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25 Interactive Games Limited and Interactive Games LLC*

26 **UNITED STATES DISTRICT COURT
27 FOR THE DISTRICT OF NEVADA**

28 CG TECHNOLOGY DEVELOPMENT, LLC,
INTERACTIVE GAMES LIMITED, AND
INTERACTIVE GAMES LLC,

Plaintiffs,

vs.

FANDUEL, INC.,

Defendant.

Case No.: 2:16-cv-00801-RCJ-VCF

**PLAINTIFFS' SECOND AMENDED
COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Plaintiffs CG Technology Development, LLC ("CG Tech"), Interactive Games Limited ("IG Limited"), and Interactive Games LLC ("IG LLC") (collectively "Plaintiffs"), by and through their counsel, hereby bring this Complaint against Defendant FanDuel, Inc. ("Defendant" or

1 “FanDuel”), and allege as follows:

2 **NATURE OF ACTION**

3 1. This is an action for patent infringement under 35 U.S.C. § 271 *et seq.* by Plaintiffs
4 against Defendant for infringement of U.S. Patent Nos. RE39,818; 8,641,511; 6,884,166;
5 8,771,058; 9,355,518; and 9,306,952 (collectively the “Patents-in-Suit”).¹

6 **PARTIES**

7 2. CG Tech is a wholly owned subsidiary of CG Technology, L.P. (“CG”), a limited
8 partnership, with its principal place of business at 2575 South Highland Drive, Las Vegas, NV
9 89109. CG and CG Tech are both incorporated in Nevada. CG is an innovative gaming
10 technology solutions provider for lottery, gaming, racing, and sports wagering worldwide. It
11 specializes in providing secure, scalable, mobile technology and risk management solutions to
12 integrated resorts, gaming partners, race and sports books, and lottery industries. Headquartered in
13 Las Vegas, Nevada, CG and CG Tech continue to expand into new global markets in response to
14 partner demand for their gaming and manufacturing expertise and superior technology solutions.
15 Their products include Android™- and Apple®-compatible applications™ for sports wagering and
16 real-money casino gaming, as well as state-of-the-art, account-based wagering systems.

17 3. IG LLC is a limited liability company incorporated in Nevada with its principal
18 place of business at 110 East 59th St., New York, NY 10022.

19 4. IG Limited is a private, limited company with its principal place of business at One
20 Churchill Place, Canary Wharf, London, UK E14 5RB.

21 5. Plaintiffs are affiliated at least by virtue of a shared services arrangement that
22

23 _____
24 ¹ The Court entered an Order on September 16, 2016 (ECF No. 74), applying an Order from the
25 related *Big Fish Games* action that invalidated several asserted patents as being directed to
26 ineligible subject matter (Case No. 2:16-cv-00857-RCJ-VCF (D. Nev. Aug. 29, 2016), ECF No.
27 36), and thereby preserving Plaintiffs rights in this case on appeal from the *Big Fish Games* Order.
28 Plaintiffs file this Amended Complaint pursuant to that Order and Fed. R. Civ. P. 15, and do not
include claims for infringement of U.S. Patent Nos. 6,899,628; 7,534,169; 8,342,924; 7,029,394;
and 9,111,417, with the understanding that they cannot be deemed to have been either voluntarily
dismissed or waived on appeal in this case.

1 includes, but is not limited to, prosecution and/or prosecution of the Patents-in-Suit. (ECF Nos.
2 55-1, 55-3.)

3 6. Upon information and belief, FanDuel is a corporation organized and existing under
4 the laws of the State of Delaware, with its principal place of business located at 1375 Broadway,
5 6th Floor, New York, NY 10018.

6 **JURISDICTION AND VENUE**

7 7. This is a civil action for patent infringement arising under the patent laws of the
8 United States, 35 U.S.C. § 271 *et seq.*

9 8. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

10 9. FanDuel is subject to personal jurisdiction in this District because, based on
11 information and belief, Defendant has transacted business in this District and has committed, by
12 itself or in concert with others, acts of patent infringement in this District. On information and
13 belief, Defendant has conducted business within the State of Nevada. In addition, Defendant
14 offered for sale, sells, advertises, and/or uses its products and services (including the products
15 accused of infringement in this lawsuit) in the United States, the State of Nevada, and this District.
16 Further, Defendant purposefully and voluntarily placed one or more infringing products and
17 services into the stream of commerce with the expectation that they will be used by consumers in
18 the State of Nevada. Defendant also advertises and has transacted business throughout the United
19 States, including in the State of Nevada, and specifically in this District. Defendant has been
20 infringing, contributing to the infringement of, and/or actively inducing others to infringe claims of
21 the Patents-in-Suit in the State of Nevada. Defendant has purposely availed itself of the laws of
22 this District by, among other things, advertising and selling its products and services in this
23 District.

24 10. Defendant is subject to this Court's specific and general personal jurisdiction
25 pursuant to due process and/or the Nevada Long Arm Statute, due at least to Defendant's
26 substantial business in this forum, including: (i) at least a portion of the infringements alleged
27 herein; and/or (ii) regularly doing or soliciting business, engaging in other persistent courses of
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1 conduct, and/or deriving substantial revenue from goods and services provided to individuals in the
2 State of Nevada and in this District.

3 11. On information and belief, Defendant has operated and continues to operate an
4 interactive website (www.fanduel.com) and mobile application that are accessible to all residents
5 of the State of Nevada, including in this District, through which Defendant advertises and makes
6 available for use certain services and electronic daily fantasy sports contests that are herein accused
7 of infringement. *See, e.g., Featured Games*, FANDUEL, <https://www.fanduel.com/games>. On
8 information and belief, Defendant has repeatedly held events promoting and utilizing its products
9 and services accused of infringement in this District. *See, e.g., The World's Premier Fantasy*
10 *Baseball Contest*, FANDUEL, <https://www.fanduel.com/dfbc>; *2014 FFFC: FanDuel Awarding \$2*
11 *Million to 1st Place*, ROTOGRINDERS, [https://rotogrinders.com/articles/2014-fffc-fanduel-](https://rotogrinders.com/articles/2014-fffc-fanduel-awarding-2-million-to-1st-place-357388)
12 *awarding-2-million-to-1st-place-357388*; *FanDuel Vegas Experience*, VIMEO,
13 <https://vimeo.com/101472951>; *FanDuel Vegas*, FANDUEL, <https://vimeo.com/104698961>; *FFFC*
14 *Final 2013*, FANDUEL, <https://vimeo.com/73449024>.

15 12. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c), and/or
16 1400(b), as FanDuel is subject to personal jurisdiction in this District.

17 GENERAL ALLEGATIONS

18 13. Plaintiffs own innovative technology that is being used by Defendant in its daily
19 fantasy sports business. Like traditional fantasy sports, players draft a team of real-world athletes
20 who then score fantasy points according to set scoring rules. Daily fantasy sports, however, offer
21 contests that may last just one day, instead of being stuck with the same team (or drafted players)
22 throughout a whole season. Accordingly, daily fantasy sports are quicker, more numbers-driven,
23 and provide more “action” for the daily fantasy sports entrants. Before the advent of the Internet,
24 the ability of hundreds of thousands of people participating in daily fantasy sports together in the
25 same contest did not exist.

26 14. On information and belief, and based on its own admissions, FanDuel is one of the
27 largest online sites to offer daily fantasy sports contests, alleging that it is the birthplace of Daily
28

1 Fantasy. *See, e.g., About FanDuel*, FANDUEL, <https://www.fanduel.com/about>. FanDuel accesses
2 and provides access to its daily fantasy sports gaming platform through its web-based interface
3 and/or mobile applications running on computing devices, such as laptops, tablets, or mobile
4 phones. FanDuel determines whether its users are over the age of 18 (or 21 in certain jurisdictions)
5 before authorizing the users (or contest entrants) to pay an entry fee for one of its contests.

6 15. FanDuel offers various types of daily fantasy sports contests that authorize users to
7 choose a contest with an entry fee, pick their team, score the most points, and win. Its gaming
8 platform also allows users to create their own contests where users may specify the amount of
9 money for entry into a contest and the contest parameters before FanDuel offers the contest to
10 other users for acceptance. In this and other ways, users are then matched in contests to compete
11 against one another for the entry-fee dollar amounts according to each contest's payout rules (or
12 against one another in a head-to-head contest). FanDuel also monitors multiple games and game
13 events on which play is based. This platform generates statistics on game events, payments for
14 various contests and users, and determines outcomes for each contest where the winners of each
15 contest are awarded the winning dollar amounts according to each contest's payout rules. After the
16 contest is completed, each user's account is managed or updated to reflect the appropriate transfer
17 of funds based on a winning or losing entry. *See, e.g., This is How You FanDuel*, FANDUEL,
18 <https://www.fanduel.com/how-it-works>.

19 16. Upon information and belief, FanDuel repeatedly uses, tests, and demonstrates its
20 fantasy sports platform on various computing devices, including portable and mobile devices such
21 as mobile phones, tablets, and laptops that include a wireless transmitter. The computing devices
22 include memory for storing personalized identification information. The computing devices also
23 include input controls for enabling a user to interactively play the fantasy sports games.

24 17. FanDuel has also induced and continues to induce acts by third parties that FanDuel
25 knows or should know constitute direct infringement of at least one of the Patents-in-Suit.
26 FanDuel actively induced infringement of at least one of the Patents-in-Suit by designing their
27 fantasy sports platform such that it infringes at least one of the Patents-in-Suit and by purposefully
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1 directing, promoting, encouraging, and causing the use of its fantasy sports platform by third
2 parties in ways that infringe the Patents-in-Suit.

3 18. FanDuel has contributed and continues to contribute to the infringement of at least
4 one of the Patents-in-Suit by end-user customers by making, offering to sell, and/or selling its
5 fantasy sports product, constituting a material part of the invention, which is especially made for
6 use by end-user customers in a manner that infringes at least one of the Patents-in-Suit and has no
7 substantial noninfringing uses.

8 19. On July 15, 2014, a letter was sent to Defendant notifying Defendant of its
9 infringement of numerous patents and is attached as **Exhibit A**. Specifically, at least the following
10 patents were identified as being infringed: U.S. Patent Nos. RE39,818; 8,641,511; and 6,884,166.²
11 As noted in the letter, Plaintiffs wanted to reach a negotiated nonlitigation arrangement with
12 Defendant for the identified patents. A follow-up letter was also sent to Defendant. (ECF No.
13 55-2.) An agreement was never reached, and Defendant has not ceased infringing Plaintiffs'
14 patents.

15 CLAIMS FOR RELIEF

16 FIRST CLAIM FOR RELIEF 17 (INFRINGEMENT OF U.S. PATENT NO. RE39,818)

18 20. Plaintiffs incorporate by reference paragraphs 1-19 as if fully set forth herein.

19 21. On September 4, 2007, U.S. Patent No. RE39,818 (“the RE’818 patent”) was duly
20 and legally issued by the U.S. Patent and Trademark Office (“PTO”) for an invention titled
21 “Personalized Wireless Video Game System” to the listed inventor, Russell D. Slifer. A certified
22 copy of the RE’818 patent is attached as **Exhibit B**.

23 22. CG Tech is the assignee and owner of the RE’818 patent, with all substantive rights
24

25 _____
26 ² The following patents issued after the notice letter was sent and therefore were not included in the
27 notice letter: U.S. Patent No. 9,355,518, issued on May 31, 2016; and U.S. Patent No. 9,306,952,
28 issued on April 5, 2016. Additionally, U.S. Patent No. 8,771,058 issued on July 8, 2014, just days
before the notice letter was sent.

1 in and to that patent, including the sole and exclusive right to bring this action and enforce the
 2 RE'818 patent against infringers, and to collect damages for all relevant times.

3 23. Defendant, directly or through its agents, customers, and/or intermediaries, has
 4 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products
 5 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more
 6 claims of the RE'818 patent. For instance, on information and belief, Defendant's accused
 7 products and/or systems provide a processor that executes a gaming application for displaying
 8 video images on a display screen. Defendant uses and tests its products and/or systems on portable
 9 controls that are personalized to a specific user after the user registers an account to interact with
 10 the gaming application. Once registration is complete, the portable control stores in its memory
 11 identification information including the user's age and game data. The personalized portable
 12 control includes control switches for generating game control signals during gameplay. The
 13 portable control also includes a wireless transmitter for sending the identification and control
 14 signals to the processor. Here, the processor uses the received identification signals to determine
 15 whether the user is authorized to play the game based at least in part on the user's age. This is
 16 done in a manner that infringes at least claims 1, 16, 20, 21, 24, 31, and 32 of the RE'818 patent.

17 24. Upon information and belief, FanDuel uses and tests its products on various
 18 computing devices, including portable and mobile devices such as mobile phones, tablets, and
 19 laptops. *See, e.g., FanDuel Iphone App, YOUTUBE,*
 20 <https://www.youtube.com/watch?v=NWsi07f4InM>; *FanDuel New Player Guide: How To Play*
 21 *Fantasy Football on FanDuel, YOUTUBE,* <https://www.youtube.com/watch?v=d-m6vQNONf8>;
 22 *FanDuel U Lesson #1: Entering a Tournament, YOUTUBE,*
 23 <https://www.youtube.com/watch?v=TB1pRnfdC5k&index=12&list=PLgDjoSjaXP7JnRngbjKxIIC>
 24 <https://www.fanduel.com/how-it-works>;
 25 *FanDuel Overview, FANDUEL,* <https://vimeo.com/33781018>. For example, FanDuel uses and tests
 26 its products in conjunction with making those products available through and/or on Apple and
 27 Android devices. *See, e.g., Launching Your App on Devices, APPLE APP DISTRIBUTION GUIDE,*
 28

1 [https://developer.apple.com/library/content/documentation/IDEs/Conceptual/AppDistributionGuid](https://developer.apple.com/library/content/documentation/IDEs/Conceptual/AppDistributionGuide/LaunchingYourApponDevices/LaunchingYourApponDevices.html)
2 [e/LaunchingYourApponDevices/LaunchingYourApponDevices.html](https://developer.apple.com/library/content/documentation/IDEs/Conceptual/AppDistributionGuide/LaunchingYourApponDevices/LaunchingYourApponDevices.html); *Run Apps on a Hardware*
3 *Device*, ANDROID STUDIO USER GUIDE, <https://developer.android.com/studio/run/device.html>.) As
4 another example, FanDuel uses and tests its products on various computing devices, including
5 portable and mobile devices such as mobile phones, tablets, and laptops, to comply with various
6 State laws and regulations. *See, e.g., Notice to Licensees: Legality Of Offering Daily Fantasy*
7 *Sports in Nevada*, Nevada Gaming Control Board,
8 <http://gaming.nv.gov/modules/showdocument.aspx?documentid=10481>; *Online Fantasy Sports*
9 *Contests For Money Asked To Cease In Delaware*, Delaware.gov,
10 <http://news.delaware.gov/2016/07/08/ofs/>.

11 25. FanDuel gives demonstrations of its products on computing devices, including
12 portable and mobile devices such as mobile phones, tablets, and laptops, at conventions and trade
13 shows, such as the Daily Fantasy Sports Players Conference, *see, e.g., 2015 DFS Players*
14 *Conference Recap*, ROTOGRINDERS, [https://rotogrinders.com/articles/the-2015-dfs-players-](https://rotogrinders.com/articles/the-2015-dfs-players-conference-recap-981398)
15 [conference-recap-981398](https://rotogrinders.com/articles/the-2015-dfs-players-conference-recap-981398).

16 26. Defendant has indirectly infringed and continues to indirectly infringe the RE'818
17 patent, both via contributory and induced infringement. The direct infringement underlying
18 Defendant's indirect infringement of the RE'818 patent consists at least of its end-user customers'
19 use of its fantasy sports platform on computing devices, including portable and mobile devices
20 such as mobile phones, tablets, and laptops.

21 27. Defendant has induced and continues to induce its end-user customers to use the
22 accused systems by purposefully directing, promoting, encouraging, and causing the use of the
23 accused systems by its end-user customers in a manner that it knows infringes the RE'818 patent.
24 Defendant has done so at least by (1) providing detailed instructions to its customers through
25 training videos, demonstrations, brochures, installation and/or user guides explaining how to use
26 the fantasy sports platform, *see, e.g., FanDuel Iphone App*, YOUTUBE,
27 <https://www.youtube.com/watch?v=NWsi07f4InM>; *FanDuel New Player Guide: How To Play*
28

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1 *Fantasy Football on FanDuel*, YOUTUBE, [https://www.youtube.com/watch?v=d-m6vQNOnf8](https://www.youtube.com/watch?v=d-m6vQNOnf8;);
2 *FanDuel U Lesson #1: Entering a Tournament*, YOUTUBE,
3 <https://www.youtube.com/watch?v=TB1pRnfdC5k&index=12&list=PLgDjoSjaXP7JnRngbjKxIIC>
4 NN3k1kC98Y; and (2) touting and advertising these features to its customers, *see, e.g., This is*
5 *How You FanDuel*, FANDUEL, <https://www.fanduel.com/how-it-works>; Plaintiffs' Second
6 Amended Complaint, *supra* paragraphs 11 and 24. Defendant's inducement has led to
7 infringement of at least claims 1, 16, 20, 21, 24, 31, and 32 of the RE'818 patent.

8 28. Defendant has contributed to and is continuing to contribute to the infringement
9 (either directly or under the doctrine of equivalents) of the RE'818 patent by end-user customers
10 by making, offering to sell, and/or selling its fantasy sports product, constituting a material part of
11 the invention, which is especially made for use by end-user customers in a manner that infringes
12 the RE'818 patent and has no substantial noninfringing uses. *See, e.g.,* Plaintiffs' Second
13 Amended Complaint, *supra* paragraph 11. In particular, FanDuel's fantasy sports platform
14 contains a feature that permits end-user customers to open a gaming account that may be used to
15 authorize gameplay based on an age of the end-user customer, while also allowing the end-user
16 customers to access the gaming account from a computing device. This feature is expressly
17 defined by the Defendant in instructions to the end-user customer, and has no practical use other
18 than a use that infringes the RE'818 patent. The use of this feature by end-user customers of
19 Defendant for its intended purpose necessarily results in infringement of at least claims 1, 16, 20,
20 21, 24, 31, and 32 of the RE'818 patent.

21 29. Defendant does not have a license or permission to use the RE'818 patent.

22 30. In a letter dated July 15, 2014, notice was provided to Defendant of the RE'818
23 patent and Defendant's infringing conduct. The letter is attached as **Exhibit A**.

24 31. Defendant had knowledge of the RE'818 patent at least since on or about July 15,
25 2014.

