

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

FIGUREFUN LLC )  
 )  
 Plaintiff, )  
 ) Civil Action No. 2:17-cv-182  
v. )  
 ) **JURY TRIAL DEMANDED**  
LEGO SYSTEMS, INC. and WARNER BROS. )  
 INTERACTIVE ENTERTAINMENT, INC. )  
 )  
 Defendants. )  
 )  
\_\_\_\_\_ )

**COMPLAINT**

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

**THE PARTIES**

1. FigureFun is a Texas limited liability company with a place of business located at 5068 W. Plano Parkway, Suite 300, Plano, Texas 75093.
2. Defendant Lego Systems, Inc. is a Delaware company with, upon information and belief, a place of business located at 2601 Preston Road, Suite 1222, Frisco, Texas 75034.
3. Upon information and belief, Defendant Lego Systems, Inc. has registered with the Texas Secretary of State to conduct business in Texas.
4. Defendant Warner Bros. Interactive Entertainment, Inc. is a Delaware company with, upon information and belief, a place of business located at 4000 Warner Boulevard, Burbank, California 91522.
5. Defendant Lego Systems, Inc. and Defendant Warner Bros. Interactive Entertainment, Inc. are collectively referred to herein as "Defendants."

**JURISDICTION AND VENUE**

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

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

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

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

**THE PATENTS-IN-SUIT**

10. On February 21, 2006, U.S. Patent No. 7,001,276 (the "'276 patent"), entitled "Gaming Machine and Server Therefor," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '276 patent is attached hereto as Exhibit A.

11. On March 4, 2008, U.S. Patent No. 7,338,377 (the "'377 patent"), entitled "Token with Built-In IC chip," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '377 patent is attached hereto as Exhibit B.

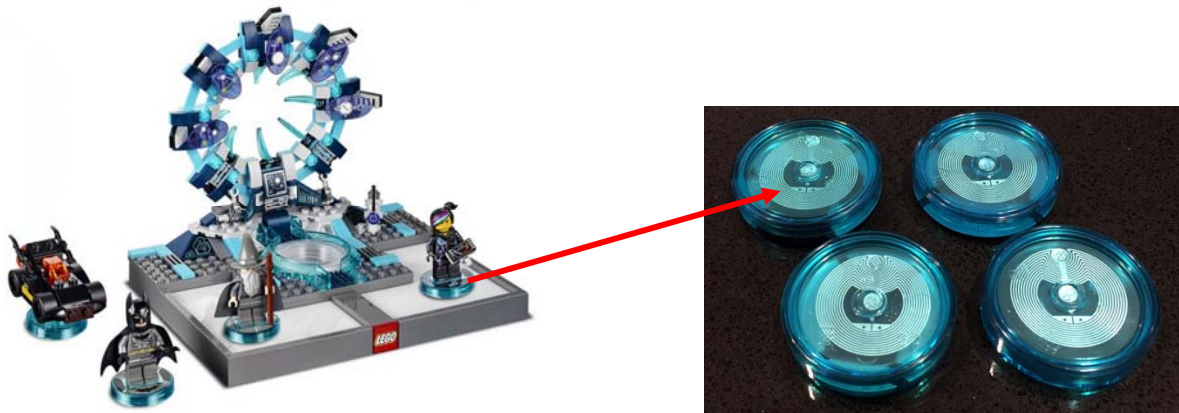
12. FigureFun is the assignee and owner of the right, title and interest in and to the '763 and '377 patents, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

**COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,001,276**

13. FigureFun repeats and realleges the allegations of paragraphs 1 through 12 as if fully set forth herein.

14. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendants are liable for infringement of at least claim 9 of the '276 patent by making, using, importing, offering for sale, and/or selling a gaming machine utilizing a token with built-in IC chip, including, but not limited to, Lego Dimensions.

15. More specifically and upon information and belief, Lego Dimensions is a gaming machine that utilizes a token with a built-in IC chip. As shown below, Lego Dimensions include a figurine and a circular base that includes an RFID chip.



