С	ase 1:17-cv-01040-LPS Document 29 File	ed 06/13/16	Page 1 of 42 PageID #: 417
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16	UNITED STATE FOR THE DIST		
17	CG TECHNOLOGY DEVELOPMENT, LLC,	Case No	D.: 2:16-cv-00781-MMD-CWH
18	INTERACTIVE GAMES LIMITED, AND INTERACTIVE GAMES LLC,	PL	AINTIFFS' FIRST AMENDED
19 20	Plaintiffs,		COMPLAINT FOR PATENT INFRINGEMENT
20 21	vs.	D	EMAND FOR JURY TRIAL
22	DRAFTKINGS, INC.,		
23	Defendant.		
24			
25	Plaintiffs CG Technology Developme	ent. LLC ("C	G Tech") Interactive Games Limited
26	("IG Limited"), and Interactive Games LLC ("		
27	their counsel, hereby bring this Complaint ag		
28	"DraftKings"), and allege as follows:	-	

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NATURE OF ACTION

1. This is an action for patent infringement under 35 U.S.C. § 271 et seq. by Plaintiffs against Defendant for infringement of U.S. Patent Nos. RE39,818; 6,899,628; 9,111,417; 4 8,641,511; 8,342,924; 7,029,394; 6,884,166; 7,534,169; 9,355,518; and 9,306,952 (collectively the 5 "Patents-in-Suit").

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, Nevada, 9 89109. CG and CG Tech are both incorporated in Nevada. CG is an innovative gaming technology solutions provider for lottery, gaming, racing, and sports wagering worldwide. It 10 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 real-money casino gaming, as well as state-of-the-art, account-based wagering systems. 16

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

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

5. Upon information and belief, DraftKings is a corporation organized and existing 21 under the laws of the State of Delaware, with its principal place of business located at 225 Franklin 22 Street, 26th Floor, Boston, Massachusetts, 02110. 23

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JURISDICTION AND VENUE

6. This is a civil action for patent infringement arising under the patent laws of the 25 United States, 35 U.S.C. § 271 et seq. 26

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

8. DraftKings is subject to personal jurisdiction in this District because, based on

1 information and belief, Defendant has transacted business in this District and has committed, by 2 itself or in concert with others, acts of patent infringement in this District. On information and 3 belief, Defendant has conducted business within the State of Nevada. In addition, Defendant 4 offered for sale, sells, advertises, and/or uses its products and services (including the products 5 accused of infringement in this lawsuit) in the United States, the State of Nevada, and this District. 6 Further, Defendant purposefully and voluntarily placed one or more infringing products and 7 services into the stream of commerce with the expectation that they will be used by consumers in 8 the State of Nevada. Defendant also advertises and has transacted business throughout the United 9 States, including in the State of Nevada, and specifically in this District. Defendant has purposely availed itself of the laws of this District by, among other things, advertising and selling its products 10 and services in this District. 11

9. Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Nevada Long Arm Statute, due at least to Defendant's substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and/or (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 the State of Nevada and in this District.

18 10. On information and belief, Defendant has operated and continues to operate an interactive website, www.draftkings.com, and mobile application that are accessible to all residents 19 20 of the State of Nevada, including in this District, through which Defendant advertises and makes 21 available for use certain services and electronic daily fantasy sports contests that are herein accused 22 of infingement. (See, e.g., Featured Games, DRAFTKINGS, https://www.draftkings.com/lobby#/featured.) 23 On information and belief, Defendant has repeatedly held events promoting and utilizing its 24 products and services accused of infringement in this District. (See, e.g., DraftKings Las Vegas Event Advertisement, FACEBOOK, https://www.facebook.com/draftkings/posts/929970750356764; 25 **DraftKings** 2015 26 MLB World Championship, ROTOGRINDERS, 27 https://rotogrinders.com/pages/draftkings-2015-mlb-world-championship-776884; DraftKings 28 Las Vegas Event Contest, DRAFTKINGS, http://playbook.draftkings.com/mlb/draftkings-fantasy<u>baseball-championship-3m-guaranteed</u>; DraftKings Las Vegas Event Contest, DRAFTKINGS,
 http://playbook.draftkings.com/nba/nhl-cbb-nba-world-championships-in-las-vegas.)

3 11. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c), and/or
4 1400(b), as DraftKings is subject to personal jurisdiction in this District.

GENERAL ALLEGATIONS

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

14 13. On information and belief, and based on its own admissions, DraftKings is one of 15 the largest on-line sites to offer daily fantasy sports contests. (See DraftKings CEO compares chess. CDC GAMING 16 fantasy sports to stock investing. REPORT. 17 http://cdcgamingreports.com/draftkings-ceo-compares-fantasy-sports-to-chess-stock-investing.) 18 DraftKings provides access to its daily fantasy sports gaming platform through its web-based 19 interface and/or mobile applications. DraftKings determines whether its users are over the age of 20 18 (or 19 in certain jurisdictions) before authorizing the users (or contest entrants) to pay an entry fee for one of its contests. 21

14. DraftKings offers various types of daily fantasy sports contests that authorize users to "pay to play." Its gaming platform also allows users to create their own contests where users may specify the amount of money for entry into a contest and the contest parameters before DraftKings offers the contest to other users for acceptance. In this and other ways, users are then matched in contests to compete against one another for the entry-fee dollar amounts according to each contest's payout rules (or against one another in a head-to-head contest). DraftKings also monitors multiple games and game events on which play is based. This platform generates

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statistics on game events, payments for various contests and users, and determines outcomes for
 each contest where the winners of each contest are awarded the winning dollar amounts according
 to each contest's payout rules. After the contest is completed, each user's account is managed or
 updated to reflect the appropriate transfer of funds based on a winning or losing entry. (*See, e.g.*,
 Frequent Asked Questions, DRAFTKINGS, <u>https://www.draftkings.com/help/faq</u>.)

6 15. On July 15, 2014, a letter was sent to Defendant notifying Defendant of its
7 infringement of numerous patents and is attached as Exhibit A. Specifically, at least the following
8 patents were identified as being infringed: U.S. Patent Nos. RE39,818; 6,899,628; 8,641,511;
9 8,342,924; 7,029,394; 6,884,166; and 7,534,169.¹ As noted in the letter, Plaintiffs wanted to reach
10 a negotiated nonlitigation arrangement with Defendant for the identified patents. An agreement
11 was never reached, and Defendant has not ceased infringing Plaintiffs' patents.

CLAIMS FOR RELIEF

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

16. Plaintiffs incorporate by reference paragraphs 1-15 as if fully set forth herein.

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

18. CG Tech is the assignee and owner of the RE'818 patent, with all substantive rights in and to that patent, including the sole and exclusive right to bring this action and enforce the RE'818 patent against infringers, and to collect damages for all relevant times.

19. 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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²⁷ ¹ The following patents issued after the notice letter was sent and therefore were not included in the notice letter: U.S. Patent No. 9,111,417, issued on August 18, 2015; U.S. Patent No. 9,355,518, issued on May 31, 2016; and U.S. Patent No. 9,306,952, issued on April 5, 2016.

and/or systems that infringe (either directly or under the doctrine of equivalents) one or more
claims of the RE'818 patent. For instance, on information and belief, Defendant's accused
products and/or systems have certain features that transmit both identification code and game
control signals to a processor executing an interactive game. Here, the 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. This is done in a manner that infringes at least claims 1, 20, 24, and 25 of the
RE'818 patent.

8 20. DraftKings' on-line fantasy sports contests contain each limitation of at least one
9 asserted claim of the RE'818 patent. By way of example only:

21. DraftKings' on-line fantasy sports contests meet all requirements of claim 20, which include (as shown below) "[a] game apparatus comprising: a wireless transmitter to transmit both an identification code and game control signals to a processor executing a game." (RE'818 patent, col. 7, ll. 25-28.)

••••• AI&I 😤 🗹	8 8:09 PM 61% 🔳	••••• AT&T	♥ 10:20 AM	65% 🗖
🕻 Welcome	Sign Up	×	Create Lineup	Submi
Jsemame	At least 5 characters		illionaire Maker [\$2 Million to Sun 09/13, 1PM EDT 410:39:10	
:mail	me@exampre.com	-	B A. Rodgers	\$8,600
Password	5 characters, 1 number	GE GE	EØ CHI Sun 09/13, 1PM EDT	PPPG 23.4 😢 OPRK 3151
Promo Code	(Optional)	RB	Choose a player	>
	the <u>Corms of Like</u> and Prinacy Policy. Nat I am at feasit 18 years of age, or 15 years all age in Al and	RB	Choose a player	>
	CREATE ACCOUNT	WR	Choose a player	>
		WR	Choose a player	>
		Positions Fi		/I.SALARY: \$41,40
		Clear	Reserve	Impor

DraftKings' on-line fantasy sports contests include an "identification code . . . used
 by the processor to retrieve identification data and authorize game play based at least in part on an
 age of a player." (*Id.* at col. 7, 11. 28-30.)

		Username	At least 5 characters
810 M		Email	me@example.com
abqery	\$3.75 Deposit	Password	5 characters, 1 number
• Play Now			
Friends	>	Promo Code	
🔊 Recent			the <u>Terms of Use</u> and <u>Privacy Policy</u> .
		I confirm t	hat I am at least 18 years of age, or 19 years of age in A
🚍 Create a Contest	>		
Create a Contest Create a Lineup	>		CREATE ACCOUNT
			CREATE ACCOUNT
📳 Create a Lineup	>		CREATE ACCOUNT
Create a Lineup	>		CREATE ACCOUNT

23. DraftKings' on-line fantasy sports contests include "a plurality of input controls to allow the player to interact with the processor to play the game." (*Id.* at col. 7, ll. 31-32.)

