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*Attorneys for Plaintiffs CG Technology Development, LLC,
Interactive Games Limited, and Interactive Games LLC*

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

CG TECHNOLOGY DEVELOPMENT, LLC,
INTERACTIVE GAMES LIMITED, and
INTERACTIVE GAMES LLC,

Plaintiffs,

vs.

BIG FISH GAMES, INC.,

Defendant.

Case No.: 2:16-cv-00857-MMD-VCF

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

DEMAND FOR JURY TRIAL

1 Plaintiffs CG Technology Development, LLC (“CG Tech”), Interactive Games Limited
2 (“IG Limited”), and Interactive Games LLC (“IG LLC”) (collectively “Plaintiffs”), by and through
3 their counsel, hereby bring this Complaint against Defendant Big Fish Games, Inc. (“Defendant” or
4 “Big Fish Games”), and allege as follows:

5 **NATURE OF ACTION**

6 1. This is an action for patent infringement under 35 U.S.C. § 271 *et seq.* by Plaintiffs
7 against Defendant for infringement of U.S. Patent Nos. RE39,818; 6,899,628; 7,534,169;
8 6,979,267; 8,342,924; 7,029,394; and 9,111,417 (collectively the “Patents-in-Suit”)¹.

9 **PARTIES**

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

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

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

24
25
26 ¹ Because this First Amended Complaint supersedes the original, and the latter may be deemed to
27 have been non-existent, Plaintiffs, out of an abundance of caution only, include claims for
28 infringement of U.S. Patent Nos. 6,899,628; 7,534,169; 6,979,267; 8,342,924; 7,029,394; and
9,111,417, so that they cannot be deemed to have been either voluntarily dismissed or waived on
appeal from this Court’s decision (ECF No. 36) once judgment is finally entered in this matter.

1 10. On information and belief, Defendant has operated and continues to operate an
 2 interactive website (www.bigfishgames.com) and mobile application that are accessible to all
 3 residents of the State of Nevada, including in this District, through which Defendant advertises and
 4 makes available for use certain services and electronic social casino games that are herein accused
 5 of infringement. (*See Popular Games*, BIG FISH GAMES, <http://www.bigfishgames.com>.) On
 6 information and belief, Defendant has repeatedly promoted its products and services accused of
 7 infringement in this District. (*See, e.g., Big Fish reeling in more casino gamers with high-stakes*
 8 *TV spot*, GEEKWIRE, [https://www.geekwire.com/2014/big-fish-reeling-casino-gamers-high-stakes-](https://www.geekwire.com/2014/big-fish-reeling-casino-gamers-high-stakes-tv-spot)
 9 *tv-spot*; *Big Fish Casino Commercial - Puppy*, YOUTUBE,
 10 <https://www.youtube.com/watch?v=Ig3KzkOY6pA>; *Big Fish Casino Commercial - Beagle*,
 11 YOUTUBE, <https://www.youtube.com/watch?v=OhhmgCf27mA>; *Big Fish Casino Film at The New*
 12 *Tropicana Las Vegas*, YOUTUBE, <https://www.youtube.com/watch?v=DnfRos73P28>.)

13 11. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b) and (c), and/or
 14 1400(b), as Big Fish Games is subject to personal jurisdiction in this District.

GENERAL ALLEGATIONS

15 12. Plaintiffs own innovative technology that is being used by Defendant in its social
 16 casino gaming business. Like traditional casino games, users are enabled to play games and place
 17 wagers on their outcomes. Social casino games, however, allow users to play casino games with
 18 hundreds of thousands of people through an online community. Remote users engage with the
 19 online community through mobile computing devices. Accordingly, social casino games are faster
 20 and provide a better-personalized experience, more options, and greater enjoyment for the players.

21 13. On information and belief, and based on its own admissions, Big Fish Games is the
 22 largest producer and distributor of social games, including “the #1 mobile social casino game, *Big*
 23 *Fish Casino*.” (*See* <http://www.bigfishgames.com/company/index.html>.) Big Fish Games
 24 provides access to its social casino gaming platform through its web-based interface and/or mobile
 25 applications. Big Fish Games determines whether its users are 13 years of age or older before
 26 authorizing the users to play in one of its casino games.
 27
 28

1 14. Big Fish Games offers various types of social casino games to users, including slots,
2 roulette, blackjack, and poker. Users can enter these games and place wagers on their outcomes
3 using “play” chips. Big Fish Games offers these games at various minimum stakes and entry fees
4 (or “buy-ins”). As such, Big Fish Games’ gaming platform provides an in-game store to purchase
5 the chips required to enter a desired game and wager on the outcome. The chips are stored in a
6 digital wallet as part of the user’s profile. Big Fish Games also monitors multiple games and game
7 events on which play is based to determine the outcome of each wager. During gameplay, a user
8 may request to generate a wager offer to other users and receive multiple acceptances of the wager
9 offer in response. After completing the game, the winners are awarded chips according to the
10 game’s payout rules. Big Fish Games manages and updates each user’s account to reflect the
11 appropriate transfer of chips based on a winning or losing outcome.