26 32. Defendant therefore has induced and contributed to acts of direct infringement, and
27 is continuing to do so, with the specific intent and knowledge that others would infringe at least
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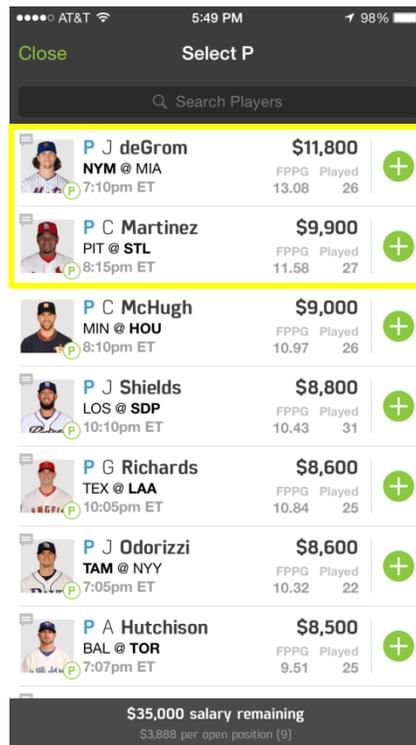
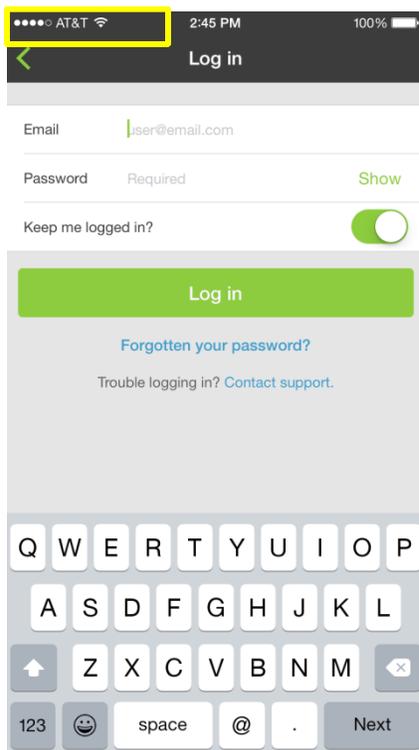
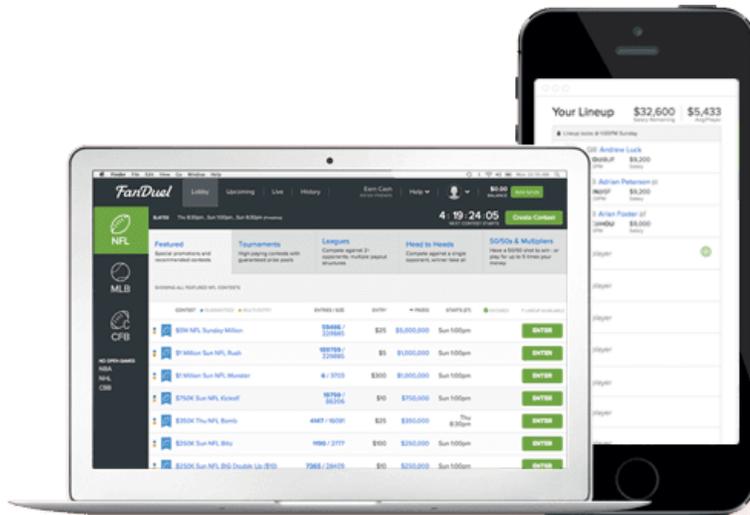
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1 claims 1, 16, 20, 21, 24, 31, and 32 of the RE’818 patent.

2 33. By way of example only and for purposes of this Second Amended Complaint,
3 Defendant tests, uses, and provides, and at least its customers use, the online fantasy sports
4 platform in a manner that infringes each limitation of at least one asserted claim of the RE’818
5 patent, *see, e.g.*, **Exhibit C**, consistent with the information set forth in the following paragraphs.

6 34. Defendant and its customers infringe all elements of claim 20, by testing, using,
7 and/or providing a game apparatus for playing its online fantasy sports platform, the “game
8 apparatus comprising: a wireless transmitter to transmit both an identification code and game
9 control signals to a processor executing a game.” RE’818 patent, col. 7, ll. 25-28. As shown
10 below, a user opens, registers, launches a game, and plays a game on a gaming device, such as an
11 iPhone or laptop with wireless capability, which transmits identification code and game control
12 signals to the FanDuel platform, which, upon information and belief, is hosted on a server that
13 includes a processor. For example, the wireless transmitter of the gaming device, highlighted
14 below, sends log-in information, such as an Email and Password, and game control signals, such as
15 the selection of athletes for the fantasy team. *See, e.g.*, **Exhibit C**, pp. 1-2 and 6-7.

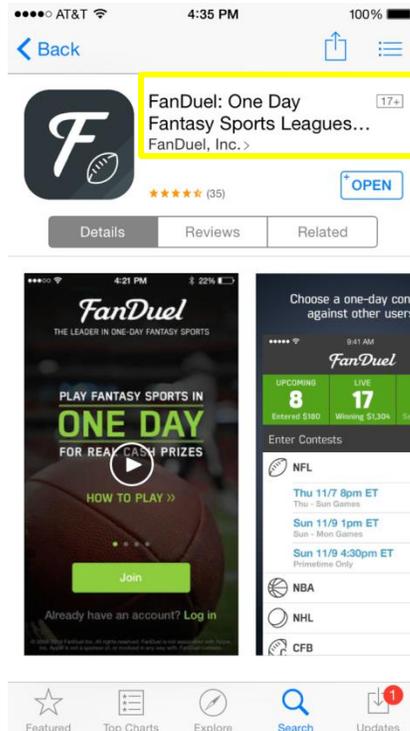
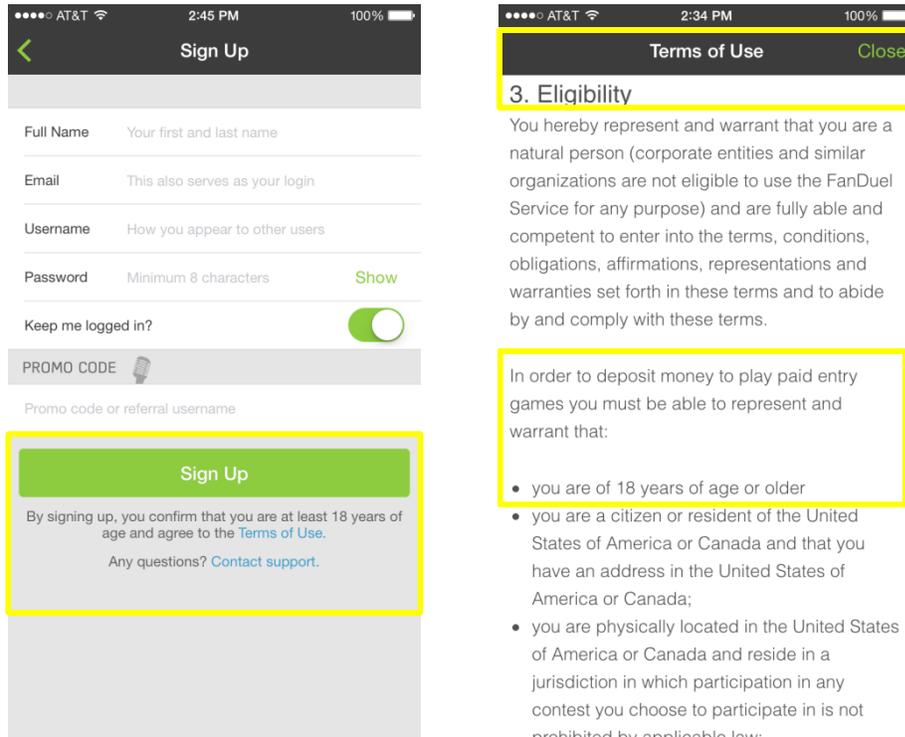
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35. Upon information and belief, Defendant tests, uses, and provides, and at least its customers use, a processor such that an “identification code is used by the processor to retrieve identification data and authorize game play based at least in part on an age of a player,” as gaming first requires establishing the age of the player. RE’818 patent, col. 7, ll. 28-30. For example, as shown below, each user must “confirm that [the user is] at least 18 years of age,” as well as agree to the Terms of Use, which predicate gameplay eligibility on the user being able to “represent and

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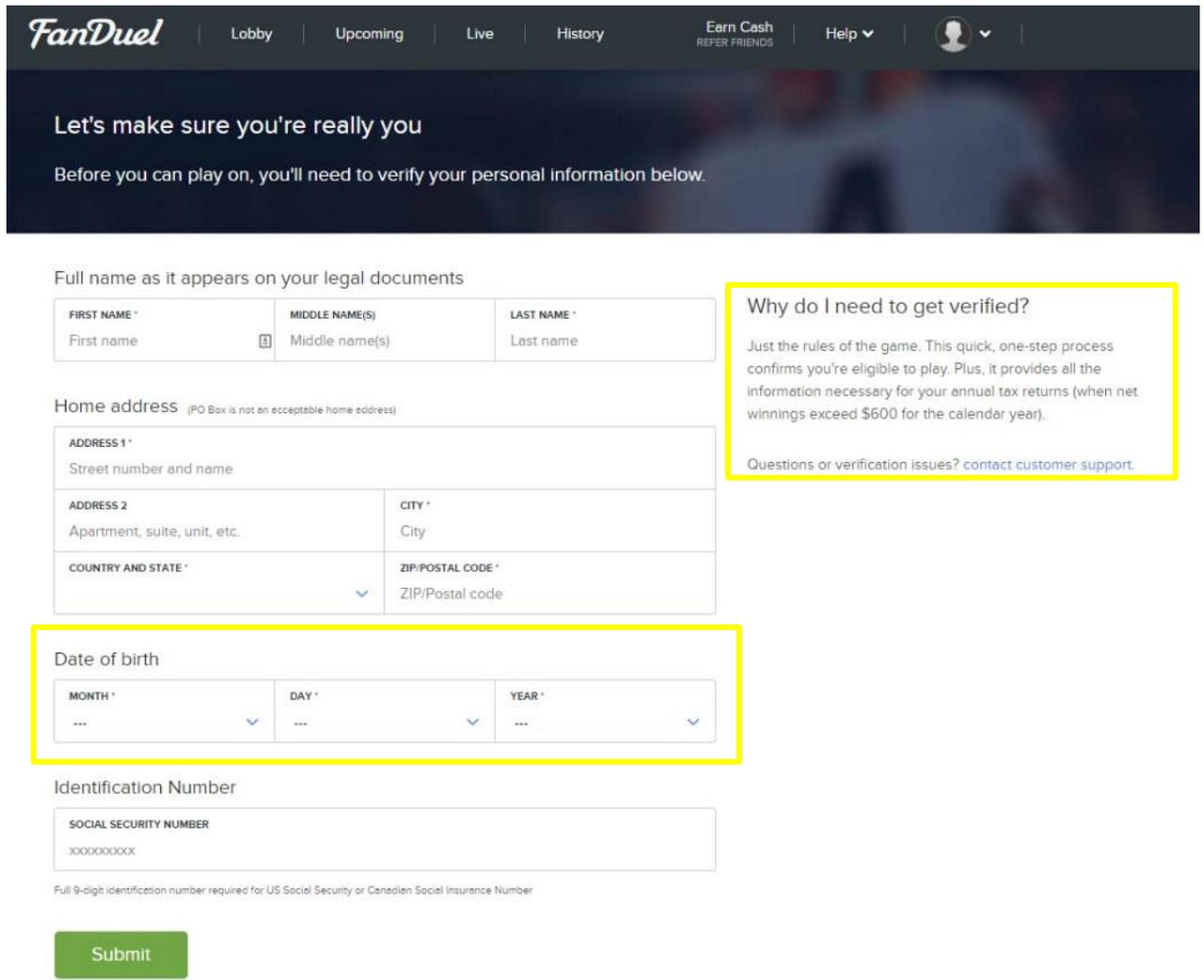
warrant” that the user is “18 years of age or older.” Additionally, FanDuel verifies the user’s date of birth. *See, e.g., Dustin Gouker, FanDuel Now Asking Some Players To Verify Identity On Front End, Provide Social Security Number, Birthday, LEGAL SPORTS REPORT (Nov. 13, 2015),* <http://www.legalsportsreport.com/6204/fanduel-identity-verification>; **Exhibit C**, pp. 8-13.



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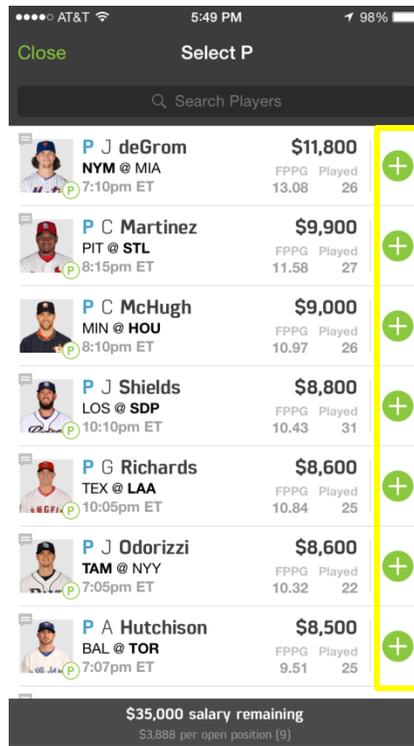


36. Defendant tests, uses, and provides, and at least its customers use, an apparatus for playing its online fantasy sports platform that includes “a plurality of input controls to allow the player to interact with the processor to play the game.” RE’818 patent, col. 7, ll. 31-32. As shown below, for example, input controls in the right-hand column of the screenshot allow the player to make player selections for the fantasy team. *See, e.g., Exhibit C*, p. 14.

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37. As a result of Defendant’s infringement of the RE’818 patent, CG Tech has suffered and continues to suffer damages, in an amount not yet determined, and is entitled to an award of damages adequate to compensate for the infringement, but in no event less than a reasonable royalty.

**SECOND CLAIM FOR RELIEF
 (INFRINGEMENT OF U.S. PATENT NO. 8,641,511)**

38. Plaintiffs incorporate by reference paragraphs 1-37 as if fully set forth herein.

39. On February 4, 2014, U.S. Patent No. 8,641,511 (“the ’511 patent”) was duly and legally issued by the PTO for an invention titled “Real-Time Interactive Wagering on Event Outcomes” to the listed inventors Philip M. Ginsberg, Howard W. Lutnick, Andrew C. Gilbert, and Lewis Findlay. A certified copy of the ’511 patent is attached as **Exhibit D**.

40. IG LLC is the assignee and sole owner of the ’511 patent, with all substantive rights in and to that patent, including the sole and exclusive right to bring this action and enforce the ’511 patent against infringers, and to collect damages for all relevant times.

41. Defendant, directly or through its agents, customers, and/or intermediaries, has made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products

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1 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more
2 claims of the '511 patent. For instance, on information and belief, Defendant's accused products
3 and/or systems have certain features that open a gaming account for a user and establish an amount
4 of funds in the gaming account that may be used to play games. The system allows the user to
5 access the gaming account from a computing device after verifying login credentials. The system
6 displays a set of events on which games are based and receives requests from users to enter into a
7 game based on at least one event. Here, the system matches requests from users to enter into
8 opposite sides of a game, thereby forming an obligation to pay the users for winning the game.
9 The infringing system also manages the account funds based on placement of entry fees by the
10 users as well as the final outcomes of any of the games. This is done in a manner that infringes at
11 least claims 14 and 16 of the '511 patent.

12 42. Defendant does not have a license or permission to use the '511 patent.

13 43. In a letter dated July 15, 2014, notice was provided to Defendant of the '511 patent
14 and Defendant's infringing conduct. The letter is attached as **Exhibit A**.

15 44. By way of example only and for purposes of this Second Amended Complaint,
16 FanDuel's online fantasy sports platform infringes each limitation of at least one asserted claim of
17 the '511 patent, *see, e.g.*, **Exhibit E**, consistent with the information set forth in the following
18 paragraphs.

19 45. FanDuel's online fantasy sports platform infringes by performing all elements of
20 claim 16, which include (as shown below) "[a] method comprising: opening, by a computer
21 system, a gaming account for a client." '511 patent, col. 13, ll. 17-19. Upon information and
22 belief, the FanDuel platform is hosted on a server that includes a processor and memory,
23 corresponding to a computer system. As shown below, FanDuel's platform opens an account for a
24 user during the "Sign Up" process that permits the user to enter contests and play games. *See, e.g.*,
25 **Exhibit E**, pp. 1-2.

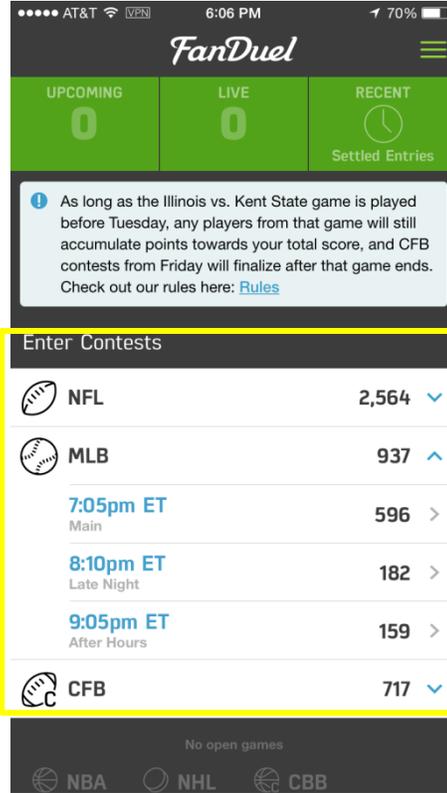
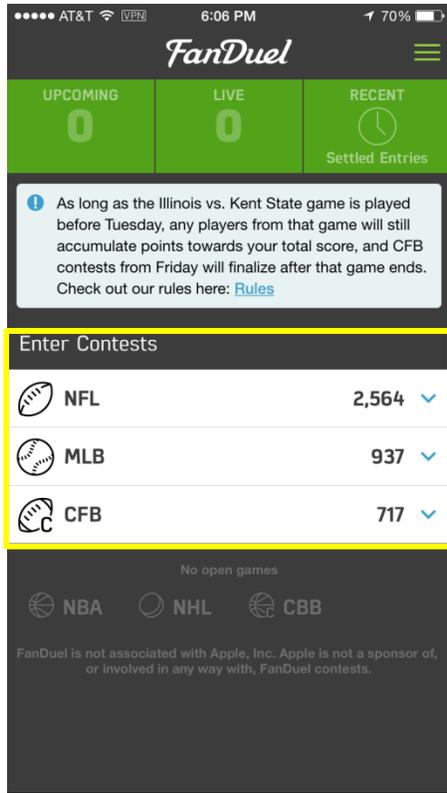
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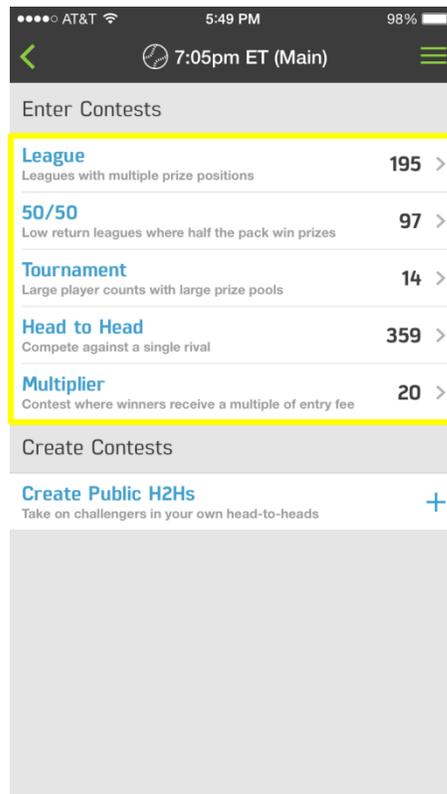
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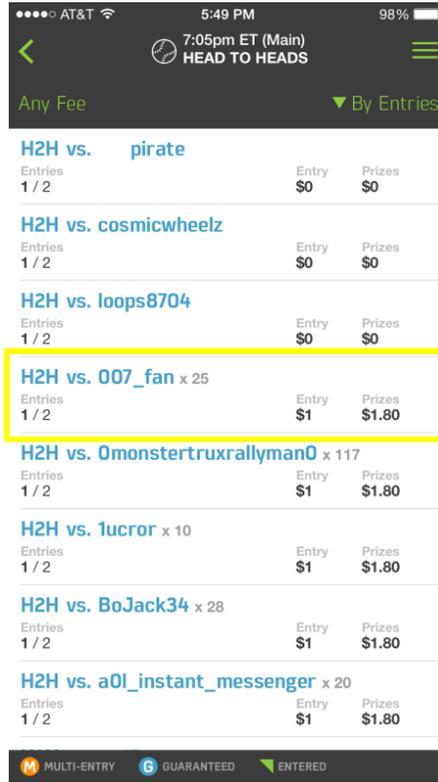
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49. FanDuel’s online fantasy sports platform “present[s], by the computer system, to the client through the computing device, a display indicating at least some of the set of event.” ’511 patent, col. 13, ll. 30-32. As shown below, the FanDuel platform presents to the user through the device a subset of the “MLB” sporting events the contests are based on. *See, e.g., Exhibit E*, p. 7.



