

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

IRONBURG INVENTIONS LTD. a
United Kingdom Limited Company,

Plaintiff,

vs.

VALVE CORPORATION, a Washington
Corporation,

Defendant.

Civil Action No. 1:15-cv-04219-MHC

[DEMAND FOR JURY TRIAL]

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Pursuant to Federal Rules of Civil Procedure 12 and 15, in response to the Motion to Dismiss filed by Valve Corporation (“Defendant”) (Dkt. #13), Plaintiff Ironburg Inventions Ltd. (“Plaintiff”), by and through counsel, files this first amended complaint for patent infringement and demand for jury trial (“Complaint”) against Defendant Valve Corporation.

Plaintiff alleges as follows:

PARTIES

1. Plaintiff Ironburg Inventions Ltd. (“Ironburg”) is a company organized and existing under the laws of the United Kingdom having its principal place of business at 10 Market Place, Wincanton, BA9 9LP, Great Britain.
2. Ironburg conducts business in the United States by and through Scuf Gaming International, LLC (“Scuf Gaming”), a Georgia-based manufacturer, wholesaler, retailer, and restorer of custom video game equipment and accessories, including video game controllers (“gaming controllers”), which include Plaintiff’s patented technology.
3. On information and belief, Defendant Valve Corporation (“Valve”) is a corporation organized and existing under the laws of the State of Washington, having a place of business at 10900 NE 4th Street, Suite 500, Bellevue, Washington 90084.

JURISDICTION AND VENUE

4. This is a Complaint for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§1331 and 1138(a).

5. Defendant has committed acts and continues to commit acts within this District giving rise to this action, and venue is proper under 28 U.S.C. § 1391(b) and §1400(b).

6. On February 4, 2014, United States Patent No. 8,641,525 (hereafter the “‘525 Patent”) entitled, “CONTROLLER FOR VIDEO GAME CONSOLE,” was duly and legally issued to Plaintiff Ironburg. A copy of the ‘525 Patent is annexed hereto as **Exhibit A**.

7. On July 28, 2015, United States Patent No. 9,089,770 (hereafter the “‘770 Patent”) entitled, “CONTROLLER FOR VIDEO GAME CONSOLE,” which is a continuation of the ‘525 Patent, was duly and legally issued to Plaintiff Ironburg. A copy of the ‘770 Patent is annexed hereto as **Exhibit B**.

8. On March 22, 2016, United States Patent No. 9,289,688 (hereafter the “‘688 Patent”) entitled, “GAMES CONTROLLER,” was duly and legally issued to Plaintiff Ironburg. A copy of the ‘688 Patent is annexed hereto as Exhibit C.

9. Plaintiff Ironburg is the owner and assignee of record of the ‘525, the ‘770, and the ‘688 Patents (together the “Patents-in-Suit”).

FACTUAL BACKGROUND

10. As part of its business, Plaintiff licenses its patents, including to Scuf Gaming and Microsoft Corporation.

11. Defendant is presently making, using, importing, marketing, selling, and/or offering to sell gaming controllers, including but not limited to Defendant's Steam Controller¹, in this District and elsewhere in the United States that incorporate Plaintiff's patented technology.

12. At least as early as March 7, 2014, in written and oral communications with Valve, Ironburg informed Valve that its marketing of gaming controllers, including Defendant's Steam Controller, infringe Ironburg patents. In those pre-suit communications with Valve, Ironburg specifically identified Claim 1 and Claim 20 of the '525 Patent (the two independent claims of that patent), as well as Ironburg's then-pending patent applications, including one now issued as the '770 Patent placed at issue in this Complaint.

COUNT I
(Infringement Of U.S. Patent No. 8,641,525)

13. Plaintiff repeats and realleges Paragraphs 1 through 12 of this Complaint as if fully set forth herein.

14. Gaming controller products made, used and sold by the defendant, including Defendant's Steam Controller, infringe the '525 patent. Defendant's Steam Controller is a hand held controller that closely resembles the controller depicted in

¹ Pictures of Defendant's Steam Controller from Defendant's website (<http://store.steampowered.com>), which has been marketing its controller at least since March 2014, are annexed hereto as **Exhibit D**.

the patent. Each and every claim in the '525 patent is directed to a hand held controller. There are only two independent claims in the '525 patent: Claims 1 and 20. They are similar, but Claim 1 includes a limitation that Claim 20 does not (Claim 20 does not specify that an element is resilient and flexible). Claims 1 and 20 include the following claim elements: (1) an outer case, (2) a front control, (3) shaped to be held in the hand of a user such that the user's thumb is positioned to operate the front control, and (4) two back controls with elongated members. Defendant's Steam Controller is a hand held controller that includes the aforementioned claim elements, viz., (1) an outer case, (2) a front control, (3) shaped to be held in the hand of a user such that the user's thumb is positioned to operate the front control, and (4) two back controls with elongated members. The remaining claims of the patent include the elements of Claim 1 and add additional limitations. For example, Claim 2 further requires a top control, Claim 7 further requires that each elongate member is mounted within a recess of the case of the controller, and Claim 15 further requires a switch mechanism disposed between each of the elongate members and an outer surface of the back of the controller. The Steam Controller includes each element of exemplary Claims 1, 2, 7 and 15. Plaintiff contends that the infringement is literal, but reserves the right to rely on the doctrine of equivalents.

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