

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**CASE NO.: 8:13-cv-01746-JSM-TBM**

ROBERT JACOBS,

Plaintiff,

v.

ANDREWS McMEEL UNIVERSAL,  
TRIBUNE MEDIA SERVICES, INC., a Delaware  
corporation, TRIBUNE COMPANY, a Delaware  
corporation, DESTINEER, INC, a Delaware  
corporation, and PUBLISHERS  
CLEARING HOUSE LLC, a New York  
Limited Liability Corporation.  
Defendants.

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**AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

**JURY TRIAL DEMANDED**

Plaintiff ROBERT JACOBS, by and through undersigned counsel, brings this civil action for patent infringement against Defendants, jointly and severally, and alleges as follows:

1. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271, *et seq.*, to enjoin and obtain damages resulting from Defendants' unauthorized manufacture, use, sale, and offer to sell games that infringe one or more claims of United States Patent No. 5,860,653 entitled "Method and Apparatus for Playing a Word Game."

**PARTIES, JURISDICTION AND VENUE**

2. Plaintiff ROBERT JACOBS (“JACOBS”) is an individual residing at Crystal Beach, Pinellas County, Florida within this judicial district and division.

3. Defendant ANDREWS McMEEL UNIVERSAL (“ANDREWS McMEEL”) is a Missouri limited liability company with its principal place of business at 113 Walnut, Kansas City, MO 64106, and which maintains an office for the regular transaction of business in this judicial district and division at 6907 Ranch Road, Sarasota, FL 34243. The activities of ANDREWS McMEEL as described herein have, on information and belief, been conducted by its UNIVERSAL UCLICK Division. Accordingly, all references hereafter to UNIVERSAL UCLICK shall be interpreted to refer to both ANDREWS McMEEL UNIVERSAL and its UNIVERSAL UCLICK division.

4. Defendant TRIBUNE MEDIA SERVICES, INC. (“TRIBUNE MEDIA”) is a Delaware corporation with a principal place of business at 35 North Michigan Avenue, Chicago, IL 60611-3066.

5. Defendant TRIBUNE COMPANY (“TRIBUNE”) is a Delaware corporation with its principal place of business at 435 North Michigan Avenue, Chicago, IL 60611. Defendant TRIBUNE is the parent corporation of Defendant TRIBUNE MEDIA.

6. Defendant DESTINEER, INC. (“DESTINEER”) is a Delaware corporation with a principal place of business at 11485 Valley View Rd., Eden Prairie, MN 55344.

7. Defendant PUBLISHERS CLEARING HOUSE LLC is, on information and belief, a Limited Liability Company organized and existing under the laws of the State of New York and having a principal place of business at Port Washington, New York.

8. Pursuant to Section 48.193(1)(a), Florida Statutes, all defendants are subject to personal jurisdiction within this judicial district and division because they operate, conduct, engage in, or carry on business within this state, judicial district and division, and/or have an office or agency within this state, judicial district and division.

9. In addition, all Defendants are subject to personal jurisdiction within this judicial district and division because the unlawful conduct of each Defendant has taken place within this judicial district and division, and jurisdiction over the Defendants will not offend traditional notions of fair play and substantial justice.

10. This Court has exclusive subject matter jurisdiction pursuant to 28 U.S.C. §1338(a) under the Patent Laws of the United States.

11. Venue is proper in this judicial district and division pursuant to 28 U.S.C. §1400(b) and 28 U.S.C. §1391 (b) because Defendants reside within this judicial district and division and/or have committed acts of infringement within this judicial district and division.

### **THE PATENT-IN-SUIT**

12. Prior to January 19, 1999, Robert Jacobs invented a new method and apparatus for playing an anagram type word game.

13. JACOBS applied for and obtained United States Patent No. 5,860,653 entitled “Method and apparatus for playing a word game,” which was duly and legally issued on January 19, 1999 (the ‘653 Patent). A true and correct copy of the ‘653 Patent is attached as Exhibit A.

14. The ‘653 patent describes an apparatus and method for playing an anagram-type game in a computer game format. One or more anagrams, each comprised of scrambled letters, are displayed on a gameboard. At least one object of the game is to guess the unscrambled

solution to each anagram. When correctly guessed, the letters are moved from their scrambled configuration to their unscrambled configuration. An ultimate solution to the puzzle is revealed by some of the letters of the collective unscrambled anagrams which are moved into a predetermined alignment. Several means are included for making it easier to view, study and follow the progress of the game such as moving each letter along a path, leaving outlines of the letters in their initial positions, and indicating which anagram is to be guessed by a player.