1 50. FanDuel’s online fantasy sports platform “receiv[es], by the computer system, a
 2 first request from the client to enter into a game based on at least one event.” ’511 patent, col. 13,
 3 ll. 33-34. As shown below, the FanDuel platform receives a first user’s request to enter a Head to
 4 Head contest based on MLB sporting events. *See, e.g., Exhibit E*, p. 8.



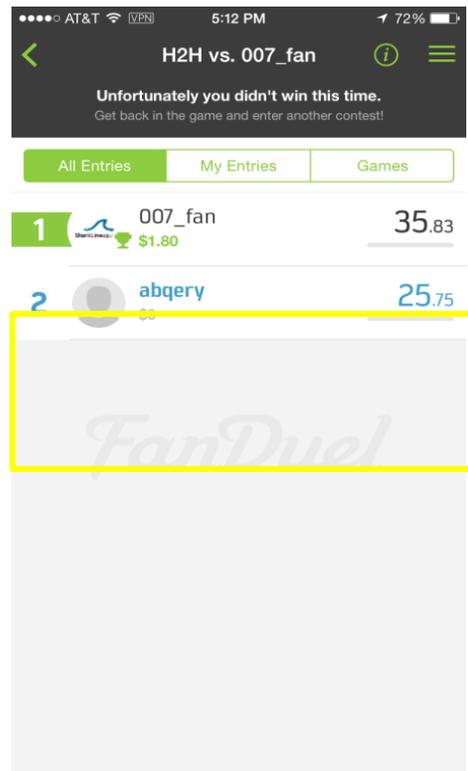
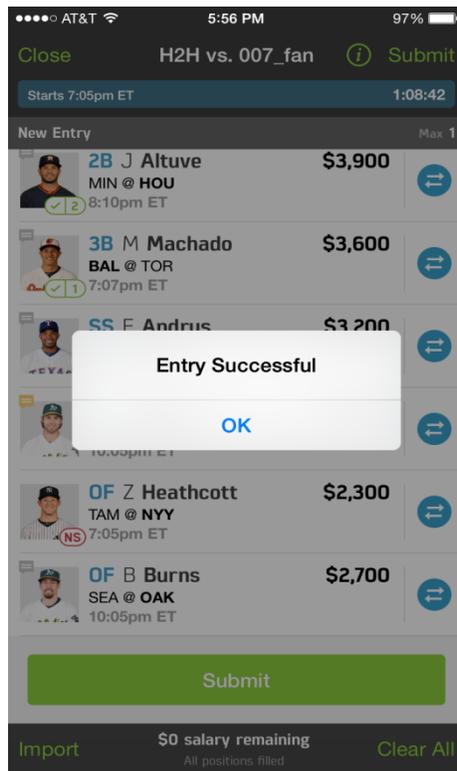
18 51. FanDuel’s online fantasy sports platform “receiv[es], by the computer system, a
 19 second request from another client to enter into an opposite side of the game based on the at least
 20 one event.” ’511 patent, col. 13, l. 35-37. As shown below, the FanDuel platform receives a
 21 second user’s request to enter the same Head to Head contest when the user selects “Enter with \$1
 22 cash.” *See, e.g., Exhibit E*, pp. 9-10.

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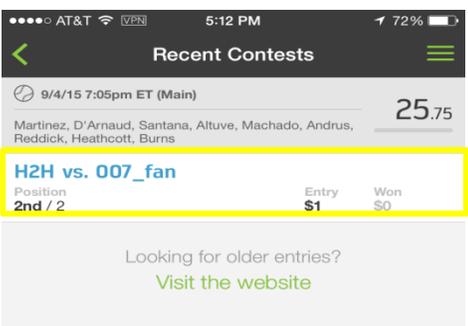
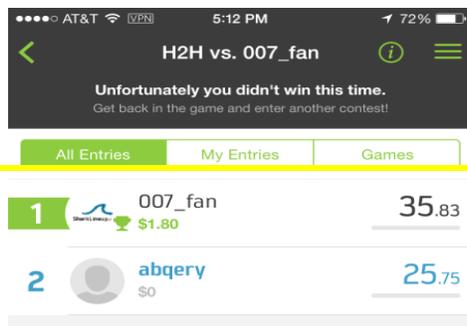
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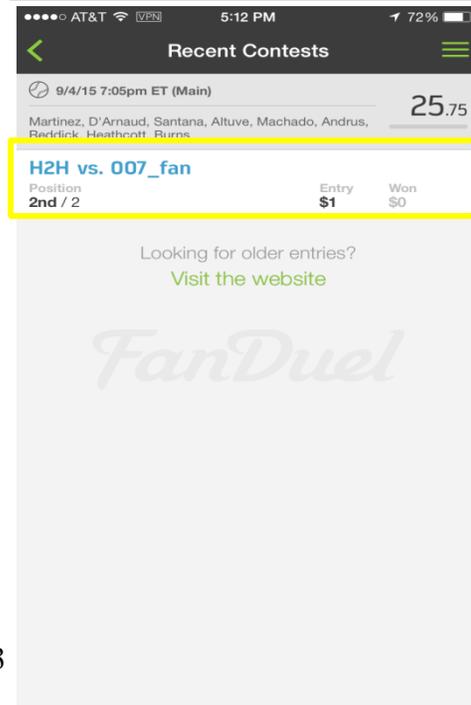
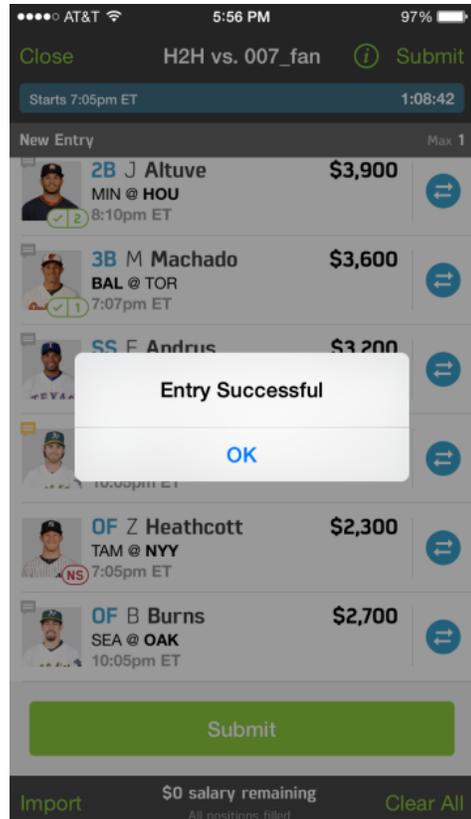
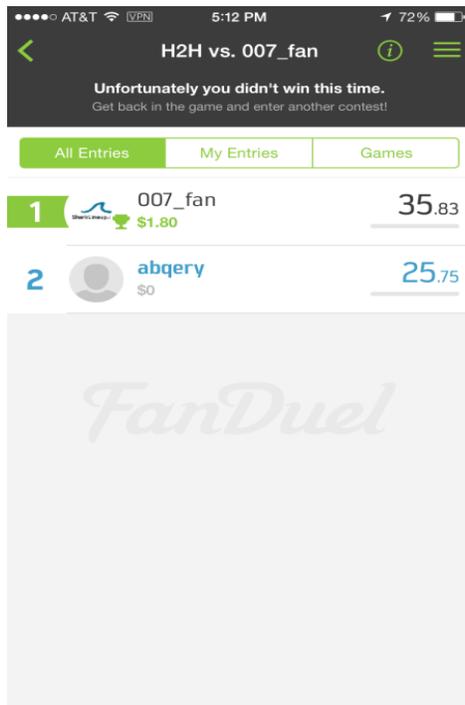
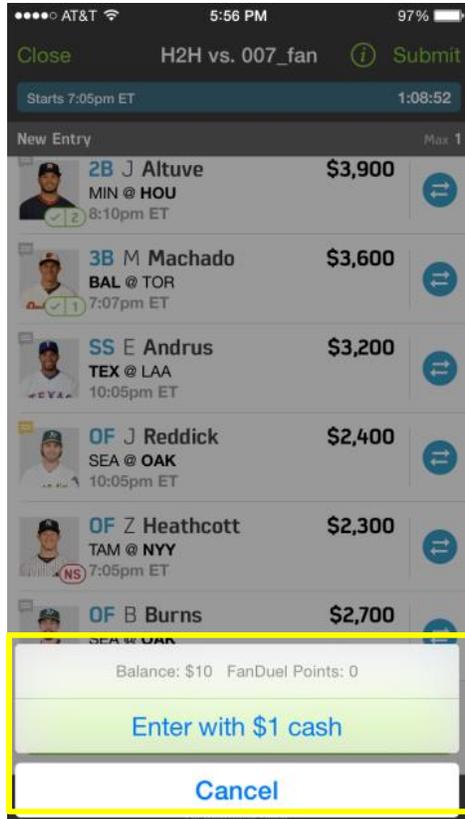


53. FanDuel’s online fantasy sports platform “form[s], by the computer system, one obligation with a gaming operator to pay the first client for winning the game with the client and form[s] one other obligation with the gaming operator to pay the second client for winning the game with the other client.” ’511 patent, col. 14, ll. 3-7. FanDuel forms an obligation with each user that entered the Head to Head contest to pay winnings based on the contest rules, as shown below by 007_fan winning the contest. *See, e.g., Exhibit E*, pp. 13-14.



54. FanDuel’s online fantasy sports platform includes “managing, by the computer system, the amount of consideration in the wagering account credits based on placement of the one or more wagers and outcomes of the one or more wagers.” ’511 patent, col. 14, ll. 8-11. As shown below, FanDuel manages the credits in the account based on the entry fee amount and the outcome of the contest. *See, e.g., Exhibit E*, pp. 15-16.

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1 55. As a result of Defendant's infringement of the '511 patent, IG LLC has suffered and
2 continues to suffer damages, in an amount not yet determined, and is entitled to an award of
3 damages adequate to compensate for the infringement, but in no event less than a reasonable
4 royalty.

5 **THIRD CLAIM FOR RELIEF**
6 **(INFRINGEMENT OF U.S. PATENT NO. 6,884,166)**

6 56. Plaintiffs incorporate by reference paragraphs 1-55 as if fully set forth herein.

7 57. On April 26, 2005, U.S. Patent No. 6,884,166 ("the '166 patent") was duly and
8 legally issued by the PTO for an invention titled "System and Method for Establishing a Wager for
9 a Gaming Application" to the listed inventors Fergus A. Leen, Sam B. Lawrence, David G.
10 McNally, Clive Hetherington, David M. McDowell, and Kevin R. O'Neal. A certified copy of the
11 '166 patent is attached as **Exhibit F**.

12 58. IG Limited is the assignee and sole owner of the '166 patent, with all substantive
13 rights in and to that patent, including the sole and exclusive right to bring this action and enforce
14 the '166 patent against infringers, and to collect damages for all relevant times.

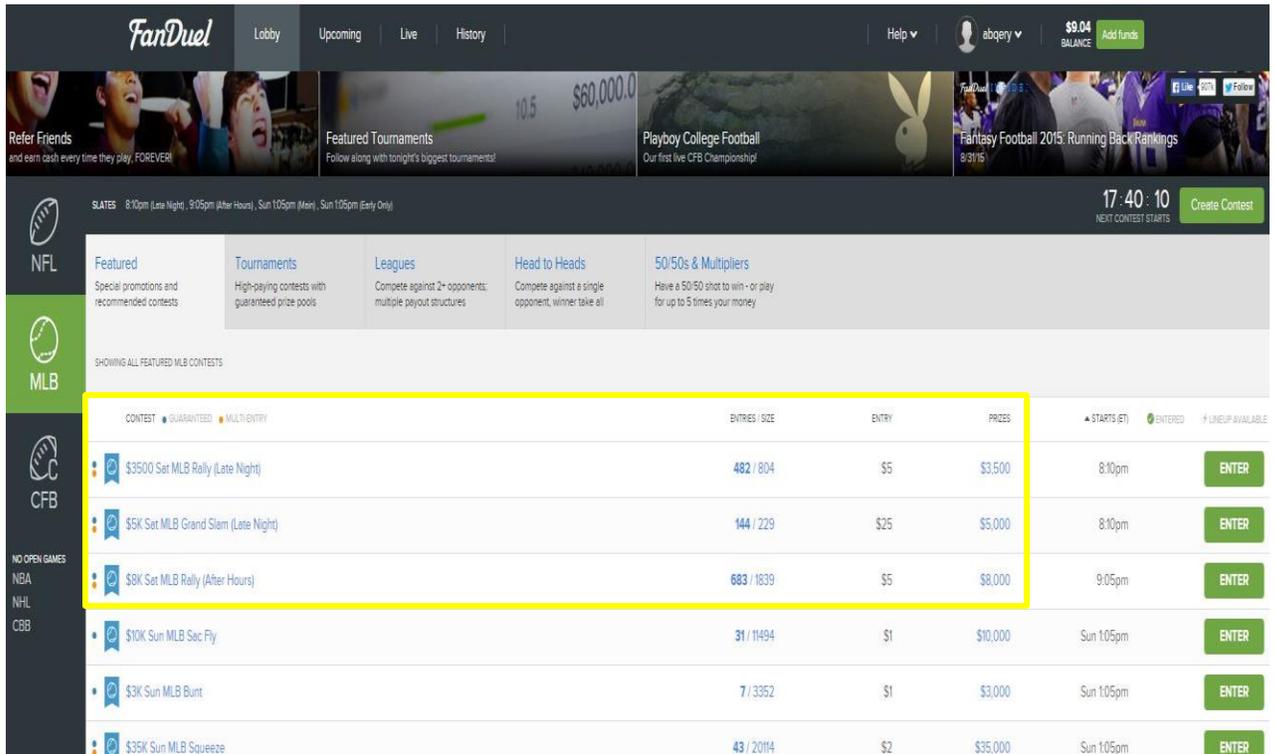
15 59. Defendant, directly or through its agents, customers, and/or intermediaries, has
16 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products
17 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more
18 claims of the '166 patent. For example, on information and belief, Defendant's accused products
19 and/or systems have certain features that host a gaming application for users, allow a first user to
20 generate an offer, present the offer to a number of second users, and receive an acceptance by a
21 second user to form a game between the first and second user. Defendant's accused products
22 and/or systems also have certain features that further generate a record that is stored according to a
23 record identifier where the record includes game parameters. This is done in a manner that
24 infringes at least claims 1, 3, 24, 26, 39, and 40 of the '166 patent.

25 60. Defendant does not have a license or permission to use the '166 patent.

26 61. In a letter dated July 15, 2014, notice was provided to Defendant of the '166 patent
27 and Defendant's infringing conduct. The letter is attached as **Exhibit A**.
28

62. By way of example only and for purposes of this Second Amended Complaint, FanDuel’s online fantasy sports platform infringes each limitation of at least one asserted claim of the ’166 patent, *see, e.g., Exhibit G*, consistent with the information set forth in the following paragraphs.

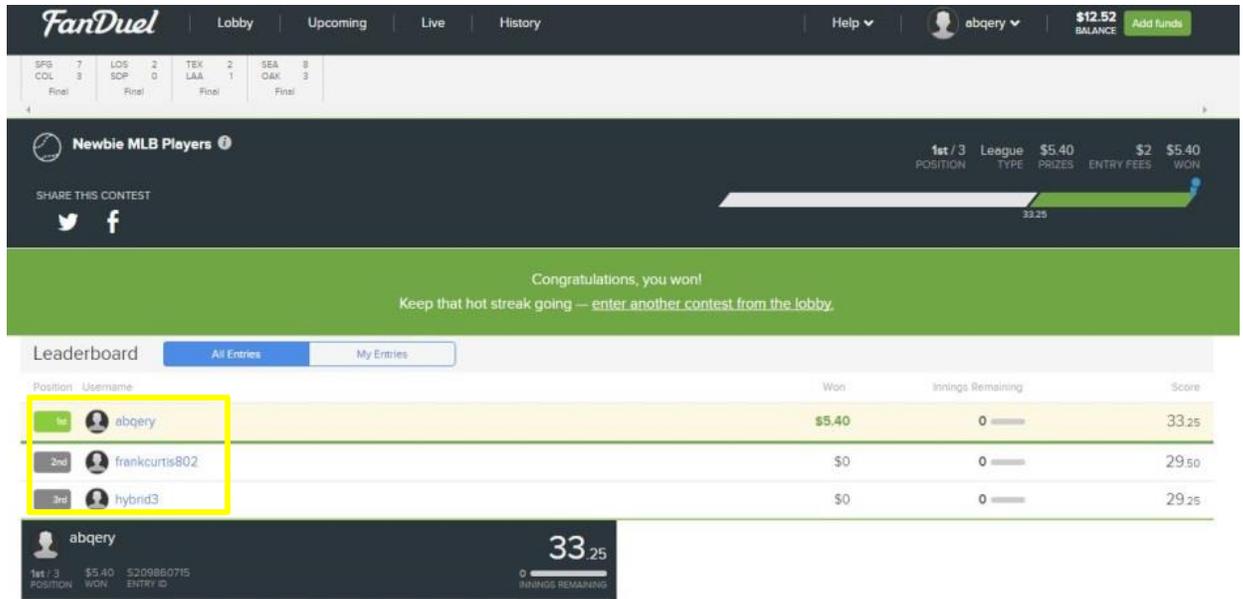
63. FanDuel’s online fantasy sports platform infringes all elements of claim 39, which include “[a] system for establishing a wager associated with a gaming application.” ’166 patent, col. 23, ll. 55-56. For example, the FanDuel platform is a system that creates wagers between multiple users when they enter contests, pay the entry fee, and compete for the winning prize, as shown below. *See, e.g., Exhibit G*, pp. 1-2.



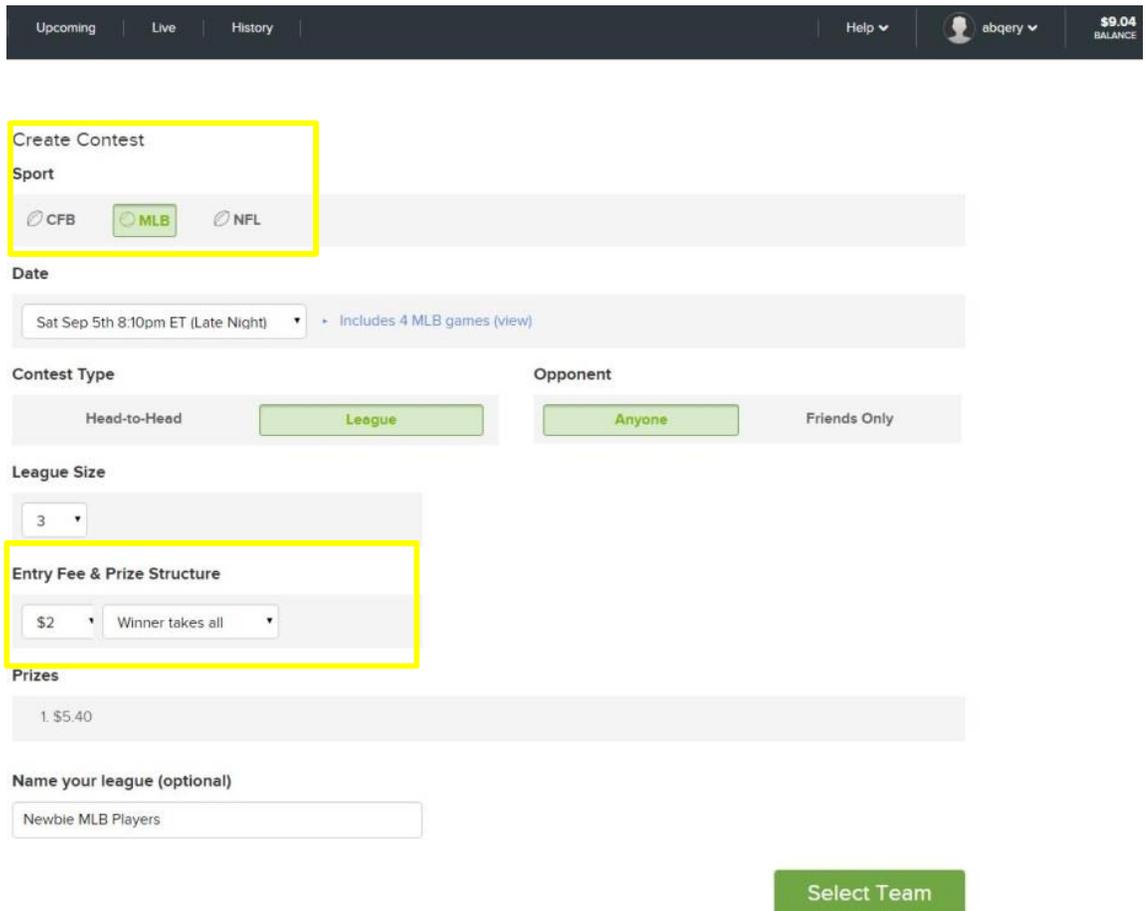
64. FanDuel’s online fantasy sports platform includes a system “comprising: a server that hosts a gaming application for a plurality of users; [and] a processor remotely coupled to the server.” ’166 patent, col. 23, ll. 56-59. As shown below, multiple users actively play on FanDuel’s fantasy sports platform. Upon information and belief, FanDuel’s fantasy sports platform is hosted on at least one server that communicates with other servers that include processors. The screenshot

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below shows multiple users actively playing in a contest hosted by the FanDuel gaming application. *See, e.g., Exhibit G, p. 3.*



65. As shown below by a user creating a contest, *see, e.g., Exhibit G, pp. 4-5,* FanDuel’s online fantasy sports platform “receives a wager offer generated by a first user, wherein the wager offer is associated with the gaming application.” ’166 patent, col. 23, ll. 60-62.



