

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PARALLEL NETWORKS, LLC,

Plaintiff,

v.

BLIZZARD ENTERTAINMENT, INC.,

Defendant.

C.A. No. 13-826-RGA

JURY TRIAL DEMANDED

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Parallel Networks, LLC (“Parallel”) files this First Amended Complaint for patent infringement against Defendant Blizzard Entertainment, Inc. (“Blizzard” 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, Blizzard Entertainment, Inc. is a corporation organized under the laws of the State of Delaware, and has a principal place of business at 3100 Ocean Park Blvd. Fl. 1, Santa Monica, CA 90405-3032, 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, Blizzard 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, Blizzard 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 Blizzard is engaged in the business of developing and publishing video games, including but not limited to *World of Warcraft*, *Diablo III*, and *Starcraft II*. On information and belief, Blizzard markets and sells its service in the United States, including within this District. On information and belief, Blizzard customers, including customers within this district, download Blizzard games through Blizzard’s interactive website us.blizzard.com/en-us/.

8. On information and belief, Blizzard 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.

9. Venue is proper in this District pursuant to 28 U.S.C. §§ 1400(b).

GENERAL ALLEGATIONS

10. 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.

11. On information and belief, Blizzard is engaged in the business of developing and distributing videogames, including but not limited to *World of Warcraft*, *Diablo III*, and *Starcraft II*. On Information and belief, Blizzard sells and/or distributes installers, such as but not limited to the “World-of-Warcraft-Setup-enUS.exe,” “Diablo-III-Setup-enUS.exe,” and “Starcraft-II-Setup-enUS.exe” installers (the “World-of-Warcraft-Setup-enUS.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 Blizzard website, such as at us.blizzard.com/en-us/games/, through or by which Blizzard distributes its games.

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

12. Parallel incorporates paragraphs 1 through 11 as though fully set forth herein.

13. Upon information and belief, Defendant Blizzard has been and now is directly and 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.

14. More particularly, without limitation, Blizzard 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 Blizzard customers. This cached data is served to other Blizzard customers in the peer-to-peer group.

15. In addition and/or in the alternative, Blizzard has been and 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 Blizzard 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. On information and belief, Blizzard 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.

16. By way of example, and not as a limitation, Blizzard 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. On information and belief, Blizzard is aware that the Accused Products provide a system for dynamic distributed data caching and, therefore, that Blizzard's customers will infringe the '145 Patent by using the Accused Products. Blizzard 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, Blizzard 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 Asserted Patents. On information and belief, Blizzard customers download an installer or downloader that is associated with one particular Blizzard 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. On information and belief, the Accused Products cache data related to the game on the customer's computer, which is a peer in a peer-to-peer network. Said cached data is shared with other peers via the peer-to-peer network. Thus, Blizzard customers, by using the Accused Products, directly infringe the claimed methods of the Asserted Patents. Because the distribution of data related to the game via peer-to-peer network is an essential part of the functionality of the Accused Products, the Accused Products do not have any substantial uses that do not infringe the '145 Patent.

17. Parallel has been damaged by the infringing activities of Blizzard, 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.

18. By the filing of this action, Blizzard has been given actual notice of the existence of the '145 Patent. Despite such notice, Blizzard 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 Blizzard for indirect infringement for the period prior to the filing of this Complaint.

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

19. Parallel incorporates paragraphs 1 through 11 as though fully set forth herein.

20. Upon information and belief, Defendant Blizzard has been and now is directly and 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.

21. More particularly, without limitation, Blizzard is now directly infringing one or more claims of the '262 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 Blizzard customers. This cached data is served to other Blizzard customers in the peer-to-peer group.

22. In addition and/or in the alternative, Blizzard has been and 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 Blizzard 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. On information and belief, Blizzard 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.

23. By way of example, and not as a limitation, Blizzard 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. On information and belief, Blizzard is aware that the Accused Products provide a system for dynamic distributed data caching and, therefore, that Blizzard's customers will infringe the '262 Patent by using the Accused Products. Blizzard 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, Blizzard 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 Asserted Patents. On information and belief, Blizzard customers download an installer or downloader that is associated with one particular Blizzard 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. On information and belief, the Accused Products cache data related to the game on the customer's computer, which is a peer in a peer-to-peer network. Said cached data is shared with other peers via the peer-to-peer network. Thus, Blizzard customers, by using the Accused Products, directly infringe the claimed methods of the Asserted Patents. Because the distribution of data related to the game via peer-to-peer network is

an essential part of the functionality of the Accused Products, the Accused Products do not have any substantial uses that do not infringe the '262 Patent.

24. Parallel has been damaged by the infringing activities of Blizzard, 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.

25. By the filing of this action, Blizzard has been given actual notice of the existence of the '262 Patent. Despite such notice, Blizzard 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 Blizzard 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 Blizzard 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 Blizzard and is likely to continue to be irreparably harmed by Defendant's continued infringement;

(c) Preliminary and permanent injunctions prohibiting Blizzard 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 Blizzard 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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Dated: July 22, 2013

CERTIFICATE OF SERVICE

I, Monté T. Squire, hereby certify that on July 22, 2013, I caused to be electronically filed a true and correct copy of the foregoing document with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record:

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Attorney for Defendant Blizzard Entertainment, Inc.

I further certify that on July 22, 2013, I caused a copy of the foregoing document to be served by e-mail on the above-listed counsel.

Dated: July 22, 2013

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