### **INFRINGEMENT OF THE '653 PATENT**

15. TRIBUNE MEDIA and its parent company TRIBUNE are the owners of the syndicated word game known as "JUMBLE" that appears daily in newspapers across the country.

16. ANDREWS McMEEL is a corporation that through its UCLICK UNIVERSAL DIVISION is a media organization that creates and distributes electronic versions of syndicated content.

17. DESTINEER is a publisher of computer games and, on information and belief, makes its computer games available for on-line play and/or downloading via the internet.

18. PUBLISHERS CLEARING HOUSE LLC is an entity providing magazine subscription services and, on information and belief, makes computer games available for on-line play and/or downloading via the internet.

19. Beginning on a date after the issuance of the '653 Patent, and within six years immediately preceding the filing of the original complaint and this amended complaint the, defendant TRIBUNE and/or TRIBUNE MEDIA, caused and/or provided to ANDREWS McMEEL and/or DESTINEER and/or PUBLISHERS CLEARING HOUSE with information

and assistance to manufacture, sell and distribute electronic, computer and mobile device versions of the “JUMBLE” game.

20. Beginning on a date after the issuance of the ‘653 Patent, and within six years immediately preceding the filing of this complaint, ANDREWS McMEEL manufactured, sold, and distributed electronic games based upon “JUMBLE” including at least a game called “JUMBLE CLASSIC” for the iPhone and including at least one game to be played on-line via the internet.

21. Beginning on a date after the issuance of the ‘653 Patent, and within six years immediately preceding the filing of this complaint, DESTINEER manufactured, sold, and distributed electronic games based upon “JUMBLE” including a game called “JUMBLE MADNESS” for the Nintendo DS.

22. Beginning on a date after issuance of the ‘653 Patent, and within six years immediately preceding the filing of this complaint, PUBLISHERS CLEARING HOUSE manufactured, sold, and distributed for on-line play via the internet electronic games based upon “JUMBLE” including at least “DAILY JUMBLE”

23. UCLICK’s “JUMBLE CLASSIC” game infringes one or more claims of the ‘653 Patent.

24. DESTINEER’s “JUMBLE MADNESS” game infringes one or more claims of the ‘653 Patent.

25. PUBLISHERS CLEARING HOUSE’S “DAILY JUMBLE game infringes one or more claims of the ‘653 Patent.

26. "Illustrative preliminary, non-limiting details of each claim of the '653 patent infringed by TRIBUNE, TRIBUNE MEDIA, DESTINEER and UCLICK are attached hereto as Exhibit B.

27. The following is a non-limiting summary of the game play of the computer based word games JUMBLE CLASSIC and JUMBLE MADNESS:

a. Each of JUMBLE CLASSIC and JUMBLE MADNESS is for electronically playing an anagram, style word game;

b. Each game comprises multiple anagrams on a game board, each anagram being characters, numbers or symbols that are initially placed in an unsolved area, in an order different from the order, which makes up the solved word or phrase;

c. A player moves characters from the unsolved area, into a solution area into a solution area by dragging of characters with a finger or stylus;

d. When the characters are placed in the correct order, that anagram is solved.

28. The specific participation of each Defendant and the specific role each Defendant play vis-à-vis each other Defendant (if any) beyond that set forth herein will be the subject of discovery. Accordingly, Plaintiff reserves the right to amend the allegations against the Defendants in response to discovery and/or under such terms as permitted by the Court.

**COUNT I**

**DIRECT INFRINGEMENT (LITERAL) OF U.S. PATENT NO. 5,560,653**

**AGAINST ANDREWS McMEEL**

29. Plaintiff re-alleges paragraphs 1 through 27 above as fully and completely as if set forth herein verbatim.

30. This is a count for direct infringement of the '653 Patent.

31. Defendant ANDREWS McMEEL makes, uses, sells, offers to sell and/or imports into the United States for subsequent distribution, sale or use, products, services, methods or processes that directly infringe, or which employ systems, components and/or steps that make use of other systems or processes that infringes, at least claim 1-4 and 6-10 of the '653 Patent.

32. Without limiting paragraph 31, this Defendant's manufacture and/or sale of the electronic word game JUMBLE CLASSIC constitutes direct infringement of at least one or more of claims 1-4 and 6-10 of the '653 Patent.