Entry: \$20	0 Sun 09/13, 1PM EDT	410:39:10	47881/57250	00
	QB A. Rodgers GB @ CHI Ø Sun 09/13, 1PM EDT		\$8,600 FPPG 2 OPRK 3	
RB	Choose a	a player		
RB	Choose a	a player		
WR	Choose a	a player		
WR	Choose	a player		

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

25. 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, of at least a reasonable royalty
 and/or lost profits.

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

6 27. Despite the knowledge of the RE'818 patent, Defendant has continued to infringe
7 this patent. Defendant acted with reckless disregard of the RE'818 patent by continuing to infringe
8 the patent when it knew or should have known that its actions constituted infringement.

SECOND CLAIM FOR RELIEF (INFRINGEMENT OF U.S. PATENT NO. 6,899,628)

28. Plaintiffs incorporate by reference paragraphs 1-27 as if fully set forth herein.

29. On May 31, 2005, U.S. Patent No. 6,899,628 ("the '628 patent") was duly and legally issued by the PTO for an invention titled "System and Method for Providing Game Event Management to a User of a Gaming Application" to the listed inventors Fergus A. Leen, Sam B. Lawrence, David G. McNally, Clive Hetherington, David M. McDowell, and Kevin R. O'Neal. A certified copy of the '628 patent is attached as **Exhibit C**.

30. IG Limited is the assignee and sole owner of the '628 patent, with all substantive rights in and to that patent, including the sole and exclusive right to bring this action and enforce the '628 patent against infringers, and to collect damages for all relevant times.

20 Defendant, directly or through its agents, customers, and/or intermediaries, has 31. 21 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products 22 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more 23 claims of the '628 patent. For instance, on information and belief, Defendant's accused products 24 and/or systems have certain features that manage game events through a gaming application 25 accessible to remote users. Here, the gaming application monitors a plurality of game events, 26 communicates event information associated with at least one game event, and generates a pay 27 record based on the event information, where the pay record is associated with an entry fee 28 between a plurality of users. This is done in a manner that infringes at least claim 31 of the

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1 '628 patent.

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2 32. DraftKings' on-line fantasy sports contests contain each limitation of at least
3 claim 31 of the '628 patent. By way of example only:

33. DraftKings' on-line fantasy sports contests meet all requirements of claim 31, which
include (as shown below) "[a] server for managing game events, comprising: a processor that
executes a gaming application that is accessed by a remote user via a network." ('628 patent,
col. 23, ll. 62-64.)



34. DraftKings' on-line fantasy sports contests include "a monitor module coupled to the processor that monitors a plurality of game events during the execution of the gaming application by the user." (*Id.* at col. 23, ll. 65-67.)

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MLB	\$10K MOON	SHOT [\$1,000]	TO 1ST] PRIZE POOL	\$10,000.0	0			FULL	CONTEST RULES &	PRIZES
STAF	RT TIME JUN	09, 7:05 PM EST	SPORT MLB TEAMS	5563	STATUS	COMPLETE	D POSITION	S PAID 115	D	
P/	ATCHERB13	P	YTP PIR			PI	R YTP	P	BHARP138	888
	61.05	10	0 0	UNC				10	283.2	.5
CURR	ENTLY IN 498	8TH	patcherb13 🗾	VIEW 3+	CURRI	ENTLY IN 1ST		REMATCH	1 - bharp13888	
POS	NAME	GAME	SCORING	FPTS	POS	NAME	GAME	SCORI	٩G	FPTS
P	Charlie Morton	CHC 2 PIT 6 Final	1 W, 7 K, 1 ER, 7 IP, 6 H	28.15	P	Charlie Morton	CHC 2 PIT 6 Final	1 W, 7 F	K, 1 ER, 7 IP, 6 H	28.1
P	Ryan Vogelsong ■I	WAS 9 SF 2 Final	6 K, 6 ER, 6 IP, 2 BB, 9 H	6.9		Stephen Strasburg	WAS 9 SF 2 Final	1 W, 7 F	K, 1 ER, 6 IP, 4 H	27.
с	Russell Martin 🖬	CHC 2 PIT 6 Final			с	Michael McKenry 🛤	ATL 3 COL 1 Final	1 H		
1B	Mike Napoli 🖿	BOS 0 BAL 4 Final			1B	lke Davis 🖿	CHC 2 PIT 6 Final	1 R, 1 H	i, 1 HR, 1 RBI, 1 BB	1
2B	Josh Rutledge ■I	ATL 3 COL 1 Final			2B	Jason Kipnis 🖿	CLE 17 TEX 7 Final	3 R, 3 H	I, 4 RBI, 1 SB	2
3B	Trevor Plouffe M	MIN 4 TOR 5 Final			3B	Lonnie Chisenhall	CLE 17 TEX 7 Final	3 R, 5 H	I, 1 2B, 3 HR, 9 RBI	6
SS	Zack Cozart 🖿	LAD 6 CIN 2 Final	1H		SS	Jose Reyes ■	MIN 4 TOR 5 Final	1 R, 3 H	I, 1 HR, 1 RBI, 2 SB	3
OF	Coco Crisp	OAK 1 LAA 4 Final			OF	Michael Brantley	CLE 17 TEX 7 Final	5 R, 3 H	I, 1 HR, 1 RBI, 2 BB	3
OF	Josh Hamilton 🖿	OAK 1 LAA 4 Final	1H		OF	Corey Dickerson	ATL 3 COL 1 Final	1 R, 1 H	I, 1 HR, 1 RBI, 1 BB	1
OF	Adam Jones 🖬	BOS 0 BAL 4 Final	1 R, 3 H, 1 HR, 1 RBI	20	OF	Scott Van Slyke 🖿	LAD 6 CIN 2 Final	3 R, 3 H	I, 2 HR, 4 RBI, 2 BB	41
			TOTAL FANTASY POINTS	: 61.05		Hide Shared	I Players	TOTAL F	ANTASY POINTS:	283.2

35. DraftKings' on-line fantasy sports contests include "an interface coupled to the processor that communicates event information associated with at least one of the game events to an enhanced services platform remote from the server." (*Id.* at col. 24, ll. 1-4.)

CURR	ENTLY IN 498	8TH	patcherb13 🚽 🧲	VIEW 3+
POS	NAME	GAME	SCORING	FPTS
P	Charlie Morton	CHC 2 PIT 6 Final	1 W, 7 K, 1 ER, 7 IP, 6 H	28.15
Р	Ryan Vogelsong 🖿	WAS 9 SF 2 Final	6 K, 6 ER, 6 IP, 2 BB, 9 H	6.9
c	Russell Martin	CHC 2 PIT 6 Final		0
18	Mike Napoli 🛤	BOS 0 BAL 4 Final		0
2B	Josh Rutledge 🖿	ATL 3 COL 1 Final		0
3B)	Trevor Plouffe 📾	MIN 4 TOR 5 Final		0
SS	Zack Cozart 🛤	LAD 6 CIN 2 Final	1H	3
OF	Coco Crisp	OAK 1 LAA 4 Final		0
OF	Josh Hamilton 🖿	OAK 1 LAA 4 Final	1H	3
OF	Adam Jones B A	BOS 0 BAL 4 Final	1 R, 3 H, 1 HR, 1 RBI	20
			TOTAL FANTASY POINTS	61.05

36. DraftKings' on-line fantasy sports contests include "generat[ing] a wager record
associated with a wager between a plurality of users based on at least one of the first event
information and the second event information." (*Id.* at col. 24, ll. 4-7.)

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ID	Game					Comp	leted 🔻	Entry	Fee	Prize Po	loo	Place	•	\$ Wo
904755	MLB \$10K I	Moon Shot	[\$1,000 to	o 1st]		6/9/20	14	\$2.00		\$10,000	.00	4988		\$0.00
MLB \$1	OK MOON SHO	OT [\$1,000	TO 1ST]	PRI	ZE POOL \$	10,000.0	0	. //			I	ULL CO	NTEST RULE	S & PRI
START	TIME JUN 09,7	7:05 PM EST	SPORT	MLB	TEAMS	5563	STATUS	COMP	LETED	POSITION	S PAID	1150		Letant
PATO	CHERB13	P	YTP	PIR	A	111	111	1	PIR	YTP	P		BHARP1	3888
6	1.05	10	0	0		DNG	lou		0	0	10		283.	25

37. Defendant does not have a license or permission to use the '628 patent.

38. As a result of Defendant's infringement of the '628 patent, IG Limited has suffered and continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits.

39. In a letter dated July 15, 2014, notice was provided to Defendant of the '628 patent
and Defendant's infringing conduct. The letter is attached as Exhibit A.

40. Despite the knowledge of the '628 patent, Defendant has continued to infringe this patent. Defendant acted with reckless disregard of the '628 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

THIRD CLAIM FOR RELIEF (INFRINGEMENT OF U.S. PATENT NO. 9,111,417)

41. Plaintiffs incorporate by reference paragraphs 1-40 as if fully set forth herein.

42. On August 18, 2015, U.S. Patent No. 9,111,417 ("the '417 patent") was duly and legally issued by the PTO for an invention titled "System and Method for Providing Enhanced Services to a User of a Gaming Application" to the listed inventors Fergus A. Leen, Sam B. Lawrence, David G. McNally, Clive Hetherington, David M. McDowell, and Kevin R. O'Neal. A certified copy of the '417 patent is attached as **Exhibit D**.

43. IG Limited is the assignee and sole owner of the '417 patent, with all substantive rights in and to that patent, including the sole and exclusive right to bring this action and enforce the '417 patent against infringers, and to collect damages for all relevant times.

