

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

IRONBURG INVENTIONS LTD. a
United Kingdom Limited Company,

Plaintiff,

vs.

COLLECTIVE MINDS GAMING
CO. LTD.,

Defendant.

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

JOINT PRELIMINARY REPORT AND DISCOVERY PLAN
AND [PROPOSED] SCHEDULING ORDER

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and Rule 16.2 of the Local Rules of the United States District Court for the Northern District of Georgia, Plaintiff Ironburg Inventions Ltd. and Defendant Collective Minds Gaming Co., Ltd. (collectively, the “Parties”), by and through their respective undersigned attorneys, hereby submit the following Joint Preliminary Report and Discovery Plan.

1. Description of Case:

(a) Nature of the Action

Plaintiff Ironburg Inventions Ltd. (“Ironburg”) alleges infringement of several patents by Defendant Collective Minds Gaming Co. Ltd. (“Collective Minds”).

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.

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

(b) Summary of Facts of the Case. (The summary should not be argumentative nor recite evidence.)

Ironburg has asserted of five (5) patents that are owned by Ironburg and licensed to Scuf Gaming International, LLC (“Scuf Gaming”), a Georgia-based company engaged in the design, manufacture and sale of hand held video game controllers and associated accessories. The specific patents at issue are:

(i) U.S. Patent No. 8,641,525 (hereafter the “525 Patent”) issued February 4, 2014 and entitled, “CONTROLLER FOR VIDEO GAME

CONSOLE;”

(ii) U.S. Patent No. 9,089,770 (hereafter the “’770 Patent”) issued July 28, 2015 and entitled, “CONTROLLER FOR VIDEO GAME CONSOLE,” which is a continuation of the ‘525 Patent;

(iii) United States Patent No. 9,289,688 (hereafter the “’688 Patent”) issued March 22, 2016 and entitled, “GAMES CONTROLLER” ;

(iv) United States Patent No. 9,352,229 (hereafter the “’229 Patent”) issued May 31, 2016 and entitled, “CONTROLLER FOR A GAMES CONSOLE”; and

(v) United States Patent No. 9,308,450 (hereafter the “’450 Patent”) issued April 12, 2016 and entitled, “GAME CONTROLLER”

(collectively, the “Patents-in Suit”).

Plaintiff’s primary contention is that Defendant Collective Minds has infringed the aforementioned Patents-in-Suit by making, using, importing, marketing, selling, and/or offering to sell in the United States gaming controllers and accessories for gaming controllers, including but not limited to Defendant’s Strike Pack product and Defendant’s Trigger Grips product, that incorporate Plaintiff’s patented technology.

Plaintiff is seeking monetary and injunctive relief.

Plaintiff also alleges that Defendant’s infringement has been willful.

Defendant defends this action by claiming it has not and is not infringing the Patents-in-Suit. Should Defendant be found to infringe any Patent-in-Suit, Defendant claims such infringement is not willful. Defendant denies that Plaintiff is entitled to monetary or injunctive relief. Defendant also alleges that each patent asserted in this case is invalid.

(c) Legal Issues to be Tried

The parties currently-anticipate that the following issues will need to be tried:

1. whether Defendant has infringed one or more claims of the Patents-in-Suit;
2. whether any infringement by Defendant has been willful;
3. whether Plaintiff is entitled to injunctive relief;
4. the amount of damages and/or enhanced damages for any finding of infringement and willful infringement, including under 35 U.S.C. § 284;
5. whether this is an exceptional case, including under 35 U.S.C. § 285, entitling either party to its reasonable attorneys' fees; and
6. whether one or more claims of the Patents-in-Suit are invalid

(d) Related Cases

The following case is a pending action by Ironburg and Scuf alleging patent

infringement, including of the '525 Patent.

- *Scuf Gaming International, LLC, et al, v. Playrapid EURL, et al,*
Case No. 1:13-cv-03224-TWT (N.D. Ga.)

The following case is a pending action by Ironburg alleging patent infringement, including of the '525 Patent, the '770 Patent, the '688 Patent and '229 Patent.

- *Ironburg Inventions Ltd., et al, v. Valve Corporation, et al,* Case No.
1:15-cv-004219-TWT (N.D. Ga.)

2. Designation as Complex Case

This case is (potentially) complex because of the existence of one or more of the following features:

- (1) *Unusually large number of parties*
- (2) *Unusually large number of claims or defenses*
- (3) *Factual issues are exceptionally complex*
- (4) *Greater than normal volume of evidence*
- (5) *Extended discovery period is needed*
- (6) *Problems locating or preserving evidence*
- (7) *Pending parallel investigations or action by government*
- (8) *Multiple use of experts*

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.