12 15. Big Fish Games’ gaming platform also generates statistics information based on
13 game events and wager records associated with each user’s gameplay. The statistics information is
14 stored in a user profile that provides a viewable summary of personalized information. This
15 personalized information also includes identification information and other historical game
16 performance information. Big Fish Games displays the user profile to the respective user and to
17 other users of the gaming platform.

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

24 17. Big Fish Games has also induced and continues to induce acts by third parties that
25 Big Fish Games knows or should know constitute direct infringement of the RE’818 patent. Big
26 Fish Games actively induced infringement of the RE’818 patent by designing their social casino
27 platform such that it infringes the RE’818 patent and by purposefully directing, promoting,
28

1 encouraging, and causing the use of its casino platform by third parties in ways that infringe the
2 RE'818 patent.

3 **CLAIMS FOR RELIEF**

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

6 18. Plaintiffs incorporate by reference paragraphs 1-17 as if fully set forth herein.

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

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

14 21. Defendant, directly or through its agents, customers, and/or intermediaries, has
15 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products
16 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more
17 claims of the RE’818 patent. For instance, on information and belief, Defendant’s accused
18 products and/or systems provide a processor that executes a gaming application for displaying
19 video images on a display screen. Defendant uses and tests its products and/or systems on portable
20 controls that are personalized to a specific user after the user registers an account to interact with
21 the gaming application. Once registration is complete, the portable control stores in its memory
22 identification information including the user’s age and game data. The personalized portable
23 control includes control switches for generating game control signals during gameplay. The
24 portable control also includes a wireless transmitter for sending the identification and control
25 signals to the processor. Here, the processor uses the received identification signals to determine
26 whether the user is authorized to play the game based at least in part on the user’s age. This is
27 done in a manner that infringes at least claims 1, 16, 20, 21, 24, 31, and 32 of the RE’818 patent.
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1 22. Upon information and belief, Big Fish Games uses and tests its products on various
2 computing devices, including portable and mobile devices such as mobile phones, tablets, and
3 laptops. (See, e.g., *Big Fish Games in Oakland*, YOUTUBE,
4 <https://www.youtube.com/watch?v=QwTJvZtffQ4>; *Big Fish Games - Welcome to Big Fish*
5 *Studios*, YOUTUBE, <https://www.youtube.com/watch?v=-iEbMYJ2OCs>.) For example, Big Fish
6 Games uses and tests its products in conjunction with making those products
7 available through and/or on Apple and Android devices. (See, e.g., *Launching*
8 *Your App on Devices*, APPLE APP DISTRIBUTION GUIDE,
9 <https://developer.apple.com/library/content/documentation/IDEs/Conceptual/App>
10 [DistributionGuide/LaunchingYourApponDevices/LaunchingYourApponDevices.html](https://developer.apple.com/library/content/documentation/IDEs/Conceptual/AppDistributionGuide/LaunchingYourApponDevices/LaunchingYourApponDevices.html); *Run*
11 *Apps on a Hardware Device*, ANDROID STUDIO USER GUIDE,
12 <https://developer.android.com/studio/run/device.html>.)

13 23. Big Fish Games gives demonstrations of its products on computing devices,
14 including portable and mobile devices such as mobile phones, tablets, and laptops, at conventions
15 and trade shows, such as RTX and PAX West (see, e.g., *Big Fish Games is Hitting The Road*, BIG
16 FISH BLOG, <http://www.bigfishgames.com/blog/big-fish-hitting-the-road/>; *Big Fish @ PAX - Our*
17 *Booth*, YOUTUBE, https://www.youtube.com/watch?feature=youtube_gdata&v=ckbdXI6cZAs;
18 *We're at #RTX2015 showing off some of our newer games*, TWITTER,
19 <https://twitter.com/bigfishgames/status/629750107106193408>; *Runestone Heroes Is Coming to*
20 *PAX West*, BIG FISH BLOG, [http://www.bigfishgames.com/blog/runestone-heroes-is-coming-to-](http://www.bigfishgames.com/blog/runestone-heroes-is-coming-to-pax-west/)
21 [pax-west/](http://www.bigfishgames.com/blog/runestone-heroes-is-coming-to-pax-west/)), and at television shows, such as *The Balancing Act* (see, e.g., *Casual Games*,
22 YOUTUBE, <https://www.youtube.com/watch?v=8a3DThJ1shc>).