44. Defendant, directly or through its agents, customers, and/or intermediaries, has

1 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products 2 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more 3 claims of the '417 patent. For instance, on information and belief, Defendant's accused products 4 and/or systems have certain features that provide a sports game to users through its respective 5 computing devices over a communications network. On information and belief, Defendant's 6 accused products and/or systems present users with a graphical user interface that allows users to 7 generate an entry fee where an offer includes a payment amount, an option to present the entry fee 8 offer to other users, and receive from a plurality of other users an acceptance of the entry fee. In 9 addition, during the playing of the game, Defendant's accused products and/or systems offer certain features that generate statistics for multiple users of the game, including presenting a 10 11 portion of the statistics information for the users. At the end of the game, an outcome is 12 determined and funds are transferred to at least one user who played (and "won") the game. This 13 is done in a manner that infringes at least claim 1 of the '417 patent.

45. DraftKings' on-line fantasy sports contests contain each limitation of at least claim 15 1 of the '417 patent. By way of example only:

16 46. DraftKings' on-line fantasy sports contests meet all requirements of claim 1, which include (as shown below) "[a] system comprising at least one processor and at least one nonvolatile memory having software stored thereon that when executed by the at least one processor directs the at least one processor to: provide a game via a communications network to users via respective computing devices of the users, wherein the game is a sports game, an arcade game, a card game, or an adventure game." ('417 patent, col. 20, ll. 20-27.)

Sport	Contest	Entry Fee	Total Prizes	Entries	Live	
	★ MLB \$750K MEGA Perfect Game [\$150,000 to 1st]	\$300	G \$750,000	124/2775	Mon 7:05p	ENTER
	★ MLB \$250K Swing for the Fences [\$100K to 1st!]	\$3	G \$250,000	6504/95.8K	Mon 7:05p	ENTER
•	★ NFL \$10M Millionaire Maker [\$2 Million to 1st]	\$20	G \$10,000,000	🖾 64.4K/572.5K	9/13 1:00p	ENTER
	★ MLB SUPERSat to NFL \$10M Millionaire Maker [400x]	\$3	400 Tickets	175/3058	Mon 7:05p	ENTER
-	★ NFL \$1M Play-Action [\$1 Million Guaranteed]	\$3	S 1,000,000	M 92.6K/383.3K	9/13 1:00p	ENTER
I¢-	🜟 \$1M Fantasy College Football World Champ. Qual #1 (Thu)	\$20	1 Prize + \$3,350	132/1550	Thu <mark>6:00</mark> p	ENTER
I¢-	★ \$1M Fantasy College Football World Champ. Qual #2 (Thu)	\$300	G ^{1 Prize} + \$3,350	15/102	Thu 6:00p	ENTER
10	★ CFB \$100K Kickoff Special [\$100,000 Guaranteed] (Thu)	\$ 20	S \$100,000	547/5725	Thu <mark>6:00p</mark>	ENTER
16	★ CFB \$300K Dive for the Pylon [\$100,000 to 1st!]	\$3	300,000	2805/115K	Sat 12:00p	ENTER

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one of the users, caus[ing] a graphical user interface to be presented to the user at the user's
 computing device, wherein the graphical user interface allows the user to offer a wager to other
 users." (*Id.* at col. 20, ll. 28-31.)

CI	S	ub Promotions v 🌲 🗾 Balance: \$2.75 v	DEPOS
	Pick a sport		
	When would you like to play?	Games for this contest	
2.55	February 24th 7:00pm EST 10 Games	Cha @ Cle, Feb 24 7:00PM EST NY @ Ind, Feb 24 7:00PM EST	
	February 24th 8:00pm EST (Turbo) 3 Games	Min @ Tor, Feb 24 7:30PM EST GS @ Mia, Feb 24 7:30PM EST	
	February 24th 10:30pm EST (Late) 2 Games	Phi @ Del, Feb 24 7:30PM EST Was @ Chi, Feb 24 8:00PM EST LAL @ Mem, Feb 24 8:00PM EST OKC @ Dal, Feb 24 8:30PM EST SA@ 354, Feb 24 10:30PM EST	

48. DraftKings' on-line fantasy sports contests include, "responsive to presenting the graphical user interface to the user, receiv[ing] from that user a request to generate a wager offer, wherein the wager offer includes a wager amount." (*Id.* at col. 20, ll. 32-34.)

	Head-to-Head	League	le friends?			
	• Public 🗸		Private			
	Games are posted in or for anyone to join	ur lobby and available	Games are invite only. C posted in our lobby	3ames will not be		
	Choose your entry	options.				
	You can create and post 50		sport, time, and entry fee.	As your contests fill, you	can create more!	
Public o O Public Games Transce You can crea You can crea Se Entry 1 1 500 C 1 510			sport, time, and entry fee.	As your contests fill, you (can create more!	
	You can create and post 50		sport, time, and entry fee.	As your contests \$11, you o	can create more!	
	You can create and post 50 Entry Fee	unfilled contests for each			can create more!	
	You can create and post 50 Entry Fee S0.00	unfilled contests for each	\$2.00	5 5.00	can create more!	
	You can create and post 50 Entry Fee S0.00 E2 \$10.00 1 •	unfilled contests for eact	\$2.00	■ \$5.00 ■ \$109.00	can create moret	

49. DraftKings' on-line fantasy sports contests include, "responsive to receiving the request to generate the wager offer, present[ing] the wager offer to other users via respective computing devices of the other users." (*Id.* at col. 20, ll. 35-37.)

Ca	se 1:17-cv-01040-LPS Document 29 Filed 06/13/16 Page 14 of 42 PageID #: 430
1	Public or private contest? Public Private
2	Games are posted in our lobby and available Games are invite only. Games will not be for anyone to join posted in our lobby
3	Choose your entry options. Size Entry Fee Prize Structure
4	5 \$1.00 Winner Takes All
5	If a contest does not fill, the contest will not run and all entry fees will be refunded
6 7	50. DraftKings' on-line fantasy sports contests include "receiv[ing] from a plurality of
8	the other users an acceptance of the wager offer, each acceptance at the wager amount." (Id. at
9	col. 20, ll. 38-39.)
10	MLB \$1 5-PLAYER (WINNER TAKES AL Balance: \$3.75 My Entries: 0 No Multi-Entry
11	CONTEST DETAILS
12	SUMMARY PRIZE PAYOUTS This 5-player contest features \$4.50 in total prizes and pays out the top 1 finishing positions. First place wins \$4.50. 1st \$4.50
13	
14	ENTRANTS Search for an entrant. Q abgery adamddumas carstown41 Jitassin Ov/ta
15	
16	
17	Visit MLB Rules for full contest scoring CLOSE
18 19	51. DraftKings' on-line fantasy sports contests include, "during a playing of the game
20	by a plurality of the users: generat[ing] statistics information related to at least a first and a second
21	of the users playing the game." (Id. at col. 20, ll. 40-42.)
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			-					AND DESCRIPTION OF A DE	
START	TIME AUG	31, 8:05 PN	I EST	SPORT	MLB TEAMS 5	STATUS	LIVE POSITIONS P.	AID 1	
QUICK V	IEW			LIV	SCORING	V H2H TEA	M: Abgery RANK: 5th	YTP: 0 PIR: 73	
	qery		FPTS	POS	NAME	% DRAFT	GAME	SCORING	
73	PIR	20.0	0 to #1	P	Michael Lorenzen 🛤	20.0%	CIN 0 CHC 0 Top 3rd AB: J. Bourgeois (Cin)	2 K, 2 IP, 1 HA	
	DINGS	find a rival.			Vidal Nuno 🝽	40.0%	SEA 1 HOU 1 Bottom 2nd AB: H. Conger (Hou)	1 ER, 1.1 IP, 1 BB, 1 HA	
GO TO MY RANK TE	TEAM(S)	Show C	FPTS	с	Yadier Molina 🖿	60.0%	WAS 1 STL 0 Bottom 2nd AB: Y. Molina (StL)		
1 ad	amddumas		27.7	18	Chris Carter 🛤	20.0%	SEA 1 HOU 1 Bottom 2nd AB: H. Conger (Hou)		
	assin ffa	73 73	21.7	2B	Jose Altuve	40.096	SEA 1 HOU 1 Bottom 2nd AB: H. Conger (Hou)		
4 ca	vstown41	69	19.7	3B	Danny Espinosa 🖿	0.0%	WAS 1 STL 0 Bottom 2nd AB: Y. Molina (StL)		
5 ab				ss	Starlin Castro 🖿	20.0%	CIN 0 CHC 0 Top 3rd AB: J. Bourgeois (Cin)		
				OF	Carlos Gomez 🖿	40.0%	SEA 1 HOU 1 Bottom 2nd AB: H. Conger (Hou)		
				OF	Franklin Gutierrez 🛤	20.0%	SEA 1 HOU 1 Bottom 2nd AB: H. Conger (Hou)		
				OF	Jason Heyward 🝽	20.0%	WAS 1 STL 0 Bottom 2nd AB: Y. Molina (StL)		

52. DraftKings' on-line fantasy sports contests include, "at end of the game, determin[ing] an outcome of the wagers resulting from the users that accepted the wager offer, wherein . . . determin[ing] the outcome of the wagers includes . . . transfer[ring] funds to at least one user who played the game." (*Id.* at col. 20, 11. 49-53.)

SUMMARY			PRIZ	E PAYOUTS	
This 5-player contest f finishing positions. Fir	eatures \$4.50 in total priz st place wins \$4.50.	tes and pays out the top 1	1st		\$4.50
ENTRANTS abgery	sadamddumas	earch for an entrant	2		
Jrtassin	Ovffa				

53. Defendant does not have a license or permission to use the '417 patent.

54. As a result of Defendant's infringement of the '417 patent, IG Limited has suffered
and continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty
and/or lost profits.

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

55. Plaintiffs incorporate by reference paragraphs 1-54 as if fully set forth herein.

56. 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 E**.

