

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

IRONBURG INVENTIONS LTD.

Plaintiff,

v.

COLLECTIVE MINDS GAMING
CO. LTD.

Defendant.

Civil Action No. 1:16-cv-04110-TWT

**DEFENDANT COLLECTIVE MINDS GAMING CO. LTD.'S
ANSWER AND AFFIRMATIVE DEFENSES**

In response to the Complaint for Patent Infringement (“Complaint”) of Plaintiff Ironburg Inventions Ltd. (“Ironburg”), Defendant Collective Minds Gaming Co. Ltd. (“Collective Minds”) answers and states as follows:

PARTIES

1. Collective Minds lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 1.
2. Collective Minds lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 2.

3. Collective Minds admits that it is a company organized and existing under the laws of Canada and that it has a place of business at 8515 Place Devonshire, Suite 205, Mount Royal, Quebec H4P 2K1, Canada.

JURISDICTION AND VENUE

4. Collective Minds admits that the Complaint purports to be an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* Collective Minds also admits that this Court has subject matter jurisdiction over meritorious acts for patent infringement generally pursuant to 28 U.S.C. §§ 1331 and 1338(a). Collective Minds denies, however, that Ironburg’s Complaint sets forth a valid or meritorious claim for patent infringement.

5. Collective Minds denies that it has committed or does commit acts allegedly giving rise to this action, in this District or any District. Collective Minds denies that venue is proper under 28 U.S.C. 1400(b), but does not dispute venue in this District for the purposes of this case under current Federal Circuit law.

6. Collective Minds admits that, on its face, U.S. Patent No. 8,641,525 (“‘525 Patent”) is entitled “Controller for Video Game Console,” was issued on February 4, 2014, and lists Ironburg Inventions Ltd. as an applicant and assignee, but Collective Minds denies that the ‘525 Patent was issued after a full and fair examination by the United States Patent and Trademark Office. Collective Minds

admits that Exhibit A appears to be a copy of the ‘525 Patent. Collective Minds denies any remaining allegations of Paragraph 6.

7. Collective Minds admits that, on its face, U.S. Patent No. 9,089,770 (“‘770 Patent”) is entitled “Controller for Video Game Console,” was issued on July 28, 2015, appears to be a continuation of the ‘525 Patent, and lists Ironburg Inventions Ltd. as an applicant and assignee, but Collective Minds denies that the ‘770 Patent was duly and legally issued after a full and fair examination by the United States Patent and Trademark Office. Collective Minds admits that Exhibit B appears to be a copy of the ‘770 Patent. Collective Minds denies any remaining allegations of Paragraph 7.

8. Collective Minds admits that, on its face, U.S. Patent No. 9,289,688 (“‘688 Patent”) is entitled “Games Controller,” was issued on March 22, 2016, and lists Ironburg Inventions Ltd. as an applicant and assignee. Collective Minds denies that the ‘688 Patent was duly and legally issued after a full and fair examination by the United States Patent and Trademark Office. Collective Minds admits that Exhibit C appears to be a copy of the ‘688 Patent. Collective Minds denies any remaining allegations of Paragraph 8.

9. Collective Minds admits that, on its face, U.S. Patent No. 9,352,229 (“‘229 Patent”), is entitled “Controller for a Games Console,” was issued on May 31, 2016,

and lists Ironburg Inventions Ltd. as an applicant and assignee. Collective Minds denies that the '229 Patent was duly and legally issued after a full and fair examination by the United States Patent and Trademark Office. Collective Minds admits that Exhibit D appears to be a copy of the '229 Patent. Collective Minds denies any remaining allegations of Paragraph 9.

10. Collective Minds admits that, on its face, U.S. Patent No. 9,308,450 (“450 Patent”), is entitled “Game Controller,” was issued on April 12, 2016, and lists Ironburg Inventions Ltd. as an applicant and assignee. Collective Minds denies that the '450 Patent was duly and legally issued after a full and fair examination by the United States Patent and Trademark Office. Collective Minds admits that Exhibit E appears to be a copy of the '450 Patent. Collective Minds denies any remaining allegations of Paragraph 10.

11. Collective Minds lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 11 and, therefore, denies the same.

FACTUAL BACKGROUND

12. Collective Minds lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 12 and, therefore, denies the same.

13. Collective Minds denies that it has made, used, or imported products in this District or elsewhere in the United States. While Collective Minds admits that

interested buyers, in this District and elsewhere in the United States, may purchase its Strike Pack product and Trigger Grips product from its website and through third-party retailers, Collective Minds denies that it has specifically directed marketing or sales activities to this District. Collective Minds admits that certain Strike Pack products and Trigger Grips products may be used with a purchaser's Xbox One gaming controllers, but, to the extent the Complaint implies as much, denies that it sells any alleged "modified Xbox One gaming controllers."¹ Collective Minds denies that any controllers modified with its products incorporate Ironburg's patented technologies. Collective Minds denies any remaining allegations of Paragraph 13.

14. Collective Minds admits that Ironburg sent cease-and-desist communications to Collective Minds regarding various claims of the '525, '770, '688, '229, and '450 Patents (collectively, the "Patents-in-Suit"):

- Collective Minds admits that it received correspondence from counsel for Ironburg on March 4, 2016. Collective Minds admits that this correspondence alleged that Strike Pack modifications for Xbox One game controllers related to claim 20 of the '525 Patent and claim 1 of the '770

¹ The alleged pictures annexed as Exhibit F to the Complaint are not current snapshots of the recited URLs.

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