

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CIVIL CASE NO. _____

GAME CONTROLLER TECHNOLOGY LLC §
Plaintiff, §
v. §
SONY COMPUTER ENTERTAINMENT §
AMERICA LLC and SONY CORPORATION §
OF AMERICA §
Defendant. §

COMPLAINT

This is an action for patent infringement. Plaintiff Game Controller Technology LLC files this Complaint against Defendants Sony Computer Entertainment America LLC and Sony Corporation of America, and states as follows:

PARTIES

1. Plaintiff Game Controller Technology LLC (“GCT”) is a Limited Liability Company organized and existing under the laws of the state of Florida with its principal place of business at 500 W. Cypress Creek Road, Suite 700, Fort Lauderdale, FL 33309.

2. Upon information and belief, Defendant Sony Computer Entertainment America LLC is a Limited Liability Company organized and existing under the laws of the state of Delaware with its principal place of business at 919 E. Hillsdale Blvd Foster City, California 94404. Upon information and belief, Sony Computer Entertainment America LLC directly or indirectly through subsidiaries or affiliated companies markets, distributes, manufactures,

imports, sells, and/or offers for sale the PlayStation 3, PlayStation 4 and PlayStation Move in the United States and, more particularly, in the Southern District of Florida.

3. Upon information and belief, Defendant Sony Corporation of America is a corporation organized and existing under the laws of the state of New York with its principal place of business at 550 Madison Ave, New York, 10022. Upon information and belief, Sony corporation of America directly or indirectly through subsidiaries or affiliated companies markets, distributes, manufactures, imports, sells, and/or offers for sale the PlayStation 3, PlayStation 4 and PlayStation Move in the United States and, more particularly, in the Southern District of Florida.

4. Hereinafter Defendant Sony Computer Entertainment America LLC shall be referred to as “Sony Entertainment” and Sony Corporation of America as “Sony America” (collectively “Defendants”).

JURISDICTION AND VENUE

5. This action for patent infringement arises under the Patent Laws of the United States, including 35 U.S.C. § 271.

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over both Defendants under Florida Statute § 48.193. Both Defendants (a) have operated, conducted, engaged in, and/or carried on a business or business venture in Florida; (b) have committed one or more tortious acts within Florida; and (c) have been and are engaged in substantial and not isolated activity within Florida.

8. Upon information and belief, Sony Entertainment has been registered to do business in the State of Florida since at least 2010 and currently has a registered agent in the

State of Florida. Upon information and belief, Sony America was formerly registered to do business in Florida.

9. Upon information and belief, both Defendants have committed acts of patent infringement within this judicial district, including that Defendants, directly or through intermediaries, import, manufacture, use, sell, and/or offer to sell infringing products within this judicial district. Further, both Defendants purposely and voluntarily have placed infringing products into the stream of commerce with the expectation that such products will be purchased by consumers in this judicial district. Both Defendants reasonably should have anticipated being subject to suit in this judicial district. Both Defendants' acts of patent infringement are aimed at this judicial district and/or have effect in this judicial district.

10. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391 and 1400(b).

COUNT I:

INFRINGEMENT OF U.S. PATENT NO. 8,094,885

11. The allegations of paragraphs 1 through 10 are re-alleged as if fully set forth herein.

12. On January 10, 2012, the United States Patent and Trademark Office ("USPTO") duly and legally issued U.S. Patent No. 8,094,885 (the "'885 Patent"), entitled "System and method for tracking an electronic device" after a full and fair examination. GCT is the sole assignee and owner of the '885 Patent. A true and correct copy of the '885 Patent is attached hereto as Exhibit 1.

13. Upon information and belief, both Defendants have been and are now infringing, literally and/or under the doctrine of equivalents, the '885 Patent in this judicial district and elsewhere by making, using, offering for sale, importing, and/or selling, without authority from

GCT the PlayStation 3, PlayStation 4 and PlayStation Move, which all fall within the scope of one or more of the claims of the '885 Patent.

14. Moreover, on information and belief, both Defendants have been and now are indirectly infringing by way of intentionally inducing infringement of the '885 Patent in this judicial district, and elsewhere in the United States, including by aiding or abetting re-sellers to sell and offer for sale the Sony PlayStation 3, Sony PlayStation 4 and Sony Move and customers to use said systems and devices. Upon information and belief, such induced infringement has occurred at least since each Defendant became aware of the '885 Patent, at least through becoming aware of this Complaint, and Defendants' inducement of infringement involves each Defendants' knowledge that the induced acts constitute patent infringement.

15. By way of their infringing activities, both Defendants have caused and continue to cause GCT to suffer damages, and GCT is entitled to recover from both Defendants damages in an amount to be determined at trial, but no less than a reasonable royalty.

16. On information and belief, this is an exceptional case entitling GCT to recover its attorneys fees and costs pursuant to 35 U.S.C. § 285.

17. On information and belief, both Defendants have had at least constructive notice of the '885 Patent pursuant to the Patent Act. GCT reserves the right to take discovery regarding each Defendants' first actual notice of the '885 Patent. At a minimum, both Defendants' ongoing infringement of the '885 Patent since receiving notice of the '885 Patent, at a minimum via the notice provided by this Complaint, is willful, including because such infringement is clear and, at a minimum, such infringement is an objectively reckless act.

DEMAND FOR JURY TRIAL

GCT demands a trial by jury for any and all issues triable of right before a jury.

PRAYER FOR RELIEF

WHEREFORE, GCT requests entry of judgment in its favor and against both Defendants as follows:

A. Declaring that both Defendants have infringed and willfully infringed one or more claims of each of the '885 Patent;

B. Permanently enjoining both Defendants and their officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents and all others acting in concert or privity with any of them from infringing, inducing the infringement of, or contributing to the infringement of the '885 Patent;

C. Awarding to GCT damages arising out of each Defendant's infringement of the '885 Patent, together with pre-judgment and post-judgment interest, in an amount to be determined at trial;

D. Awarding to GCT its costs in connection with this action;

E. Finding this to be an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to GCT its reasonable attorneys' fees; and

F. Such other and further relief in law or in equity to which GCT may be justly entitled.

Dated: August 5, 2013

Attorneys for Plaintiff:

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