57. IG LLC is the assignee and sole owner of the '511 patent, with all substantive rights 8 in and to that patent, including the sole and exclusive right to bring this action and enforce the '511 9 patent against infringers, and to collect damages for all relevant times. 10

58. 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 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more claims of the '511 patent. For instance, on information and belief, Defendant's accused products 14 and/or systems have certain features that open a gaming account for a user and establish an amount of funds in the gaming account that may be used to play games. The system allows the user to 16 access the gaming account from a computing device after verifying login credentials. The system displays a set of events on which games are based and receives requests from users to enter into a 18 game based on at least one event. Here, the system matches requests from users to enter into opposite sides of a game, thereby forming an obligation to pay the users for winning the game. 20 The infringing system also manages the account funds based on placement of entry fees by the users as well as the final outcomes of any of the games. This is done in a manner that infringes at least claims 14 and 16 of the '511 patent.

59. 24 DraftKings' on-line fantasy sports contests contain each limitation of at least one asserted claim of the '511 patent. By way of example only: 25

60. 26 DraftKings' on-line fantasy sports contests meet all requirements of claim 16, which 27 include (as shown below) "[a] method comprising: opening, by a computer system, a gaming 28 account for a client; [and] establishing, by the computer system, an amount of consideration in the

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gaming account of the client, in which the money may be used to play games." ('511 patent,
col. 13, ll. 17-22.)

	Lobby	My Lineups	My Contests	Pro
My Account				1-40
Account Information				
Personal Information	Contest Funds			
Username: patcherb13	Account Details		DEPOSIT	
Email:	Balance:	\$6.00	DEFUSIT	
	Frequent Player Points:	8	WITHDRAW ACCOUN	IT HIST
Address:	Available Tickets:	2 of 2	FREE BONUS OFFERS	5
Update	Bonus Details			Payl
Settings: Not Tracked	Pending Bonus:	\$6.00		
Update	Only 92 FPPs left before your next \$1	.00 release:	120 HIT SECURE	
Edit Blocked Users	0	100	- Martin - Martin	

61. DraftKings' on-line fantasy sports contests include "authorizing, by the computer system, the client to access the gaming account from a computing device by verifying login credentials of the client received from the computing device." (*Id.* at col. 13, ll. 24-27.)

LOGIN	
Username/Email	
Password	
	LOGIN >>
Create Account	Forgot your password?

62. DraftKings' on-line fantasy sports contests include "receiving, by the computer system, a first request from the client to enter into a game based on at least one event; receiving, by the computer system, a second request from another client to enter into an opposite side of the game based on the at least one event; [and] matching, by the computer system, the first request and the second request in response to receiving the first offer and the second offer into the game, in which the game includes a game between the client and the other client." (*Id.* at col. 13, 1. 33 to col. 14, 1. 2.)

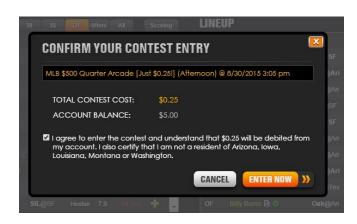
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Entry:		TER ARCADE [JUS Prizes: \$500 FPPs: 1	N	ly Entries: 0 Iulti-Entry: 200	00:51:0 Aug 30, 3:05p E
CONTEST DETAILS					Balance:
SUMMARY				PRIZE PAYOUTS	
This 2350-player con the top 500 finishing		.00 in total prizes and pays (out	1st	\$50.00
the top 500 millioning	posicions, rinscipie	CC WI13 330.00.		2nd	\$25.00
				3rd	\$15.00
				4th	\$10.00
ENTRANTS	- -	earch for an entrant	2	5th	\$9.00
ENTRANTS				6th	\$7.00
18seki	1976seattle	1danno1		7th - 8th	\$5.50
1johnnyrotten2	213BOSS	22sam2212		9th - 10th	\$4.00
305powerhouse	3rd-Hank	62boomer78 🔟		11th - 15th	\$3.50
88reynoldsboysx4	aandersonptl	aarnold109		16th - 20th	\$3.00
aaronmaca	aaronofgroove	AAustin303		21st - 25th	\$2.50
	ACBOBBY	adamcubs9	-	26+b 20+b	\$2.00

63. DraftKings' on-line fantasy sports contests include "forming, by the computer system, one obligation with a gaming operator to pay the first client for winning the game with the client and forming one other obligation with the gaming operator to pay the second client for winning the game with the other client." (Id. at col. 14, ll. 3-7.)

PRIZE PAYOUTS	
1st	\$50.00
2nd	\$25.00
3rd	\$15.00
4th	\$10.00
5th	\$9.00
6th	\$7.00
7th - 8th	\$5.50
9th - 10th	\$4.00
11th - 15th	\$3.50
16th - 20th	\$3.00
21st - 25th	\$2.50
26th - 30th	\$2.00
31st - 40th	\$1.50

DraftKings' on-line fantasy sports contests include "managing, by the computer 64. 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." (Id. at col. 14, ll. 8-11.)



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

66. As a result of Defendant's infringement of the '511 patent, IG LLC has suffered and continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits.

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

68. Despite the knowledge of the '511 patent, Defendant has continued to infringe this patent. Defendant acted with reckless disregard of the '511 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

FIFTH CLAIM FOR RELIEF (INFRINGEMENT OF U.S. PATENT NO. 8,342,924)

69. Plaintiffs incorporate by reference paragraphs 1-68 as if fully set forth herein.

70. On January 1, 2013, U.S. Patent No. 8,342,924 ("the '924 patent") was duly and legally issued by the PTO for an invention titled "System and Method for Providing Enhanced Services to a User of a Gaming Application" to the listed inventors Fergus A. Leen, Sam B. Lawrence, David G. McNally, Clive Hetherington, David M. McDowell, and Kevin R. O'Neal. A certified copy of the '924 patent is attached as **Exhibit F**.

71. IG Limited is the assignee and sole owner of the '924 patent, with all substantive rights in and to that patent, including the sole and exclusive right to bring this action and enforce the '924 patent against infringers, and to collect damages for all relevant times.

Defendant, directly or through its agents, customers, and/or intermediaries, has 72. made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or systems that infringe (either directly or under the doctrine of equivalents) one or more claims of the '924 patent. For example, on information and belief, Defendant's accused products and/or systems have certain features that receive information during the playing of a game (the information associated with at least one event initiated by a user), and generate statistics based at least in part on the information, where the statistics are electronically displayed to another user. This is done in a manner that infringes at least claim 11 of the '924 patent.

9 73. DraftKings' on-line fantasy sports contests contain each limitation of at least claim
10 11 of the '924 patent. By way of example only:

74. DraftKings' on-line fantasy sports contests meet all requirements of claim 11, which include (as shown below) "[a]n apparatus comprising: at least one processor; and at least one memory device electronically coupled to the at least one processor, wherein the at least one memory device stores instructions which, when executed by the at least one processor, direct the at least one processor to: receive information associated with at least one event initiated by a user within a context of playing a game, wherein the information is received during the playing of the game by the user." ('924 patent, col. 21, ll. 4-13.)

Image: Today's Lineup		All ames	 Bos Det Sat 7:* 	- <u>;</u> 15РМ	 NYY KC Sat 7:15 	🤆 iPM	 ✓ Oak ✓ Bal Sat 7:1 	- ;;- 5PM	CWS LAA Sat 10	.05PM	NYM SF Sat 10:05PM	 Atl Ari Sat 10:108 	- ;;- >м	Was SD Sat 10:10Pl	<mark>∛</mark> ∆ M
P C 18 28 38 S5 OF All Scoring Interpretein Aug. Rem. / Play Rem. / Play Rem. Solary: Pos PLAYER OPP FPPG SaLARY Pos PLAYER OPP FPPG SaLARY OF Alax Gordon II NYYGKC 7.8 \$4,300 + Pos Max Scherzer P Bos@Det 2.1 \$10,000 P Wade Miley P Ati@Ari 1.4 \$7,000 P Wade Miley P Ati@Ari 7.2 \$4,200 + P Wade Miley P Ati@Ari 7.2 \$4,200 + 1.8 Paul Goldschmidt I Ati@Ari 7.3 \$4,200 + 1.8 Paul Goldschmidt I Ati@Ari 1.4 \$5,100 2.8 Brandon Hicks I NYMeSF 6.1 \$3,200 + 1.			💸 Today'	s Lineup	😻 Today's	Lineup	😻 Today's	Lineup	Depth	Charts	Depth Charts	Depth Cha	ts	Depth Chart	8
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C/OF Evan Gattis Att@Ari 7.1 \$3,900 + OF Nick Markakis De Oak@Bai 7.6 \$4,100 OF Toril Hunter Pi Bos@Det 7.5 \$3,900 + OF Nick Markakis De Oak@Bai 7.6 \$4,100	OF	Bryce Harp	er 15Day 🗎		Was@SD	6.4	\$4,000	+		OF (Coco Crisp 🗎	Oak@Bal	7.9	\$3,900	3
OF Toril Hunter A Bos@Det 7.5 \$3.900 +	C/OF	Evan Gattis			Atl @Ari	7.1	\$3,900	+				Oak@Bal	7.6		3
	OF	Torii Hunter	•		Bos@Det	7.5	\$3,900	+			Brett Gardner	NYY@KC	8.1	\$4,000	,

75. DraftKings' on-line fantasy sports contests include, "based at least in part on the
 information, generat[ing] statistics information, wherein the statistics information is associated
 with the user with respect to the playing of the game; and caus[ing] to be electronically displayed
 to another user at least the statistics information." (*Id.* at col. 21, ll. 14-19.)