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1 66. FanDuel’s online fantasy sports platform “presents the wager offer to a plurality of
2 second users; [and] receives a wager acceptance by a second user, the wager offer and the wager
3 acceptance combining to form a wager between the first user and the second user.” *Id.* at col. 23,
4 ll. 63-67. As shown below, the user creates a new contest that is offered to a number of potential
5 opponents, with two users eventually accepting the contest offer to enter the three-player league.
6 *See, e.g., Exhibit G*, pp. 6-10.

The screenshot shows the 'Create Contest' page on the FanDuel website. At the top, there are navigation tabs for 'Upcoming', 'Live', and 'History', along with a 'Help' dropdown, a user profile for 'abqery', and a balance of '\$9.04'. The main form is titled 'Create Contest' and includes several sections: 'Sport' (with CFB, MLB, and NFL options), 'Date' (set to 'Sat Sep 5th 8:10pm ET (Late Night)' with a note 'Includes 4 MLB games (view)'), 'Contest Type' (with 'Head-to-Head' and 'League' options), 'League Size' (set to 3), 'Entry Fee & Prize Structure' (set to '\$2' and 'Winner takes all'), 'Prizes' (set to '1. \$5.40'), and 'Name your league (optional)' (with the text 'Newbie MLB Players'). The 'Opponent' section, which is highlighted with a yellow box, has 'Anyone' selected over 'Friends Only'. A green 'Select Team' button is located at the bottom right of the form.

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Newbie MLB Players

Entry Fee: \$2 Salary Cap: \$35,000 One entry per person

Contest Entries Prizes

Pick a team of 9 players from the following games:

TEX@LAA Sat 9:05pm EDT LOS@SDP Sat 8:40pm EDT SEA@OAK Sat 9:05pm EDT

SFG@COL Sat 8:10pm EDT

Sat. Sep. 5th 8:10pm
GAME START

Scoring Categories

Hitters: 1B = 1pts 2B = 2pts 3B = 3pts HR = 4pts RBI = 1pts R = 1pts BB = 1pts SB = 2pts HBP = 1pts O = -0.25pts

Pitchers: P/W = 4pts P/ER = -1pts P/SO = 1pts P/IP = 1pts

Note: IP: Fractional scoring per out. Out: calculated as at bats - hits.

FanDuel Lobby Upcoming Live History Help abqery \$7.04 BALANCE Add funds

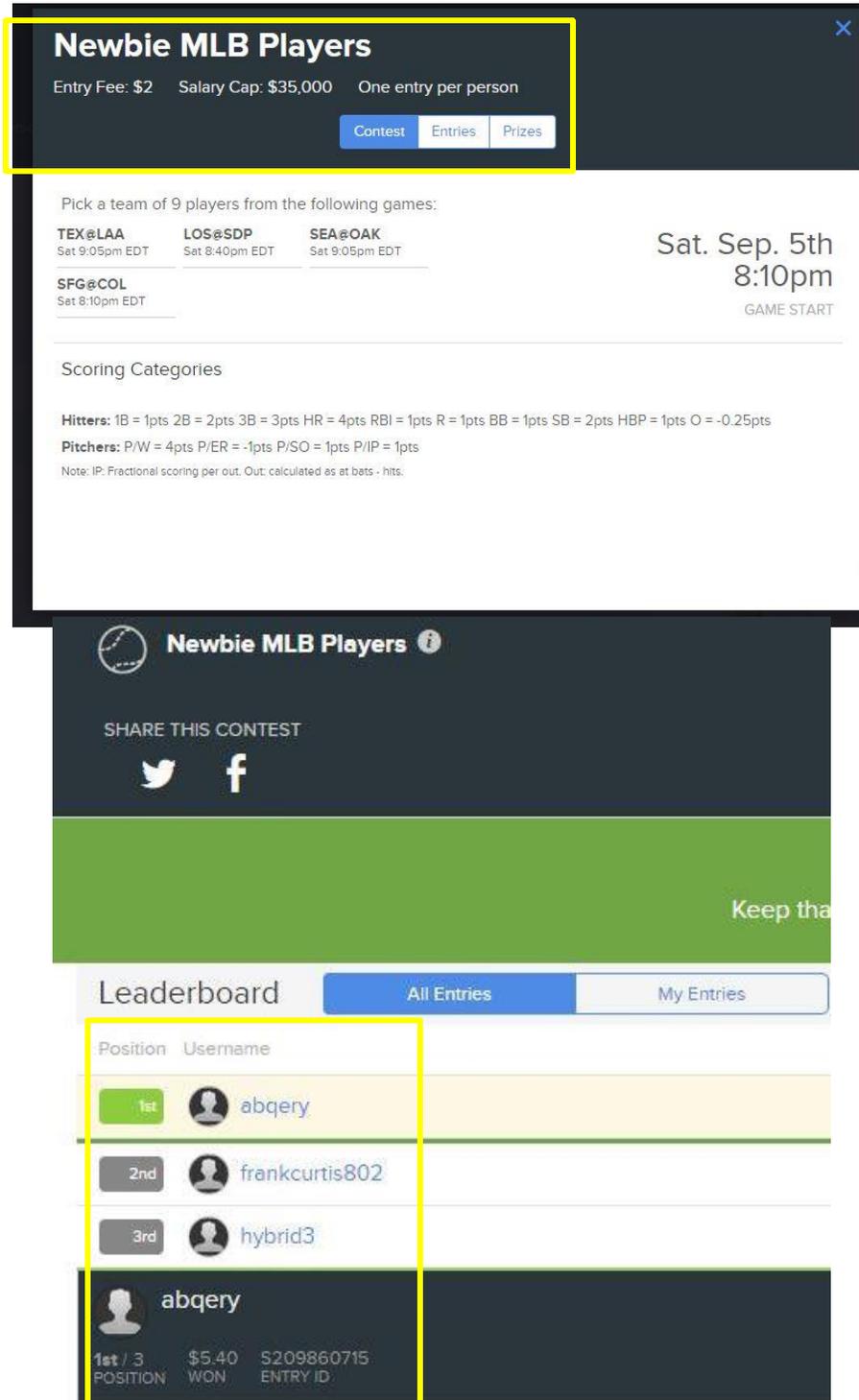
Leaderboard All Entries My Entries

Position	Username	Winning	Innings Remaining	Score
1st	abqery	\$5.40	46	27.25
2nd	frankcurtis802	\$0	41	20.25
3rd	hybrid3	\$0	38	18.75

abqery				frankcurtis802			
1st / 3 POSITION	\$5.40 WINNING	S209860715 ENTRY ID	46 INNINGS REMAINING	2nd / 3 POSITION	\$0 WINNING	41 INNINGS REMAINING	19.25 SCORE
P Jesse Chavez	\$7,600	33.3% Owned	-1	P Tyson Ross	\$9,200	66.7% Owned	7
SEA 6 @ OAK 0				LOS 1 @ SDP 0			
C Stephen Vogt	\$2,500	66.7% Owned	1	C Stephen Vogt	\$2,500	66.7% Owned	1
SEA 6 @ OAK 0				SEA 6 @ OAK 0			
1B Logan Morrison	\$2,800	33.3% Owned	7.75	1B Prince Fielder	\$3,000	33.3% Owned	0.75
SEA 6 @ OAK 0				TEX 1 @ LAA 1			
2B Rowned Odor	\$3,500	33.3% Owned	-0.5	2B Chase Utley	\$2,700	33.3% Owned	0.5
TEX 1 @ LAA 1				LOS 1 @ SDP 0			
3B Nolan Arenado	\$5,200	66.7% Owned	6.5	3B Nolan Arenado	\$5,200	66.7% Owned	6.5
SFG 5 @ COL 3				SFG 5 @ COL 3			

67. FanDuel’s online fantasy sports platform “generates a wager record in response to receiving the wager acceptance, the wager record associated with the wager between the first user and the second user and comprising a plurality of wager parameters.” ’166 patent, col. 24, ll. 1-4. As shown below, FanDuel creates a record of the contest when enough players enter the contest and accept the entry fee payment. The wager record includes multiple parameters such as the entry

1 fee, salary cap, date and time, as shown below. *See, e.g., Exhibit G*, pp. 11-14.



68. Upon information and belief, FanDuel’s online fantasy sports platform includes “a memory coupled to the processor that stores the wager record according to a wager record identifier.” ’166 patent, col. 24, ll. 5-6. For example, the historical information relating to a

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1 previously-entered contest is stored under a wager record identifier, such as the record identifier
 2 S209860715 shown below, such that the information can be accessed and recalled at a later time.
 3 Upon information and belief, the server hosting the FanDuel gaming application includes a
 4 memory for storing this information such that it can be accessed by and displayed on the user's
 5 computing device. *See, e.g., Exhibit G*, p. 15.



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 8 69. As a result of Defendant's infringement of the '166 patent, IG Limited has suffered
 9 and continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty
 10 and/or lost profits.

11 **FOURTH CLAIM FOR RELIEF**
(INFRINGEMENT OF U.S. PATENT NO. 8,771,058)

12
 13 70. Plaintiffs incorporate by reference paragraphs 1-69 as if fully set forth herein.

14 71. On July 8, 2014, U.S. Patent No. 8,771,058 ("the '058 patent") was duly and legally
 15 issued by the PTO for an invention titled "Zone Dependent Payout Percentage" to the listed
 16 inventors Dean P. Alderucci, Lee Amaitis, and Geoffrey M. Gelman. A certified copy of the '058
 17 patent is attached as **Exhibit H**.

18 72. IG LLC is the assignee and sole owner of the '058 patent, with all substantive rights
 19 in and to that patent, including the sole and exclusive right to bring this action and enforce the '058
 20 patent against infringers, and to collect damages for all relevant times.

21 73. Defendant, directly or through its agents, customers, and/or intermediaries, has
 22 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products
 23 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more
 24 claims of the '058 patent. For example, on information and belief, Defendant's accused products
 25 and/or systems have certain features that provide a computer system to determine a first location of
 26 a mobile gaming device and determine a first game configuration associated with the first location.
 27 The system generates a first game outcome using the first game configuration, determines a first
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1 payout associated with the first game outcome, and credits a player account with a first amount
2 based on the first payout. Additionally, the computer system determines a second location of the
3 mobile gaming device that is different from the first location, and determines a second game
4 configuration associated with the second location that is different from the first game
5 configuration. The system generates a second game outcome using the second game configuration,
6 determines a second payout associated with the second game outcome, and credits the player
7 account with a second amount based on the second payout. This is done in a manner that infringes
8 at least claims 1, 6, 7, 8, 9, and 19 of the '058 patent.

9 74. Defendant had knowledge of the '058 patent at least as early as the filing of the first
10 Amended Complaint (ECF No. 31).

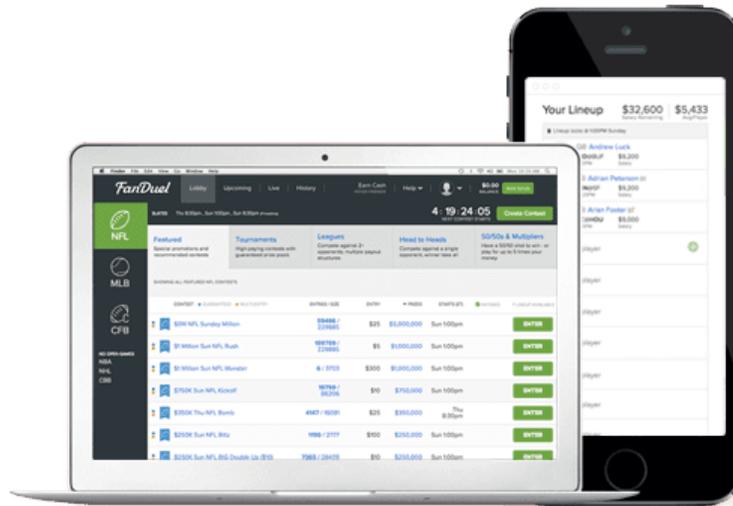
11 75. Defendant does not have a license or permission to use the '058 patent.

12 76. By way of example only and for purposes of this Second Amended Complaint,
13 Defendant's online fantasy sports platform infringes each limitation of at least one asserted claim
14 of the '058 patent, *see, e.g.*, **Exhibit I**, consistent with the information set forth in the following
15 paragraphs.

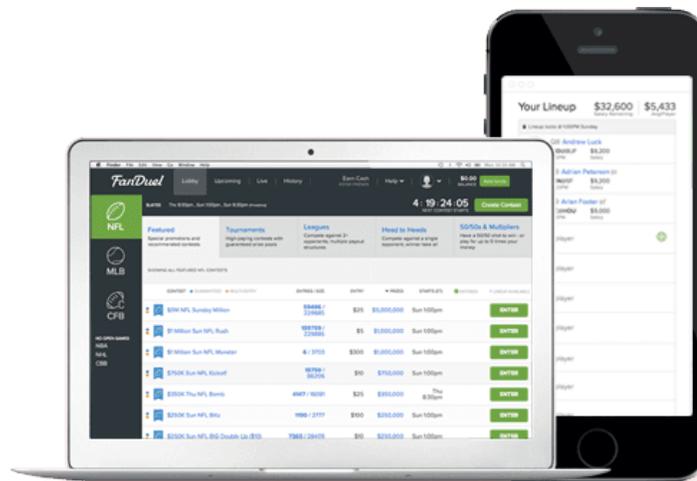
16 77. FanDuel infringes all elements of claim 19, by testing, using, and providing its
17 online fantasy sports platform that is accessed by a gaming device (as shown below), where the
18 online fantasy sports platform includes “[a] computer system comprising: a processor operable to
19 execute a set of instructions.” '058 patent, col. 62, ll. 1-2. Upon information and belief, the
20 FanDuel gaming platform is a system hosted on a server that utilizes a processor to execute a set of
21 software instructions for running the gaming platform. For example, the screenshot below shows
22 the FanDuel game system, that is hosted on a server, being accessed by a computing device. *See,*
23 *e.g.*, **Exhibit I**, p. 1.

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78. FanDuel’s online fantasy sports platform includes “a memory having stored thereon the set of instructions, in which the set of instructions, when executed by the processor, cause the computer system to perform a method.” ’058 patent, col. 62, ll. 3-6. Upon information and belief, the FanDuel gaming system is hosted on a server that utilizes a processor and a memory that stores the software required to run the gaming application. For example, the screenshot below shows the FanDuel game system, that is hosted on a server, being accessed by a computing device. See, e.g., **Exhibit I**, p. 2.



79. FanDuel’s online fantasy sports platform includes “determining a first location of a mobile gaming device, [and] determining a first game configuration associated with the first location.” ’058 patent, col. 62, ll. 7-9. As shown below, a user may or may not be permitted to

1 access contests that require an entry fee based on a determined location by FanDuel of the user's
2 mobile gaming device. For example, a first determined location of the user's mobile device in a
3 non-restricted state permits entry in the "Newbie MLB Players" contest with an entry fee. *See*,
4 *e.g.*, **Exhibit I**, pp. 3-5.

5 [Support Home](#) > [Contest Edit / Entry](#)

6 FanDuel restricts play from certain states, but what does that mean?

7 Updated 08/22/2016 06:24 PM

8 That means if you're currently located in a restricted state, you won't have access to any
9 contests that require an entry fee. It doesn't matter where you live, just where you're
10 physically located at the moment.

11 States that currently restrict FanDuel contests:

- 12 · Alabama
- 13 · Arizona
- 14 · Delaware
- 15 · Hawaii
- 16 · Idaho
- 17 · Iowa
- 18 · Louisiana
- 19 · Montana
- 20 · Nevada
- 21 · Texas
- 22 · Washington

23 If you're getting a 'Restricted Location' error message, see: [Restricted Location](#) for more info.

24 [Support Home](#) > [Contest Edit / Entry](#)

25 I'm a permanent resident of a restricted state, like Nevada, but I'm not there right now. Can I play on FanDuel?

26 Updated 08/10/2016 05:51 PM

27 Whether or not you are permitted to play on FanDuel depends on the state you are currently
28 in, not your state of residence. FanDuel confirms your current location when you make a
deposit and when you enter a contest. To add funds or enter contests, you must be physically
located in a non-restricted state.

Why am I being asked about my state of permanent residence?

We may confirm your state of permanent residency as part of our identity verification process.
Or there may be regulations in your state that set certain limits on your play.

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The screenshot displays the FanDuel interface for a fantasy sports contest. At the top, the FanDuel logo is visible along with navigation tabs for Lobby, Upcoming, Live, and History. Below this is a 'Leaderboard' section with two tabs: 'All Entries' and 'My Entries'. The main content area is a table listing the top performers:

Position	Username
1st	abqery
2nd	frankcurtis802
3rd	hybrid3

Below the leaderboard, a detailed view for the winning user 'abqery' is shown, including their position (1st / 3), winning amount (\$5.40), entry ID (S209860715), and a progress bar for '46 INNINGS REMAINING'. Underneath, a list of players is provided with their positions, current game status, salaries, ownership percentages, and fantasy scores:

Player	Position	Game	Salary	Ownership	Score
P Jesse Chavez	SEA 6 @ OAK 0	\$7,600	33.3%	-1	
C Stephen Vogt	SEA 6 @ OAK 0	\$2,500	66.7%	1	
1B Logan Morrison	SEA 6 @ OAK 0	\$2,800	33.3%	7.75	
2B Rougned Odor	TEX 1 @ LAA 1	\$3,500	33.3%	-0.5	
3B Nolan Arenado	SFG 5 @ COL 3	\$5,200	66.7%	6.5	

At the bottom of the screenshot, a contest summary bar is visible, showing the entry ID (S209860715), date (09/05), league name (Newbie MLB Players), score (33.25 (1 of 3)), and prize information (\$2, \$5.40, View).

81. FanDuel’s online fantasy sports platform includes “determining a first payout associated with the first game outcome, [and] crediting a player account with a first amount based on the first payout.” ’058 patent, col. 62, ll. 10-15. As shown below, the payout for winning the contest is determined as being \$5.40 according to the prize payout and contest rules, and the winning user’s account is then credited with the payout prize. *See, e.g., Exhibit I*, pp. 7-8.

