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6 Attorney for Plaintiff,
7 **GAMETEK LLC**

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10
11 GAMETEK LLC,

Case No.: '12CV0499 LAB RBB

12 Plaintiff,

**COMPLAINT FOR INFRINGEMENT OF
U.S. PATENT NO. 7,076,445**

13 v.

14 GAMEVIEW STUDIOS, LLC

DEMAND FOR JURY TRIAL

15 Defendant.

16
17 This is an action for patent infringement in which GAMETEK LLC submits this Original
18 Complaint against the Defendant named herein, namely GAMEVIEW STUDIOS, LLC, as follows:

19 **THE PARTIES**

20 1. GAMETEK LLC (“GAMETEK” or “Plaintiff”) is a California limited liability
21 company with a place of business at 500 Newport Center Drive, Suite 700, Newport Beach, CA
22 92660.

23
24 2. On information and belief, GAMEVIEW STUDIOS, LLC (“GAMEVIEW” or
25 “Defendant”) is a Delaware Corporation with a place of business at 405 Mount Laurel Court,
26 Mountain View, CA 94043.
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JURISDICTION AND VENUE

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2 3. This action arises under the patent laws of the United States, Title 35 of the United
3 States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4 4. On information and belief, the Defendant is subject to this Court’s specific and/or
5 general personal jurisdiction, pursuant to due process and/or the California Long Arm Statute, due at
6 least to its substantial business in California, including related to the infringements alleged herein.
7 Further, on information and belief, the Defendant has interactive games comprising infringing
8 methods which are at least used in and/or accessible in California. Further, on information and
9 belief, the Defendant regularly conducts and/or solicits business, engages in other persistent courses
10 of conduct, and/or derives substantial revenue from goods and services provided to persons and/or
11 entities in California.
12

13 5. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b).
14 Without limitation, on information and belief, the Defendant is subject to personal jurisdiction in
15 this district. On information and belief, the Defendant is subject to this Court’s specific and/or
16 general personal jurisdiction, pursuant to due process and/or the California Long Arm Statute, due at
17 least to its substantial business in this district, including related to the infringements alleged herein.
18 Further, on information and belief, the Defendant has interactive games comprising infringing
19 methods which are at least used in and/or accessible in this district. Further, on information and
20 belief, the Defendant regularly conducts and/or solicits business, engages in other persistent courses
21 of conduct, and/or derives substantial revenue from goods and services provided to persons and/or
22 entities in this district.
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COUNT I

INFRINGEMENT OF U.S. PATENT NO. 7,076,445

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3 6. United States Patent No. 7,076,445 (“the ‘445 patent”), entitled “SYSTEM AND
4 METHODS FOR OBTAINING ADVANTAGES AND TRANSACTING THE SAME IN A
5 COMPUTER GAMING ENVIRONMENT,” issued on July 11, 2006.
6

7 7. GAMETEK is the present assignee of the entire right, title and interest in and to the
8 ‘445 patent, including all rights to sue for past and present infringement. Accordingly, GAMETEK
9 has standing to bring this lawsuit for infringement of the ‘445 patent.

10 8. The various claims of the ‘445 patent cover, inter alia, a method of managing games
11 comprising displaying a plurality of game objects, determining if the user has sufficient
12 consideration to purchase a game object, presenting an offer to purchase the game object dependent
13 upon parameters comprising the tracked activity of the user and the indication that the user has
14 sufficient consideration, permitting the user to purchase the game object without interrupting the
15 game, supplying the purchased game object to the user without interrupting the game, and
16 incorporating the game object into the game.
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19 9. On information and belief, GAMEVIEW has been and now is infringing the ‘445
20 patent by actions comprising the making and/or using methods of managing a game comprising
21 displaying a plurality of game objects, determining if the user has sufficient consideration to
22 purchase a game object, presenting an offer to purchase the game object dependent upon parameters
23 comprising the tracked activity of the user and the indication that the user has sufficient
24 consideration, permitting the user to purchase the game object without interrupting the game,
25 supplying the purchased game object to the user without interrupting the game, and incorporating
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1 the game object into the game. On information and belief, such methods comprise TAP FISH and/or
2 TAP FISH 2.

3 10. Further, on information and belief, GAMEVIEW makes, uses, and hosts the game
4 known as TAP FISH.

5 11. Further, on information and belief, GAMEVIEW makes, uses, and hosts the game
6 known as TAP FISH 2.
7

8 **PRAYER FOR RELIEF**

9 WHEREFORE, GAMETEK respectfully requests that this Court enter:

- 10 1. A judgment in favor of GAMETEK that GAMEVIEW has infringed the '445 patent;
11
12 2. A permanent injunction enjoining GAMEVIEW, and their officers, directors,
13 employees, agents, affiliates and all others acting in active concert therewith from infringing the
14 '445 patent;
- 15 3. A judgment and order finding that this is an exceptional case within the meaning of
16 35 U.S.C. § 285 and awarding to GAMETEK its reasonable attorneys' fees;
17
18 4. Any and all other relief to which GAMETEK may show itself to be entitled.

19 **DEMAND FOR JURY TRIAL**

20 Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of
21 any issues so triable by right.
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1 Dated: February 28, 2012

Respectfully submitted,

2 /s/ John J. Edmonds

3 John J. Edmonds

4 COLLINS EDMONDS POGORZELSKI

SCHLATHER & TOWER, PLLC

5 Attorney for Plaintiff

6 GAMETEK LLC

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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
GAMETEK LLC
(b) County of Residence of First Listed Plaintiff Orange County, CA
(c) Attorneys (Firm Name, Address, and Telephone Number)
John J. Edmonds, Collins, Edmonds, Pogorzelski, Schlather & Tower, PLLC, 1851 East First Street, Suite 900, Santa Ana, California 92705 (951) 708-1237

DEFENDANTS
GAMEVIEW STUDIOS, LLC
County of Residence of First Listed Defendant Santa Clara County, CA
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known) '12CV0499 LAB RBB

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1
2 2
3 3
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation
PTF DEF
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT
PERSONAL INJURY
REAL PROPERTY
CIVIL RIGHTS
PRISONER PETITIONS
FORFEITURE/PENALTY
LABOR
IMMIGRATION
BANKRUPTCY
SOCIAL SECURITY
FEDERAL TAX SUITS
OTHER STATUTES

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
35 U.S.C. § 271
Brief description of cause:
Patent Infringement

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
DEMAND \$
CHECK YES only if demanded in complaint:
JURY DEMAND: X Yes [] No

VIII. RELATED CASE(S) IF ANY
(See instructions):
JUDGE
DOCKET NUMBER see attached

DATE 02/28/2012
SIGNATURE OF ATTORNEY OF RECORD /s/ John J. Edmonds

FOR OFFICE USE ONLY
RECEIPT #
AMOUNT
APPLYING IFP
JUDGE
MAG. JUDGE

RELATED CASES

GameTek, LLC v. NHN USA, Inc. et al.; CA No. TBD; filed 2/28/12 in SD Cal.