

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION, a
Washington corporation,

Plaintiff,

vs.

DATEL DESIGN AND DEVELOPMENT
INCORPORATED; DATEL DESIGN AND
DEVELOPMENT LIMITED; DATEL
DIRECT LIMITED; DATEL HOLDINGS
LIMITED; AND DATED ELECTRONICS
LIMITED,

Defendants.

Case No.

COMPLAINT FOR PATENT
INFRINGEMENT

JURY DEMAND

Plaintiff Microsoft Corporation ("Microsoft") for its Complaint for Patent Infringement against Defendants Datel Design and Development Incorporated, Datel Design and Development Limited, Datel Direct Limited, Datel Holdings Limited and Datel Electronics Limited (collectively "Datel" or "Defendants") alleges as follows:

PARTIES

1. Plaintiff Microsoft Corporation is a Washington corporation having its principal place of business at One Microsoft Way, Redmond, Washington 98052.

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

3 **COUNT I**

4 **INFRINGEMENT OF U.S. PATENT NO. 7,787,411**

5 14. Microsoft realleges and incorporates by reference the allegations set forth in
6 paragraphs 1-13.

7 15. Microsoft is the owner of all right, title, and interest in U.S. Patent No. 7,787,
8 411 (“the ’411 patent”), entitled “Gaming Console Wireless Protocol for Peripheral Devices,”
9 duly and properly issued by the U.S. Patent and Trademark Office on August 31, 2010. A
10 copy of the ’411 patent is attached as Exhibit A.

11 16. The Defendants have been and/or are directly infringing and/or indirectly
12 infringing and/or inducing infringement of and/or are contributorily infringing the ’411 patent
13 by, among other things, making, using, offering to sell or selling in the United States, or
14 importing into the United States, products and/or services that are covered by one or more
15 claims of the ’411 patent, including, by way of example and not limitation, the Datel TurboFire
16 2 Controller for the Xbox 360.

17 **DEMAND FOR JURY TRIAL**

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

20 **PRAYER FOR RELIEF**

21 WHEREFORE, Microsoft prays for relief as follows:

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

1 B. For a judgment awarding Microsoft compensatory damages as a result of
2 Defendants' infringement of the Microsoft patent-in-suit, together with interest and costs, and
3 in no event less than a reasonable royalty;

4 C. For a judgment declaring that Defendants' infringement of the Microsoft patent-
5 in-suit has been willful and deliberate;

6 D. For a judgment awarding Microsoft treble damages and pre-judgment interest
7 under 35 U.S.C. § 284 as a result of Defendants' willful and deliberate infringement of the
8 Microsoft patent-in-suit;

9 E. For a judgment declaring that this case is exceptional and awarding Microsoft
10 its expenses, costs, and attorneys' fees in accordance with 35 U.S.C. §§ 284 and 285 and Rule
11 54(d) of the Federal Rules of Civil Procedure;

12 F. For a grant of a permanent injunction pursuant to 35 U.S.C. § 283, enjoining
13 Defendants from further acts of infringement; and

14 G. For such other and further relief as the Court deems just and proper.

15 Dated this 23rd day of December, 2010.

16 DANIELSON HARRIGAN LEYH & TOLLEFSON LLP

17 By /s/ Christopher Wion
18 Arthur W. Harrigan, Jr., WSBA #1751
19 Christopher Wion, WSBA #33207
Shane P. Cramer, WSBA #35099

20 Of Counsel:

21 T. Andrew Culbert, WSBA # 35925 David T. Pritikin
22 Stacy Quan, WSBA #21119 Richard A. Cederoth
MICROSOFT CORPORATION Douglas I. Lewis
23 One Microsoft Way John W. McBride
Redmond, Washington 98052 Jamie Secord
24 Telephone: (425) 882-8080 SIDLEY AUSTIN LLP
Facsimile: (425) 869-1327 One South Dearborn
Chicago, IL 60603
25 Telephone: (312) 853-7000

COMPLAINT FOR PATENT INFRINGEMENT-5

Facsimile: (312) 853-7036

1 Brian R. Nester
2 Kevin C. Wheeler
3 SIDLEY AUSTIN LLP
4 1501 K Street NW
5 Washington, DC 20005
6 Telephone: (202) 736-8000
7 Facsimile: (202) 736-8711

Counsel for Plaintiff Microsoft Corporation

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

COMPLAINT FOR PATENT INFRINGEMENT-6

LAW OFFICES
DANIELSON HARRIGAN LEYH & TOLLEFSON LLP
999 THIRD AVENUE, SUITE 4400
SEATTLE, WASHINGTON 98104
TEL. (206) 623-1700 FAX, (206) 623-8717