33. The activities of this Defendant as set forth in this Count I have been done and continue to be done without license or permission from Plaintiff and/or without authority of Plaintiff.

34. The activities of this Defendant as set forth in this Count I have been and continue to be to the injury and detriment and irreparable harm to Plaintiff.

**COUNT II**

**CONTRIBUTORY INFRINGEMENT (LITERAL) OF U.S. PATENT NO. 5,560,653**

**AGAINST TRIBUNE MEDIA AND TRIBUNE**

35. Plaintiff re-alleges paragraphs 1 through 27, 31 and 32 above as fully and completely as if set forth herein verbatim.

36. This is a count for contributory infringement of the '653 Patent.

37. Defendants TRIBUNE MEDIA, and TRIBUNE intend that Defendant UCLICK make, use, sell, offer to sell and/or import into the United States for subsequent distribution, sale or use, products, services, methods or processes that directly infringe, or which employ systems, components and/or steps that make use of other systems or processes that directly infringe, at least claim 1-4 and 6-10 of the '653 Patent.

38. The activities of the Defendants as set forth in this Count II constitute contributory infringement of at least one or more of claims 1-4 and 6-10 of the '653 Patent.

39. The activities of the Defendants as set forth in this Count II have been done and continue to be done without license or permission from Plaintiff and/or without authority of Plaintiff.

40. The activities of the Defendants as set forth in this Count II have been and continue to be to the injury and detriment and irreparable harm to Plaintiff.

### **COUNT III**

#### **INDUCEMENT OF INFRINGEMENT (LITERAL) OF U.S. PATENT NO. 5,560,653 AGAINST TRIBUNE MEDIA AND TRIBUNE**

41. Plaintiff re-alleges paragraphs 1 through 28, 31 and 32 above as fully and completely as if set forth herein verbatim.

42. This is a count for inducement of infringement of the '653 Patent.

43. Defendants TRIBUNE MEDIA and TRIBUNE intend that Defendant UCLICK make, use, sell, offer to sell and/or import into the United States for subsequent distribution, sale



or use, products, services, methods or processes that directly infringe, or which employ systems, components and/or steps that make use of other systems or processes that directly infringe, at least claim 1-4 and 6-10 of the '653 Patent.

44. The activities of the Defendants as set forth in this Count III constitute inducement to infringe at least one or more of claims 1-4 and 6-10 of the '653 Patent.

45. The activities of the Defendants as set forth in this Count III have been done and continue to be done without license or permission from Plaintiff and/or without authority of Plaintiff.

46. The activities of the Defendants as set forth in this Count III have been and continue to be to the injury and detriment and irreparable harm to Plaintiff.

#### **COUNT IV**

#### **DIRECT INFRINGEMENT (EQUIVALENCY) OF U.S. PATENT NO. 5,560,653**

#### **AGAINST ANDREWS McMEEL (UCLICK)**

47. Plaintiff re-alleges paragraphs 1 through 27 above as fully and completely as if set forth herein verbatim.

48. This is a count for direct infringement of the '653 Patent under the Doctrine of Equivalents.

49. Defendant ANDREWS McMEEL (UCLICK) makes, uses, sells, offers to sell and/or import into the United States for subsequent distribution, sale or use, products, services, methods or processes that directly infringe, or which employ systems, components and/or steps that make use of other systems or processes that directly infringe, at least claim 1-4 and 6-10 of the '653 Patent under the Doctrine of Equivalents.

50. Without limiting paragraph 49, this Defendant's manufacture and sale of the electronic word game JUMBLE CLASSIC constitutes direct infringement of at least one or more of claims 1-4 and 6-10 of the '653 Patent under the Doctrine of Equivalents.

51. The activities of this Defendant as set forth in this Count IV have been done and continue to be done without license or permission from Plaintiff and/or without authority of Plaintiff.

52. The activities of this Defendant as set forth in this Count IV have been and continue to be to the injury and detriment and irreparable harm to Plaintiff.

**COUNT V**  
**CONTRIBUTORY INFRINGEMENT (EQUIVALENCY) OF U.S. PATENT NO.**  
**5,560,653**  
**AGAINST TRIBUNE MEDIA AND TRIBUNE**

53. Plaintiff re-alleges paragraphs 1 through 28, 49 and 50 above as fully and completely as if set forth herein verbatim.

