

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PARALLEL NETWORKS, LLC,  
Plaintiff,  
v.  
NCSOFT WEST CORPORATION,  
Defendant.

C.A. No. \_\_\_\_\_

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Parallel Networks, LLC (“Parallel”) files this Complaint for patent infringement against Defendant NCSOFT West Corporation (“NCSOFT” 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, NCSOFT West Corporation is a corporation organized under the laws of the State of Washington, and has a principal place of business at 1501 4th Ave. Ste. 2050, Seattle, Washington 98101, 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, NCSoft makes, imports, sells, and/or offers for sale the Accused Instrumentalities (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, NCSoft makes, imports, sells, and/or offers for sale the Accused Instrumentalities (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 NCSoft is engaged in the business of developing and publishing video games, including but not limited to *Aion* and *Lineage II*. On information and belief, NCSoft’s games are free-to-play. However, NCSoft derives revenue from the sale of “NCoin,” a virtual currency that NCSoft customers use to purchase in-game enhancements. NCoin are sold through pre-paid cards in retail stores, as well as through a NCSoft website at <https://secure.ncsoft.com/cgi-bin/Store.pl>. On information and belief, NCSoft markets games to users in the United States, and within this District. On information and belief, NCSoft markets and sells NCoin virtual currency in the United States, and within this District. NCSoft markets games through a website

<http://us.ncsoft.com/en/>. NCSoft customers, including customers within this District, download NCSoft games through NCSoft's interactive website

<http://ncsoft.com/en/launcher/ncsoft-launcher.php>. On information and belief, NCSoft customers, including customers within this District, purchase NCoin through retail stores, and through NCSoft's interactive website <https://secure.ncsoft.com/cgi-bin/Store.pl>.

8. On information and belief, NCSoft contracts with Pando Networks, Inc., a Delaware corporation, which, on information and belief, provides peer-to-peer content distribution services to NCSoft in connection with the Accused Instrumentalities (defined below).

9. NCSoft is a 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 NCSoft under the Delaware long-arm statute, DEL. CODE. ANN. TIT. 3, § 3104. NCSoft 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, NCSoft directly and/or indirectly imports, manufactures, uses, offers for sale, and/or sells the Accused Instrumentalities (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, NCSoft is engaged in the business of developing video games, including but not limited to *Aion* and *Lineage II* (these and all other games that are distributed using peer-to-peer caching are referred to as “Accused Games”), and providing digital distribution of the Accused Games utilizing Peer-to-Peer (“P2P”) content distribution. For example, but not by way of limitation, NCSoft distributes the Accused Games through installers, such as but not limited to the “AionInstaller.exe” and “NCsoftLauncherSetup.exe” installers (the “AionInstaller.exe” installer, “NCsoftLauncherSetup.exe,” and all similar installers, downloaders and/or launchers are referred to herein as the “Accused Installers”), that are downloaded by an end-user from a NCSoft website, such as at <http://ncsoft.com/en/launcher/ncsoft-launcher.php>, through or by which NCSoft distributes its games. For example, but not by way of limitation, and on information and belief, the “AionInstaller.exe” includes built-in peer-to-peer functionality. As another example, but not by way of limitation, and on information and belief, “NCsoftLauncherSetup.exe” downloads media, including *Lineage II*, from multiple sources for faster downloads. On information and belief, NCSoft customers access the Accused Games through the use of the Accused Installers (the Accused Games and Accused Installers are referred to herein as the “Accused Instrumentalities”). The Accused Instrumentalities provide a system for dynamic data caching. By way of further example, and not as a limitation, the Accused Instrumentalities cache data on

multiple computers in a peer-to-peer group. This cached data is served to NCSOFT customers by the peer-to-peer group through the Accused Instrumentalities.

**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 NCSOFT 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, NCSOFT 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 Instrumentalities, all in violation of 35 U.S.C. § 271(a). The Accused Instrumentalities provide a system for dynamic distributed data caching. More particularly, the Accused Instrumentalities cache data on the computers of NCSOFT customers. This cached data is served to other NCSOFT customers in the peer-to-peer group.

