

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PARALLEL NETWORKS, LLC,)	
)	
Plaintiff,)	C.A. No. _____
)	
v.)	JURY TRIAL DEMANDED
)	
RELOADED GAMES, INC.,)	
)	
Defendant.)	
)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Parallel Networks, LLC (“Parallel”) files this Complaint for patent infringement against Defendant Reloaded Games, Inc. (“Reloaded” or “Defendant”) and alleges as follows:

PARTIES

1. Plaintiff Parallel Networks, LLC is a Delaware limited liability company having its principal place of business at 1105 N. Market St., Suite 300, Wilmington, Delaware 19801.
2. On information and belief, Reloaded Games, Inc. is a corporation organized under the laws of the State of California, and has a principal place of business at 6440 Oak Canyon, Ste. 200, Irvine, California 92618, and/or is conducting business through an affiliate located at this address.

JURISDICTION AND VENUE

3. This civil action for patent infringement arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.* This Court has jurisdiction over the claims presented herein pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. On information and belief, Reloaded makes, imports, sells, and/or offers for sale the Accused Products (as defined below) within the United States, including this District, that infringe one or more claims of United States Patent No. 7,188,145 entitled “METHOD AND SYSTEM FOR DYNAMIC DISTRIBUTED DATA CACHING” (the “’145 Patent”). The ’145 Patent was duly and legally issued by the United States Patent and Trademark Office on March 6, 2007. A true and correct copy of the ’145 Patent is attached hereto as Exhibit 1.

5. On information and belief, Reloaded makes, imports, sells, and/or offers for sale the Accused Products (as defined below) within the United States, including this District, that infringe one or more claims of United States Patent No. 7,730,262 entitled “METHOD AND SYSTEM FOR DYNAMIC DISTRIBUTED DATA CACHING” (the “’262 Patent”). The ’262 Patent was duly and legally issued by the United States Patent and Trademark Office on June 1, 2010. A true and correct copy of the ’262 Patent is attached hereto as Exhibit 2.

6. The ’145 Patent and ’262 Patent are collectively referred to herein as the “Asserted Patents.”

7. On information and belief, Defendant Reloaded is engaged in the business of developing and publishing video games, including but not limited to *APB Reloaded*, *Fallen Earth*, *Super MNC*, *Taikodom*, and *World of Battles*. On information and belief, Reloaded’s games are free-to-play, however Reloaded derives revenue from the sale of “G1 Credits,” a virtual currency that Reloaded customers use to purchase in-game enhancements through the GamersFirst Marketplace. G1 Credits are sold through a Reloaded Games website at http://www.gamersfirst.com/marketplace/get_g1c.php. On information and belief, Reloaded Games markets games to users in the United States, and within this District. On information and belief, Reloaded Games markets and sells G1 Credits in the United States, and within

this District. Reloaded Games markets and distributes games through a website <http://www.gamersfirst.com/index.php>. Reloaded customers, including customers within this District, download Reloaded games through Reloaded's interactive website <http://www.gamersfirst.com>. Reloaded customers, including customers within this District, purchase G1 Credits through Reloaded's interactive website http://www.gamersfirst.com/marketplace/get_g1c.php.

8. On information and belief, Reloaded contracts with Pando Networks, Inc., a Delaware corporation, which, on information and belief, provides peer-to-peer content distribution services to Reloaded in connection with the Accused Products

9. Reloaded is a foreign corporation transacting business within the state of Delaware; is causing tortious injury by committing all or part of the tortious acts described herein within the State of Delaware; and/or is causing tortious injury in the State of Delaware by committing all or part of the tortious acts or omissions described herein outside the state of Delaware; and/or is causing tortious injury by committing all or part of the tortious acts or omissions described herein outside the state of Delaware while regularly conducting or soliciting business or deriving revenue from goods used or consumed or services rendered within the State of Delaware. Therefore, this Court has personal jurisdiction over Reloaded under the Delaware long-arm statute, DEL. CODE. ANN. TIT. 3, § 3104. Reloaded has transacted and continues to transact business in this District, and has committed acts of patent infringement in this District.