54. This is a count for contributory infringement of the '653 Patent under the Doctrine of Equivalents.

55. Defendants TRIBUNE MEDIA and TRIBUNE intend that Defendant UCLICK make, use, sell, offer to sell and/or import into the United States for subsequent distribution, sale or use, products, services, methods or processes that directly infringe, or which employ systems, components and/or steps that make use of other systems or processes that directly infringe, at least claim 1-4 and 6-10 of the '653 Patent under the Doctrine of Equivalents.

56. The activities of the Defendants as set forth in this Count V constitute contributory infringement of at least one or more of claims 1-4 and 6-10 of the '653 Patent under the Doctrine of Equivalents.

57. The activities of the Defendants as set forth in this Count V have been done and continue to be done without license or permission from Plaintiff and/or without authority of Plaintiff.

58. The activities of the Defendants as set forth in this Count V have been and continue to be to the injury and detriment and irreparable harm to Plaintiff.

#### **COUNT VI**

#### **INDUCEMENT OF INFRINGEMENT (EQUIVALENCY) OF U.S. PATENT NO. 5,560,653 AGAINST TRIBUNE MEDIA AND TRIBUNE**

59. Plaintiff re-alleges paragraphs 1 through 27, 49 and 50 above as fully and completely as if set forth herein verbatim.

60. This is a count for inducement of infringement of the '653 Patent under the Doctrine of Equivalents.

61. Defendants TRIBUNE MEDIA and TRIBUNE intend that Defendant UCLICK make, use, sell, offer to sell and/or import into the United States for subsequent distribution, sale or use, products, services, methods or processes that directly infringe, or which employ systems, components and/or steps that make use of other systems or processes that directly infringe, at least claim 1-4 and 6-10 of the '653 Patent under the Doctrine of Equivalents.

62. The activities of the Defendants as set forth in this Count VI constitute inducement to infringe at least one or more of claims 1-4 and 6-10 of the '653 Patent under the Doctrine of Equivalents.

63. The activities of the Defendants as set forth in this Count VI have been done and continue to be done without license or permission from Plaintiff and/or without authority of Plaintiff.

64. The activities of the Defendants as set forth in this Count VI have been and continue to be to the injury and detriment and irreparable harm to Plaintiff.

## **COUNT VII**

### **DIRECT INFRINGEMENT (LITERAL) OF U.S. PATENT NO. 5,560,653**

#### **AGAINST DESTINEER**

65. Plaintiff re-alleges paragraphs 1 through 27 above as fully and completely as if set forth herein verbatim.

66. This is a count for direct infringement of the '653 Patent.

67. Defendant DESTINEER makes, uses, sells, offers to sell and/or imports into the United States for subsequent distribution, sale or use, products, services, methods or processes that directly infringe, or which employ systems, components and/or steps that make use of other systems or processes that infringes, at least claim 1-4 and 6-10 of the '653 Patent.

68. Without limiting paragraph 67, this Defendant's manufacture and/or sale of the electronic word game JUMBLE MADNESS constitutes direct infringement of at least one or more of claims 1-4 and 6-10 of the '653 Patent.

69. The activities of this Defendant as set forth in this count have been done and continue to be done without license or permission from Plaintiff and/or without authority of Plaintiff.

70. The activities of this Defendant as set forth in this count have been and continue to be to the injury and detriment and irreparable harm to Plaintiff.

**COUNT VIII**  
**CONTRIBUTORY INFRINGEMENT (LITERAL) OF U.S. PATENT NO. 5,560,653**  
**AGAINST TRIBUNE MEDIA AND TRIBUNE**

71. Plaintiff re-alleges paragraphs 1 through 27, 67 and 68 above as fully and completely as if set forth herein verbatim.

72. This is a count for contributory infringement of the '653 Patent.

73. Defendants TRIBUNE MEDIA, and TRIBUNE intend that Defendant DESTINEER make, use, sell, offer to sell and/or import into the United States for subsequent distribution, sale or use, products, services, methods or processes that directly infringe, or which employ systems, components and/or steps that make use of other systems or processes that directly infringe, at least claim 1-4 and 6-10 of the '653 Patent.

74. The activities of the Defendants as set forth in this count constitute contributory infringement of at least one or more of claims 1-4 and 6-10 of the '653 Patent.

75. The activities of the Defendants as set forth in this count have been done and continue to be done without license or permission from Plaintiff and/or without authority of Plaintiff.