STAR	TTIME JUN	07, 7:15 PM EST	SPORT MLB TEAMS	2 ST	TATUS C	OMPLETED	POSITIONS PA	ID 1	
PA	TCHERB13	P	YTP PIR	111		Р	IR YTP	P BATTERY19	975
1	12.95	10	• • •	UNC T-DAY	HOU SURVIVOR		DO	10 117.8	5
CURRE	ENTLY IN 2ND				CURR	ENTLY IN 1ST			EMATCH
POS	NAME	GAME	SCORING	FPTS	POS	NAME	GAME	SCORING	FPT
Ρ	Wade Miley 🖬	ATL 3 ARI 4 Final	5 K, 1 ER, 7 IP, 6 H	20.15	Р	Tim Hudson 🖿	NYM 4 SF 5 Final	5 K, 3 ER, 5 IP, 3 BB, 9 H	8.0
Ρ	Max Scherzer 🖿	BOS 6 DET 8 Final	1 W, 9 K, 4 ER, 6.2 IP, 1 BB, 11 H	21.8	Р	Max Scherzer	BOS 6 DET 8 Final	1 W, 9 K, 4 ER, 6.2 IP, 1 BB, 11 H	21
	Miguel Montero	ATL 3 ARI 4 Final	1 R, 1 H, 1 HR, 1 RBI	14	с	Caleb Joseph 🖿	OAK 3 BAL 6 Final	1 R, 1 H, 1 2B, 1 RBI	
1B	Paul Goldschmidt	ATL 3 ARI 4 Final	1 H, 1 BB	5	1B	Chris Johnson 🖬	ATL 3 ARI 4 Final		
2B	Brandon Hicks	NYM 4 SF 5 Final	1 R	2	2B	Yangervis Solarte	NYY 4 KC 8 Final	1 R, 2 H, 1 2B, 2 RBI, 1 BB	
3B	David Wright 🖿	NYM 4 SF 5 Final	1 R, 1 H	5	3B	Miguel Cabrera 🖿	BOS 6 DET 8 Final	1 R, 3 H, 2 2B, 1 RBI, 1 BB	
SS	Didi Gregorius 🖿	ATL 3 ARI 4 Final	1 H, 2 BB, 1 SB	12	SS	Andreiton Simmons	ATL 3 ARI 4 Final	1 R, 2 H, 1 2B, 1 CS	
OF	Coco Crisp 🖿	OAK 3 BAL 6 Final	2 R, 3 H, 1 2B, 1 HR, 1 RBI	24	OF	Evan Gattis 🖿	ATL 3 ARI 4 Final	3 H, 2 2B, 1 RBI	
OF	Brett Gardner	NYY 4 KC 8 Final		0	OF	Jason Heyward 🖿	ATL 3 ARI 4 Final	1 R, 1 H, 1 HR, 2 RBI	
OF	Nick Markakis 🖿	OAK 3 BAL 6 Final	1 R, 1 H, 1 RBI, 1 BB	9	OF	Justin Upton 🖿	ATL 3 ARI 4 Final	1 R, 1 H	

76. Defendant does not have a license or permission to use the '924 patent.

77. As a result of Defendant's infringement of the '924 patent, IG Limited has suffered and continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits.

78. In a letter dated July 15, 2014, notice was provided to Defendant of the '924 patent and Defendant's infringing conduct. The letter is attached as **Exhibit A**.

79. Despite the knowledge of the '924 patent, Defendant has continued to infringe this patent. Defendant acted with reckless disregard of the '924 patent by continuing to infringe the patent when it knew or should have known that its actions constituted infringement.

. . .

. . .

SIXTH CLAIM FOR RELIEF (INFRINGEMENT OF U.S. PATENT NO. 7,029,394)

80. Plaintiffs incorporate by reference paragraphs 1-79 as if fully set forth herein.

On April 18, 2006, U.S. Patent No. 7,029,394 ("the '394 patent") was duly and 81. legally issued by the PTO for an invention titled "System and Method for Generating Statistics for a User of a Gaming Application" to the listed inventors Fergus A. Leen, Sam B. Lawrence, David G. McNally, Clive Hetherington, David M. McDowell, and Kevin R. O'Neal. A certified copy of the '394 patent is attached as Exhibit G.

82. IG Limited is the assignee and sole owner of the '394 patent, with all substantive 9 rights in and to that patent, including the sole and exclusive right to bring this action and enforce 10 the '394 patent against infringers, and to collect damages for all relevant times.

83. Defendant, directly or through its agents, customers, and/or intermediaries, has 12 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products 13 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more 14 claims of the '394 patent. Specifically, Defendant's accused products and/or systems have certain 15 features that execute a gaming application; monitor a plurality of game events; communicate first 16 and second event information associated with a first and second game event; generate statistics 17 based at least in part on the first event information, the second event information, and entry-fee 18 records; and determine an outcome using the statistics. This is done in a manner that infringes at 19 least claim 1 of the '394 patent. 20

84. DraftKings' on-line fantasy sports contests contain each limitation of at least claim 21 22 1 of the '394 patent. By way of example only:

85. DraftKings' on-line fantasy sports contests meet all requirements of claim 1, which 23 include (as shown below) "[a] system for generating statistics information, comprising: a server 24 25 that: executes a gaming application." ('394 patent, col. 20, ll. 46-49.)

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86. DraftKings' on-line fantasy sports contests include "monitor[ing] a plurality of game events during the execution of the gaming application by a user; communicat[ing] first event information associated with a first game event; and communicat[ing] second event information associated with a second game event." (*Id.* at col. 20, ll. 50-55.)

POS	NAME	GAME	SCORING	FPTS	POS	NAME	GAME	SCORING	FPTS
P	Wade Miley IM	ATL 3 ARI 4 Final	5 K, 1 ER, 7 IP, 6 H	20.15	P	Tim Hudson 🖿	NYM 4 SF 5 Final	5 K, 3 ER, 5 IP, 3 BB, 9 H	8.05
P	Max Scherzer 🖿	BOS 6 DET 8 Final	1 W, 9 K, 4 ER, 6.2 IP, 1 BB, 11 H	21.8	P	Max Scherzer 🛤	BOS 6 DET 8 Final	1 W, 9 K, 4 ER, 6.2 IP, 1 BB, 11 H	21.8
c	Miguel Montero	ATL 3 ARI 4 Final	1 R, 1 H, 1 HR, 1 RBI	14	c	Caleb Joseph	OAK 3 BAL 6 Final	1 R, 1 H, 1 2B, 1 RBI	9
18	Paul Goldschmidt	ATL 3 ARI 4 Final	1 H, 1 BB	5	1B	Chris Johnson 🖿	ATL 3 ARI 4 Final		0
28	Brandon Hicks 🛤	NYM 4 SF 5 Final	18	2	2B	Yangervis Solarte	NYY 4 KC 8 Final	1 R, 2 H, 1 2B, 2 RBI, 1 BB	16
3В	David Wright M	NYM 4 SF 5 Final	1 R, 1 H	5	3B	Miguel Cabrera 🖬	BOS 6 DET 8 Final	1 R, 3 H, 2 2B, 1 RBI, 1 BB	19
SS	Didi Gregorius 🛤	ATL 3 ARI 4 Final	1 H, 2 BB, 1 SB	12	SS	Andreiton Simmons	ATL 3 ARI 4 Final	1 R, 2 H, 1 2B, 1 CS	.8
OF	Coco Crisp III	OAK 3 BAL 6 Final	2 R, 3 H, 1 2B, 1 HR, 1 RBI	24	OF	Evan Gattis 🝽	ATL 3 ARI 4 Final	3 H, 2 2B, 1 RBI	15
OF	Brett Gardner 🝽	NYY 4 KC 8 Final		0	OF	Jason Heyward	ATL 3 ARI 4 Final	1 R, 1 H, 1 HR, 2 RBI	16
OF	Nick Markakis 🝽	OAK 3 BAL 6 Final	1 R, 1 H, 1 RBI, 1 BB	9	OF	Justin Upton	ATL 3 ARI 4 Final	1R,1H	5
			TOTAL FANTASY POINTS:	112 95		Hide Share	d Players	TOTAL FANTASY POINTS:	117.85

87. DraftKings' on-line fantasy sports contests include "a processor remotely coupled to the server that receives the first event information; receives the second event information; [and] generates statistics information based at least in part upon the first event information, the second event information and wager records associated with the gaming application." (*Id.* at col. 20, 11. 56-62.)

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POS	NAME	GAME	SCORING	FPTS	POS	NAME	GAME	SCORING	FPT
	Wade Miley 🖬	ATL 3 ARI 4 Final	5 K, 1 ER, 7 IP, 6 H	20.15	P	Tim Hudson 🝽	NYM 4 SF 5 Final	5 K, 3 ER, 5 IP, 3 BB, 9 H	8.0
	Max Scherzer 🖬	BOS 6 DET 8 Final	1 W, 9 K, 4 ER, 6.2 IP, 1 BB, 11 H	21.8		Max Scherzer 🖬	BOS 6 DET 8 Final	1 W, 9 K, 4 ER, 6.2 IP, 1 BB, 11 H	21.
	Miguel Montero	ATL 3 ARI 4 Final	1 R, 1 H, 1 HR, 1 RBI		c	Caleb Joseph 🖿	OAK 3 BAL 6 Final	1 R, 1 H, 1 2B, 1 RBI	
18	Paul Goldschmidt	ATL 3 ARI 4 Final	1 H, 1 BB		1B	Chris Johnson 🖬	ATL 3 ARI 4 Final		
28	Brandon Hicks 🖿	NYM 4 SF 5 Final			2B	Yangervis Solarte	NYY 4 KC 8 Final	1 R, 2 H, 1 2B, 2 RBI, 1 BB	11
3B	David Wright 🖬	NYM 4 SF 5 Final	1 R, 1 H		3B	Miguel Cabrera 🖿	BOS 6 DET 8 Final	1 R, 3 H, 2 2B, 1 RBI, 1 BB	11
SS	Didi Gregorius 🖬	ATL 3 ARI 4 Final	1 H, 2 BB, 1 SB		SS	Andreiton Simmons	ATL 3 ARI 4 Final	1 R, 2 H, 1 2B, 1 CS	
OF	Coco Crisp 🖿	OAK 3 BAL 6 Final	2 R, 3 H, 1 2B, 1 HR, 1 RBI	24	OF	Evan Gattis 🖬	ATL 3 ARI 4 Final	3 H, 2 2B, 1 RBI	1!
OF	Brett Gardner 🖿	NYY 4 KC 8 Final			OF	Jason Heyward 🖿	ATL 3 ARI 4 Final	1 R, 1 H, 1 HR, 2 RBI	11
OF	Nick Markakis 🛤	OAK 3 BAL 6 Final	1 R, 1 H, 1 RBI, 1 BB		OF	Justin Upton ■	ATL 3 ARI 4 Final	1 R, 1 H	

88. DraftKings' on-line fantasy sports contests includes "determin[ing] an outcome of a wager associated with the gaming application using the statistics information; and a memory coupled to the processor that stores the statistics information." (*Id.* at col. 20, ll. 63-67.)

