

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

**MULTIPLAYER NETWORK  
INNOVATIONS, LLC,**

*Plaintiff,*

v.

**IGT,**

*Defendant.*

**Civil Action No. \_\_\_\_\_**

**JURY TRIAL DEMANDED**

**ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Multiplayer Network Innovations, LLC (“MNI” or “Plaintiff”), by and through its counsel, for its complaint against Defendant IGT (“Defendant” or “IGT”), alleges as follows:

**BACKGROUND**

1. MNI holds U.S. Patent No. 5,618,045 (the, “MNI patent” or the, “‘045 patent”), a patent invented by Dr. Michael Kagan and Ian Solomon.
2. Dr. Kagan is a noted scholar and inventor. He holds a PhD in chemistry from Hebrew University in Jerusalem and is the author of numerous books and journal articles relating to technology, chemistry, and religion. Dr. Kagan’s articles have been published in academic journals including Nature and the Journal of Medicinal Chemistry.
3. Dr. Kagan is the inventor of ten United States patents.
4. Ian Solomon is an inventor and entrepreneur who is the co-founder of medical device makers SteadyMed Therapeutics, Inc. and Aespira Ltd.
5. During the mid-1990’s, Dr. Kagan and Mr. Solomon conceived of a way for electronic devices to communicate with one another for the playing of computer games.

6. Dr. Kagan and Mr. Solomon's idea was conceived in part against the backdrop of the conflict in the Middle East. The idea was to use wirelessly connected gaming devices to open up channels of communication between people with divergent views.

7. Among Dr. Kagan and Mr. Solomon's inventions are inventions relating to the use of a device to enable two or more people to play a game over a wireless network.

8. Dr. Kagan and Mr. Solomon's inventions have useful applications to fields such as video gaming hardware and software, smartphone hardware and software, and casino gaming hardware and software, among others.

9. Leading technology companies including Microsoft Corporation, Apple, Inc., Intel Corporation, Google Corporation, and Samsung Electronics Co. Ltd. have cited the MNI patent numerous times.

10. Over 325 issued United States patents cite the MNI patent.

11. IGT has recognized Dr. Kagan and Mr. Solomon's inventions, including by citing the MNI patent as prior art in 57 United States patents.

12. Plaintiff is the owner by assignment of the MNI patent. The MNI patent is entitled "Interactive Multiple Player Game System and Method of Playing A Game Between at Least Two Players." The MNI patent issued on April 8, 1997, based on a patent application filed on February 8, 1995. A true and correct copy of the MNI patent is attached hereto as Exhibit A.

### **PARTIES**

13. Plaintiff is a Texas limited liability company.

14. On information and belief, IGT is a Nevada corporation with a principal place of business at 6355 South Buffalo Drive, Las Vegas, Nevada 89113. IGT may be served with process via its registered agent for service of process, IGT, Corporate Secretary, 9295 Prototype Drive, Reno, Nevada 89521.

### **JURISDICTION AND VENUE**

15. This action arises under the patent laws of the United States, Title 35 of the United States Code. Accordingly, this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

16. This Court has personal jurisdiction over Defendant because, among other reasons, Defendant has established minimum contacts with the forum state of Texas. Defendant, directly and/or through third-party intermediaries, makes, uses, imports, offers for sale, and/or sells products within the state of Texas, and particularly within the Eastern District of Texas. Thus, Defendant has purposefully availed themselves of the benefits of doing business in the State of Texas and the exercise of jurisdiction over Defendant would not offend traditional notions of fair play and substantial justice.

17. On information and belief, IGT directs its mobile casino game products to resident of Texas. “To every region of the world and on every device ... with real money and virtual currency – IGT delivers the games that players want, anytime, anywhere.” IGT 2013 Annual Report at 2.

18. On information and belief, IGT’s mobile casino game products including DoubleDown Casino are directed to Texas residents.