This block shows a smaller version of the contest summary bar from the screenshot above, with the prize amounts \$2 and \$5.40 highlighted in a yellow box.

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The screenshot displays the FanDuel website interface. At the top, there are navigation tabs for 'Lobby', 'Upcoming', 'Live', and 'History'. Below these is a 'Leaderboard' section with two buttons: 'All Entries' and 'My Entries'. The main content area shows a list of users and their scores. The top user, 'abqery', is highlighted in a yellow box and has a score of 27.25. Below this, there is a detailed view for 'abqery' showing they are in 1st position out of 3, with a winning amount of \$5.40 and an entry ID of S209860715. A progress bar indicates 46 innings remaining. Below this are five player cards, each showing a player's photo, name, position, game details, salary, ownership percentage, and a score.

Position	Username	Score
1st	abqery	27.25
2nd	frankcurtis802	
3rd	hybrid3	
abqery 1st / 3 POSITION \$5.40 WINNING S209860715 ENTRY ID 46 INNINGS REMAINING		
P	Jesse Chavez	-1
C	Stephen Vogt	1
1B	Logan Morrison	7.75
2B	Rougned Odor	-0.5
3B	Nolan Arenado	6.5

82. FanDuel’s online fantasy sports platform includes “determining a second location of the mobile gaming device, wherein the second location is different from the first location, [and] determining a second game configuration associated with the second location, wherein the second game configuration is different from the first game configuration.” ’058 patent, col. 62, ll. 16-21. As shown below, a determined second location of the user’s mobile device in a restricted state does not permit entry into the “\$15K Thu MLB Sac Fly” contest requiring an entry fee, but permits entry in the “Road to All Star Game Qualifier” contest that does not require an entry fee. *See, e.g., Exhibit I*, pp. 9-13.

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FanDuel Lobby Upcoming Live History Earn Cash REFER FRIENDS Help abquery \$700 BALANCE Add funds

\$15K Thu MLB Sac Fly (\$15K Guaranteed) 7:55:25
 Contest starts 7:05pm ET Rules & Scoring

Tournament 15450 / 17647 Entries \$1 \$15,000 Prizes Multi-entry (250 max) Guaranteed prize pool

ALL LAA @ NYY 7:05PM BAL @ TOR 7:05PM STL @ CIN 7:05PM WAS @ CWS 8:05PM NYM @ MIL 8:05PM MIA @ MIN 8:05PM CLE @ SEA 8:00PM

Available Players [Weather info](#) [Lineup info](#) [Download players list](#)

All	P	C	1B	2B	3B	SS	OF	Find a player...
OF	Rajai Davis	10	53	CLE@SEA	\$3,000	+		
OF	Giancarlo Stanton	10	49	MIA@MIN	\$3,000	-		
OF	Ben Gamel	1.8	5	LAA@NYY	\$3,000	+		
OF	Randal Grichuk	8.6	56	STL@CIN	\$2,900	+		
OF	Lonnie Chisenhall	7.9	38	CLE@SEA	\$2,900	+		
OF	Norichika Aoki	7.9	56	CLE@SEA	\$2,900	+		
OF	Seth Smith	8.6	52	CLE@SEA	\$2,900	+		
OF	Kevin Pillar	7.8	60	BAL@TOR	\$2,900	-		
OF	Melky Cabrera	8.8	56	WAS@CWS	\$2,800	+		
OF	Franklin Gutierrez	6.8	37	CLE@SEA	\$2,800	+		
OF	Miguel Sano	10.3	50	MIA@MIN	\$2,800	+		
OF	Byron Buxton	6	25	MIA@MIN	\$2,700	+		

Indicator legend: Disabled List, Out, Probable Pitcher, Not in Starting Lineup, Recent news (more than 24 hours old), Day-to-Day, Not Active, In Starting Lineup, Betting Order, Breaking news

Your Lineup **\$9,100** Salary Remaining **\$0** Avg Player

Lineup locks @ 7:05pm

- P Jhoulys Chacin LAA@NYY 7:05PM \$5,900 SALARY
- C Ramon Cabrera STL@CIN 7:05PM \$2,000 SALARY
- 1B Ty Kelly NYM@MIL 8:10PM \$2,200 SALARY
- 2B Johnny Givortella LAA@NYY 7:05PM \$2,500 SALARY
- 3B Wilmer Flores NYM@MIL 8:10PM \$2,200 SALARY
- SS Stephen Drew WAS@CWS 8:10PM \$2,000 SALARY
- OF Michael Conforto NYM@MIL 8:10PM \$3,200 SALARY
- OF Giancarlo Stanton MIA@MIN 8:10PM \$3,000 SALARY
- OF Kevin Pillar BAL@TOR 7:07PM \$2,900 SALARY

Import lineup Clear all

Total entry fee: \$1
 Enter using 2,400 FDP
 Upload Lineups from CSV

Enter

FanDuel Lobby Upcoming Live History Earn Cash REFER FRIENDS Help abquery \$700 BALANCE Add funds

Unfortunately we cannot offer paid contests in your current location.

\$15K Thu MLB Sac Fly (\$15K Guaranteed) 7:54:47
 Contest starts 7:05pm ET Rules & Scoring

Tournament 15450 / 17647 Entries \$1 \$15,000 Prizes Multi-entry (250 max) Guaranteed prize pool

ALL LAA @ NYY 7:05PM BAL @ TOR 7:05PM STL @ CIN 7:05PM WAS @ CWS 8:05PM NYM @ MIL 8:05PM MIA @ MIN 8:05PM CLE @ SEA 8:00PM

Available Players [Weather info](#) [Lineup info](#) [Download players list](#)

All	P	C	1B	2B	3B	SS	OF	Find a player...
OF	Rajai Davis	10	53	CLE@SEA	\$3,000	+		
OF	Giancarlo Stanton	10	49	MIA@MIN	\$3,000	-		
OF	Ben Gamel	1.8	5	LAA@NYY	\$3,000	+		
OF	Randal Grichuk	8.6	56	STL@CIN	\$2,900	+		
OF	Lonnie Chisenhall	7.9	38	CLE@SEA	\$2,900	+		
OF	Norichika Aoki	7.9	56	CLE@SEA	\$2,900	+		
OF	Seth Smith	8.6	52	CLE@SEA	\$2,900	+		
OF	Kevin Pillar	7.8	60	BAL@TOR	\$2,900	-		
OF	Melky Cabrera	8.8	56	WAS@CWS	\$2,800	+		
OF	Franklin Gutierrez	6.8	37	CLE@SEA	\$2,800	+		
OF	Miguel Sano	10.3	50	MIA@MIN	\$2,800	+		
OF	Byron Buxton	6	25	MIA@MIN	\$2,700	+		

Indicator legend: Disabled List, Out, Probable Pitcher, Not in Starting Lineup, Day-to-Day, Not Active, In Starting Lineup, Betting Order, Breaking news

Your Lineup **\$9,100** Salary Remaining **\$0** Avg Player

Lineup locks @ 7:05pm

- P Jhoulys Chacin LAA@NYY 7:05PM \$5,900 SALARY
- C Ramon Cabrera STL@CIN 7:05PM \$2,000 SALARY
- 1B Ty Kelly NYM@MIL 8:10PM \$2,200 SALARY
- 2B Johnny Givortella LAA@NYY 7:05PM \$2,500 SALARY
- 3B Wilmer Flores NYM@MIL 8:10PM \$2,200 SALARY
- SS Stephen Drew WAS@CWS 8:10PM \$2,000 SALARY
- OF Michael Conforto NYM@MIL 8:10PM \$3,200 SALARY
- OF Giancarlo Stanton MIA@MIN 8:10PM \$3,000 SALARY
- OF Kevin Pillar BAL@TOR 7:07PM \$2,900 SALARY

Import lineup Clear all

Total entry fee: \$1
 Enter using 2,400 FDP
 Upload Lineups from CSV

Enter

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FanDuel | Lobby | Upcoming | Live | History | Earn Cash REFER FRIENDS | Help | abqery | \$700 BALANCE Add funds

Road to All Star Game Qualifier - Presented By SeatGeek (Free to Play)

Tournament 10852 / 100000 Entries Entry Fee \$0 Entry to All Star Finals Prizes One entry per person Guaranteed prize pool

7:53:32 Contest starts 7:05pm ET Rules & Scoring

- ALL
- LAA@NYY 7:05PM
- BAL@TOR 7:07PM
- STL@CIN 7:10PM
- MIA@MIN 8:10PM
- NYM@MIL 8:10PM
- WAS@CWS 8:10PM
- CLE@SEA 10:30PM

Available Players

Weather info Lineup info Download players list

Name	FPPG	Played	Game	Salary
P Gio Gonzalez	29.7	11	WAS@CWS	\$9,000
P Josh Tomlin	33	10	CLE@SEA	\$8,600
P Nathan Karns	31.3	11	CLE@SEA	\$8,200
P Marcus Stroman	28.1	12	BAL@TOR	\$8,000
P Adam Wainwright	23.7	12	STL@CIN	\$8,000
P Bartolo Colon	26	12	NYM@MIL	\$7,900
P Jimmy Nelson	31.8	12	NYM@MIL	\$7,800
P Tyler Wilson	17	11	BAL@TOR	\$7,200
P Ivan Nova	18.5	12	LAA@NYY	\$7,000
P Miguel Gonzalez	20.7	7	WAS@CWS	\$6,600
P Tom Koehler	23.7	11	MIA@MIN	\$6,600
P Ervin Santana	22.8	10	MIA@MIN	\$6,200

Indicator legend: Disabled List, Out, Probable Pitcher, Not in Starting Lineup, Recent news (more than 24 hours old), Day-to-Day, Not Active, In Starting Lineup, Batting Order, Breaking news

Your Lineup \$9,100 Salary Remaining \$0 Avg Player

Lineup locks @ 7:05pm

- P Jhoulys Chacin LAA@NYY 7:05PM \$5,900 SALARY
- C Ramon Cabrera STL@CIN 7:10PM \$2,000 SALARY
- 1B Ty Kelly NYM@MIL 8:10PM \$2,200 SALARY
- 2B Johnny Givortella LAA@NYY 7:05PM \$2,500 SALARY
- 3B Wilmer Flores NYM@MIL 8:10PM \$2,200 SALARY
- SS Stephen Drew WAS@CWS 8:10PM \$2,000 SALARY
- OF Michael Conforto NYM@MIL 8:10PM \$3,200 SALARY
- OF Giancarlo Stanton MIA@MIN 8:10PM \$3,000 SALARY
- OF Kevin Pillar BAL@TOR 7:07PM \$2,900 SALARY

Import lineup Enter

FanDuel | Lobby | Upcoming | Live | History | Earn Cash REFER FRIENDS | Help | abqery | \$700 BALANCE Add funds

Success! Your line-up has been entered.

Your entry into Road to All Star Game Qualifier - Presented By SeatGeek (Free to Play)

495873712 Entry ID Tournament 10870 / 100000 Entries Entry Fee \$0 Entry to All Star Finals Prizes One entry per person Guaranteed prize pool

7:52:37 Contest starts 7:05pm ET Rules & Scoring

Your Lineup

Edit Export

P Jhoulys Chacin LAA@NYY 7:05PM \$5,900 SALARY
C Ramon Cabrera STL@CIN 7:10PM \$2,000 SALARY
1B Ty Kelly NYM@MIL 8:10PM \$2,200 SALARY
2B Johnny Givortella LAA@NYY 7:05PM \$2,500 SALARY
3B Wilmer Flores NYM@MIL 8:10PM \$2,200 SALARY
SS Stephen Drew WAS@CWS 8:10PM \$2,000 SALARY
OF Michael Conforto NYM@MIL 8:10PM \$3,200 SALARY
OF Giancarlo Stanton MIA@MIN 8:10PM \$3,000 SALARY
OF Kevin Pillar BAL@TOR 7:07PM \$2,900 SALARY

Cancel \$9,100 Salary Remaining

What's next?

Challenge friends

Enter other contests

83. FanDuel’s online fantasy sports platform includes “generating a second game outcome using the second game configuration, determining a second payout associated with the second game outcome, and crediting the player account with a second amount based on the second payout.” ’058 patent, col. 62, ll. 22-27. As shown below, the outcome of the “Road to All Star Game Qualifier” contest, which does not require an entry fee, is determined. The second payout, such as an entry to another contest or credit to “SeatGeek,” is determined and credited to the winning user’s account. This contest’s payouts are credited to the determined winners. *See, e.g., Exhibit I*, pp. 14-17.

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Position	Username	Won	Innings Remaining	Score
1st	nestle	Entry Into the All Star Finals	0	217.00
2nd	killakorbin	\$50 Credit on SeatGeek	0	214.40
3rd	skyscraper_1021	\$25 Credit on SeatGeek	0	209.30
4th	antava	\$20 Credit on SeatGeek	0	209.10
5th	reddingjay21	\$20 Credit on SeatGeek	0	204.80
6th	cuse4ever	\$20 Credit on SeatGeek	0	203.90
7th	raidematt34	\$20 Credit on SeatGeek	0	203.60
8th	toslaby	\$20 Credit on SeatGeek	0	203.20
9th	ellegends	\$20 Credit on SeatGeek	0	202.90
10th	beargrillz305	\$20 Credit on SeatGeek	0	202.00

1 84. As a result of Defendant's infringement of the '058 patent, IG LLC has suffered and
2 continues to suffer damages, in an amount not yet determined, and is entitled to an award of
3 damages adequate to compensate for the infringement, but in no event less than a reasonable
4 royalty.

5 **FIFTH CLAIM FOR RELIEF**
6 **(INFRINGEMENT OF U.S. PATENT NO. 9,355,518)**

7 85. Plaintiffs incorporate by reference paragraphs 1-84 as if fully set forth herein.

8 86. On May 31, 2016, U.S. Patent No. 9,355,518 ("the '518 patent") was duly and
9 legally issued by the PTO for an invention titled "Gaming System with Location Determination" to
10 the listed inventors Lee M. Amaitis, Joseph M. Asher, Robert F. Bahrampour, Darrin M. Mylet,
11 Alan B. Wilkins, and Howard W. Lutnick. A copy of the '518 patent is attached as **Exhibit J**.

12 87. IG LLC is the assignee and sole owner of the '518 patent, with all substantive rights
13 in and to that patent, including the sole and exclusive right to bring this action and enforce the '518
14 patent against infringers, and to collect damages for all relevant times.

15 88. Defendant, directly or through its agents, customers, and/or intermediaries, has
16 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products
17 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more
18 claims of the '518 patent. For instance, on information and belief, Defendant's accused products
19 and/or systems have certain features that establish a user profile and receive device location data
20 over a communications network from a sensor in the user's electronic device. A gaming session is
21 initiated based on the determined location. The user's electronic device presents via a display a
22 gaming environment or a modified gaming environment that indicates to the user a last gaming
23 activity of a plurality of gaming activities accessed during a prior gaming session. This is done in
24 a manner that infringes at least claims 9, 11, 12, 13, and 21 of the '518 patent.

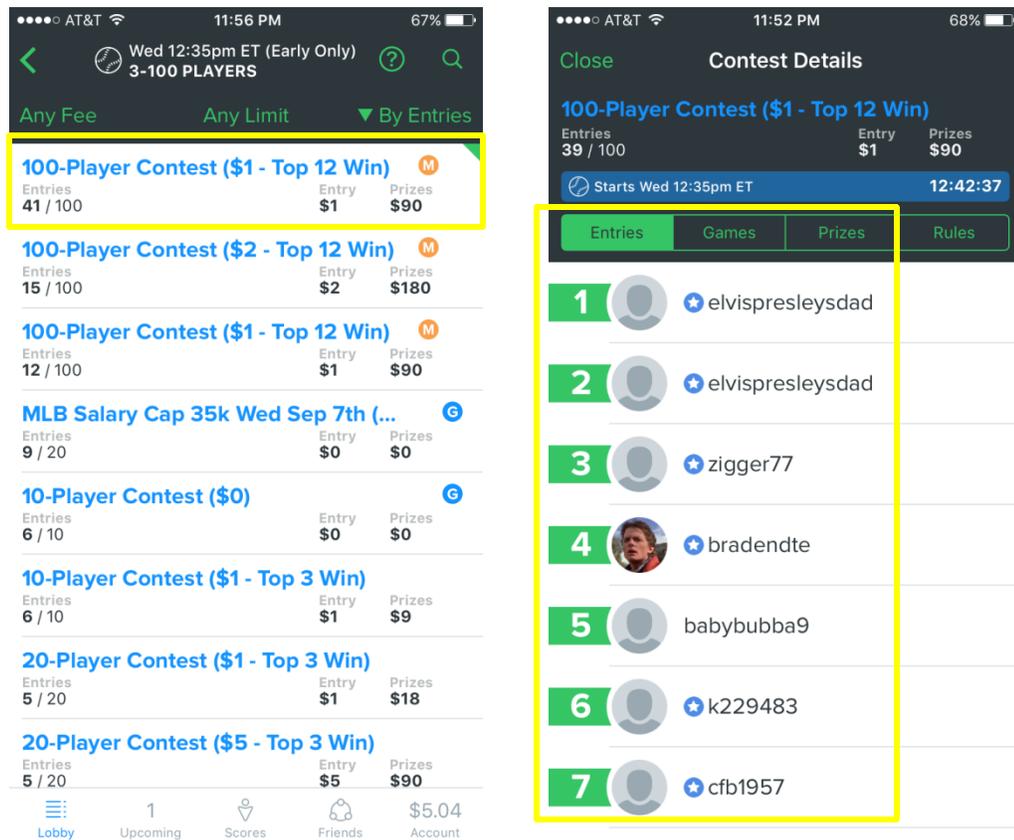
25 89. Defendant had knowledge of the '518 patent at least as early as the filing of the first
26 Amended Complaint (ECF No. 31).

27 90. Defendant does not have a license or permission to use the '518 patent.
28

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1 91. By way of example only and for purposes of this Second Amended Complaint,
 2 Defendant tests, uses, and provides the online fantasy sports platform in a manner that infringes
 3 each limitation of at least one asserted claim of the '518 patent, *see, e.g., Exhibit K*, consistent
 4 with the information set forth in the following paragraphs.