76. The activities of the Defendants as set forth in this count have been and continue to be to the injury and detriment and irreparable harm to Plaintiff.

**COUNT IX**

**INDUCEMENT OF INFRINGEMENT (LITERAL) OF U.S. PATENT NO. 5,560,653**  
**AGAINST TRIBUNE MEDIA AND TRIBUNE**

77. Plaintiff re-alleges paragraphs 1 through 27, 67 and 68 above as fully and completely as if set forth herein verbatim.

78. This is a count for inducement of infringement of the '653 Patent.

79. Defendants TRIBUNE MEDIA and TRIBUNE intend that Defendant DESTINEER make, use, sell, offer to sell and/or import into the United States for subsequent distribution, sale or use, products, services, methods or processes that directly infringe, or which employ systems, components and/or steps that make use of other systems or processes that directly infringe, at least claim 1-4 and 6-10 of the '653 Patent.

80. The activities of the Defendants as set forth in this count constitute inducement to infringe at least one or more of claims 1-4 and 6-10 of the '653 Patent.

81. The activities of the Defendants as set forth in this count have been done and continue to be done without license or permission from Plaintiff and/or without authority of Plaintiff.

82. The activities of the Defendants as set forth in this count have been and continue to be to the injury and detriment and irreparable harm to Plaintiff.

**COUNT X**

**DIRECT INFRINGEMENT (EQUIVALENCY) OF U.S. PATENT NO. 5,560,653**  
**AGAINST DESTINEER**

83. Plaintiff re-alleges paragraphs 1 through 28 above as fully and completely as if set forth herein verbatim.

84. This is a count for direct infringement of the '653 Patent under the Doctrine of Equivalents.

85. Defendant DESTINEER makes, uses, sells, offers to sell and/or import into the United States for subsequent distribution, sale or use, products, services, methods or processes that directly infringe, or which employ systems, components and/or steps that make use of other systems or processes that directly infringe, at least claim 1-4 and 6-10 of the '653 Patent under the Doctrine of Equivalents.

86. Without limiting paragraph 85, Defendant's manufacture and/or sale of the electronic word game JUMBLE MADNESS constitutes direct infringement of at least one or more of claims 1-4 and 6-10 of the '653 Patent under the Doctrine of Equivalents.

87. The activities of this Defendant as set forth in this count have been done and continue to be done without license or permission from Plaintiff and/or without authority of Plaintiff.

88. The activities of this Defendant as set forth in this count have been and continue to be to the injury and detriment and irreparable harm to Plaintiff.

**COUNT XI**  
**CONTRIBUTORY INFRINGEMENT (EQUIVALENCY) OF U.S. PATENT NO.**  
**5,560,653**  
**AGAINST TRIBUNE MEDIA AND TRIBUNE**

89. Plaintiff re-alleges paragraphs 1 through 27, 85 and 86 above as fully and completely as if set forth herein verbatim.

90. This is a count for contributory infringement of the '653 Patent under the Doctrine of Equivalents.

91. Defendants TRIBUNE MEDIA and TRIBUNE intend that Defendant DESTINEER make, use, sell, offer to sell and/or import into the United States for subsequent distribution, sale or use, products, services, methods or processes that directly infringe, or which employ systems, components and/or steps that make use of other systems or processes that directly infringe, at least claim 1-4 and 6-10 of the '653 Patent under the Doctrine of Equivalents.

92. The activities of the Defendants as set forth in this count constitute contributory infringement of at least one or more of claims 1-4 and 6-10 of the '653 Patent under the Doctrine of Equivalents.

93. The activities of the Defendants as set forth in this count have been done and continue to be done without license or permission from Plaintiff and/or without authority of Plaintiff.

94. The activities of the Defendants as set forth in this count have been and continue to be to the injury and detriment and irreparable harm to Plaintiff.

## **COUNT XII**

### **INDUCEMENT OF INFRINGEMENT (EQUIVALENCY) OF U.S. PATENT NO. 5,560,653**

#### **AGAINST TRIBUNE MEDIA AND TRIBUNE**

95. Plaintiff re-alleges paragraphs 1 through 278, 85 and 86 above as fully and completely as if set forth herein verbatim.