19. On information and belief, IGT’s DoubleDown Casino application for tablet and smartphones has been downloaded over 15 million times. A portion of these downloads have come from Texas residents. “IGT’s Double Down online social gaming operation provides a unique opportunity for casino entertainment to reach a broader audience, while complementing IGT’s other existing offerings and the core casino audience.” IGT 2013 Annual Report at 10.

20. On information and belief, IGT advertises and markets its mobile casino game products to residents of Texas through its website, “IGT.com” located at <http://www.igt.com/> which is accessible to residents of Texas. Further, IGT targets Texas residents through posting information about Texas residents playing IGT devices. *See*

“Texas Man Wins \$2.4 Million On Wheel of Fortune,” IGT.com, available at:  
<http://www.igt.com/company-information/news-room/news-releases?NewsID=650131>.

21. Venue is proper in this District under 28 U.S.C. §§ 1391 (b)-(c) and 1400(b) because Defendants are subject to personal jurisdiction in this District, have transacted business in this district and have committed acts of patent infringement in this district.

### **COUNT I**

#### **(Infringement of U.S. Patent No. 5,618,045)**

22. Plaintiff MNI realleges and incorporates by reference paragraphs 1-21 above, as if fully set forth herein.

23. Defendant makes, uses, sells, and offers for sale in the United States products and/or services for multiplayer gaming.

24. Defendant has infringed and continue to infringe the MNI patent by, among other things, making, using, offering for sale, and/or selling multiple player game systems and/or services covered by one or more claims of the MNI patent. Such products and/or services include, by way of example and without limitation the Digital Table System and Remote Game Server lines of gaming equipment, the use of which are covered by one or more claims of the MNI patent, including but not limited to claim 5. By making, using, offering for sale, and/or selling such products and services covered by one or more claims of the MNI patent, Defendant has injured MNI and is liable to MNI for infringement of the MNI patent pursuant to 35 U.S.C. § 271(a).

25. IGT has also infringed indirectly and continues to infringe indirectly the '045 patent by active inducement under 35 U.S.C. § 271(b).

26. Upon information and belief, IGT had knowledge of the '045 patent since at least as early as 2004, or alternatively since being served with this complaint. IGT cited the '045 patent in the following U.S. Patents, which issued in 2004: U.S. Patent Nos. 6,676,552 and 6,682,421. Alternatively, upon information and belief, IGT had

knowledge of the '045 patent since at least as early as 2005. IGT cited the '045 patent in the following U.S. Patents, which issued in 2005: U.S. Patent Nos. 6,846,238 and 6,971,956. Alternatively, upon information and belief, IGT had knowledge of the '045 patent since at least as early as 2007. IGT cited the '045 patent in the following U.S. Patent, which issued in 2007: U.S. Patent No. 7,169,047. Alternatively, upon information and belief, IGT had knowledge of the '045 patent since at least as early as 2008. IGT cited the '045 patent in the following U.S. Patents, which issued in 2008: U.S. Patent Nos. 7,326,115; 7,357,714; and 7,454,363. Alternatively, upon information and belief, IGT had knowledge of the '045 patent since at least as early as 2009. IGT cited the '045 patent in the following U.S. Patent, which issued in 2009: U.S. Patent No. 7,611,409. Alternatively, upon information and belief, IGT had knowledge of the '045 patent since at least as early as 2010. IGT cited the '045 patent in the following U.S. Patents, which issued in 2010: U.S. Patent Nos. 7,699,703; 7,815,507; and 7,850,528. Alternatively, upon information and belief, IGT had knowledge of the '045 patent since at least as early as 2011. IGT cited the '045 patent in the following U.S. Patents, which issued in 2011: U.S. Patent Nos. 7,867,095; 7,883,417; 7,914,372; 7,918,728; 7,927,211; 7,931,531; 7,950,993; 7,967,674; 7,976,382; 8,052,522; 8,052,526; 8,062,950; and 8,075,384. Alternatively, upon information and belief, IGT had knowledge of the '045 patent since at least as early as 2012. IGT cited the '045 patent in the following U.S. Patents, which issued in 2012: U.S. Patent Nos. 8,087,988; 8,221,224; 8,226,474; 8,231,448; 8,246,450; 8,267,765; 8,282,473; 8,282,475; 8,292,720; 8,292,723; and 8,317,589. Alternatively, upon information and belief, IGT had knowledge of the '045 patent since at least as early as 2013. IGT cited the '045 patent in the following U.S. Patents, which issued in 2013: U.S. Patent Nos. 8,366,532; 8,366,533; 8,398,475; 8,430,735; 8,460,103; 8,540,562; 8,585,482; and 8,608,542. Alternatively, upon information and belief, IGT had knowledge of the '045 patent since at least as early as July 2014. IGT cited the '045