17. In addition and/or in the alternative, NCSOFT has been and/or now is indirectly infringing one or more claims of the Asserted Patents by (1) inducing customers to use the Accused Instrumentalities 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 Instrumentalities in violation of 35 U.S.C. § 271(c). On information and belief, NCSOFT has intended, and continues to intend, to induce patent infringement by its customers and has had knowledge that the

inducing acts would cause infringement or has been willfully blind to the possibility that its inducing acts would cause infringement. The Accused Instrumentalities perform the distributed data caching described and claimed in the Asserted Instrumentalities, and NCSOft has engaged in indirect infringement by its post-complaint conduct of providing its customers with the infringing Accused Instrumentalities in order to enable those customers to use the Accused Instrumentalities.

18. By way of example, and not as a limitation, NCSOft 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 Instrumentalities. NCSOft 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, NCSOft engages in such activities knowingly, and, at least from the time of receipt of the present Complaint, has sold or distributed the Accused Instrumentalities knowing that such Accused Instrumentalities are especially made or adapted for use by its customers in an infringing use of one or more claims of the Accused Instrumentalities. On information and belief, NCSOft customers download an installer or downloader that is associated with one particular NCSOft 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, NCSOft customers, by using the Accused Instrumentalities, directly infringe the claimed methods of the Asserted Patents. On information and belief, the Accused Instrumentalities do not have any substantial non-infringing uses.

19. Parallel has been damaged by the infringing activities of NCSOFT, 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, NCSOFT has been given actual notice of the existence of the '145 Patent. Despite such notice, NCSOFT 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 NCSOFT 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 NCSOFT 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, NCSOFT is now directly infringing one or more claims of the '262 Patent by making, importing, using, offering for sale, and/or selling the Accused Instrumentalities, all in violation of 35 U.S.C. § 271(a).

24. In addition and/or in the alternative, NCSOFT has been and/or now is indirectly infringing one or more claims of the Asserted Patents by (1) inducing customers to use the Accused Instrumentalities 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 Instrumentalities in

violation of 35 U.S.C. § 271(c). On information and belief, NCSOft has intended, and continues to intend, to induce patent infringement by its customers and has had knowledge that the inducing acts would cause infringement or has been willfully blind to the possibility that its inducing acts would cause infringement. The Accused Instrumentalities perform the distributed data caching described and claimed in the Asserted Patents, and NCSOft has engaged in indirect infringement by its post-complaint conduct of providing its customers with the infringing Accused Instrumentalities in order to enable those customers to use the Accused Instrumentalities.

25. By way of example, and not as a limitation, NCSOft 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 Instrumentalities. NCSOft 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, NCSOft engages in such activities knowingly, and, at least from the time of receipt of the present Complaint, has sold or distributed the Accused Instrumentalities knowing that such Accused Instrumentalities are especially made or adapted for use by its customers in an infringing use of one or more claims of the Accused Instrumentalities. On information and belief, NCSOft customers download an installer or downloader that is associated with one particular NCSOft 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, NCSOft customers, by using the Accused Instrumentalities,



directly infringe the claimed methods of the Asserted Patents. On information and belief, the Accused Instrumentalities do not have any substantial non-infringing uses.

26. Parallel has been damaged by the infringing activities of NCSoft, 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, NCSoft has been given actual notice of the existence of the '262 Patent. Despite such notice, NCSoft continues in acts of infringement without regard to the '262 Patent, and will likely continue to do so unless otherwise enjoined by this Court. Parallel is not seeking damages against NCSoft for indirect infringement for the period prior to the filing of this Complaint.

#### **REQUEST FOR RELIEF**

WHEREFORE, Parallel requests the following relief:

(a) A judgment in favor of Parallel that NCSoft 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 NCSoft and is likely to continue to be irreparably harmed by Defendant's continued infringement;

(c) Preliminary and permanent injunctions prohibiting NCSoft 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 Instrumentalities, from further infringement, direct and indirect, of the Asserted Patents;

(d) A judgment and order requiring NCSoft 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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