STA	RT TIME JUN	07, 7:15 PM EST	SPORT	MLB TEAMS	2 S1	TATUS	COMPLETED	POSITIONS PA	ID 1		
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POS	NAME	GAME	SCORI	NG	FPTS	POS	NAME	GAME	SCORIN	IG	FP
Р	Wade Miley 🖿	ATL 3 ARI 4 Final	5 K, 1 E	ER, 7 IP, 6 H	20.15	P	Tim Hudson 🖿	NYM 4 SF 5 Final	5 K, 3 E	R, 5 IP, 3 BB, 9 H	8.
Р	Max Scherzer	BOS 6 DET 8 Final	1 W, 91	K, 4 ER, 6.2 IP, 1 BB,	21.8	Р	Max Scherzer	BOS 6 DET 8 Final	1 W, 9 K 11 H	, 4 ER, 6.2 IP, 1 BB,	21

89. Defendant does not have a license or permission to use the '394 patent.

90. As a result of Defendant's infringement of the '394 patent, IG Limited has suffered and continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits.

91. In a letter dated July 15, 2014, notice was provided to Defendant of the '394 patent and Defendant's infringing conduct. The letter is attached as **Exhibit A**.

26 92. Despite the knowledge of the '394 patent, Defendant has continued to infringe this
27 patent. Defendant acted with reckless disregard of the '394 patent by continuing to infringe the
28 patent when it knew or should have known that its actions constituted infringement.

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

93. Plaintiffs incorporate by reference paragraphs 1-92 as if fully set forth herein.

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

95. IG Limited is the assignee and sole owner of the '166 patent, with all substantive 9 rights in and to that patent, including the sole and exclusive right to bring this action and enforce the '166 patent against infringers, and to collect damages for all relevant times.

96. Defendant, directly or through its agents, customers, and/or intermediaries, has 12 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products 13 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more 14 claims of the '166 patent. For example, on information and belief, Defendant's accused products 15 and/or systems have certain features that host a gaming application for users, allow a first user to 16 generate an offer, present the offer to a number of second users, and receive an acceptance by a 17 second user to form a game between the first and second user. Defendant's accused products 18 and/or systems also have certain features that further generate a record that is stored according to a 19 record identifier where the record includes game parameters. This is done in a manner that 20 infringes at least claim 39 of the '166 patent. 21

97. DraftKings' on-line fantasy sports contests contain each limitation of at least 22 claim 39 of the '166 patent. By way of example only: 23

98. 24 DraftKings' on-line fantasy sports contests meet all requirements of claim 39, which include (as shown below) "[a] system for establishing a wager associated with a gaming 25 26 application, comprising: a server that hosts a gaming application for a plurality of users; [and] a 27 processor remotely coupled to the server." ('166 patent, col. 23, ll. 55-59.)

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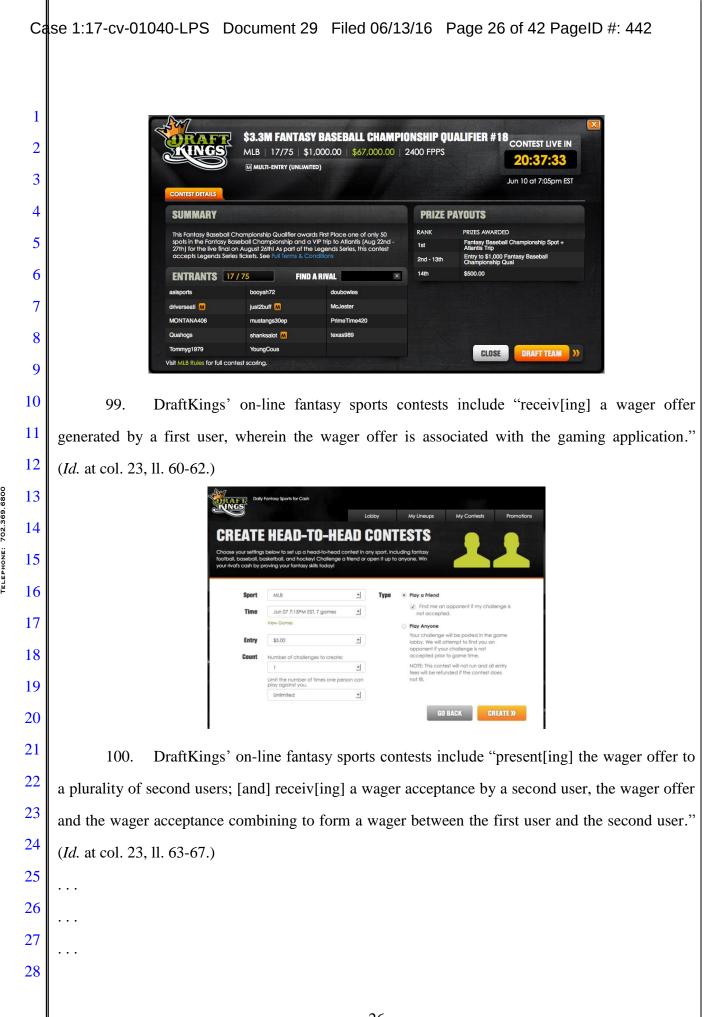
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OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C. WELLS FARCO TOWER SUITE 1500, 3800 HOWNED HUCHES PARKWAY SUITE 1500, 3800 HOWNEN, NV 8916 9 TELEPHONE: 702.369.6800

1 Sport ALL ADVANCED FILTER Tip: Winner takes all in these one-on-one contests. Start a rivalry today 2 HEAD-TO-HEAD ALL GUARANTEED **OUALIFIERS** 50/50 LEAGUES MULTIPLIERS STEPS BEGINNER 3 NEXT CONTEST LIVE IN: SPORT CONTEST ENTRIES ENTRY FEE PRIZE POOL LIVE IN 01:50:57 4 ENTER » (MLB \$1 Head-to-Head vs. Battery1975 x2 1/2 \$1 \$1.80 01:50:57 .0 ENTER >> MLB \$1 Head-to-Head vs. jweav73 x3 1/2 \$1 \$1.80 01:50:57 5 ENTER » 1/2 \$1 \$1.80 MLB \$1 Head-to-Head vs. Pivotal x8 01:50:57 MLB \$2 Head-to-Head vs. ericruh x8 1/2 \$2 \$3.60 01:50:57 ENTER » 6 7 101. DraftKings' on-line fantasy sports contests include "generat[ing] a wager record in 8 response to receiving the wager acceptance, the wager record associated with the wager between 9 the first user and the second user and comprising a plurality of wager parameters." (Id. at col. 24, 10 ll. 1-4.) 11 Upcoming Contests VIE 12 ID Prize Pool Starts In 🔺 Entry Fee Entries \$1.00 MLB \$1 Head-to-Head vs. Battery1975 01:44:53 \$1.80 901741 2/2 13 14 102. Defendant does not have a license or permission to use the '166 patent. 15 103. As a result of Defendant's infringement of the '166 patent, IG Limited has suffered 16 and continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty 17 and/or lost profits. 18 104. In a letter dated July 15, 2014, notice was provided to Defendant of the '166 patent 19 and Defendant's infringing conduct. The letter is attached as Exhibit A. 20105. Despite the knowledge of the '166 patent, Defendant has continued to infringe this 21 patent. Defendant acted with reckless disregard of the '166 patent by continuing to infringe the 22 patent when it knew or should have known that its actions constituted infringement. 23 **EIGHTH CLAIM FOR RELIEF** 24 (INFRINGEMENT OF U.S. PATENT NO. 7,534,169) 25 106. Plaintiffs incorporate by reference paragraphs 1-105 as if fully set forth herein. 26107. On May 19, 2009, U.S. Patent No. 7,534,169 ("the '169 patent") was duly and 27 legally issued by the PTO for an invention titled "System and Method for Wireless Gaming System 28

with User Profiles" to the listed inventors Lee M. Amaitis, Joseph M. Asher, Robert F.
 Bahrampour, Darrin M. Mylet, Alan B. Wilkins, and Howard W. Lutnick. A certified copy of the
 '169 patent is attached as Exhibit I.

IG LLC is the assignee and sole owner of the '169 patent, with all substantive rights
in and to that patent, including the sole and exclusive right to bring this action and enforce the '169
patent against infringers, and to collect damages for all relevant times.

7 109. Defendant, directly or through its agents, customers, and/or intermediaries, has 8 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products 9 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more claims of the '169 patent. For instance, on information and belief, Defendant's accused products 10 and/or systems have certain features that modify a gaming environment based on a user's success 11 12 level in playing a gaming activity. A gaming device enables the user to play a plurality of gaming 13 activities, and a user profile associated with the user is updated to reflect a first success level in 14 playing a first gaming activity during a first gaming session. After termination of the first gaming 15 session and the start of a second, subsequent, gaming session, the user's success level in playing the first gaming activity is determined. Based at least in part on the first success level, a gaming 16 17 environment is modified and presented to the user through the gaming device. The modification 18 includes a change in how the first gaming activity is presented to the user as a possible gaming 19 activity during the second gaming session. This is done in a manner that infringes at least claim 1 20 of the '169 patent.

