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

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

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11 GAMETEK LLC,

12
13 Plaintiff,

14 v.

15 ZYNGA INC.,

16
17 Defendant.

Case No.: 3:12-cv-02933-BEN-RBB

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

DEMAND FOR JURY TRIAL

Complaint Filed: December 10, 2012

Trial Date: not set

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19 This is an action for patent infringement in which GAMETEK LLC submits this Amended
20 Complaint against the Defendant named herein, namely ZYNGA INC. (“Defendant”), as follows:
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22 **THE PARTIES**

23 1. GAMETEK LLC (“GAMETEK” or “Plaintiff”) is a California limited liability
24 company with a place of business at 500 Newport Center Drive, Suite 700, Newport Beach, CA
25 92660.

26 2. On information and belief, ZYNGA INC. (“ZYNGA”) is a Delaware corporation
27 with a place of business at 699 8th St, San Francisco, CA 94103.
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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, ZYNGA is subject to this Court's specific and/or general
5 personal jurisdiction, pursuant to due process and/or the California Long Arm Statute, due at least to
6 its substantial business in California, including related to the infringements alleged herein. Further,
7 on information and belief, ZYNGA has interactive websites and/or games comprising infringing
8 methods, which are at least used in and/or accessible in California. Further, on information and
9 belief, ZYNGA regularly conducts and/or solicits business, engages in other persistent courses of
10 conduct, and/or derives substantial revenue from goods and services provided to persons and/or
11 entities in California.
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14 5. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b).
15 Without limitation, on information and belief, ZYNGA is subject to personal jurisdiction in this
16 district. On information and belief, ZYNGA is subject to this Court's specific and/or general
17 personal jurisdiction, pursuant to due process and/or the California Long Arm Statute, due at least to
18 its substantial business in this district, including related to the infringements alleged herein. Further,
19 on information and belief, ZYNGA has interactive websites and games comprising infringing
20 methods, which are at least used in and/or accessible in this district. Further, on information and
21 belief, ZYNGA regularly conducts and/or solicits business, engages in other persistent courses of
22 conduct, and/or derives substantial revenue from goods and services provided to persons and/or
23 entities in this district.
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26 **COUNT I**

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

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

4 7. GAMETEK is the present assignee of the entire right, title and interest in and to the
5 ‘445 patent, including all rights to sue for past and present infringement. Accordingly, GAMETEK
6 has standing to bring this lawsuit for infringement of the ‘445 patent.
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8 8. The various claims of the ‘445 patent cover, inter alia, a method of managing a game
9 comprising displaying a plurality of game objects, determining if the user has sufficient
10 consideration to purchase a game object, presenting an offer to purchase the game object dependent
11 upon parameters comprising the tracked activity of the user and the indication that the user has
12 sufficient consideration, permitting the user to purchase the game object without interrupting the
13 game, supplying the purchased game object to the user without interrupting the game, and
14 incorporating the game object into the game.
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16 9. On information and belief, ZYNGA has been and now is infringing, including jointly,
17 the ‘445 patent by actions comprising managing a game comprising displaying a plurality of game
18 objects, determining if the user has sufficient consideration to purchase a game object, presenting an
19 offer to purchase the game object dependent upon parameters comprising the tracked activity of the
20 user and the indication that the user has sufficient consideration, permitting the user to purchase the
21 game object without interrupting the game, supplying the purchased game object to the user without
22 interrupting the game, and incorporating the game object into the game. On information and belief,
23 such methods comprise FarmVille, Dream Pethouse, Dream Zoo, ForestVille, Empires and Allies,
24 CityVille, CastleVille, Hidden Chronicles, The Pioneer Trail, Ruby Blast, FishVille, Indiana Jones:
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1 Adventure World, Mafia Wars 2, Treasure Isle, The Ville, ChefVille, FarmVille 2, CityVille 2, and
2 CoasterVille.

3 10. Further, on information and belief, ZYNGA makes, uses, and hosts the game known
4 as Farmville.

5 11. Further, on information and belief, ZYNGA makes, uses, and hosts the game known
6 as Dream Pethouse.

7 12. Further, on information and belief, ZYNGA makes, uses, and hosts the game known
8 as Dream Zoo.