96. This is a count for inducement of infringement of the '653 Patent under the Doctrine of Equivalents.



97. Defendants TRIBUNE MEDIA and TRIBUNE intend that Defendant DESTINEER make, use, sell, offer to sell and/or import into the United States for subsequent distribution, sale or use, products, services, methods or processes that directly infringe, or which employ systems, components and/or steps that make use of other systems or processes that directly infringe, at least claim 1-4 and 6-10 of the '653 Patent under the Doctrine of Equivalents.

98. The activities of the Defendants as set forth in this count constitute inducement to infringe at least one or more of claims 1-4 and 6-10 of the '653 Patent under the Doctrine of Equivalents.

99. The activities of the Defendants as set forth in this count have been done and continue to be done without license or permission from Plaintiff and/or without authority of Plaintiff.

100. The activities of the Defendants as set forth in this count have been and continue to be to the injury and detriment and irreparable harm to Plaintiff.

**COUNT XIII**

**DIRECT INFRINGEMENT (LITERAL) OF U.S. PATENT NO. 5,560,653**

**AGAINST PUBLISHERS CLEARING HOUSE**

101. Plaintiff re-alleges paragraphs 1 through 278 above as fully and completely as if set forth herein verbatim.

102. This is a count for direct infringement of the '653 Patent.

103. Defendant PUBLISHERS CLEARING HOUSE makes, uses, sells, offers to sell and/or imports into the United States for subsequent distribution, sale or use, products, services, methods or processes that directly infringe, or which employ systems, components and/or steps

that make use of other systems or processes that infringes, at least claim 1-4 and 6-10 of the '653 Patent.

104. Without limiting paragraph 103, Defendant's manufacture and/or use and/or sale of the JUMBLE electronic word game constitutes direct infringement of at least one or more of claims 1-4 and 6-10 of the '653 Patent.

105. The activities of the Defendant as set forth in this count have been done and continue to be done without license or permission from Plaintiff and/or without authority of Plaintiff.

106. The activities of Defendant as set forth in this count have been and continue to be to the injury and detriment and irreparable harm to Plaintiff.

**COUNT XIV**  
**CONTRIBUTORY INFRINGEMENT (LITERAL) OF U.S. PATENT NO. 5,560,653**  
**AGAINST TRIBUNE MEDIA AND TRIBUNE**

107. Plaintiff re-alleges paragraphs 1 through 28, 103 and 104 above as fully and completely as if set forth herein verbatim.

108. This is a count for contributory infringement of the '653 Patent.

109. Defendants TRIBUNE MEDIA, and TRIBUNE intend that Defendant PUBLISHERS CLEARING HOUSE make, use, sell, offer to sell and/or import into the United States for subsequent distribution, sale or use, products, services, methods or processes that directly infringe, or which employ systems, components and/or steps that make use of other systems or processes that directly infringe, at least claim 1-4 and 6-10 of the '653 Patent.

110. The activities of the Defendants as set forth in this count constitute contributory infringement of at least one or more of claims 1-4 and 6-10 of the '653 Patent.

111. The activities of the Defendants as set forth in this count have been done and continue to be done without license or permission from Plaintiff and/or without authority of Plaintiff.

112. The activities of the Defendants as set forth in this count have been and continue to be to the injury and detriment and irreparable harm to Plaintiff.

**COUNT XV**  
**INDUCEMENT OF INFRINGEMENT (LITERAL) OF U.S. PATENT NO.**  
**5,560,653**

**AGAINST TRIBUNE MEDIA AND TRIBUNE**

113. Plaintiff re-alleges paragraphs 1 through 28, 103 and 104 above as fully and completely as if set forth herein verbatim.

114. This is a count for inducement of infringement of the '653 Patent.

115. Defendants TRIBUNE MEDIA and TRIBUNE intend that Defendant PUBLISHERS CLEARING HOUSE make, use, sell, offer to sell and/or import into the United States for subsequent distribution, sale or use, products, services, methods or processes that directly infringe, or which employ systems, components and/or steps that make use of other systems or processes that directly infringe, at least claim 1-4 and 6-10 of the '653 Patent.

116. The activities of the Defendants as set forth in this count constitute inducement to infringe at least one or more of claims 1-4 and 6-10 of the '653 Patent.

117. The activities of the Defendants as set forth in this count have been done and continue to be done without license or permission from Plaintiff and/or without authority of Plaintiff.

118. The activities of the Defendants as set forth in this count have been and continue to be to the injury and detriment and irreparable harm to Plaintiff.