21 110. DraftKings' on-line fantasy sports contests contain each limitation of at least claim
22 1 of the '169 patent. By way of example only:

111. DraftKings' on-line fantasy sports contests meet all requirements of claim 1, which
include (as shown below) "[a]n apparatus comprising: . . . at least one profile associated with a user
of a gaming device, the gaming device being operable to make a plurality of gaming activities
available to the user for play via the gaming device." ('169 patent, col. 26, ll. 43-52.)

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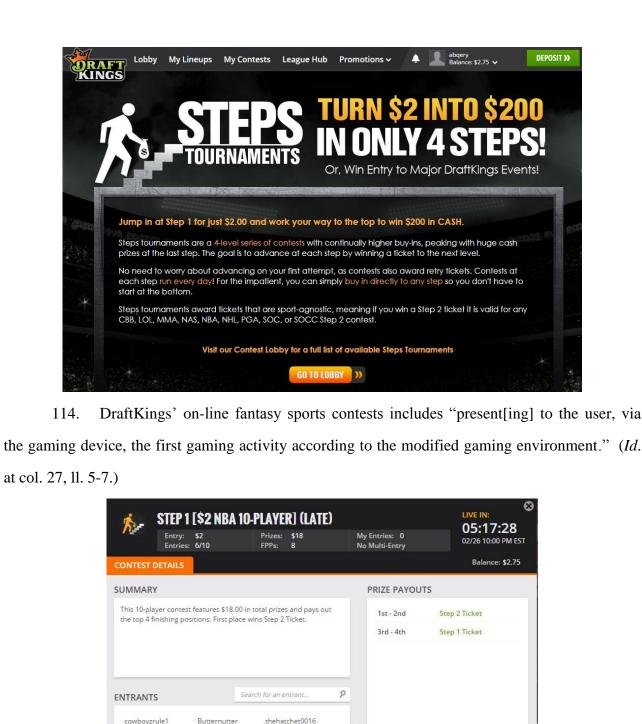
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112. DraftKings' on-line fantasy sports contests include "updat[ing] the user's profile to reflect a first success level of the user in playing a first of the plurality of gaming activities via the gaming device during a first gaming session." (*Id.* at col. 26, ll. 56-59.)

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113. DraftKings' on-line fantasy sports contests include, "based at least in part on the first success level, modify[ing] a gaming environment, wherein the modification includes a change as to how the first gaming activity is presented to the user as a possible gaming activity that the user may play via the gaming device during the second gaming session." (*Id.* at col. 26, 1. 66 to col. 27, 1. 4.)



OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C. WELLS FARGO TOWER SUITE 1500, 3800 HOWARP HUGHES PARKWAY LAS VEGAS, NV 89169 TELEFHOWE: 702,369,6800

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Visit NBA Rules for full contest scoring

DRAFT TEAM

1 116. As a result of Defendant's infringement of the '169 patent, IG LLC has suffered and
 2 continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty
 3 and/or lost profits.

4 117. In a letter dated July 15, 2014, notice was provided to Defendant of the '169 patent
5 and Defendant's infringing conduct. The letter is attached as Exhibit A.

118. Despite the knowledge of the '169 patent, Defendant has continued to infringe this
patent. Defendant acted with reckless disregard of the '169 patent by continuing to infringe the
patent when it knew or should have known that its actions constituted infringement.

NINTH CLAIM FOR RELIEF (INFRINGEMENT OF U.S. PATENT NO. 9,355,518)

119. Plaintiffs incorporate by reference paragraphs 1-118 as if fully set forth herein.

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

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

122. 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 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more claims of the '518 patent. For instance, on information and belief, Defendant's accused products and/or systems have certain features that establishes a user profile and receives device location data over a communications network from a sensor in the user's electronic device. A gaming session is initiated based on the determined location. The user's electronic device presents via a display a gaming environment or a modified gaming environment that indicates to the user a last gaming activity of a plurality of gaming activities accessed during a prior gaming session. This is done in

1 a manner that infringes at least claim 9 f the '518 patent.

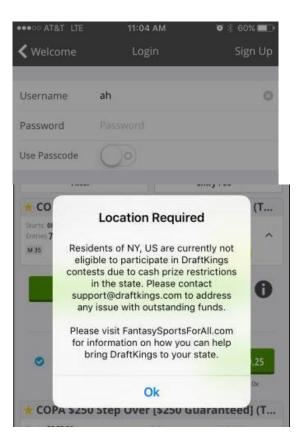
2 123. DraftKings' on-line fantasy sports contests contain each limitation of at least claim
3 9 of the '518 patent. By way of example only:

124. DraftKings' on-line fantasy sports contests meet all requirements of claim 9, which include (as shown below) "[a]n apparatus for supporting multiple users in electronic gaming, the apparatus comprising: . . . a memory electronically coupled to . . . [a] processor and having software stored thereon that when executed by the . . . processor directs the . . . processor to: establish for a user of the apparatus a user profile on a data storage device, wherein the user accesses the apparatus via an electronic device." ('518 patent, col. 27, 1. 66 to col. 28, 1. 8.)

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125. DraftKings' on-line fantasy sports contests include "receiv[ing] via a communications network from the electronic device location data of the electronic device, wherein: the electronic device comprises sensor for detecting location, the electronic device obtains the location data from the sensor, and the electronic device communicates the location data via the communications network." (*Id.* at col. 28, ll. 9-16.)

. . .



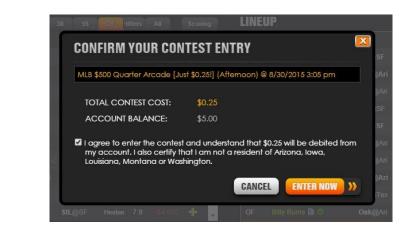
126. DraftKings' on-line fantasy sports contests include "recogniz[ing] an occurrence of an event; updat[ing] the user profile in response to the event; wherein [] recogniz[ing] the occurrence of the event comprises [] determin[ing], based on the location data, an existence of the user in a particular location, and wherein [] updat[ing] the user profile in response to the event comprises [] stor[ing] the particular location." (Id. at col. 28, ll. 17-23.)

Is Playing On DraftKings Legal?

Legal residents physically located in any of the 50 states and Washington DC, excluding Alabama, Arizona, Hawaii, Idaho, Iowa, Louisiana, Montana, New York, Nevada, and Washington are eligible to open an account and participate in contests offered by the Website. Legal residents of Arizona, Hawaii, Iowa, Louisiana, Montana, Nevada, and Washington (the "Excluded States") are ineligible for prizes offered by the Website. Residents of the Excluded States are eligible to open and maintain accounts on the Website for use only in games that do not offer prizes.

127. DraftKings' on-line fantasy sports contests include, "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." (Id. at col. 28, ll. 24-28.)

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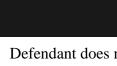
128. DraftKings' on-line fantasy sports contests include "caus[ing] the electronic device to present via a display of the electronic device a gaming environment to the user or to present via the display to the user a modified gaming environment that indicates to the user a last gaming activity of a plurality 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." (Id. at col. 28, ll. 28-39.)

MY CONTESTS		Possible Winni \$20.00		Upcoming Entries: 1		19:12:20			
• LIVE • UPCOMING •	HISTORY		420.00		Upcoming Line	ups: 1	CREATE	A CONTEST »	
ENTRIES Group By:	Contest	Lineup	Sport Entry	-ee					-
Contest Name	Status	Invite Ente	r Live In	Places Paid	Total Prizes	Entries	Entry Fee	Top Prize	ENTRANTS
COPA \$100 Quarter Arcade [Just !	EDIT	Add	+ 19:12:20	100	\$100	208/470 M	\$0.25	\$20	RA

129. Defendant does not have a license or permission to use the '518 patent.

As a result of Defendant's infringement of the '518 patent, IG LLC has suffered and 130. continues to suffer damages, in an amount not yet determined, of at least a reasonable royalty and/or lost profits.

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#### TENTH CLAIM FOR RELIEF (INFRINGEMENT OF U.S. PATENT NO. 9,306,952)

131. Plaintiffs incorporate by reference paragraphs 1-130 as if fully set forth herein.

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

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

Defendant, directly or through its agents, customers, and/or intermediaries, has 134. 11 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products 12 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more 13 claims of the '952 patent. For instance, on information and belief, Defendant's accused products 14 and/or systems have certain features that that determine a plurality of selectable betting parameters 15 for a wager in a game having at least a first selectable betting parameter and a second selectable 16 betting parameter, each selectable betting parameter comprising a game parameter that affects an 17 outcome of a bet by a first user in the game. The first user plays the game using a corresponding 18 wireless gaming terminal having a wireless network interface operable to transmit and receive 19 gaming information. The wireless gaming terminal communicates with a location determination 20system that determines a location of the wireless gaming terminal to implement a game depending 21 on the determined location. The system determines a plurality of different locations in a gaming 22 23 area that includes at least a first location corresponding to the first betting parameter and a second location corresponding to the second betting parameter. During the game, the system determines a 24 25 location of a first wireless gaming terminal corresponding to the first user and then determines at least one of the plurality of selectable betting parameters associated with the first user based on the 26 27 determined location of the first user. Here, the system determines the outcome of the bet based at 28 least in part on the determined at least one betting parameter in accordance with one or more

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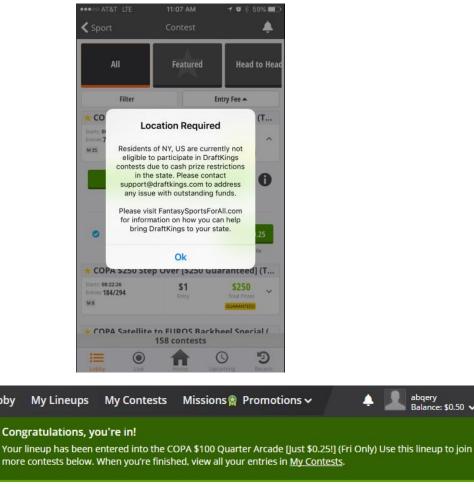
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1 predetermined rules of the game. This is done in a manner that infringes at least claim 1 of the 2 '952 patent.

