

4. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b), 1391(c), 1391(d), and/or 1400(b) because (1) a substantial part of the events giving rise to Plaintiff Skylzone's claims occurred and continue to occur in this District, (2) BDL regularly conducts business in this District, and/or (3) BDL has committed acts of infringement in this District.

BACKGROUND

5. On February 5, 2013, United States Patent No. 8,366,551 ("the '551 patent,") was duly and legally issued by the United States Patent and Trademark Office. A true and correct copy of the '551 patent is attached hereto and incorporated herein by reference as Exhibit No. 1.

6. Plaintiff Skylzone is the assignee to the '551 patent and owns all right, title, and interest in the '551 patent, including all rights to recover damages for infringement of the '551 patent.

7. The claims of the '551 patent are valid and enforceable.

8. Upon information and belief, Defendant BDL owns and operates a fantasy sports website, www.NextGenFFE.com, that provides a single user fantasy game, including but not limited to the "NextGen Fantasy Football Evolution" game.

COUNT ONE – INFRINGEMENT OF U.S. PATENT NO. 8,366,551

9. Plaintiff Skylzone incorporates each of the preceding paragraphs 1 – 8 as if fully set forth herein.

10. Defendant BDL has been and is infringing literally and/or under the doctrine of equivalents, directly, contributorily, or by inducement, the claims of the '551 patent.

11. Defendant BDL has been and is still infringing the '551 patent directly, in violation of 35 U.S.C. § 271(a), by making, using, selling, offering for sale, and/or importing into the United States, without authority, products or services that infringe the '551 patent.

12. Defendant BDL has had knowledge of the '551 patent prior to the filing of this Complaint.

13. Defendant BDL has been and is still contributing to direct infringement of the '551 patent by others (e.g., consumers), in violation of 35 U.S.C. § 271(c), by making available their single player fantasy game that is adapted for infringing use of the '551 patent, embodying a material part of the inventions claimed in the '551 patent, and is not a staple article of commerce suitable for substantial non-infringing uses.

14. Defendant BDL has been and is still actively inducing others (e.g., consumers) to directly infringe the '551 patent, in violation of 35 U.S.C. § 271(b), by making available its single player fantasy game, along with instructions, prizes, and technical assistance actively directing, encouraging, or assisting infringement of the '551 patent, and/or by providing a system where one of the core and common features leads to third-party infringement of the '551 patent.

15. These acts of patent infringement have been and continue to be willful and deliberate.

16. Plaintiff Skyllzone has no adequate remedy at law against these acts of patent infringement. Unless Defendant BDL is permanently enjoined from further infringement of the '551, Plaintiff Skyllzone will suffer irreparable harm.

17. As a result of Defendant BDL's acts of infringement, Plaintiff Skyllzone has suffered and will continue to suffer damages in an amount to be proven at trial.

PRAYER FOR RELIEF

Plaintiff Skyllzone requests that judgment be entered in its favor and against Defendant BDL, and that the Court award the following relief to Plaintiff Skyllzone:

- A. A judgment in favor of Plaintiff Skyllzone that Defendant BDL has infringed, directly and/or indirectly by way of inducement and/or contributory infringement, the '551 patent.

- B. A permanent injunction enjoining Defendant BDL and its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, parents, and all others acting in concert or privity with any of them from further infringing, inducing the infringement of, or contributing to the infringement of the '551 patent;

- C. An award to Plaintiff Skyllzone of the damages to which it is entitled under at least 35 U.S.C. § 284 for Defendant BDL's past infringement and any continuing or future infringement, including both compensatory damages and treble damages for willful infringement;

- D. A judgment and order requiring Defendant DBL to pay the costs of this action (including all disbursements), as well as attorneys' fees as provided by 35 U.S.C. § 285;

- E. An award to Plaintiff Skylzone of pre-judgment and post-judgment interest on its damages; and
- F. Such other further relief in law or equity to which Plaintiff Skylzone may be justly entitled.


JURY DEMAND

Plaintiff demands a trial by jury.

Respectfully submitted,

Dated: November 6, 2013

By: _____


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