

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

Game And Technology Co., Ltd.  
701-44, 29, Saujung-Ro 74 Beon-Gil  
Gyeonggi-Do  
Gimpo-Si, Republic of Korea

Plaintiff,

v.

Wargaming.net LLP  
60 Cannon Street  
Office 415  
London, United Kingdom

and

Wargaming Public Company Limited  
105, Agion Omologiton Avenue  
1080 Nicosia, P.O. Box 23885,  
Nicosia 1687, Cyprus GREECE

Defendant

Civil Action No.:

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Game And Technology, Co. LTD, (GAT) brings this Complaint for patent infringement against Defendant Wargaming.net LLP (Wargaming) as follows.

**JURISDICTION AND VENUE**

1. This is an action for patent infringement under Title 35 of the United States Code §§281 and 271 (a) (b) and/or (c) for infringement of US Patent 7,682,243 (the '243 patent).
2. This Court has jurisdiction over patent claims under 35 U.S.C. §281 and 28 U.S.C. §§1331, 1338(a) providing for federal question jurisdiction of actions relating to patents

and trademarks.

3. Defendant is currently engaged in making, using, offering for sale and selling, products which infringe claims of the '243 patent throughout the United States, including sales within this judicial district. Defendant is also inducing others to sell and use and contributing to the sale of infringing products. Defendant is also practicing methods and inducing others to practice methods which infringe claims of the '243 patent.

4. Jurisdiction and Venue is proper in this District pursuant to 28 U.S.C. §1391(b) and (c)(3) and §1400(a) and (b). Plaintiff is a foreign corporation registered to do business in Texas and Defendant is a foreign, Non-US, corporation with offices in Austin Texas and sells accused products into this Judicial District and operates systems within this judicial district.

#### **THE PARTIES AND GENERAL ALLEGATIONS**

5. Plaintiff, Game And Technology, Co. LTD is a Korean corporation and is the owner of the entire interest in and to United States Letters Patent Numbers 7,682,243 which issued on March 23, 2010, naming Mr. Byoung Wook Kim as the sole inventor.

6. Defendant, Wargaming, upon information and belief, is a foreign corporation existing under the laws of the United Kingdom.

7. Wargaming manufactures and distributes nationwide, a video game known as World of Tanks and a video game known as World of Warplanes.

#### **THE 7,682,243 PATENT IN SUIT**

8. U. S. Patent 7,682,243 is entitled "*Method for Providing Online Game Which Changes Pilot Data and Unit Data in Gear and System Thereof.*"

9. U.S. Patent 7,682,243 includes exemplary independent method claim 1:

Claim 1. An online game providing method for providing a pilot and a unit associated with the pilot at an online game, the method comprising the steps of:

controlling an online game such that a player can manipulate a pilot and a unit associated with said pilot, said pilot being a game character operated by a player, said pilot representing the player, said unit being a virtual object controlled by the player;

maintaining a unit information database, the unit information database recording unit information on said unit, in which the unit information includes ability of said unit and sync point information;

maintaining a pilot information database, the pilot information database recording pilot information on said pilot, in which the pilot information includes a unit identifier indicating said unit associated with said pilot, ability of said pilot and the ability of said unit associated with said pilot;

receiving a request for update on first pilot ability information of a first pilot;

searching for unit identifier information associated with the first pilot by referring to the pilot information database;

searching for sync point information associated with the searched unit identifier information by referring to the unit information database; and

updating and recording the first pilot ability information and unit ability information associated therewith in accordance with the searched sync point information such that said ability of unit is changed proportionally to changes in ability of the pilot by referring to said sync point,

wherein said sync point information is a ratio of which changes in said ability of pilot are applied to said ability of unit, and said steps of searching for unit identifier information and of searching for sync point information are performed by a processor.

and exemplary device claim 6:

Claim 6. One or more storage media having stored thereon a computer program that, when executed by one or more processors, causes the one or more processors to perform acts including:

controlling an online game such that a player can manipulate a pilot and a

unit associated with said pilot, said pilot being a game character operated by a player, said pilot representing the player, said unit being a virtual object controlled by the player;

maintaining a unit information database, the unit information database recording unit information on said unit, in which the unit information includes ability of said unit and sync point information;

maintaining a pilot information database, the pilot information database recording pilot information on said pilot, in which the pilot information includes a unit identifier indicating said unit associated with said pilot, ability of said pilot and the ability of said unit associated with said pilot;

receiving a request for update on first pilot ability information of a first pilot;

searching for unit identifier information associated with the first pilot by referring to the pilot information data base;

searching for sync point information associated with the searched unit identifier information by referring to the unit information database; and

updating and recording the first pilot ability information and unit ability information associated therewith in accordance with the searched sync point information such that said ability of unit is changed proportionally to changes in ability of the pilot by referring to said sync point,

wherein said sync point information is a ratio of which changes in said ability of pilot are applied to said ability of unit.