<http://www.brickstolife.com/wp->

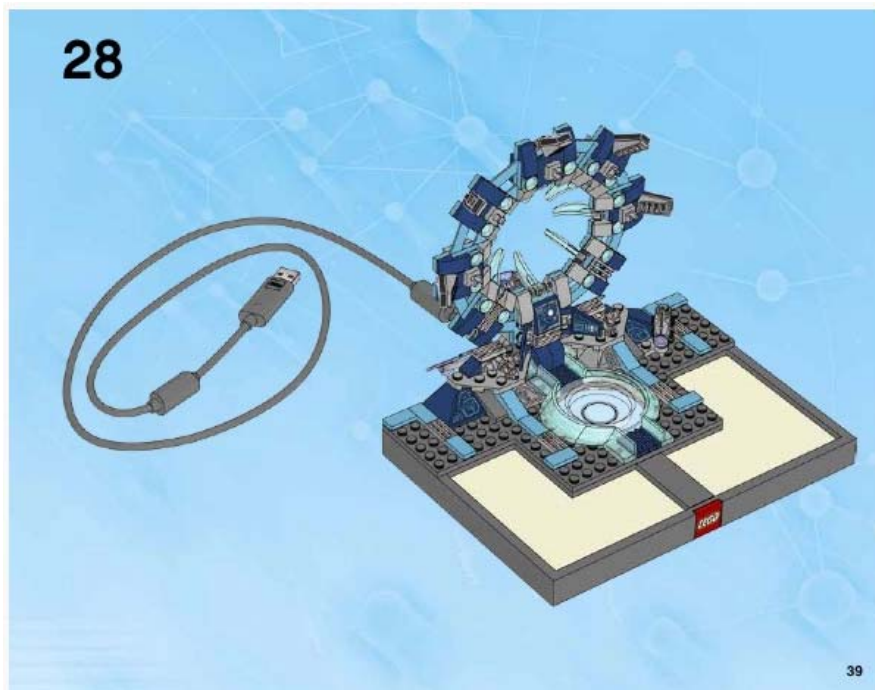
[content/uploads/2016/04/Lego\\_Dimensions\\_71171\\_ToyTag\\_Back.jpg](http://www.brickstolife.com/wp-content/uploads/2016/04/Lego_Dimensions_71171_ToyTag_Back.jpg) ("Toy Tag") (last accessed Mar. 8, 2017). As seen in the images below, Lego Dimensions includes an information reader (e.g., the portal, bottom left and bottom center) which reads game data (e.g., character information) from the token (e.g., base of the figurine below center, and bottom right) with built-in IC chip (e.g., the base has a RFID chip in it (bottom right)).



Toy Tag (picture above right). Lego Dimension's information reader includes a data transmitter comprising an interface circuit.



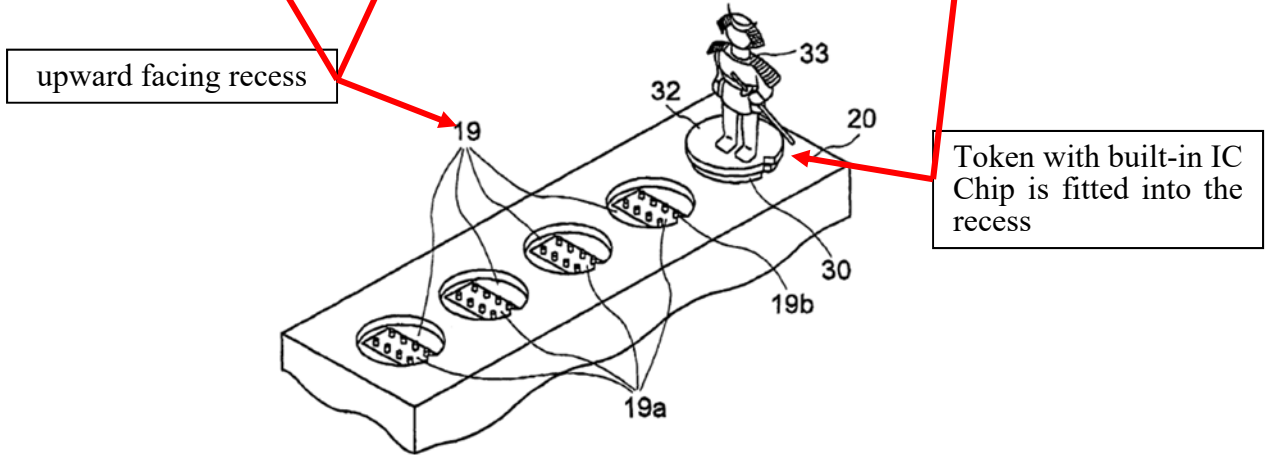
The transmitter transmits the game data read by the information reading device via USB cable.



