

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

TREEHOUSE AVATAR TECHNOLOGIES INC.,	:	
	:	
	:	
Plaintiff,	:	
v.	:	C.A. No.
	:	
SNAIL GAMES USA INC.,	:	
	:	
Defendant.	:	<b>DEMAND FOR JURY TRIAL</b>
	:	
	x	

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**COMPLAINT**

Plaintiff Treehouse Avatar Technologies Inc. with a principal place of business at 11 Holland Avenue, Suite 608, Ottawa ON, K1Y 4S1, Canada (“Treehouse“), alleges the following for its complaint against Snail Games USA Inc. (“Snail Games“), a company located at 1424 Lincoln Boulevard, Santa Monica, CA 90401, and incorporated in the state of California:

**NATURE OF THE SUIT**

1. This is a civil action for infringement of United States Patent No. 8,180,858 (the “858 Patent”). This action arises under the laws of the United States related to patents, including 35 U.S.C. § 281.

**PARTIES**

2. Treehouse Avatar Technologies Inc. is a corporation organized and existing under the laws of Canada, having its principal place of business at 11 Holland Avenue, Suite 608, Ottawa ON, K1Y 4S1, Canada.

3. Defendant Snail Games USA Inc. is incorporated in the State of California, with a principal place of business as 1424 Lincoln Boulevard, Santa Monica, CA 90401. Snail Games may be served with process under the Delaware long arm statute, 10 *Del. C.* § 3104.

**JURISDICTION AND VENUE**

4. Subject matter jurisdiction is conferred upon this Court under 28 U.S.C. § 1338(a) because this action is for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.*

5. Venue is proper in this district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b).

6. Upon information and belief, Snail Games is subject to this Court's jurisdiction due committing at least a portion of the infringements alleged herein in this judicial district.

**BACKGROUND**

7. The '858 Patent, entitled "Method And System For Presenting Data Over A Network Based On Network User Choices And Collecting Real-Time Data Related To Said Choices," was duly and lawfully issued on May 15, 2012, based upon an application filed by the inventors, Ian N. Robb, Michael B. Madlener, and Ken J. McGuire. A copy of the '858 Patent is attached as Exhibit A.

8. The owner of the '858 Patent, by assignment, is Treehouse, who has the right to sue and recover damages for infringement thereof.

**COUNT I**

**Patent Infringement Of United States Patent No. 8,180,858**

9. All of the foregoing allegations are restated and incorporated by reference as though fully set forth herein.

10. Snail Games is responsible for the development, operation and/or distribution of online games to audiences in the United States generally and in the District of Delaware.

11. Specifically, Snail Games develops, operates and distributes online games, including but not limited to Age of Wushu, which is one of the most popular online games available today.

12. Age of Wushu is an online game that is character-enabled.

13. Age of Wushu has character-attribute data linked with one or more character data.

14. Age of Wushu tallies the number of times selected character attribute(s) have been selected by a plurality of users.

15. Snail Games is in violation of 35 U.S.C. § 271(a) and has been and continues to directly infringe at least claim 1 of the '858 Patent literally or under the doctrine of equivalents by developing, operating and/or distributing Age of Wushu, which includes the feature of tallying the number of times the selected character attribute(s) have been selected by users of the game.

16. Treehouse has been damaged by the infringement of Snail Games and is suffering and will continue to suffer, irreparable harm and damage as a result of this infringement unless such infringement is enjoined by this Court.

17. On June 5, 2013, Treehouse mailed a letter, along with a copy of the '858 Patent and a claim chart to Snail Games and offered to hold amicable discussions and work to negotiate a license on favorable terms.

18. On September 2, 2013, Snail Games acknowledged receipt of Treehouse's letter of June 5, 2013.

19. Snail Games had actual knowledge of the '858 Patent and has been on notice of its infringement since on or around June 5, 2013.

20. All acts of infringement by Snail Games since at least June 5, 2013 were and continue to be willful and deliberate. This action, therefore, is “exceptional” within the meaning of 35 U.S.C. § 285.

**REQUESTED RELIEF**

WHEREFORE, Treehouse demands judgment as follows:

- A. An order adjudging Snail Games to have infringed the '858 Patent;
- B. An award of damages adequate to compensate Treehouse for the infringement by Snail Games along with pre-judgment and post-judgment interest, but in no event less than a reasonable royalty, such damages to be trebled pursuant to the provision of 35 U.S.C. § 284;
- C. An award of Treehouse’s reasonable attorney fees and expenses pursuant to the provisions of 35 U.S.C. § 285;
- D. An award of Treehouse’s costs; and
- E. Such other and further relief as this Court may deem just and proper.

**JURY DEMAND**

Pursuant to Fed. R. Civ. P. 38(b), Treehouse hereby demand a jury trial on all issues so triable raised in this action.

Dated: December 31, 2013

BAYARD, P.A.

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