and exemplary system claim 7:

Claim 7. An online game providing system for providing a pilot and a unit associated with the pilot at an online game, the system comprising:

a unit information database, the unit information database recording unit information on at least one unit, in which the unit information includes ability of said unit and sync point information;

a pilot information database, the pilot information database recording pilot information on at least one pilot, in which the pilot information includes a unit identifier indicating said unit associated with said pilot, said pilot being a game character operated by a player, said pilot representing the player, said unit being a virtual object controlled by the player, ability of said pilot and the ability of said unit associated with said pilot;

an updating request receiving module, the updating request receiving module receiving a request for update on first pilot ability information of a first pilot;

an information search module, the information search module searching for unit identifier information associated with the pilot by referring to the pilot information database, the information search module searching for sync point information associated with the searched unit identifier information by referring to the unit information database; and

a database updating module, a database updating module updating and recording first pilot ability information and unit ability information associated therewith in accordance with the searched sync point information such that said ability of unit is changed proportionally to changes in ability of the pilot by referring to said sync point,

wherein said sync point information is a ratio of which changes in said ability of pilot are applied to said ability of unit.

### **THE ACCUSED PRODUCTS**

10. Wargaming manufactures, maintains, sells and distributes nationwide, a video game known as World of Tanks. Wargaming maintains an on-line game known as World of Tanks and provides user access to participate in on-line game play of World of Tanks. World of Tanks supports pilot and unit data, wherein the ability of the unit is related to the skill of the pilot.

11. Wargaming also manufactures, maintains, sells and distributes nationwide, a video game known as World of Warplanes. Wargaming maintains an on-line game known as World of Warplanes and provides user access to participate in on-line game play of World of Warplanes. World of Warplanes supports pilot and unit data, wherein the ability of the unit is related to the skill of the pilot.

### **COUNT I - WORLD OF TANKS PATENT INFRINGEMENT OF 7,682,243**

12. Wargaming has infringed and continues to infringe one or more of the claims of

the '243 patent by: (i) making, using, selling and/or offering for sale, devices and/or systems which infringe the claims of the '243 Patent; (ii) practicing methods which infringe one or more of the claims of the '243 Patent; (iii) contributing to the manufacture, use and/or sale of devices and/or systems which infringe the claims of the '243 Patent; (iv) inducing the use and/or sale of devices and/or systems which infringe the claims of the '243 Patent; (v) contributing to the practicing of methods which infringe the claims of the '243 Patent and/or (vi) inducing the practicing of methods which infringe the claims of the '243 Patent, through the activities of Wargaming in connection with World of Tanks, including the activities described above.

13. Wargaming has induced and continues to induce others to infringe one or more of the claims of the '243 patent, through sales of infringing products which are resold and through the sale of infringing products which are used in an infringing manner to infringe one or more of the claims of the '243 patent, and/or which are used and/or can be used in a method which infringes the method claims of the '243 patent.

14. Wargaming has infringed and continues to infringe the method claims of the '243 patent and has practiced and continues to practice methods, which infringe the method claims of the '243 Patent, and sells products which induce others to practice methods which infringe the claims of the '243 patent.

15. Wargaming has contributed to the infringement of the '243 patent through its activities which contribute to devices, systems and/or methods which infringe the devices, systems and/or methods claimed in the '243 patent.

16. Plaintiff is the owner by assignment of all right title and interest to and has had standing to sue for infringement of United States Letters Patent 7,682,243.

17. Upon information and belief, Defendant Wargaming currently infringes and has

infringed one or more of the claims of the '243 Patent under 35 U.S.C. §271 by the activities as described above.

18. The infringement by Wargaming is direct and indirect, contributory and by inducement.

19. Plaintiff is entitled to recover damages from Wargaming including reasonable royalties and lost profits, sustained as a result of Wargaming's infringing acts under 35 U.S.C. §271 and §284.