3 135. DraftKings' on-line fantasy sports contests contain each limitation of at least claim 4 1 of the '952 patent. By way of example only:

5 136. DraftKings' on-line fantasy sports contests meet all requirements of claim 1, which 6 include (as shown below) "[a]n apparatus comprising: ... a memory that stores instructions which, 7 when executed by [] at least one processor, direct the at least one processor to: determine a 8 plurality of selectable betting parameters for a wager in a game . . . comprising at least a first 9 selectable betting parameter and a second selectable betting parameter." ('952 patent, col. 34, 10 ll. 51-63.)



abqery

Balance: \$0.50

137. DraftKings' on-line fantasy sports contests include "the game being played by at least one user using a corresponding at least one wireless gaming terminal . . . having a wireless

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Lobby

network interface operable to transmit and receive gaming information . . . in which each wireless
gaming terminal is in communication with a location determination system that determines a
location of the wireless gaming terminal, 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." (*Id.* at col. 34, 1. 64 to col. 35,
1. 12.)

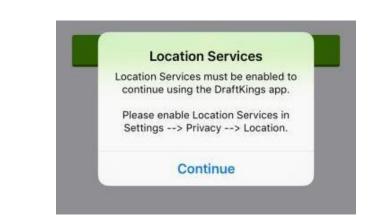


138. DraftKings' on-line fantasy sports contests include, "determin[ing] a plurality of different locations in a gaming area, each location corresponding to at least one of the plurality of selectable betting parameters, the plurality of locations comprising at least a first location corresponding to 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." (*Id.* at col. 35, ll. 13-22.)

20 Is Playing On DraftKings Legal?

Legal residents physically located in any of the 50 states and Washington DC, excluding Alabama, Arizona, Hawaii, Idaho, Iowa, Louisiana, Montana, New York, Nevada, and Washington are eligible to open an account and participate in contests offered by the Website. Legal residents of Arizona, Hawaii, Iowa, Louisiana, Montana, Nevada, and Washington (the "Excluded States") are ineligible for prizes offered by the Website. Residents of the Excluded States are eligible to open and maintain accounts on the Website for use only in games that do not offer prizes.

139. DraftKings' on-line fantasy sports contests include "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." (*Id.* at col. 35, ll. 29-35.)



140. DraftKings' on-line fantasy sports contests include "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." (*Id.* at col. 35, ll. 36-43.)

	$\mathbf{N}$	Entries: 206/4	170 Entry	Fee: \$0.	25	Total Prizes:	\$100	FPP Reward: O			19:13:1	5
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	Gonzalo Ja	ira	CHI vs BOL	3.0		+ ^	GK	Claudio Bravo	CHI vs BOL	7.6	\$5,100	
D	Marvin Bej	arano	CHI vs BOL	4.8		+		Felipe Baloy	ARG vs PAN	2.7	\$2,800	
	Roderick N	liller	ARG vs PAN	4.3		+	D	Marcos Rojo	ARG vs PAN	7.2	\$4,700	
D	Adolfo Mad	chado	ARG vs PAN	0.8		( <b>+</b> )	м	Francisco Silva	CHI vs BOL	2.8	\$2,900	
	R. Funes N	lori	ARG vs PAN	5.7		+	м	Pedro Azogue	CHI vs BOL	4.5	\$3,100	
D	Gary Mede		CHI vs BOL	2.7		+	F	Gonzalo Higuaín	ARG vs PAN	18.9	\$9,200	
	Gabriel Me	rcado	ARG vs PAN	6.3			F	Alexis Sánchez	CHI vs BOL	14.6	\$9,800	
D	Eugenio M		CHI vs BOL	0.0			UTIL	Lionel Messi o 🗎	ARG vs PAN	19.2	\$11,600	
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								all your entries in				

1 141. DraftKings' on-line fantasy sports contests include "determin[ing] the outcome of 2 the bet based at least in part on the determined at least one betting parameter in accordance with 3 one or more predetermined rules of the game." (Id. at col. 35, ll. 45-48.)

MY CONTESTS			P	Possible Winnings: \$20.00				YOUR NEXT CONTEST STARTS IN 19:12:20			
	HISTORY			\$ZU.UU		Upcoming Line	ups: 1	CREATE	A CONTEST »		
ENTRIES Group By	: Contest	Lineu	p Spo	ort Entry	Fee					-	
Contest Name	Status	Invite	Enter	Live In	Places Paid	Total Prizes	Entries	Entry Fee	Top Prize	ENI	LIN
COPA \$100 Quarter Arcade [Just	EDIT	-	Add	19:12:20	100	\$100	208/470 M	\$0.25	\$20	TRANTS	INEUPS

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

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, of at least a reasonable royalty and/or lost profits.

### **ELEVENTH CLAIM FOR RELIEF** (WILLFUL INFRINGEMENT)

143. Plaintiffs incorporate by reference paragraphs 1-142 as if fully set forth herein.

144. Defendant's infringement of the RE'818, '628, '417, '511, '924, '394, '166, '169, 17 '518, and '952 patents has been and continues to be willful. Indeed, DraftKings has been aware of 18 at least the RE'818, '628, '511, '924, '394, '166, and '169 patents since receiving notice on or 19 about July 15, 2014. DraftKings was also made aware of the '417, '518, and '952 patents as early 20as the filing of this lawsuit. DraftKings' continued use of its infringing products constitutes willful and blatant infringement. 22

23 145. For the same reasons set forth above in paragraphs 15, 26, 39, 54, 67, 78, 91, 104, 24 117, 130, and 142, Defendant has had knowledge of the RE'818, '628, '417, '511, '924, '394, '166, '169, '518, and '952 patents, and that its acts constitute infringement. Defendant has acted 25 26 and is continuing to act in the face of an objectively high likelihood that its actions constitute 27 infringement of a valid patent or with reckless disregard of that likelihood.

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### JURY DEMAND

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

### **PRAYER FOR RELIEF**

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

A declaration that DraftKings infringes the Patents-in-Suit under 35 U.S.C. § 271(a) 6 1. 7 and a final judgment incorporating same;

8 2. Equitable relief under 35 U.S.C. § 283, including but not limited to an injunction 9 that enjoins DraftKings and any of its officers, agents, employees, assigns, representatives, privies, successors, and those acting in concert or participation with them from infringing the Patents-in-10 11 Suit;

12 3. An award of damages sufficient to compensate Plaintiffs for infringement of the Patents-in-Suit by DraftKings, together with prejudgment and post-judgment interest under 35 13 U.S.C. § 284; 14

15 4. Entry of an order compelling DraftKings to compensate Plaintiffs for any ongoing and/or future infringement of the Patents-in-Suit, in an amount and under terms appropriate under 16 17 the circumstances;

5. 18 That this Court declare this an exceptional case and award Plaintiffs their reasonable attorneys' fees, costs, and expenses in accordance with 35 U.S.C. § 285; 19

206. A declaration or order finding DraftKings' infringement is willful and/or an order increasing damages under 35 U.S.C. § 284; and 21

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C. WELLS FARGO TOWER SUITE 1500, 3800 HOWARP HUGHES PARKWAY LAS VEGAS, NV 89169 TELEFHOWE: 702,369,6800

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7. That Plaintiffs be granted such other and further relief as the Court may deem just
 and proper under the circumstances.

DATED this 13th day of June, 2016.

OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

/s/ Molly M. Rezac Molly M. Rezac Nevada Bar No. 7435 Erica J. Chee Nevada Bar No. 12238 Wells Fargo Tower Suite 1500 3800 Howard Hughes Parkway Las Vegas, NV 89169 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP Robert F. Shaffer (admitted pro hac vice) James R. Barney (*admitted pro hac vice*) Anthony D. Del Monaco (*admitted pro hac vice*) 901 New York Avenue, NW Washington, DC 20001-4413 Attorneys for Plaintiffs CG Technology Development, LLC, Interactive Games Limited, and Interactive Games LLC

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1	CERTIFICATE OF SERVICE
2	I hereby certify that I electronically transmitted the foregoing PLAINTIFFS' FIRST
3	AMENDED COMPLAINT FOR PATENT INFRINGEMENT to the Clerk's Office using the
4	CM/ECF system for filing and transmittal of a notice of electronic filing to the following CM/ECF
5	registrants:
6 7 8	Jason M. Dorsky Jonathan Berschadsky Kathryn E. Easterling Robert H. Fischer Michael J. McCue
9	
10	Pursuant to Federal Rule of Civil Procedure 5(b), I hereby further certify that service of the
11	foregoing was also made this day by depositing a true and correct copy of same for mailing, first
12	class mail, postage prepaid thereon, at Las Vegas, Nevada, addressed to the following:
<ol> <li>13</li> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> </ol>	Jason M. Dorsky Kathryn E. Easterling Fitzpatrick Cella Harper & Scinto 975 F Street, NW Washington, DC 20004 Jonathan Berschadsky Robert H. Fischer Fitzpatrick Cella Harper & Scinto 1290 Avenue of the Americas New York, NY 10104-3800 Michael J. McCue Jonathan W. Fountain Lewis Roca Rothgerber Christie LLP 3993 Howard Hughes Pkwy, Ste. 600 Las Vegas, NV 89169
24	Attorneys for Defendant
25	DATED this 13th day of June, 2016.
26	/s/ Carol Rojas An Employee of OGLETREE, DEAKINS, NASH,
27	SMOAK & STEWART, P.C.
28	