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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.: '12CV2927 LAB RBB

12 Plaintiff,
13 v.

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

14 ELECTRONIC ARTS INC. d/b/a EA
INTERACTIVE d/b/a PLAYFISH d/b/a POGO
15 GAMES;

DEMAND FOR JURY TRIAL

16 Defendant.

Complaint Filed: December 10, 2012
Trial Date: not set

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18 This is an action for patent infringement in which GAMETEK LLC submits this Complaint
19 against the Defendant named herein, namely ELECTRONIC ARTS INC. d/b/a EA INTERACTIVE
20 d/b/a PLAYFISH d/b/a POGO GAMES (“Defendant”), as follows:

21 **THE PARTIES**

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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.

1 other persistent courses of conduct, and/or derives substantial revenue from goods and services
2 provided to persons and/or entities in this district.

3 **COUNT I**

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

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

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

11 12. The various claims of the ‘445 patent cover, inter alia, a method of managing a game
13 comprising displaying a plurality of game objects, determining if the user has sufficient
14 consideration to purchase a game object, presenting an offer to purchase the game object dependent
15 upon parameters comprising the tracked activity of the user and the indication that the user has
16 sufficient consideration, permitting the user to purchase the game object without interrupting the
17 game, supplying the purchased game object to the user without interrupting the game, and
18 incorporating the game object into the game.

19 20. On information and belief, EA has been and now is infringing, including jointly, the
21 ‘445 patent by actions comprising managing a game comprising displaying a plurality of game
22 objects, determining if the user has sufficient consideration to purchase a game object, presenting an
23 offer to purchase the game object dependent upon parameters comprising the tracked activity of the
24 user and the indication that the user has sufficient consideration, permitting the user to purchase the
25 game object without interrupting the game, supplying the purchased game object to the user without
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1 interrupting the game, and incorporating the game object into the game. On information and belief,
2 such methods comprise Poppit! Sprint, Restaurant City, SIMS Social, and World Series Superstars.

3 10. Further on information and belief, EA makes, uses, and hosts the game known as
4 Poppit! Sprint.

5 11. Further on information and belief, EA makes, uses, and hosts the game known as
6 Restaurant City.

7 12. Further on information and belief, EA makes, uses, and hosts the game known as
8 SIMS Social.

9 13. Further on information and belief, EA makes, uses, and hosts the game known as
10 World Series Superstars.

11 14. As a result of EA's infringing conduct, EA has damaged GAMETEK. EA is liable to
12 GAMETEK in an amount that adequately compensates GAMETEK for its infringement, which by
13 law, can be no less than a reasonable royalty.

14 15. EA was put on notice of the '445 patent prior to the filing of this suit. GAMTEK
15 contends that, at a minimum, EA's ongoing infringement of the '445 patent since receiving notice of
16 the '445 patent is willful, including because EA's infringement is clear and, at a minimum, such
17 infringement is an objectively reckless act.
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22 **PRAYER FOR RELIEF**

23 WHEREFORE, GAMETEK respectfully requests that this Court enter:

- 24 1. A judgment in favor of GAMETEK that EA has infringed the '445 patent;
25 2. A judgment that EA's infringement is and/or has been willful and objectively
26 reckless;
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1 3. A permanent injunction enjoining EA, and its officers, directors, employees, agents,
2 affiliates and all others acting in active concert therewith from infringing the '445 patent;

3 4. A judgment and order requiring EA to pay to GAMETEK its damages, costs,
4 expenses, fees, and prejudgment and post-judgment interest for CIE's infringement of the '445
5 patent as provided under 35 U.S.C. §§ 284 and/or 285.
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7 5. A judgment and order finding that this is an exceptional case within the meaning of
8 35 U.S.C. § 285 and awarding to GAMETEK its reasonable attorneys' fees;

9 6. Any and all other relief to which GAMETEK may show itself to be entitled.
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11 **DEMAND FOR JURY TRIAL**

12 Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of
13 any issues so triable by right.
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17 Dated: December 10, 2012

Respectfully submitted,

18 COLLINS, EDMONDS, POGORZELSKI,
19 SCHLATHER & TOWER, PLLC

20
21 /s/ John J. Edmonds
22 John J. Edmonds

23 Attorney for Plaintiff
24 GAMETEK LLC

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