20. Defendant has been aware of Plaintiff's rights in the patents in suit and of Plaintiffs' intent to enforce those rights. Defendant has, with full knowledge of those rights, willfully proceeded to infringe, in disregard of Plaintiff's rights. Plaintiff is entitled to enhanced damages under 35 U.S.C. §284.

**COUNT II - WORLD OF WARPLANES  
PATENT INFRINGEMENT OF 7,682,243**

21. Wargaming has infringed and continues to infringe one or more of the claims of the '243 patent by: (i) making, using, selling and/or offering for sale, devices and/or systems which infringe the claims of the '243 Patent; (ii) practicing methods which infringe one or more of the claims of the '243 Patent; (iii) contributing to the manufacture, use and/or sale of devices and/or systems which infringe the claims of the '243 Patent; (iv) inducing the use and/or sale of devices and/or systems which infringe the claims of the '243 Patent; (v) contributing to the practicing of methods which infringe the claims of the '243 Patent and/or (vi) inducing the practicing of methods which infringe the claims of the '243 Patent, through the activities of

Wargaming in connection with World of Warplanes, including the activities described above.

22. Wargaming has induced and continues to induce others to infringe one or more of the claims of the '243 patent, through sales of infringing products which are resold and through the sale of infringing products which are used in an infringing manner to infringe one or more of the claims of the '243 patent, and/or which are used and/or can be used in a method which infringes the method claims of the '243 patent.

23. Wargaming has infringed and continues to infringe the method claims of the '243 patent and has practiced and continues to practice methods, which infringe the method claims of the '243 Patent, and sells products which induce others to practice methods which infringe the claims of the '243 patent.

24. Wargaming has contributed to the infringement of the '243 patent through its activities which contribute to devices, systems and/or methods which infringe the devices, systems and/or methods claimed in the '243 patent.

25. Plaintiff is the owner by assignment of all right title and interest to and has had standing to sue for infringement of United States Letters Patent 7,682,243.

26. Upon information and belief, Defendant Wargaming currently infringes and has infringed one or more of the claims of the '243 Patent under 35 U.S.C. §271 by the activities as described above.

27. The infringement by Wargaming is direct and indirect, contributory and by inducement.

28. Plaintiff is entitled to recover damages from Wargaming including reasonable royalties and lost profits, sustained as a result of Wargaming's infringing acts under 35 U.S.C. §271 and §284.



29. Defendant has been aware of Plaintiff's rights in the patents in suit and of Plaintiffs' intent to enforce those rights. Defendant has, with full knowledge of those rights, willfully proceeded to infringe, in disregard of Plaintiff's rights. Plaintiff is entitled to enhanced damages under 35 U.S.C. §284.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment against Defendant as follows:

30. That Defendant be held to have infringed U.S. Patent No. 7,682,243 under 35 U.S.C. §271.

31. That Defendant acted with knowledge of the '243 patent in suit.

32. That judgment be entered for Plaintiff against Defendant, for Plaintiff's actual damages according to proof, and for any additional profits attributable to infringements of Plaintiffs' patent rights, in accordance with proof and for enhanced damages under 35 U.S.C. §284 and §285.

33. That judgment be entered for Plaintiff against Defendant, adequate to compensate Plaintiff, for reasonable royalties and/or other statutory damages based upon Defendant's acts of patent infringement and for its other violations of law under 35 U.S.C. §284 and §285.

34. That Defendant be required to account for all gains, profits, and advantages derived from its acts of infringement and for its other violations of law and that Plaintiff be awarded damages in the amount of such profits under 35 U.S.C. §284 and §285.

35. That the actions of Defendant be found willful.

36. That judgment be entered for Plaintiff and against Defendant, for enhancement of the damages awarded for patent infringement under 35 U.S.C. §284 and §285.

37. That the actions of Defendant be found exceptional under 35 U.S.C. §285.

38. That Plaintiff be granted judgment against the Defendant for Plaintiff's costs and attorney's fees under 35 U.S.C. §285 and or the inherent powers of the Court.

39. That the Court grant such other, further, and different relief as the Court deems proper under the circumstances.

**DEMAND FOR JURY TRIAL**

40. Pursuant to Fed. R. Civ. P. 38(b), Plaintiff hereby demands a trial by jury on all issues raised by the complaint which are properly triable to a jury.

DATED: July 9, 2015

Respectfully submitted,

/s/ Joseph J. Zito  
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