[http://lego.brickinstructions.com/en/lego\\_instructions/set/71200/Dimensions\\_Starter\\_Pack](http://lego.brickinstructions.com/en/lego_instructions/set/71200/Dimensions_Starter_Pack) (last accessed Mar. 8, 2017). The Lego Dimensions information reader comprises an upward facing recess such that the token with the built-in IC chip is fitted into the recess.



Fig. 3 B



As detailed above, these images of Lego Dimension align to Figure 3B of the '276 patent. The upward facing recess is provided on a support, and disposing the support next to a display device is the intended use of the device. Lego Dimensions is used in the intended manner as shown below.



[http://lego.brickinstructions.com/en/lego\\_instructions/set/71200/Dimensions\\_Starter\\_Pack](http://lego.brickinstructions.com/en/lego_instructions/set/71200/Dimensions_Starter_Pack) (last accessed Mar. 8, 2017). As shown below, the action figure is attached to the token with built-in IC chip in a detachable manner.



*Id.*

16. FigureFun is entitled to recover from Defendants the damages sustained by FigureFun as a result of Defendants' infringement of the '276 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

**COUNT II – INFRINGEMENT OF U.S. PATENT NO. 7,338,377**

17. FigureFun repeats and realleges the allegations of paragraphs 1 through 16 as if fully set forth herein.

18. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendants are liable for infringement of at least claim 1 of the '377 patent by making, using, importing, offering for sale, and/or selling a token for a gaming machine on which a player plays a game by controlling a character, including, but not limited to, Lego Dimensions' characters.

19. More specifically and upon information and belief, Lego Dimensions characters include a token for a gaming machine on which a player plays a game by controlling the character.



Add time and space to your LEGO® DIMENSIONS™ experience with this exciting Doctor Who Level Pack. Build the time-travelling hero, The Doctor, attach him to the LEGO Toy Tag and place him on the LEGO Toy Pad to bring him to life in the game. Help him carry out his daring plan to rewrite the future in a self-rescue mission that will save the Universe! Use The Doctor's in-game abilities to solve puzzles and defeat enemies, and add the rebuildable 3-in-1 TARDIS and K-9 to boost your gameplay. Includes The Doctor buildable minifigure with his sonic screwdriver.

- Includes The Doctor buildable minifigure with his sonic screwdriver and rebuildable 3-in-1 TARDIS and K-9.
- Unlocks the exclusive Doctor Who "An Adventure in Space and Time" level.
- Minifigure and models include a detachable LEGO® Toy Tag.

<https://shop.lego.com/en-US/LEGO-DIMENSIONS-Doctor-Who-Level-Pack-71204> (last accessed Mar. 8, 2017). Lego Dimensions characters include an integrated circuit ("IC") chip having a storage section (see images below).

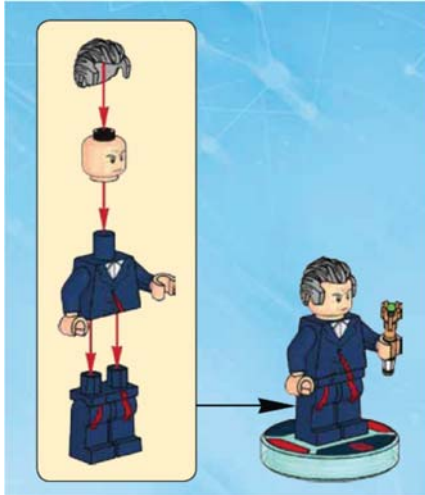


Toy Tag (picture above right). The IC chip stores initial data regarding the character (e.g., the character's appearance and abilities in the game).

- Place The Doctor and models on the LEGO® Toy Pad and join the action in the game.
- Use The Doctor's Hacking, Technology, Fix-it and Doctor Regenerate abilities to solve puzzles and battle enemies.

*Id.* Lego Dimensions characters are attachable and detachable from the integrated circuit chip. (e.g., the character connects to the blue disc with the IC chip in a detachable manner, as shown in the left image below).





<https://mi-od-live-s.legocdn.com/bigdownloads/buildinginstructions/6129875.pdf> (last accessed Mar. 8, 2017). The figure (e.g., Doctor Who Lego figurine in the image above left) identifies one of a plurality of selectable characters. Below are some of the many characters that are selectable in the Lego Dimensions game.

