

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

Babbage Holdings, LLC,

Plaintiff,

v.

**The Walt Disney Co., Disney Interactive
Studios, Inc. and LucasArts Entertainment
Company, LLC.**

Defendants.

Civil Action No. 2:13-cv-752

JURY TRIAL DEMANDED

THIRD AMENDED COMPLAINT

Babbage Holdings, LLC (“Babbage”) files this Third Amended Complaint against The Walt Disney Company, Disney Interactive Studios, Inc. and LucasArts Entertainment Company LLC (collectively, “Defendants”)¹, and alleges as follows:

PARTIES

1. Babbage is a limited liability company existing under the laws of the State of Texas, with its principal business mailing address at 3100 Independence Pkwy, Suite 311, Plano, Texas.

2. Defendant The Walt Disney Company is a Delaware corporation with its principal place of business in Burbank, California. Defendant Disney Interactive Studios, Inc. is a California corporation with its principal place of business in Burbank, California. Defendant LucasArts Entertainment Company, LLC is a Delaware corporation with its principal place of business in San Francisco, California.

¹ Babbage files this amended complaint with Defendants’ written consent pursuant to Fed. R. Civ. P. 15(a)(2).

JURISDICTION AND VENUE

3. This Court has jurisdiction because this is a patent infringement case arising under the patent laws of the United States Code, Title 35. This Court has exclusive subject matter jurisdiction over this case under 28 U.S.C. § 1338(a).

4. This Court has personal jurisdiction over Defendants. Defendants have conducted and do conduct business within the State of Texas. Defendants, directly or through subsidiaries or intermediaries, offered for sale, used, made, distributed, sold, advertised, and/or marketed accused video games in the State of Texas and the Eastern District of Texas. Defendants have voluntarily sold accused products in this District, either directly to customers in this District or through intermediaries with the expectation that accused video games would be sold and distributed to customers in this District. These accused video games have been purchased and used by consumers in the Eastern District of Texas. Defendants have committed acts of infringement within the State of Texas and, more particularly, within the Eastern District of Texas.

5. Venue is proper in the Eastern District of Texas under 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

COUNT I
(PATENT INFRINGEMENT)

6. Babbage incorporates the foregoing paragraphs by reference as if fully set forth herein.

7. United States Patent No. 5,561,811 (the “’811 patent”), entitled “Method and Apparatus for Per-User Customization of Applications Shared By A Plurality of Users On A Single Display,” was duly and legally issued by the United States Patent and Trademark Office on October 1, 1996, after a full and fair examination. A copy of the ’811 patent is attached hereto

as Exhibit A. The '811 patent relates to, among other things, a method and apparatus for entering simultaneous and sequential input events for at least one application program under the control of multiple users of a computer system.

8. Babbage is the assignee of all rights, title, and interest in and to the '811 patent and possesses all rights of recovery under the '811 patent.

9. Defendants have infringed the '811 patent under 35 U.S.C. § 271 by using, without authority, video games that practice the inventions of the '811 patent within the United States.

10. Defendants, for example, have used at least Star Wars: The Old Republic, thereby infringing claim 7 of the '811 patent.

JURY DEMAND

11. Babbage hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

12. Babbage requests the following relief:

- A. A judgment that Defendants have directly infringed the '811 patent;
- B. A judgment and order requiring Defendants to pay Babbage's damages under 35 U.S.C. § 284 , with an accounting, as needed;
- C. A judgment and order requiring Defendants to pay Babbage's prejudgment and post-judgment interest on the damages awarded;
- D. A judgment and order requiring Defendants to pay Babbage the costs of this action (including all disbursements) and attorney's fees as provided by 35 U.S.C. § 285; and
- E. Such other and further relief as the Court deems just and equitable.

Dated: July 3, 2014

Respectfully submitted,

s/Anthony M. Garza
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Counsel for Babbage Holdings, LLC

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a) on July 3, 2014. As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A).

s/Anthony Garza
ANTHONY GARZA