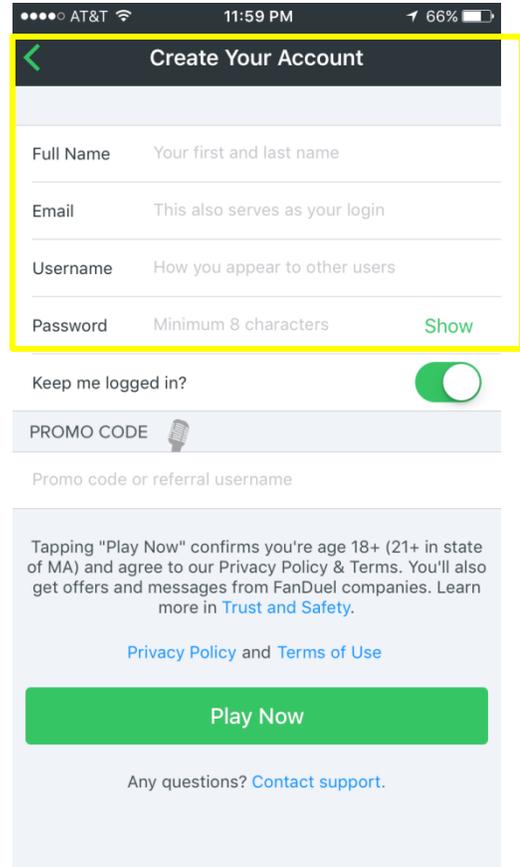
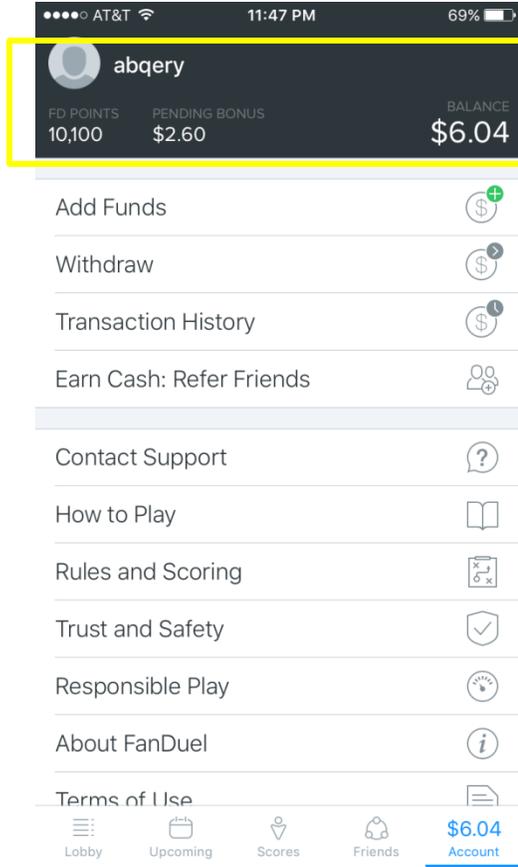
5 92. FanDuel infringes all elements of claim 9, by testing, using, and providing its online
 6 fantasy sports platform that is accessed by an electronic device (as shown below), where the online
 7 fantasy sports platform includes “[a]n apparatus for supporting multiple users in electronic
 8 gaming.” ’518 patent, col. 27, ll. 66-67. Upon information and belief, the FanDuel platform is
 9 hosted on a server that utilizes a processor to execute a set of instructions for running the gaming
 10 platform. FanDuel’s online fantasy sports platform supports multiple users entering contests and
 11 playing on the gaming platform through a computing device such as an iPhone, as shown below in
 12 the entries for the “100-Player” contests. *See, e.g., Exhibit K*, pp. 1-3.



23 93. FanDuel’s online fantasy sports platform includes “at least one processor; and a
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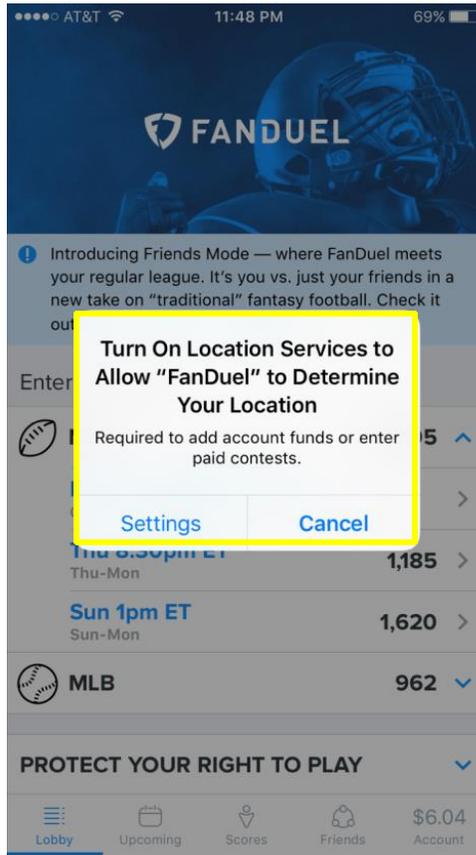
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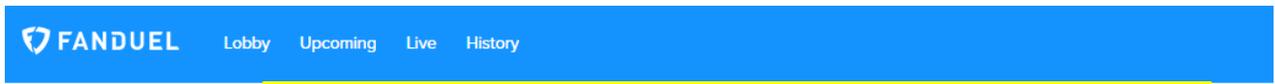
1 95. FanDuel’s online fantasy sports platform includes “receiv[ing] via a
 2 communications network from the electronic device location data of the electronic device,
 3 wherein: the electronic device comprises sensor for detecting location, the electronic device
 4 obtains the location data from the sensor, and the electronic device communicates the location data
 5 via the communications network.” ’518 patent, col. 28, ll. 9-16. As shown below, a user may or
 6 may not be permitted access to contests that require an entry fee based on a determined location of
 7 the user’s mobile gaming device, which includes at least one sensor for determining the device’s
 8 location. *See, e.g., Exhibit K*, pp. 8-10.

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Why am I seeing a Restricted Location message?
 Updated 08/22/2016 06:23 PM

To play FanDuel, you have to be physically located in a state that allows daily fantasy contests. Yes, physically located, no matter where you call home. Unfortunately, not all states allow us to offer paid contests for prizes.

NOTE: You can find the full breakdown in Eligibility Section 3 of our [‘Terms of Use’](#).

States that currently restrict FanDuel contests:

- Alabama
- Arizona
- Delaware
- Hawaii
- Idaho
- Iowa
- Louisiana
- Montana
- Nevada
- Texas
- Washington

I'm in a different state, but still getting an error message. Help?

- If you're in a fantasy friendly state and still getting a 'Restricted Location' message, here are a few troubleshooting tips:
1. Turn your device off and back on.
 2. Clear the cache on your device (<http://www.refreshyourcache.com/en/home/>)
 3. Reset the location settings on your device
 4. Reset your wifi connection (if applicable)
 5. Try a different device (if possible)

96. FanDuel’s online fantasy sports platform includes “recogniz[ing] an occurrence of an event; updat[ing] the user profile in response to the event; wherein [] recogniz[ing] the occurrence of the event comprises [] determin[ing], based on the location data, an existence of the user in a particular location, and wherein [] updat[ing] the user profile in response to the event comprises [] stor[ing] the particular location.” ’518 patent, col. 28, ll. 17-23. As shown below, the user’s mobile device location is determined, confirmed, and stored as user profile data by FanDuel to permit making deposits and entering contests. *See, e.g., Exhibit K*, pp. 11-13.

...
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Support Home > Contest Edit / Entry

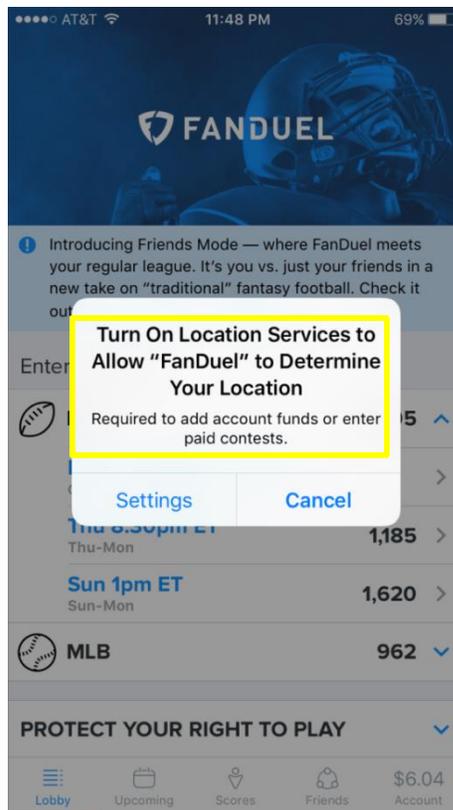
I'm a permanent resident of a restricted state, like Nevada, but I'm not there right now. Can I play on FanDuel?

Updated 08/10/2016 05:51 PM

Whether or not you are permitted to play on FanDuel depends on the state you are currently in, not your state of residence. FanDuel confirms your current location when you make a deposit and when you enter a contest. To add funds or enter contests, you must be physically located in a non-restricted state.

Why am I being asked about my state of permanent residence?

We may confirm your state of permanent residency as part of our identity verification process. Or there may be regulations in your state that set certain limits on your play.

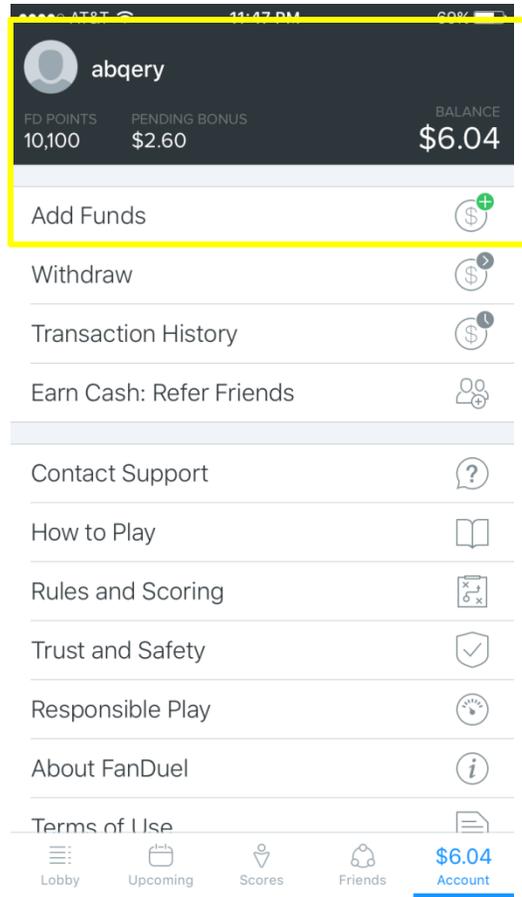
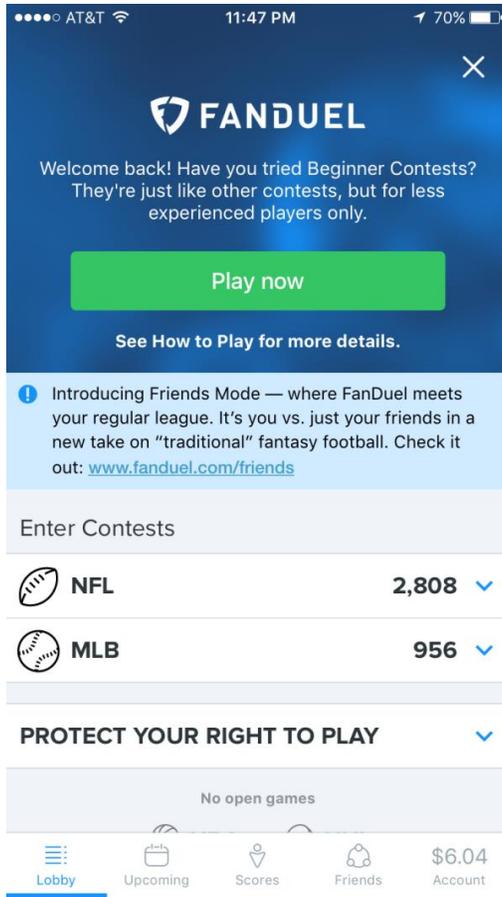


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97. FanDuel’s online fantasy sports platform includes, “based on determining the existence of the user in the particular location, initiat[ing] a gaming session, wherein [] initiat[ing] the gaming session includes to communicate via the communications network information to the electronic device.” ’518 patent, col. 28, ll. 24-28. As shown below, a gaming session is initiated based on the user’s location being in a non-restricted state once the user successfully logs in to their FanDuel account. *See, e.g., Exhibit K*, pp. 14-15.

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Support Home > Contest Edit / Entry

FanDuel restricts play from certain states, but what does that mean?

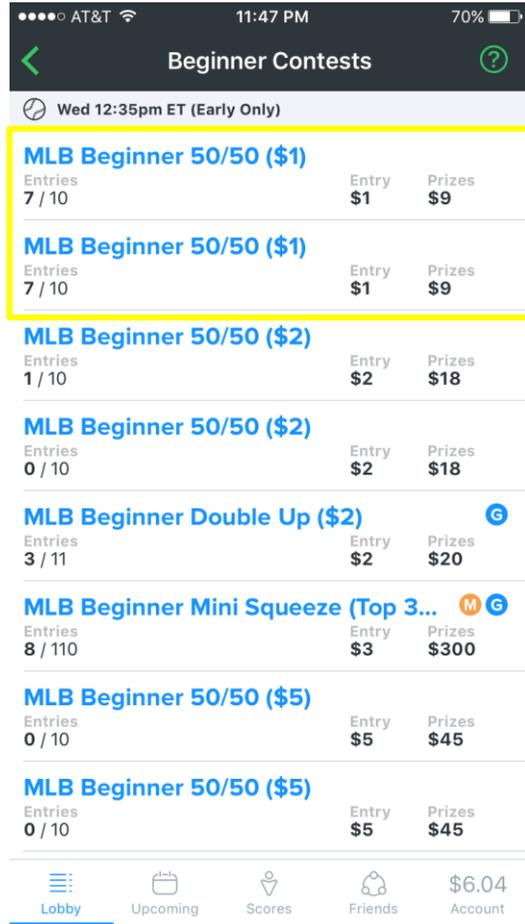
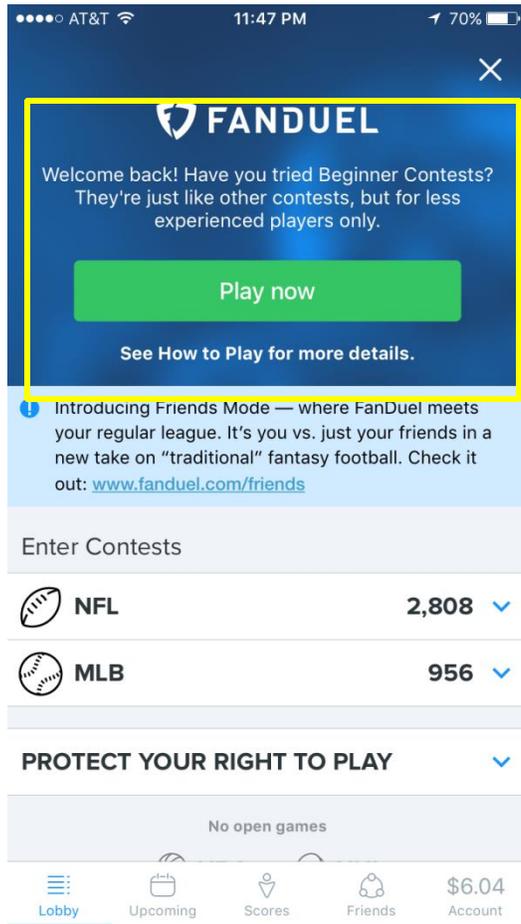
Updated 08/22/2016 06:24 PM

That means if you're currently located in a restricted state, you won't have access to any contests that require an entry fee. It doesn't matter where you live, just where you're physically located at the moment.

States that currently restrict FanDuel contests:

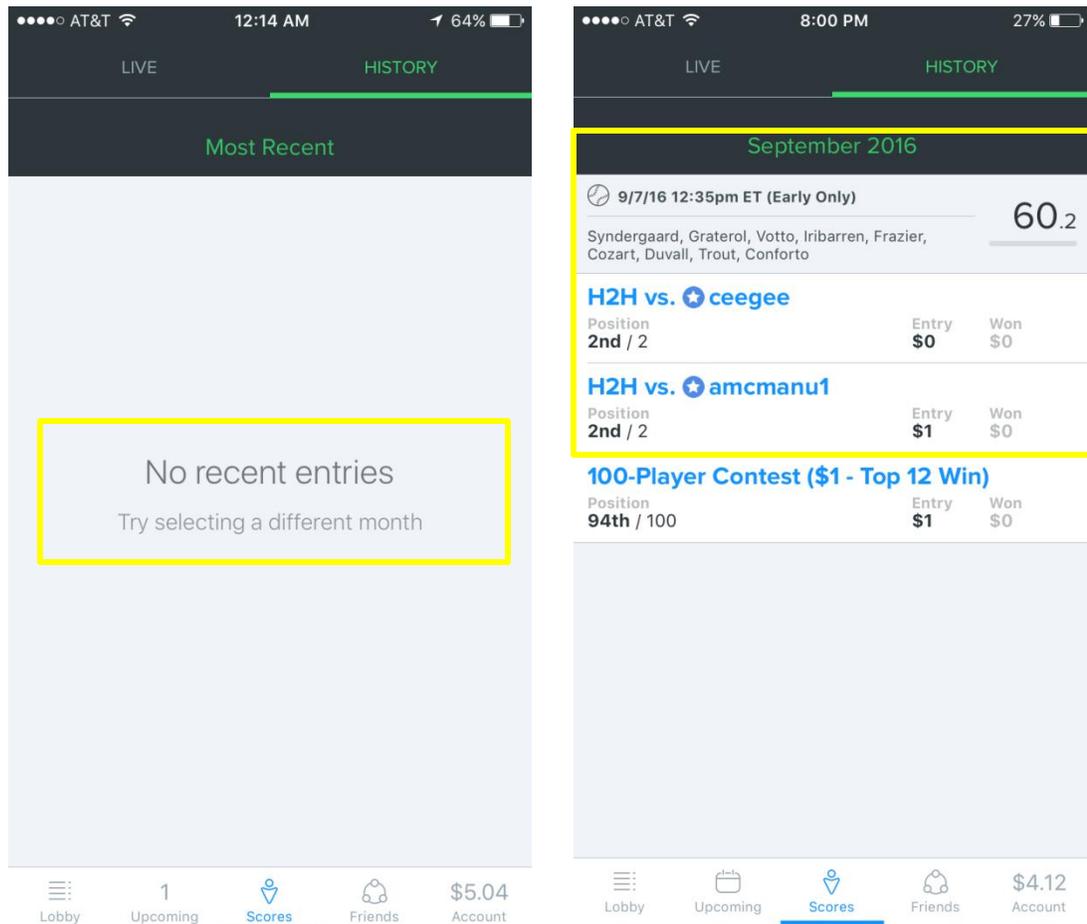
- Alabama
- Arizona
- Delaware
- Hawaii
- Idaho
- Iowa
- Louisiana
- Montana
- Nevada
- Texas
- Washington

If you're getting a 'Restricted Location' error message, see: Restricted Location for more info.



98. FanDuel’s online fantasy sports platform includes “caus[ing] the electronic device to present via a display of the electronic device a gaming environment to the user or to present via the display to the user a modified gaming environment that indicates to the user a last gaming activity of a plurality of gaming activities accessed by the user during a prior gaming session, a determination as to whether to display the gaming environment or the modified gaming environment being based on whether there is or is not a stored indication of a last one of the plurality gaming activities accessed by the user during the prior gaming session.” ’518 patent, col. 28, ll. 28-39. As shown below, the FanDuel platform determines whether there are any recent contests stored in the user’s history. Based on this determination, the FanDuel platform indicates to the user, via a display of the mobile device that accesses the FanDuel platform, the most recent contests entered by the user in previous gaming sessions. *See, e.g., Exhibit K*, pp. 16-17.

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1 99. As a result of Defendant's infringement of the '518 patent, IG LLC has suffered and
2 continues to suffer damages, in an amount not yet determined, and is entitled to an award of
3 damages adequate to compensate for the infringement, but in no event less than a reasonable
4 royalty.

5 **SIXTH CLAIM FOR RELIEF**
6 **(INFRINGEMENT OF U.S. PATENT NO. 9,306,952)**

7 100. Plaintiffs incorporate by reference paragraphs 1-99 as if fully set forth herein.

8 101. On April 5, 2016, U.S. Patent No. 9,306,952 ("the '952 patent") was duly and
9 legally issued by the PTO for an invention titled "System and Method for Wireless Gaming with
10 Location Determination" to the listed inventors Kevin Burman and Dean P. Alderucci. A copy of
11 the '952 patent is attached as **Exhibit L**.

12 102. IG LLC is the assignee and sole owner of the '952 patent, with all substantive rights
13 in and to that patent, including the sole and exclusive right to bring this action and enforce the '952
14 patent against infringers, and to collect damages for all relevant times.

