818 patents relate generally to tactile sensation generators, devices that incorporate such generators and methods of using such generators, where an audio signal drives a motor to create vibrations.

14. On information and belief, the company Ultimate Game Chair, Inc. (“Ultimate Game Chair”) has had the “Free Play Game Pad,” and other game chairs, such as the Renegade and the Reactor game chairs, manufactured for sale in the United States of America. A copy of Frequently Asked Questions from Ultimate Game Chair’s website at <http://www.ultimategamechair.com>, that describe the game chairs made for Ultimate Game Chair, is attached as Exhibit C.

15. As described in the Frequently Asked Questions, the game chairs made for

Ultimate Game Chair, including the Free Play Game Pad, receive an audio signal from a video game and have multiple motors that vibrate in synchronization with the action on the game chair. Thus, the game chairs made for Ultimate Game Chair are driven by, and vibrate in accordance with, the audio signal from the video game.

16. The game chairs made for Ultimate Game Chair, including the Free Play, the Renegade and the Reactor game chairs, infringe one or more claims of the 818 patent and of the 722 patent.

17. On information and belief, Defendant Amazon.com sells and/or has sold devices that infringe one or more claims of the 722 and 818 patents. For example, Amazon.com sells and has sold the “Free Play Ultimate Game Pad.” A copy of Amazon.com the webpage where the “Free Play Ultimate Game Pad” is sold is attached as Exhibit D.

18. Upon information and belief, Amazon.com has also sold the Renegade game chair.

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

20. The manufacturer of the Free Play, the Rengade and the Reactor game seats, Ultimate Game Chair, is also not licensed under the 722 patent or the 818 patent. In fact, a default has been entered in a patent infringement action against Ultimate Game Chair in Civil Action No. 3:11-cv-04566-PGS-DEA, currently pending in this Court.

COUNT I
PATENT INFRINGEMENT OF THE 722 PATENT

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

22. In violation of 35 U.S.C. § 271, Defendant Amazon.com has infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the 818 patent by selling and/or offering to sell the Free Play game chair and the Renegade game chair 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.

23. Plaintiffs VRF and Thorner have suffered monetary damages as a result of Defendant Amazon.com's infringement of the 722 patent.

24. On information and belief, Defendant Amazon.com will continue to infringe the 722 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 OF THE 818 PATENT

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, Defendant Amazon.com has infringed and continues to infringe, literally and/or under the doctrine of equivalents, one or more claims of the 818 patent by selling and/or offering to sell the Free Play game chair and the Renegade game chair 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.

28. Plaintiffs VRF and Thorner have suffered monetary damages as a result of Defendant Amazon.com's infringement of the 818 patent.

29. On information and belief, Defendant Amazon.com will continue to infringe the 818 patent unless enjoined by this Court.

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

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs VRF and Thorner respectfully request:

A. Judgment be entered that Amazon.com has infringed, induced others to infringe, and/or contributed to the infringement of one or more claims of the 722 and 818 patents;

B. Judgment be entered permanently enjoining Defendant Amazon.com, its agents, servants, representatives, officers, directors, attorneys, employees, affiliates, assigns and all persons acting in concert with them, directly or indirectly, from infringing, inducing others to infringe and/or contributing to the infringement of the 722 and 818 patents;

C. Judgment be entered awarding Plaintiffs VRF and Thorner all damages adequate for compensation for all past infringement, including all pre-judgment and post-judgment interest at the maximum rate permitted by law;

D. Judgment be entered awarding Plaintiffs VRF and Thorner such other relief as this Court may deem just and proper.

Respectfully submitted,

Dated: November 21, 2012

By: s/ Glen M. Diehl
Glen M. Diehl, Esq.

DIEHL SERVILLA LLC
33 Wood Ave. South
Second Floor, Suite 210
Iselin, New Jersey 08830
Telephone: (732) 815-0404
Facsimile: (732) 815-1330
Email: gdiehl@dsiplaw.com

Attorney for Plaintiffs

Virtual Reality Feedback
Corporation and Craig Thorner

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: January 27, 2012

By: s/ Glen M. Diehl
Glen M. Diehl, Esq.

DIEHL SERVILLA LLC
33 Wood Ave. South
Second Floor, Suite 210
Iselin, New Jersey 08830
Telephone: (732) 815-0404
Facsimile: (732) 815-1330
Email: gdiehl@dsiplaw.com

Attorney for Plaintiffs
Virtual Reality Feedback
Corporation and Craig Thorner

CERTIFICATION PURSUANT TO LOCAL CIVIL RULE 11.2

I certify that U.S. Patent Nos. 5,684,722 is the subject of the pending action of VIRTUAL REALITY FEEDBACK CORPORATION et al v. SUKI LLC., 3:11-cv-04817-MLC -LHG (D.N.J.). I also certify that U.S. Patent Nos. 5,684,722 and 5,669,818 are the subject of the pending action of VIRTUAL REALITY FEEDBACK CORPORATION et al v. ULTIMATE GAME CHAIR, INC. et al., 3:11-cv-04566-PGS-DEA (D.N.J.) I also certify that U.S. Patent No. 5,684,722 and another patent are the subject of the stayed action of THORNER et al. v. SONY COMPUTER ENTERTAINMENT AMERICA LLC et al., 3:09-cv-01894-GEB-DEA (D.N.J.), on appeal to the United States Court of Appeals for the Federal Circuit, Appeal No. 2011-1114. I further certify that, U.S. Patent Nos. 5,684,722 and 5,669,818 were the subject of the closed action of VIRTUAL REALITY FEEDBACK CORPORATION et al v. LUMISOURCE, INC. et al, 3:08-cv-02199-FLW-TJB (D.N.J.).

Dated: January 27, 2012

By: s/ Glen M. Diehl
Glen M. Diehl, Esq.

DIEHL SERVILLA LLC
33 Wood Ave. South
Second Floor, Suite 210
Iselin, New Jersey 08830
Telephone: (732) 815-0404
Facsimile: (732) 815-1330
Email: gdiehl@dsiplaw.com

Attorney for Plaintiffs
Virtual Reality Feedback
Corporation and Craig Thorner