patent in the following U.S. Patents, which issued in or before July 2014: U.S. Patent Nos. 8,622,842; 8,636,582; 8,668,584; 8,684,839; 8,753,194; 8,771,051; and 8,777,715.

27. On information and belief, IGT has intended and continues to intend, to induce patent infringement by third-party users of its online and mobile social games 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. For example, IGT provides online and mobile games, including but not limited to the Double Down Casino, as well as instructions on how to download and play the games in a manner that infringes the '045 patent to end users. By downloading and playing these games in the manner taught by IGT, end users directly infringe at least Claims 1 and 8 of the '045 patent. By continuing to provide these games as well as instructions on how to download and play the games in a manner described in Claims 1 and 8 of the '045 patent, IGT has and continues to specifically intend to induce infringement of the '045 patent.

28. Since at least 2004, IGT has been and still is willfully infringing the '045 patent. At least as early as 2004, IGT had actual knowledge of the '045 patent. Despite having actual knowledge of the '045 patent, IGT has continued to willfully, wantonly, and deliberately infringe the '045 patent. Accordingly, MNI seeks enhanced damages pursuant to 35 U.S.C. § 284 and a finding that this is an exceptional case within the meaning of 35 U.S.C. § 285, entitling MNI to its attorneys' fees and expenses.

29. To the extent applicable, the requirements of 35 U.S.C. § 287(a) have been met with respect to the '045 patent.

30. As a result of Defendant's infringement of the '045 patent, MNI has suffered monetary damages. MNI seeks an award of damages in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the Court.

**PRAYER FOR RELIEF**

Plaintiff respectfully requests the following relief from this Court:

- A. A judgment that Defendant have infringed one or more claims of the '045 patent;
- B. An award of damages resulting from Defendant's acts of infringement in accordance with 35 U.S.C. § 284;
- C. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to MNI its reasonable attorneys' fees against Defendant;
- D. A judgment and order requiring Defendant to provide accountings and to pay supplemental damages to MNI, including, without limitation, prejudgment and post-judgment interest; and
- E. Any and all other relief to which MNI may show itself to be entitled.

**JURY TRIAL DEMANDED**

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff requests a trial by jury of any issues so triable by right.

Dated: August 6, 2014

Respectfully submitted,

/s/ Elizabeth L. DeRieux

S. Calvin Capshaw

TX Bar No. 03783900

Elizabeth L. DeRieux

TX Bar No. 05770585

D. Jeffrey Rambin

TX Bar No. 00791478

CAPSHAW DERIEUX, LLP

114 E. Commerce Ave.

Gladewater, Texas 75647

Telephone: 903-236-9800

Facsimile: 903-236-8787

E-mail: ccapshaw@capshawlaw.com

E-mail: ederieux@capshawlaw.com

E-mail: jrambin@capshawlaw.com

Of Counsel:

Marc A. Fenster,

CA SB No. 181067

Dorian S. Berger

CA SB No. 264424

Daniel P. Hipkind

CA SB No. 266763

RUSS AUGUST & KABAT

12424 Wilshire Boulevard 12<sup>th</sup> Floor

Los Angeles, California 90025

Telephone: 310-826-7474

Facsimile: 310-826-6991

E-mail: mfenster@rawklaw.com

E-mail: dberger@raklaw.com

E-mail: dhipskind@raklaw.com

*Attorneys for Plaintiff,*

*Multiplayer Network Innovations, LLC*