

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

INVENTOR HOLDINGS, LLC,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 1:14-cv-1070-LPS-CJB
)	
KING.COM INC.,)	JURY TRIAL DEMANDED
)	
Defendant.)	
_____)	

AMENDED COMPLAINT

For its Complaint, Plaintiff Inventor Holdings, LLC ("Inventor Holdings"), by and through the undersigned counsel, alleges as follows:

THE PARTIES

1. Inventor Holdings is a Delaware limited liability company with a place of business located at Two High Ridge Park, Stamford, Connecticut 06905. Inventor Holdings is the current owner of patents developed by Walker Digital, LLC ("Walker Digital"), a research and development laboratory that has been the genesis for many successful businesses, including Priceline.com and Synapse Group, Inc.

2. Defendant King.com Inc. is a Delaware corporation with, upon information and belief, a place of business located at 188 King Street, Unit 302, San Francisco, California 94107.

JURISDICTION AND VENUE

3. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

4. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

5. Upon information and belief, Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Delaware.

6. Venue is proper in this District pursuant to §§ 1391(b), (c) and 1400(b).

THE PATENT-IN-SUIT

7. On July 22, 2014, United States Patent No. 8,784,198 (the "'198 patent"), entitled "Method and Apparatus for Conducting or Facilitating a Promotion" and listing Jay S. Walker, Geoffrey M. Gelman, James A. Jorasch, Peter Kim, Timothy A. Palmer, Keith Bemmer, Andrew P. Golden and Scott Allison as inventors, was duly and lawfully issued by the U.S. Patent and Trademark Office ("USPTO"). A true and correct copy of the '198 patent is attached hereto as Exhibit A.

8. The technology recited in the claims of the '198 patent does not claim an abstract idea and provides an inventive concept. The inventive concept provides play of a game on a mobile device where a user receives an intra-game benefit by unlocking a locked outcome of the game. For example, in a game played by a user on a mobile phone, an outcome may be "locked" (e.g., inaccessible) until the outcome is "unlocked" by an unlock signal. The outcome cannot be "revealed, accessed, displayed, determined, etc." without an appropriate unlock code. Unlocking an outcome may enhance or change play of the game, come to a conclusion in a game, or increase the user's chances of winning or successfully completing the game. The prizes or benefits associated with unlocking a locked outcome may be changed by a merchant or other entity or device to increase or decrease user interest and participation in the promotion. Prior to the '198 patent,

merchants conducting promotions faced problems dynamically changing a rule, benefit, prize, entry criteria, or redemption criteria.

9. The technology claimed in the '198 patent does not preempt age old concepts or any fundamental building blocks of human ingenuity. The patent claims a specific solution to specific problem associated with gaming on a mobile device, which is itself a recent advance. The PTO's allowance of the '198 patent over the prior art confirms both that the '198 patent claims contain an inventive concept and that there is no issue of preemption, as the cited prior art remains available for practice by Defendant.

10. The implementation of the '198 patent by a computer establishes meaningful limitations by providing an intra-game benefit by unlocking a locked outcome of a game being played on a mobile device. The '198 patent claims the ability to provide access to a locked outcome of the game by receiving a signal that unlocks the outcome, thereby using a computer to play a significant part in permitting the claimed method to be performed. These meaningful limitations limit the scope of the patented invention and sufficiently tie the claimed method to a machine.

11. Inventor Holdings is the assignee and owner of the right, title and interest in and to the '198 patent, including the right to assert all causes of action arising under said patent and the right to any remedies for infringement of them.

FACTUAL BACKGROUND

12. Walker Digital is a research and development laboratory that has invested many millions of dollars in the development of its intellectual property. Walker Digital was comprised of a diverse group of inventors who solve business problems by studying human behavior and designing innovative solutions utilizing modern information technologies. Walker Digital's invention team has created a portfolio of more than 700

U.S. and international patents in a wide range of industries that include retail, vending, credit cards, security, gaming, educational testing and entertainment. Jay Walker, the chairman of Walker Digital, is best known as the founder of Priceline.com, which brought unprecedented technology and a new level of value to the travel industry. The business processes that guide Priceline.com's success were created in the invention lab of Walker Digital. As an inventor, Mr. Walker is named on more than 450 issued and pending U.S. and international patents.

13. Walker Digital invested large sums of money to develop the inventions of Mr. Walker and the team of innovators. This investment was used for many things, including the development of laboratory facilities to assist with the development and testing of new inventions which, in turn, generated additional new inventions. Many of these new inventions have been the genesis for successful businesses, including Priceline.com and Synapse Group, Inc. Revolutionary technologies, including the systems for facilitating a game playable on a mobile device claimed in the '198 patent, were a direct result of that investment. In September 2013, Walker Digital assigned patents in its patent portfolio, including the '198 patent, to Inventor Holdings in connection with a corporate restructuring. At that time, Inventor Holdings became a wholly-owned subsidiary of Patent Properties, Inc., which is a public company. Walker Digital has a controlling interest in Patent Properties, Inc., and Jay Walker is the Executive Chairman of Patent Properties, Inc.

14. The '198 patent represents important advances in the field of mobile device gaming. The subject matter of the '198 patent includes, but is not limited to, a method and apparatus for facilitating progress of a game on a mobile device by unlocking a locked outcome of the game using an unlock code.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,784,198

15. Inventor Holdings repeats and realleges the allegations of paragraphs 1 through 14 as if fully set forth herein.

16. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendant is liable for infringement of at least claims 18 and 22 of the '198 patent by making, using, offering for sale, and/or selling within this district and elsewhere in the United States and/or importing into this district and elsewhere in the United States, a non-transitory computer-readable medium storing instructions for directing a processor of a mobile device to perform a method of facilitating play of a game on the mobile device by recognizing inputs provided by a user via an input mechanism of the mobile device, at least one of the inputs causing progress in the game; receiving a signal comprising an unlock code; determining a locked outcome of the game; unlocking the locked outcome of the game using the unlock code, thereby determining an unlocked outcome; determining an intra-game benefit associated with the unlocked outcome; and providing the intra-game benefit to the user by incorporating the intra-game benefit into the game, including but not limited to, Farm Heroes Saga.

17. Inventor Holdings is entitled to recover from Defendant the damages sustained by Inventor Holdings as a result of Defendant's infringement of the '198 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

Inventor Holdings hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Inventor Holdings requests that this Court enter judgment against Defendant as follows:

- A. An adjudication that Defendant has infringed the '198 patent;
- B. An award of damages to be paid by Defendant adequate to compensate Inventor Holdings for Defendant's past infringement of the '198 patent and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of Inventor Holdings' reasonable attorneys' fees; and
- D. An award to Inventor Holdings of such further relief at law or in equity as the Court deems just and proper.

Dated: December 4, 2014

STAMOULIS & WEINBLATT LLC

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CERTIFICATE OF SERVICE

I hereby certify that on December 4, 2014, I electronically filed the above document(s) with the Clerk of Court using CM/ECF which will send electronic notification of such filing(s) to all registered counsel.

/s/ Richard C. Weinblatt
Richard C. Weinblatt