1 2 3 4 5 6 7 IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON 8 AT SEATTLE 9 MICROSOFT CORPORATION, a Case No. Washington corporation, 10 Plaintiff, COMPLAINT FOR PATENT 11 **INFRINGEMENT** 12 ·VS. JURY DEMAND 13 DATEL DESIGN AND DEVELOPMENT INCORPORATED; DATEL DESIGN AND 14 DEVELOPMENT LIMITED; DATEL DIRECT LIMITED; DATEL HOLDINGS 15 LIMITED; AND DATED ELECTRONICS LIMITED, 16 Defendants. 17 18 Plaintiff Microsoft Corporation ("Microsoft") for its Complaint for Patent Infringement 19 against Defendants Datel Design and Development Incorporated, Datel Design and 20 Development Limited, Datel Direct Limited, Datel Holdings Limited and Datel Electronics 21 Limited (collectively "Datel" or "Defendants") alleges as follows: 22 **PARTIES** 23 Plaintiff Microsoft Corporation is a Washington corporation having its principal 1. 24 place of business at One Microsoft Way, Redmond, Washington 98052. 25 COMPLAINT FOR PATENT INFRINGEMENT-1 LAW OFFICES

LAW OFFICES

DANIELSON HARRIGAN LEYH & TOLLEFSON LLP
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- 2. Upon information and belief, Defendant Datel Design and Development Incorporated is a United States corporation organized and existing under the laws of Florida and is a wholly owned subsidiary of Datel Design and Development Limited. On information and belief, Datel Design and Development Incorporated's principal place of business is 33 N. Garden Avenue, Clearwater, Florida 33755.
- 3. On information and belief, Defendant Datel Design and Development Limited is a British corporation organized and existing under the laws of the United Kingdom having a principal place of business at Stafford Road, Stone, Staffordshire, ST15 ODG, United Kingdom.
- 4. On information and belief, Defendant Datel Direct Limited is a British corporation organized and existing under the laws of the United Kingdom, having a principal place of business at Stafford Road, Stone, Staffordshire, ST15 ODG, United Kingdom.
- 5. On information and belief, Defendant Datel Electronics Limited is a British corporation organized and existing under the laws of the United Kingdom, having a principal place of business at Stafford Road, Stone, Staffordshire, ST15 ODG, United Kingdom.
- 6. On information and belief, Defendants are in the business of manufacturing and selling accessories for other companies' game systems, including without limitation, game controllers for Microsoft's Xbox 360 game system. On information and belief, Defendants offer their game system accessories worldwide, including in the United States and specifically in the greater Seattle metropolitan area, via their websites, via the websites of internet retail companies, and via retail stores, among many others. On information and belief, Defendants do business within the Western District of Washington.

#### **JURISDICTION**

7. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.

COMPLAINT FOR PATENT INFRINGEMENT-2

- 8. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).
- 9. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). On information and belief, Defendants are subject to this Court's personal jurisdiction, consistent with the principles of due process and the Washington Long Arm Statute, because Defendants offer their products for sale in the Western District of Washington, have transacted business in this District, and/or have committed and/or induced acts of patent infringement in this District.

### PATENT INFRINGEMENT COUNT

- 10. Microsoft is the owner of all right, title, and interest in U.S. Patent No. 7,787,411 ("the Microsoft patent-in-suit"), which the Defendants are infringing and/or inducing others to infringe by making, using, offering to sell or selling in the United States, or importing into the United States, products that practice the invention claimed in the Microsoft patent-in-suit.
- 11. The Defendants have profited through infringement of the Microsoft patent-in-suit. As a result of the Defendants' unlawful infringement of the Microsoft patent-in-suit, Microsoft has suffered and will continue to suffer damage. Microsoft is entitled to recover from the Defendants the damages suffered by Microsoft as a result of the Defendants' unlawful acts.
- 12. Upon information and belief, Defendants' infringement of the Microsoft patentin-suit is willful and deliberate, entitling Microsoft to enhanced damages and reasonable attorneys' fees and costs.
- 13. On information and belief, the Defendants intend to continue their unlawful infringing activity, and Microsoft continues to and will continue to suffer irreparable harm—

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for which there is no adequate remedy at law—from such unlawful infringing activity unless Defendants are enjoined by this Court.

## COUNT I

### INFRINGEMENT OF U.S. PATENT NO. 7,787,411

- 14. Microsoft realleges and incorporates by reference the allegations set forth in paragraphs 1-13.
- 15. Microsoft is the owner of all right, title, and interest in U.S. Patent No. 7,787, 411 ("the '411 patent"), entitled "Gaming Console Wireless Protocol for Peripheral Devices," duly and properly issued by the U.S. Patent and Trademark Office on August 31, 2010. A copy of the '411 patent is attached as Exhibit A.
- 16. The Defendants have been and/or are directly infringing and/or indirectly infringing and/or inducing infringement of and/or are contributorily infringing the '411 patent by, among other things, making, using, offering to sell or selling in the United States, or importing into the United States, products and/or services that are covered by one or more claims of the '411 patent, including, by way of example and not limitation, the Datel TurboFire 2 Controller for the Xbox 360.

#### **DEMAND FOR JURY TRIAL**

17. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Microsoft respectfully requests a trial by jury on all issues properly triable by jury.

### PRAYER FOR RELIEF

WHEREFORE, Microsoft prays for relief as follows:

A. For a judgment declaring that Defendants have infringed the Microsoft patent-in-suit;

**COMPLAINT FOR PATENT INFRINGEMENT-4** 

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COMPLAINT FOR PATENT INFRINGEMENT-6