10. On information and belief, Reloaded directly and/or indirectly imports, manufactures, uses, offers for sale, and/or sells the Accused Products (as defined below) within

the United States, including this District, that infringe one or more claims of the Asserted Patents.

11. Venue is proper in this District pursuant to 28 U.S.C. §§ 1400(b) and 1391(c).

GENERAL ALLEGATIONS

12. Parallel is the owner by assignment of all rights, title, and interests in the Asserted Patents, and is entitled to sue for past and future infringement thereof.

13. On information and belief, Reloaded is engaged in the business of developing and distributing videogames, including but not limited to *APB Reloaded*, *Fallen Earth*, *Super MNC*, *Taikodom*, and *World of Battles*. On Information and belief, Reloaded sells and/or distributes installers, such as but not limited to the “APB_GamersFirst_LIVE!_Setup_EN.exe,” “FallenEarth_GamersFirst_LIVE!_EN.exe,” SMNC_GamersFirst_LIVE!_EN.exe,” Taikodom_GamersFirst_LIVE!_EN.exe,” and WorldOfBattles_GamersFirst_LIVE!_EN.exe” installers (the “APB_GamersFirst_LIVE!_Setup_EN.exe” installer and all similar installers, downloaders and/or launchers are referred to herein as the “Accused Products”), that are downloaded by an end-user from a Reloaded website, such as at <http://www.gamersfirst.com/download/>, through or by which Reloaded distributes its games.

FIRST CLAIM FOR RELIEF (Infringement of the '145 Patent)

14. Parallel incorporates paragraphs 1 through 13 as though fully set forth herein.

15. Upon information and belief, Defendant Reloaded has been and now is directly and/or indirectly infringing one or more claims of the '145 Patent by (1) making, importing, using, offering for sale, and/or selling the patented inventions, (2) by actively inducing others to use the patented inventions, or (3) by contributing to the use of the patented inventions in the United States.

16. More particularly, without limitation, Reloaded is now directly infringing one or more claims of the '145 Patent by making, importing, using (including use for testing purposes), offering for sale, and/or selling the Accused Products, all in violation of 35 U.S.C. § 271(a). The Accused Products provide a system for dynamic distributed data caching. More particularly, the Accused Products cache data on the computers of Reloaded customers. This cached data is served to other Reloaded customers in the peer-to-peer group.

17. In addition and/or in the alternative, Reloaded has been and/or now is indirectly infringing one or more claims of the Asserted Patents by (1) inducing customers to use the Accused Products to directly infringe one or more claims of the Asserted Patents in violation of 35 U.S.C. § 271(b), and/or by (2) contributing to customers' direct infringement of one or more claims of the Asserted Patents by their use of the Accused Products in violation of 35 U.S.C. § 271(c). The Accused Products perform the distributed data caching described and claimed in the Asserted Patents, and Reloaded has engaged in indirect infringement by its post-complaint conduct of providing its customers with the infringing Accused Products in order to enable those customers to use the Accused Products.

18. By way of example, and not as a limitation, Reloaded induces and/or contributes to such infringement by at least making its website available to customers and providing links and/or other directions on its website and/or the internet for users to download and use the Accused Products. Reloaded engages in such activities knowingly and, at least from the time of receipt of the present Complaint, has done so with the knowledge that such activities induce customers to directly infringe the Asserted Patents. In addition, or, in the alternative, Reloaded engages in such activities knowingly, and, at least from the time of receipt of the present Complaint, has sold or distributed the Accused Products knowing that such Accused Products are

especially made or adapted for use by its customers in an infringing use of one or more claims of the Accused Products. On information and belief, Reloaded customers download an installer or downloader that is associated with one particular Reloaded game and, when the customer runs the infringing Accused Product, the game is downloaded to the customer's computer by way of dynamic distributed data caching, as described and claimed in the Asserted Patents. Thus, Reloaded customers, by using the Accused Products, directly infringe the claimed methods of the Asserted Patents. On information and belief, the Accused Products do not have any substantial non-infringing uses.

19. Parallel has been damaged by the infringing activities of Reloaded, and will be irreparably harmed unless those infringing activities are preliminarily and permanently enjoined by this Court. Parallel does not have an adequate remedy at law.