15 103. Defendant, directly or through its agents, customers, and/or intermediaries, has
16 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products
17 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more
18 claims of the '952 patent. For instance, on information and belief, Defendant's accused products
19 and/or systems have certain features that that determine a plurality of selectable betting parameters
20 for a wager in a game having at least a first selectable betting parameter and a second selectable
21 betting parameter, each selectable betting parameter comprising a game parameter that affects an
22 outcome of a bet by a first user in the game. The first user plays the game using a corresponding
23 wireless gaming terminal having a wireless network interface operable to transmit and receive
24 gaming information. The wireless gaming terminal communicates with a location determination
25 system that determines a location of the wireless gaming terminal to implement a game depending
26 on the determined location. The system determines a plurality of different locations in a gaming
27 area that includes at least a first location corresponding to the first betting parameter and a second
28 location corresponding to the second betting parameter. During the game, the system determines a

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1 location of a first wireless gaming terminal corresponding to the first user and then determines at
2 least one of the plurality of selectable betting parameters associated with the first user based on the
3 determined location of the first user. Here, the system determines the outcome of the bet based at
4 least in part on the determined at least one betting parameter in accordance with one or more
5 predetermined rules of the game. This is done in a manner that infringes at least claims 1, 2, 3, and
6 6 of the '952 patent.

7 104. Defendant had knowledge of the '952 patent at least as early as the filing of the first
8 Amended Complaint (ECF No. 31).

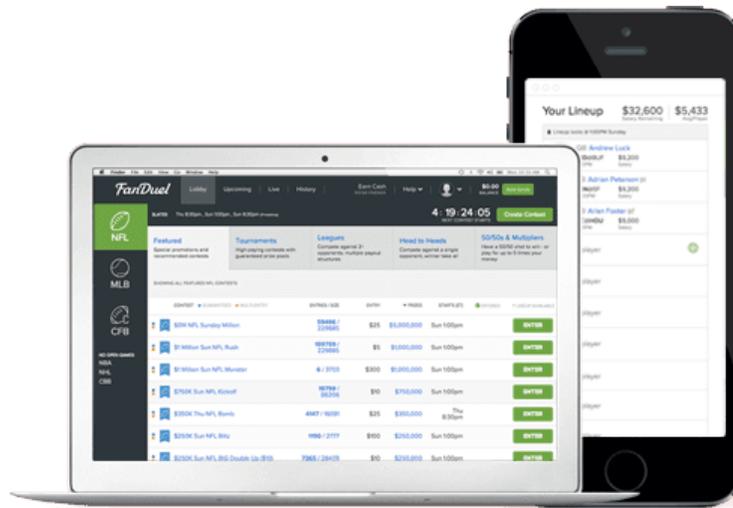
9 105. Defendant does not have a license or permission to use the '952 patent.

10 106. By way of example only and for purposes of this Second Amended Complaint,
11 Defendant tests, uses, and provides the online fantasy sports platform in a manner that infringes
12 each limitation of at least one asserted claim of the '952 patent, *see, e.g.*, **Exhibit M**, consistent
13 with the information set forth in the following paragraphs.

14 107. FanDuel infringes all elements of claim 1, by testing, using, and providing its online
15 fantasy sports platform that is accessed by a mobile device (as shown below), where the online
16 fantasy sports platform includes “[a]n apparatus comprising: at least one processor; and a memory
17 that stores instructions which, when executed by the at least one processor, direct the at least one
18 processor.” '952 patent, col. 34, ll. 51-55. Upon information and belief, the FanDuel platform is
19 hosted on a server that utilizes a processor to execute a set of instructions for running the gaming
20 platform, and a memory that stores the set of instructions for running the gaming platform. For
21 example, the screenshot below shows the FanDuel game system, that is hosted on a server that
22 stores the software required to run the gaming application, being accessed by a computing device.
23 *See, e.g.*, **Exhibit M**, p. 1.

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108. FanDuel’s online fantasy sports platform includes “determin[ing] a plurality of selectable betting parameters for a wager in a game.” ’952 patent, col. 34, ll. 56-57. FanDuel determines whether a user is permitted to enter paid contests and wager money, or enter contests that do not require an entry fee, depending on a determined location of the user’s mobile gaming device being in a restricted or non-restricted state, as shown below. *See, e.g., Exhibit M*, pp. 2-4.

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I thought FanDuel was free. Why was I prompted to pay?

Updated 07/21/2016 02:00 PM

FanDuel offers both free and paid contests. You may have been prompted to deposit money into your account or to enter a paid game. Both of these choices are completely optional. And you're welcome to play in free contests for as long as you'd like.

[Support Home](#) > [Contest Edit / Entry](#)

FanDuel restricts play from certain states, but what does that mean?

Updated 08/22/2016 06:24 PM

That means if you're currently located in a restricted state, you won't have access to any contests that require an entry fee. It doesn't matter where you live, just where you're physically located at the moment.

States that currently restrict FanDuel contests:

- Alabama
- Arizona
- Delaware
- Hawaii
- Idaho
- Iowa
- Louisiana
- Montana
- Nevada
- Texas
- Washington

If you're getting a 'Restricted Location' error message, see: [Restricted Location](#) for more info.

109. FanDuel's online fantasy sports platform includes "each selectable betting parameter comprising a game parameter that affects an outcome of a bet by a first user in the game, the plurality of selectable betting parameters comprising at least a first selectable betting parameter and a second selectable betting parameter." '952 patent, col. 34, ll. 58-63. As shown below, FanDuel determines whether a user is permitted to enter paid contests and wager money, or enter contests that do not require an entry fee or wager, depending on a determined location of the user's mobile gaming device being in a restricted or non-restricted state. *See, e.g., Exhibit M*, pp. 5-7.

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I thought FanDuel was free. Why was I prompted to pay?

Updated 07/21/2016 02:00 PM

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[Support Home](#) > [Contest Edit / Entry](#)

FanDuel restricts play from certain states, but what does that mean?

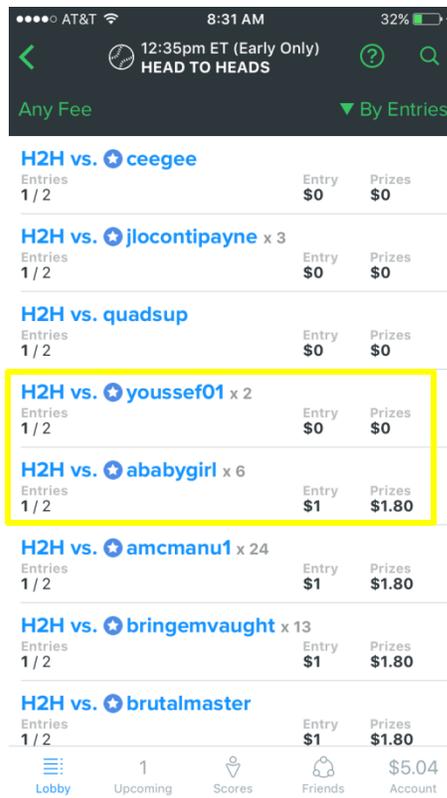
Updated 08/22/2016 06:24 PM

That means if you're currently located in a restricted state, you won't have access to any contests that require an entry fee. It doesn't matter where you live, just where you're physically located at the moment.

States that currently restrict FanDuel contests:

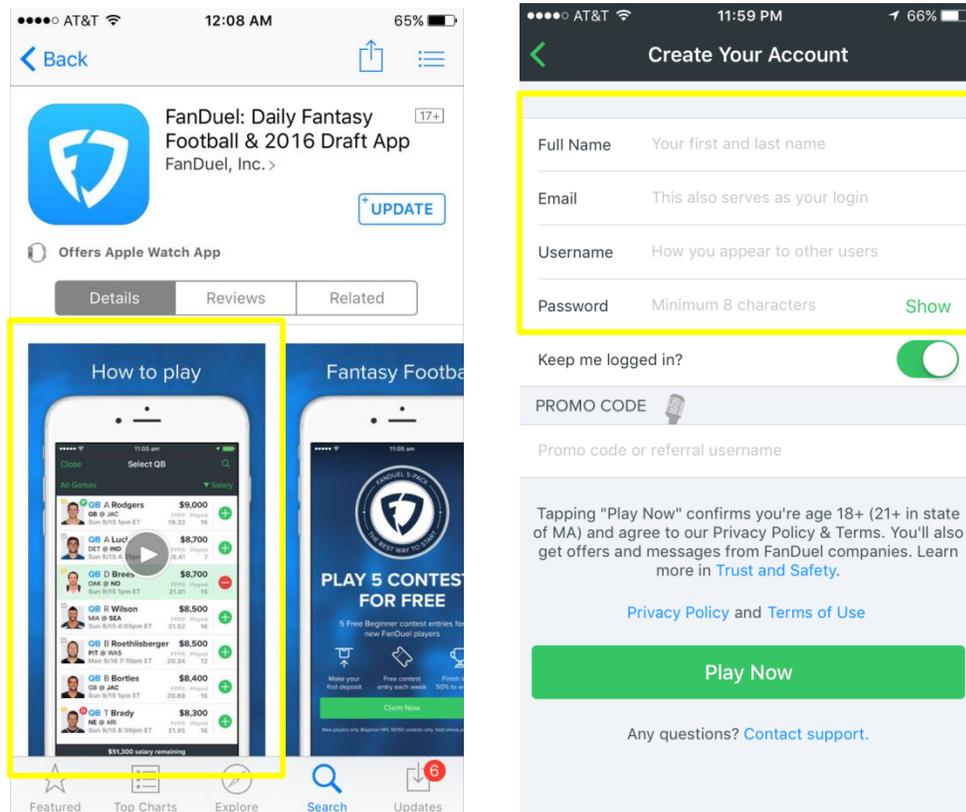
- Alabama
- Arizona
- Delaware
- Hawaii
- Idaho
- Iowa
- Louisiana
- Montana
- Nevada
- Texas
- Washington

If you're getting a 'Restricted Location' error message, see: [Restricted Location](#) for more info.



1 110. FanDuel’s online fantasy sports platform includes “the game being played by at
 2 least one user using a corresponding at least one wireless gaming terminal associated with each of
 3 the at least one user.” ’952 patent, col. 34, l. 64-66. As shown below, FanDuel creates a user
 4 account for each user during the account registration process, and the user accesses FanDuel’s
 5 online fantasy sports platform through a wireless computing device, such as an iPhone running
 6 FanDuel’s application, to log in and play the game. *See, e.g., Exhibit M*, pp. 8-10.

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Support Home > Contest Edit / Entry

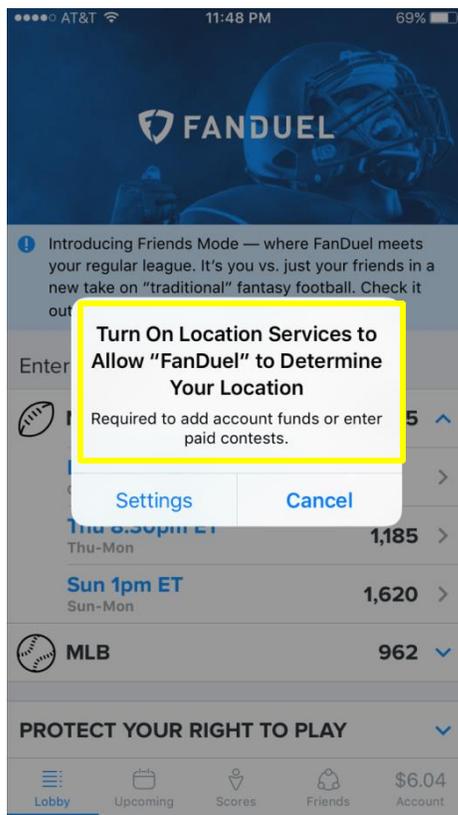
I'm a permanent resident of a restricted state, like Nevada, but I'm not there right now. Can I play on FanDuel?

Updated 08/10/2016 05:51 PM

Whether or not you are permitted to play on FanDuel depends on the state you are currently in, not your state of residence. FanDuel confirms your current location when you make a deposit and when you enter a contest. To add funds or enter contests, you must be physically located in a non-restricted state.

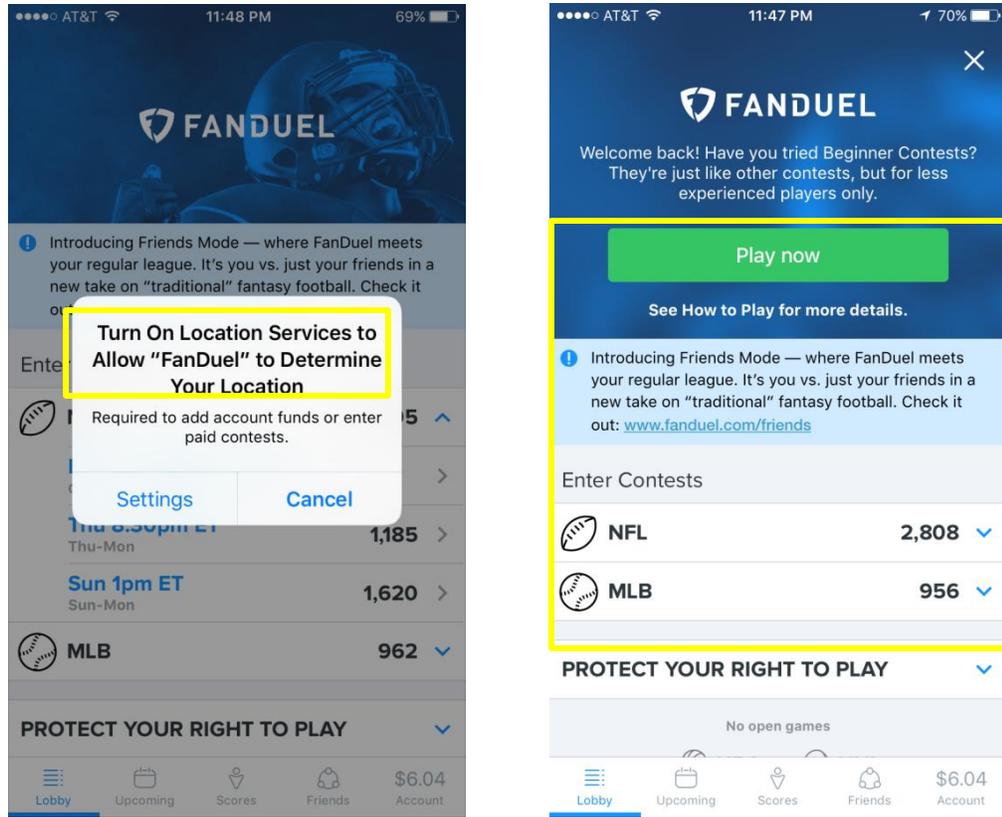
Why am I being asked about my state of permanent residence?

We may confirm your state of permanent residency as part of our identity verification process. Or there may be regulations in your state that set certain limits on your play.



113. FanDuel’s online fantasy sports platform infringes the claim requirement that “each wireless gaming terminal further having a user interface for interacting with a corresponding user of the wireless gaming terminal to implement a game, wherein the game depends on the determined location.” ’952 patent, col. 35, ll. 7-12. As shown below, FanDuel restricts access to its contests based on the determined location of the user’s mobile gaming device. The user’s mobile gaming device runs FanDuel’s gaming application and provides a user interface (as seen

below in the second screenshot) enabling the users to enter contests and play against other FanDuel users accessing its platform. *See, e.g., Exhibit M*, pp. 16-21.



Support Home > Contest Edit / Entry

I'm a permanent resident of a restricted state, like Nevada, but I'm not there right now. Can I play on FanDuel?

Updated 08/10/2016 05:51 PM

Whether or not you are permitted to play on FanDuel depends on the state you are currently in, not your state of residence. FanDuel confirms your current location when you make a deposit and when you enter a contest. To add funds or enter contests, you must be physically located in a non-restricted state.

Why am I being asked about my state of permanent residence?

We may confirm your state of permanent residency as part of our identity verification process. Or there may be regulations in your state that set certain limits on your play.

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3. Eligibility

You hereby represent and warrant that you are fully able and competent to enter into the terms, conditions, obligations, affirmations, representations and warranties set forth in these terms and to abide by and comply with these terms.

By depositing money or entering a contest, you are representing and warranting that:

- you are of 18 years of age or older (21 years of age or older in Massachusetts)
- you are a citizen or resident of the United States of America or Canada and that you have an address in the United States of America or Canada;
- at the time of deposit or game entry you are physically located in the United States of America or Canada in a jurisdiction in which participation in the contest is not prohibited by applicable law;
- you are not listed on any U.S. Government list of prohibited or restricted parties;
- you will abide at all times by these Terms of Use and any other agreements between you and FanDuel regarding your use of the Service or participation in games:
 - when depositing funds or entering a paid contest, you are not physically located in of any of the following states: Alabama, Arizona, Delaware, Hawaii, Idaho, Iowa, Louisiana, Montana, Nevada, Texas or Washington;
 - you are not subject to backup withholding tax because: (a) you are exempt from backup withholding, or (b) you have not been notified by the Internal Revenue Service (IRS) that you are subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified you that you are no longer subject to backup withholding.
- When entering any contest that awards prizes, you are not an employee or operator of another daily fantasy site that charges entrance fees or offers cash prizes
- You do not, by virtue of affiliation with another daily fantasy site, have access to the site's pre-release non-public confidential data about contest-related information.

114. FanDuel's online fantasy sports platform includes, "determin[ing] a plurality of different locations in a gaming area, each location corresponding to at least one of the plurality of selectable betting parameters, the plurality of locations comprising at least a first location corresponding to the first betting parameter and a second location corresponding to the second betting parameter, in which the first location is different from the second location." '952 patent, col. 35, ll. 13-22. FanDuel determines whether a user is permitted to enter paid contests and wager money, or enter contests that do not require and entry fee, depending on whether a determined location of the user's mobile gaming device is in a restricted or non-restricted state. For example, a first geographic location within Virginia corresponds to a location where a user may enter contests requiring an entry fee while a second geographic location within Delaware corresponds to

1 a location where a user may not enter contests requiring an entry fee, and instead only enter
2 contests that are played for free. See, e.g., **Exhibit M**, pp. 22-23.

3 [Support Home](#) > [Contest Edit / Entry](#)

4 FanDuel restricts play from certain states, but what does that mean?

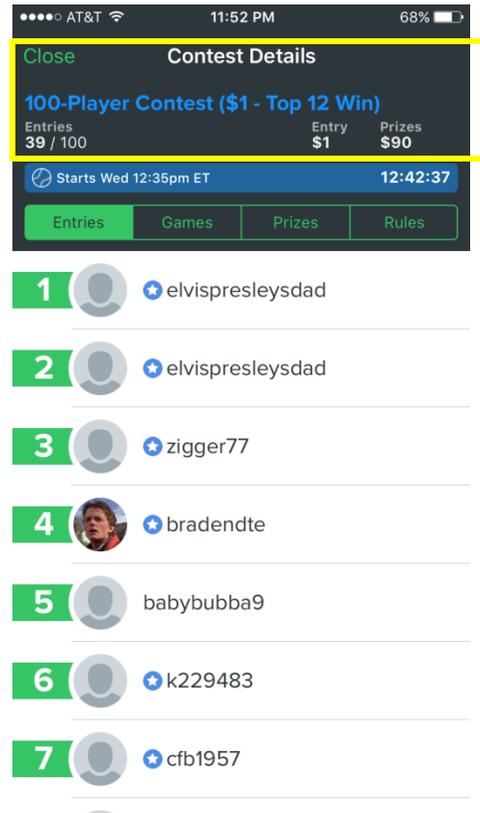
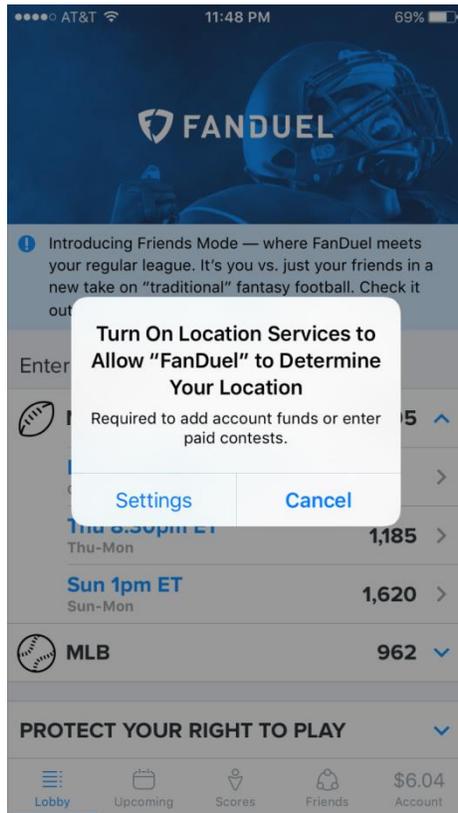
5 Updated 08/22/2016 06:24 PM

6 That means if you're currently located in a restricted state, you won't have access to any
7 contests that require an entry fee. It doesn't matter where you live, just where you're
8 physically located at the moment.