**COUNT XVI**

**DIRECT INFRINGEMENT (EQUIVALENCY) OF U.S. PATENT NO. 5,560,653**  
**AGAINST PUBLISHERS CLEARING HOUSE**

119. Plaintiff re-alleges paragraphs 1 through 278 above as fully and completely as if set forth herein verbatim.

120. This is a count for direct infringement of the '653 Patent under the Doctrine of Equivalents.

121. Defendant PUBLISHERS CLEARING HOUSE makes, uses, sells, offers to sell and/or import into the United States for subsequent distribution, sale or use, products, services, methods or processes that directly infringe, or which employ systems, components and/or steps that make use of other systems or processes that directly infringe, at least claim 1-4 and 6-10 of the '653 Patent under the Doctrine of Equivalents.

122. Without limiting paragraph 121, Defendant's manufacture, use and/or sale of the JUMBLE electronic word game constitutes direct infringement of at least one or more of claims 1-4 and 6-10 of the '653 Patent under the Doctrine of Equivalents.

123. The activities of the Defendant as set forth in this count have been done and continue to be done without license or permission from Plaintiff and/or without authority of Plaintiff.

124. The activities of the Defendant as set forth in this count have been and continue to be to the injury and detriment and irreparable harm to Plaintiff.

**COUNT XVII**  
**CONTRIBUTORY INFRINGEMENT (EQUIVALENCY) OF U.S. PATENT NO.**  
**5,560,653**

**AGAINST TRIBUNE MEDIA AND TRIBUNE**

125. Plaintiff re-alleges paragraphs 1 through 28, 103 and 104 above as fully and completely as if set forth herein verbatim.

126. This is a count for contributory infringement of the '653 Patent under the Doctrine of Equivalents.

127. Defendants TRIBUNE MEDIA and TRIBUNE intend that Defendant PUBLISHERS CLEARING HOUSE make, use, sell, offer to sell and/or import into the United States for subsequent distribution, sale or use, products, services, methods or processes that directly infringe, or which employ systems, components and/or steps that make use of other systems or processes that directly infringe, at least claim 1-4 and 6-10 of the '653 Patent under the Doctrine of Equivalents.

128. The activities of the Defendants as set forth in this count constitute contributory infringement of at least one or more of claims 1-4 and 6-10 of the '653 Patent under the Doctrine of Equivalents.

129. The activities of the Defendants as set forth in this count have been done and continue to be done without license or permission from Plaintiff and/or without authority of Plaintiff.

130. The activities of the Defendants as set forth in this count have been and continue to be to the injury and detriment and irreparable harm to Plaintiff.

**COUNT XVIII**

**INDUCEMENT OF INFRINGEMENT (EQUIVALENCY) OF U.S. PATENT NO.  
5,560,653**

**AGAINST TRIBUNE MEDIA AND TRIBUNE**

131. Plaintiff re-alleges paragraphs 1 through 28, 103 and 104 above as fully and completely as if set forth herein verbatim.

132. This is a count for inducement of infringement of the '653 Patent under the Doctrine of Equivalents.

133. Defendants TRIBUNE MEDIA and TRIBUNE intend that Defendant PUBLISHERS CLEARING HOUSE make, use, sell, offer to sell and/or import into the United States for subsequent distribution, sale or use, products, services, methods or processes that directly infringe, or which employ systems, components and/or steps that make use of other systems or processes that directly infringe, at least claim 1-4 and 6-10 of the '653 Patent under the Doctrine of Equivalents.

134. The activities of the Defendants as set forth in this count constitute inducement to infringe at least one or more of claims 1-4 and 6-10 of the '653 Patent under the Doctrine of Equivalents.

135. The activities of the Defendants as set forth in this count have been done and continue to be done without license or permission from Plaintiff and/or without authority of Plaintiff.

136. The activities of the Defendants as set forth in this count have been and continue to be to the injury and detriment and irreparable harm to Plaintiff.

**WHEREFORE, PLAINTIFF PRAYS:**

A. For judgment that each Defendant has infringed at least one claim of the '653 Patent:

B. For an accounting and an award of damages sufficient to compensate Plaintiff for the infringement but in no event less than a reasonable royalty;

C. For an award of costs; and

D. For such other and further relief as to the Court may appear just and reasonable.

**DEMAND FOR JURY TRIAL**

Plaintiffs demand a trial by jury on all claims so triable.

DATED: November 5, 2013

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