20. By the filing of this action, Reloaded has been given actual notice of the existence of the '145 Patent. Despite such notice, Reloaded continues in acts of infringement without regard to the '145 Patent, and will likely continue to do so unless otherwise enjoined by this Court. Parallel is not seeking damages against Reloaded for indirect infringement for the period prior to the filing of this Complaint.

SECOND CLAIM FOR RELIEF
(Infringement of the '262 Patent)

21. Parallel incorporates paragraphs 1 through 13 as though fully set forth herein.

22. Upon information and belief, Defendant Reloaded has been and now is directly and/or indirectly infringing one or more claims of the '262 Patent by (1) making, importing, using, offering for sale, and/or selling the patented inventions, (2) by actively inducing others to use the patented inventions, or (3) by contributing to the use of the patented inventions in the United States.

23. More particularly, without limitation, Reloaded is now directly infringing one or more claims of the '262 Patent by making, importing, using, offering for sale, and/or selling the Accused Products, all in violation of 35 U.S.C. § 271(a).

24. In addition and/or in the alternative, Reloaded has been and/or now is indirectly infringing one or more claims of the Asserted Patents by (1) inducing customers to use the Accused Products to directly infringe one or more claims of the Asserted Patents in violation of 35 U.S.C. § 271(b), and/or by (2) contributing to customers' direct infringement of one or more claims of the Asserted Patents by their use of the Accused Products in violation of 35 U.S.C. § 271(c). The Accused Products perform the distributed data caching described and claimed in the Asserted Patents, and Reloaded has engaged in indirect infringement by its post-complaint conduct of providing its customers with the infringing Accused Products in order to enable those customers to use the Accused Products.

25. By way of example, and not as a limitation, Reloaded induces and/or contributes to such infringement by at least making its website available to customers and providing links and/or other directions on its website and/or the internet for users to download and use the Accused Products. Reloaded engages in such activities knowingly and, at least from the time of receipt of the present Complaint, has done so with the knowledge that such activities induce customers to directly infringe the Asserted Patents. In addition, or, in the alternative, Reloaded engages in such activities knowingly, and, at least from the time of receipt of the present Complaint, has sold or distributed the Accused Products knowing that such Accused Products are especially made or adapted for use by its customers in an infringing use of one or more claims of the Accused Products. On information and belief, Reloaded customers download an installer or downloader that is associated with one particular Reloaded game and, when the customer runs

the infringing Accused Product, the game is downloaded to the customer's computer by way of dynamic distributed data caching, as described and claimed in the Asserted Patents. Thus, Reloaded customers, by using the Accused Products, directly infringe the claimed methods of the Asserted Patents. On information and belief, the Accused Products do not have any substantial non-infringing uses.

26. Parallel has been damaged by the infringing activities of Reloaded, and will be irreparably harmed unless those infringing activities are preliminarily and permanently enjoined by this Court. Parallel does not have an adequate remedy at law.

27. By the filing of this action, Reloaded has been given actual notice of the existence of the '262 Patent. Despite such notice, Reloaded continues in acts of infringement without regard to the '262 Patent, and will likely continue to do so unless otherwise enjoined by this Court.

REQUEST FOR RELIEF

WHEREFORE, Parallel requests the following relief:

(a) A judgment in favor of Parallel that Reloaded has directly infringed, and/or has indirectly infringed by way of inducement and/or contributory infringement, one or more claims of the Asserted Patents;

(b) A judgment that Parallel has been irreparably harmed by the infringing activities of Reloaded and is likely to continue to be irreparably harmed by Defendant's continued infringement;

(c) Preliminary and permanent injunctions prohibiting Reloaded and its officers, agents, servants, employees and those persons in active concert or participation with any of

them, as well as all successors or assignees of the interests or assets related to the Accused Products, from further infringement, direct and indirect, of the Asserted Patents;

(d) A judgment and order requiring Reloaded to pay Parallel damages adequate to compensate for infringement under 35 U.S.C. § 284, which damages may include lost profits but in no event shall be less than a reasonable royalty for the use made of the inventions of the Asserted Patents, including pre- and post-judgment interest and costs, including expenses and disbursements; and

(e) Any and all such further necessary or proper relief as this Court may deem just.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Parallel hereby demands a trial by jury of all issues so triable.

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