9 **States that currently restrict FanDuel contests:**

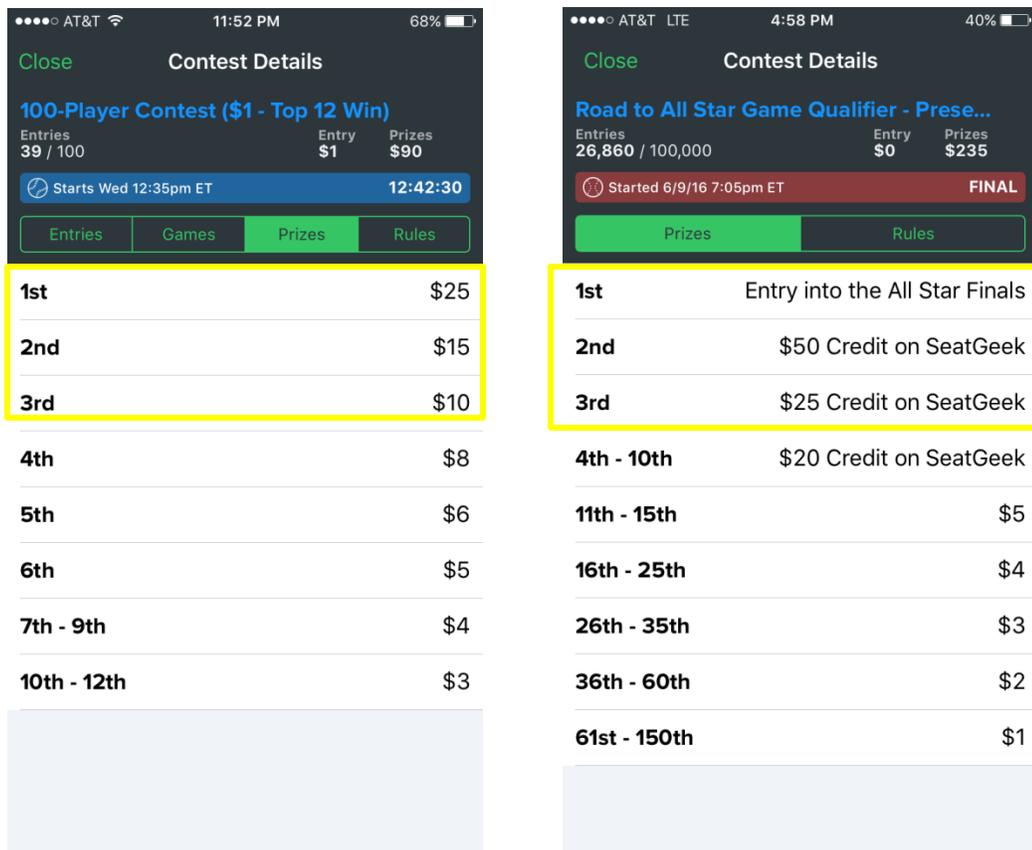
- 10 · Alabama
- 11 · Arizona
- 12 · Delaware
- 13 · Hawaii
- 14 · Idaho
- 15 · Iowa
- 16 · Louisiana
- 17 · Montana
- 18 · Nevada
- 19 · Texas
- 20 · Washington

21 If you're getting a 'Restricted Location' error message, see: [Restricted Location](#) for more info.



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115. FanDuel’s online fantasy sports platform includes “the first selectable betting parameter is different from the second selectable betting parameter such that a selection of the first selectable betting parameter would cause a different result for the bet than a selection of the second selectable betting parameter.” ’952 patent, col. 35, ll. 23-28. As shown below, the results from a paid entry contest, such as the “100-Player Contest” are different from those results from contests that do not require an entry fee, such as the “Road to All Star Game Qualifier” contest. *See, e.g., Exhibit M*, pp. 24-27.



116. FanDuel’s online fantasy sports platform includes, “during the game, determin[ing] a location of at least one wireless gaming terminal corresponding to each of the at least one user in the game, in which the act of determining the location of the at least one wireless gaming terminal comprises determining a location of the first user by determining a location of a first wireless gaming terminal of the first user.” ’952 patent, col. 35, ll. 29-35. As shown below, the location of a user’s computing device is determined during gameplay. *See, e.g., Exhibit M*, pp. 28-29.

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Support Home > Contest Edit / Entry

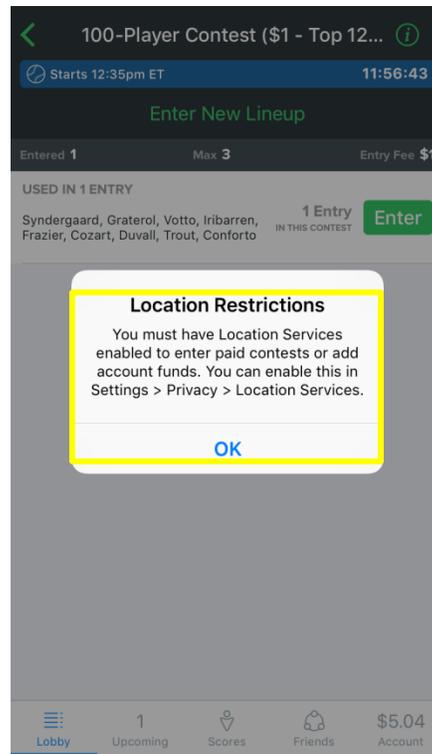
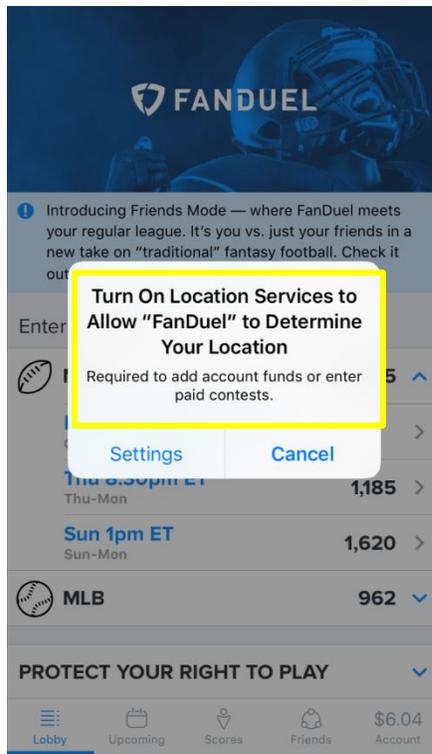
I'm a permanent resident of a restricted state, like Nevada, but I'm not there right now. Can I play on FanDuel?

Updated 08/10/2016 05:51 PM

Whether or not you are permitted to play on FanDuel depends on the state you are currently in, not your state of residence. FanDuel confirms your current location when you make a deposit and when you enter a contest. To add funds or enter contests, you must be physically located in a non-restricted state.

Why am I being asked about my state of permanent residence?

We may confirm your state of permanent residency as part of our identity verification process. Or there may be regulations in your state that set certain limits on your play.

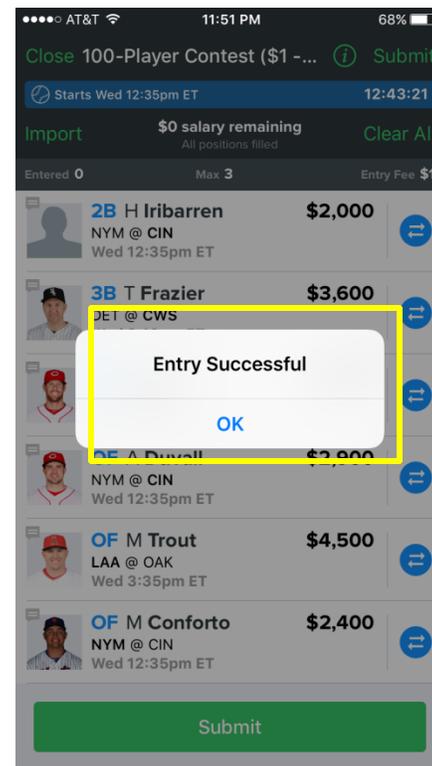
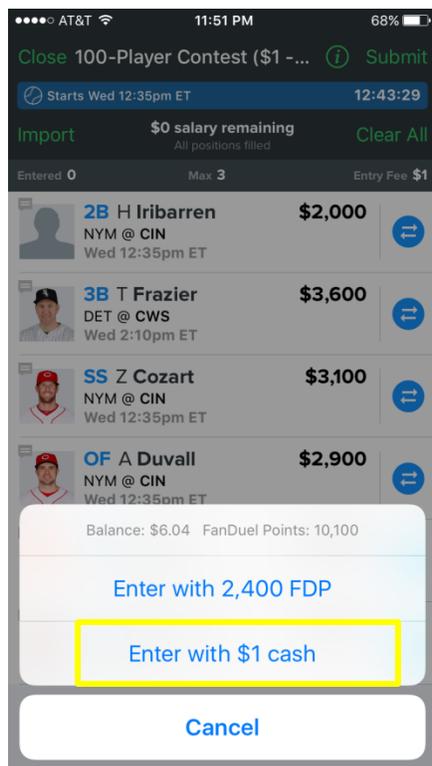
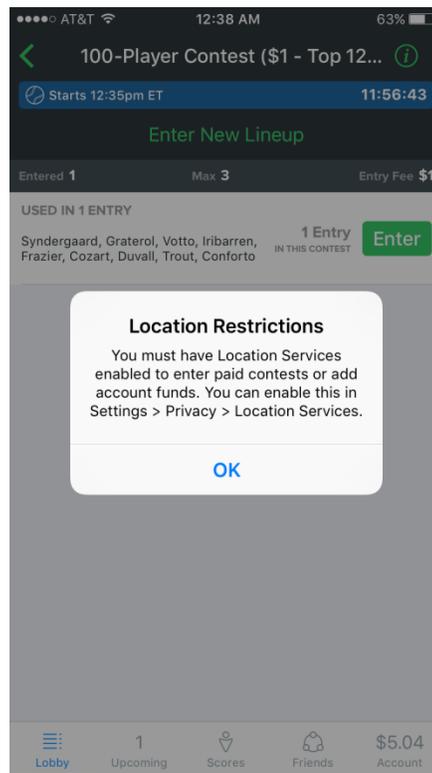
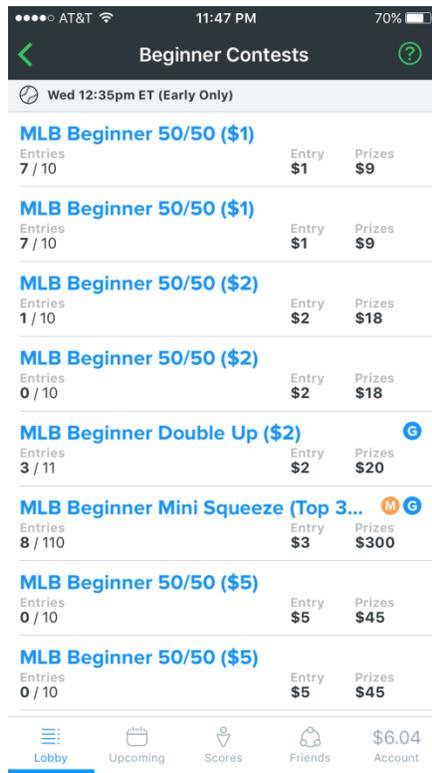


117. FanDuel’s online fantasy sports platform includes “determin[ing] at least one of the plurality of selectable betting parameters associated with the at least one user in the game based on the determined location of the at least one user, in which the act of determining at least one of the plurality of selectable betting parameters comprises determining at least one of the plurality of selectable betting parameters associated with the first user based on the determined location of the first user.” ’952 patent, col. 35, ll. 36-43. As shown below, FanDuel permits the user to enter the paid contest “100-Player Contest” with a \$1 entry fee after determining the location of the user’s

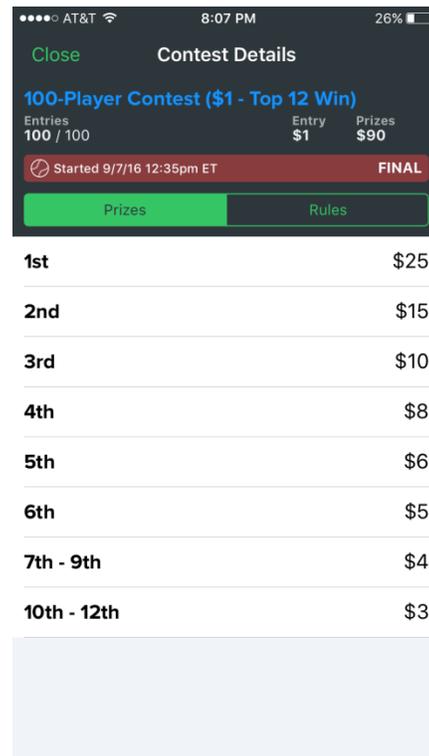
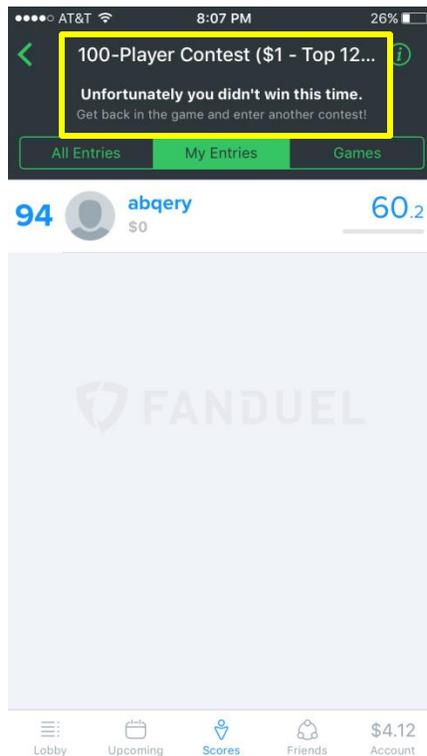
1 computing device is in a non-restricted state. See, e.g., **Exhibit M**, pp. 30-31.

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118. FanDuel’s online fantasy sports platform includes “determin[ing] the outcome of the bet based at least in part on the determined at least one betting parameter in accordance with one or more predetermined rules of the game.” ’952 patent, col. 35, ll. 45-48. As shown below, the outcome of the “100-Player Contest” is determined based on the contest rules, including the contest prize payout rules for the first through twelfth winner. *See, e.g., Exhibit M*, pp. 32-33.



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Rules & Scoring

Scoring

▸ Football

▸ Baseball

Hitters	Pitchers
1B = 3pts	W = 12pts
2B = 6pts	ER = -3pt
3B = 9pts	SO = 3pts
HR = 12pts	IP = 3pts*
RBI = 3.5pts	
R = 3.2pts	
BB = 3pts	
SB = 6pts	
HBP = 3pts	
*Fractional scoring per out.	

119. As a result of Defendant's infringement of the '952 patent, IG LLC has suffered and continues to suffer damages, in an amount not yet determined, and is entitled to an award of damages adequate to compensate for the infringement, but in no event less than a reasonable royalty.

SEVENTH CLAIM FOR RELIEF (WILLFUL INFRINGEMENT)

120. Plaintiffs incorporate by reference paragraphs 1-119 as if fully set forth herein.

121. Defendant's infringement of the RE'818, '511, '166, '058, '518, and '952 patents has been and continues to be willful. Indeed, FanDuel has been aware of at least the RE'818, '511, and '166 patents since receiving notice on or about July 15, 2014. FanDuel was also made aware of the '058, '518, and '952 patents as early as the filing of the First Amended Complaint (ECF No. 31). FanDuel's continued offer, use, and promotion of its infringing platforms

1 constitutes willful and egregious infringement behavior.

2 122. For the same reasons set forth above in paragraphs 19, 30, 43, 61, 75, 90, 105, and
3 121, Defendant has had knowledge of the RE'818, '511, '166, '058, '518, and '952 patents, and
4 that its acts constitute infringement. Defendant has acted and is continuing to act in an egregious
5 and wanton manner by continuing to infringe the RE'818, '511, '166, '058, '518, and '952 patents
6 when it knew or should have known that its actions constituted infringement. Defendant therefore
7 has and continues to willfully infringe the RE'818, '511, '166, '058, '518, and '952 patents.

8 **JURY DEMAND**

9 123. Plaintiffs request a trial by jury on all issues so triable by right.

10 **PRAYER FOR RELIEF**

11 Wherefore, Plaintiffs respectfully request that the Court find in their favor and against
12 Defendant, and that the Court grant Plaintiffs the following relief:

13 a. a declaration that FanDuel infringes the Patents-in-Suit under 35 U.S.C. § 271(a), (b),
14 and/or (c), and a final judgment incorporating same;

15 b. equitable relief under 35 U.S.C. § 283, including but not limited to an injunction that
16 enjoins FanDuel and any of its officers, agents, employees, assigns, representatives, privies,
17 successors, and those acting in concert or participation with them from infringing, contributing to
18 the infringement of, and/or for inducing infringement of the Patents-in-Suit;

19 c. an award of damages sufficient to compensate Plaintiffs for infringement of the Patents-in-
20 Suit by FanDuel, together with prejudgment and postjudgment interest under 35 U.S.C. § 284;

21 d. entry of an order compelling FanDuel to compensate Plaintiffs for any ongoing and/or
22 future infringement of the Patents-in-Suit, in an amount and under terms appropriate under the
23 circumstances;

24 e. that this Court declare this an exceptional case and award Plaintiffs their reasonable
25 attorneys' fees, costs, and expenses in accordance with 35 U.S.C. § 285;

26 f. a declaration or order finding FanDuel's infringement is willful and/or an order increasing
27 damages under 35 U.S.C. § 284; and
28

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1 g. that Plaintiffs be granted such other and further relief as the Court may deem just and
2 proper under the circumstances.

3 Dated this 16th day of November, 2016

4
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& STEWART, P.C.

6
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INDEX OF EXHIBITS

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Exhibit A	Licensing letter
Exhibit B	RE818
Exhibit C	RE818 Contentions
Exhibit D	511 Patent
Exhibit E	511 Contentions
Exhibit F	166 Patent
Exhibit G	166 Contentions
Exhibit H	058 Patent
Exhibit I	058 Contentions
Exhibit J	518 Patent
Exhibit K	518 Contentions
Exhibit L	952 Patent
Exhibit M	952 Contentions

CERTIFICATE OF SERVICE

I hereby certify that I electronically transmitted the foregoing **PLAINTIFFS' SECOND AMENDED COMPLAINT FOR PATENT INFRINGEMENT** to the Clerk's Office using the CM/ECF system for filing and transmittal of a notice of electronic filing to the following CM/ECF registrants:

- W. West Allen, Esq.
- Eric A. Buresh, Esq.
- Carrie A. Bader, Esq.
- Clifford T. Brazil, Esq.
- Megan J. Redmond, Esq.

Pursuant to Federal Rule of Civil Procedure 5(b), I hereby further certify that service of the foregoing was also made this day by depositing a true and correct copy of same for mailing, first class mail, postage prepaid thereon, at Reno, Nevada, addressed to the following:

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Dated this 16th day of November, 2016

/s/ Wendi M. Rawson
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