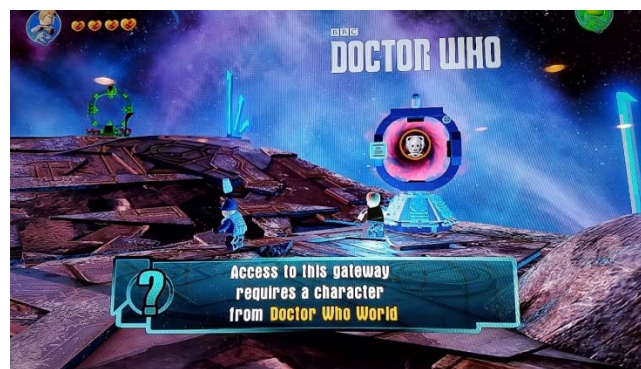


[http://lego-dimensions.wikia.com/wiki/List\\_of\\_Characters?file=20742870448\\_318850c801\\_o.jpg](http://lego-dimensions.wikia.com/wiki/List_of_Characters?file=20742870448_318850c801_o.jpg) (last

accessed Mar. 8, 2017). The game initial data is selectable from the identified character's initial data (e.g., as shown in the bottom right image, the game initial data is Doctor Who's character represented in the game which is read by the gaming machine when the figure with the token is set on the gaming machine (i.e., when the character with Doctor Who's token is placed on the gaming machine (bottom left), Doctor Who is represented in the game).



*Id.* The initial game data has a bonus data set providing a predetermined profit in a game. As shown below, the Doctor Who World is a predetermined profit that is provided in the game. In addition to the Doctor Who World, the initial data set includes other bonus data that provides a predetermined profit (e.g., Doctor Who's abilities and certain in-game level-ups).



- Unlocks the exclusive Doctor Who "An Adventure in Space and Time" level.
- Minifigure and models include a detachable LEGO® Toy Tag.
- Rebuild the TARDIS into a Laser-Pulse TARDIS and Energy-Burst TARDIS.
- Rebuild K-9 into a K-9 Ruff Rover and K-9 Laser Cutter.
- Place The Doctor and models on the LEGO® Toy Pad and join the action in the game.
- Use The Doctor's Hacking, Technology, Fix-it and Doctor Regenerate abilities to solve puzzles and battle enemies.
- Play this exclusive level with any of your LEGO® DIMENSIONS™ characters.
- Visit LEGO.com/DIMENSIONS for more information on this exciting LEGO® building and video-gaming experience. Ask your parents' or guardians' permission before going online.
- LEGO® DIMENSIONS™ Starter Pack and internet-connected required to play this Level Pack.
- LEGO® DIMENSIONS™ expansion packs unlock additional content.
- LEGO® DIMENSIONS™ characters and vehicles are required to interact with the LEGO DIMENSIONS video game.
- TARDIS measures over 2" (7cm) high, 1" (3cm) wide and 1" (3cm) deep (alternative 3-in-1 builds vary in size).
- K-9 measures over 1" (5cm) high, 2" (6cm) long and 1" (3cm) wide (alternative 3-in-1 vehicle builds vary in size).

<https://shop.lego.com/en-US/LEGO-DIMENSIONS-Doctor-Who-Level-Pack-71204> (last accessed Mar. 8, 2017).

20. FigureFun is entitled to recover from Defendants the damages sustained by FigureFun as a result of Defendants' infringement of the '377 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

### **JURY DEMAND**

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

### **PRAYER FOR RELIEF**

WHEREFORE, FigureFun requests that this Court enter judgment against Defendants as follows:

- A. An adjudication that Defendants have infringed the '276 and '377 patents;
- B. An award of damages to be paid by Defendants adequate to compensate FigureFun for Defendants' past infringement of the '276 and '377 patents and any continuing or future

infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;

C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of FigureFun's reasonable attorneys' fees; and

D. An award to FigureFun of such further relief at law or in equity as the Court deems just and proper.

Dated: March 8, 2017

/s/ Stafford Davis w/ permission of lead attorney  
Stafford Davis TX SB #24054605  
The Stafford Davis Firm, P.C.  
The People's Petroleum Building  
102 North College Avenue, Thirteenth Floor  
Tyler, TX 75702  
Telephone: (903) 593-7000  
Facsimile: (903) 705-7369  
sdavis@stafforddavisfirm.com

Stamatios Stamoulis DE SB #4606  
Richard C. Weinblatt DE SB #5080 – Lead Counsel  
Stamoulis & Weinblatt LLC  
Two Fox Point Centre  
6 Denny Road, Suite 307  
Wilmington, DE 19809  
Telephone: (302) 999-1540  
Facsimile: (302) 762-1688  
stamoulis@swdelaw.com  
weinblatt@swdelaw.com

*Attorneys for Plaintiff  
FigureFun LLC*