9 13. Further, on information and belief, ZYNGA makes, uses, and hosts the game known
10 as ForestVille.

11 14. Further, on information and belief, ZYNGA makes, uses, and hosts the game known
12 as Empires and Allies.

13 15. Further, on information and belief, ZYNGA makes, uses, and hosts the game known
14 as CityVille.

15 16. Further, on information and belief, ZYNGA makes, uses, and hosts the game known
16 as CastleVille.

17 17. Further, on information and belief, ZYNGA makes, uses, and hosts the game known
18 as Hidden Chronicles.

19 18. Further, on information and belief, ZYNGA makes, uses, and hosts the game known
20 as The Pioneer Trail.

21 19. Further, on information and belief, ZYNGA makes, uses, and hosts the game known
22 as Ruby Blast.

1 20. Further, on information and belief, ZYNGA makes, uses, and hosts the game known
2 as FishVille.

3 21. Further, on information and belief, ZYNGA makes, uses, and hosts the game known
4 as Indiana Jones: Adventure World.

5 22. Further, on information and belief, ZYNGA makes, uses, and hosts the game known
6 as Mafia Wars 2.

7 23. Further, on information and belief, ZYNGA makes, uses, and hosts the game known
8 as Treasure Isle.

9 24. Further, on information and belief, ZYNGA makes, uses, and hosts the game known
10 as The Ville.

11 25. Further, on information and belief, ZYNGA makes, uses, and hosts the game known
12 as ChefVille.

13 26. Further, on information and belief, ZYNGA makes, uses, and hosts the game known
14 as FarmVille 2.

15 27. Further, on information and belief, ZYNGA makes, uses, and hosts the game known
16 as CityVille 2.

17 28. Further, on information and belief, ZYNGA makes, uses, and hosts the game known
18 as CoasterVille.

19 29. As a result of ZYNGA's infringing conduct, ZYNGA has damaged GAMETEK.
20 ZYNGA is liable to GAMETEK in an amount that adequately compensates GAMETEK for its
21 infringement, which by law, can be no less than a reasonable royalty.

22 30. ZYNGA was put on notice of the '445 patent prior to the filing of this
23 suit. GAMTEK contends that, at a minimum, ZYNGA's ongoing infringement of the '445 patent
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1 since receiving notice of the '445 patent is willful, including because ZYNGA's infringement is
2 clear and, at a minimum, such infringement is an objectively reckless act.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, GAMETEK respectfully requests that this Court enter:

- 5 1. A judgment in favor of GAMETEK that the Defendant has infringed the '445 patent;
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7 2. A judgment that ZYNGA's infringement is and/or has been willful and objectively
8 reckless;
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10 3. A permanent injunction enjoining the Defendant, and its officers, directors,
11 employees, agents, affiliates and all others acting in active concert therewith from infringing the
12 '445 patent;
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14 4. A judgment and order requiring ZYNGA to pay to GAMETEK its damages, costs,
15 expenses, fees, and prejudgment and post-judgment interest for ZYNGA's infringement of the '445
16 patent as provided under 35 U.S.C. §§ 284 and/or 285.
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18 5. A judgment and order finding that this is an exceptional case within the meaning of
19 35 U.S.C. § 285 and awarding to GAMETEK its reasonable attorneys' fees;
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21 6. Any and all other relief to which GAMETEK may show itself to be entitled.

22 **DEMAND FOR JURY TRIAL**

23 Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of
24 any issues so triable by right.
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Dated: January 23, 2013

Respectfully submitted,

COLLINS, EDMONDS, POGORZELSKI,
SCHLATHER & TOWER, PLLC

/s/ John J. Edmonds
John J. Edmonds

Attorney for Plaintiff
GAMETEK LLC

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CERTIFICATE OF SERVICE

I, John J. Edmonds, declare as follows:

I am over the age of eighteen years and am not a party to this action. I am employed at the law firm of Collins, Edmonds, Pogorzelski, Schlather & Tower, PLLC and I am a member of the bar of this Court. I hereby certify that on January 23, 2013, the following:

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was transmitted on January 23, 2013, via the Court’s Electronic Case Filing (ECF) system to all counsel of record in this action.

Respectfully Submitted,

/s/ John J. Edmonds
John J. Edmonds

ATTORNEY FOR GAMETEK LLC.