23 24. Defendant has indirectly infringed and continues to indirectly infringe the RE'818
24 patent, both via contributory and induced infringement. The direct infringement underlying
25 Defendant's indirect infringement of the RE'818 patent consists at least of its end-user customers'
26 use of its social casino platform on computing devices, including portable and mobile devices such
27 as mobile phones, tablets, and laptops.
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25. Defendant has induced and continues to induce its end-user customers to use the accused systems by purposefully directing, promoting, encouraging, and causing the use of the accused systems by its end-user customers in a manner that it knows infringes the RE'818 patent. Defendant has done so at least by (1) providing detailed instructions to its customers through training videos, demonstrations, brochures, installation and/or user guides explaining how to use the social casino platform (*see, e.g., Android M (Marshmallow) - Accessing Your Account*, BIG FISH GAMES, https://bigfishgames.custhelp.com/app/answers/detail/a_id/2369; *Big Fish Casino Tips and Tricks*, BIG FISH GAMES, <http://www.bigfishgames.com/blog/walkthrough/big-fish-casino-strategy-guide-hints-cheats-codes-tips-tricks/>; *Big Fish Games Mobile App Help*, BIG FISH GAMES, <http://www.bigfishgames.com/blog/big-fish-games-mobile-app-help/>; *Create a Big Fish Games Account*, BIG FISH GAMES, https://bigfishgames.custhelp.com/app/answers/detail/a_id/151; *Finding Your In-Game ID*, BIG FISH GAMES, https://bigfishgames.custhelp.com/app/answers/detail/a_id/2315/kw/finding%20your%20in%20game%20id; *General Help for iPhone and iPad Games*, BIG FISH GAMES, https://bigfishgames.custhelp.com/app/answers/detail/a_id/362/kw/General%20Help%20for%20iPhone%20and%20iPad%20Games; *Big Fish Casino – Free Vegas Slots & Tournaments*, iTUNES APP STORE, <https://itunes.apple.com/us/app/big-fish-casino-free-vegas/id538212549?mt=8>; *Big Fish Games App*, iTUNES APP STORE, <https://itunes.apple.com/us/app/big-fish-games-app-best-free/id431387115?mt=8>; *Jackpot City Slots*, BIG FISH GAMES, https://bigfishgames.custhelp.com/app/answers/detail/a_id/2379/kw/jackpot%20city%20slots; *Problems Downloading or Installation Failed*, BIG FISH GAMES, https://bigfishgames.custhelp.com/app/answers/detail/a_id/536/kw/Problems%20Downloading%20or%20Installation%20Failed; *Signing in to Your Account*, BIG FISH GAMES, https://bigfishgames.custhelp.com/app/answers/detail/a_id/494/kw/signing%20in%20to%20your%20account; *Using Your Big Fish Account on a Mobile Device*, BIG FISH GAMES, https://bigfishgames.custhelp.com/app/answers/detail/a_id/2328/kw/Using%20Your%20Big%20Fish%20Account%20on%20a%20Mobile%20Device; *Vegas Party Slots Help*, BIG FISH GAMES,

1 https://bigfishgames.custhelp.com/app/answers/detail/a_id/2322/kw/Vegas%20Party%20Slots%20
 2 Help); and (2) touting and advertising these features to its customers (*see, e.g., Get the Big Fish*
 3 *Games App! Easily Find All the Best Mobile Games!!*, YOUTUBE,
 4 <https://www.youtube.com/watch?v=EBFLZVCEAE>; *CS Help Videos - Installing Game Updates*
 5 *on PC/Mac*, YOUTUBE, https://www.youtube.com/watch?v=4bAJssx_jLM; *Big Fish Games App -*
 6 *Get It Today!*, YOUTUBE, <https://www.youtube.com/watch?v=s2AOPcA3rwU>; Plaintiffs' First
 7 Amended Complaint, *supra* paragraph 10 at 9-20). Defendant's inducement has led to
 8 infringement of at least claims 1, 16, 20, 21, 24, 31, and 32 of the RE'818 patent.

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

21 27. Defendant had knowledge of the RE'818 patent at least since the service of the
 22 original Complaint on or about April 14, 2016.

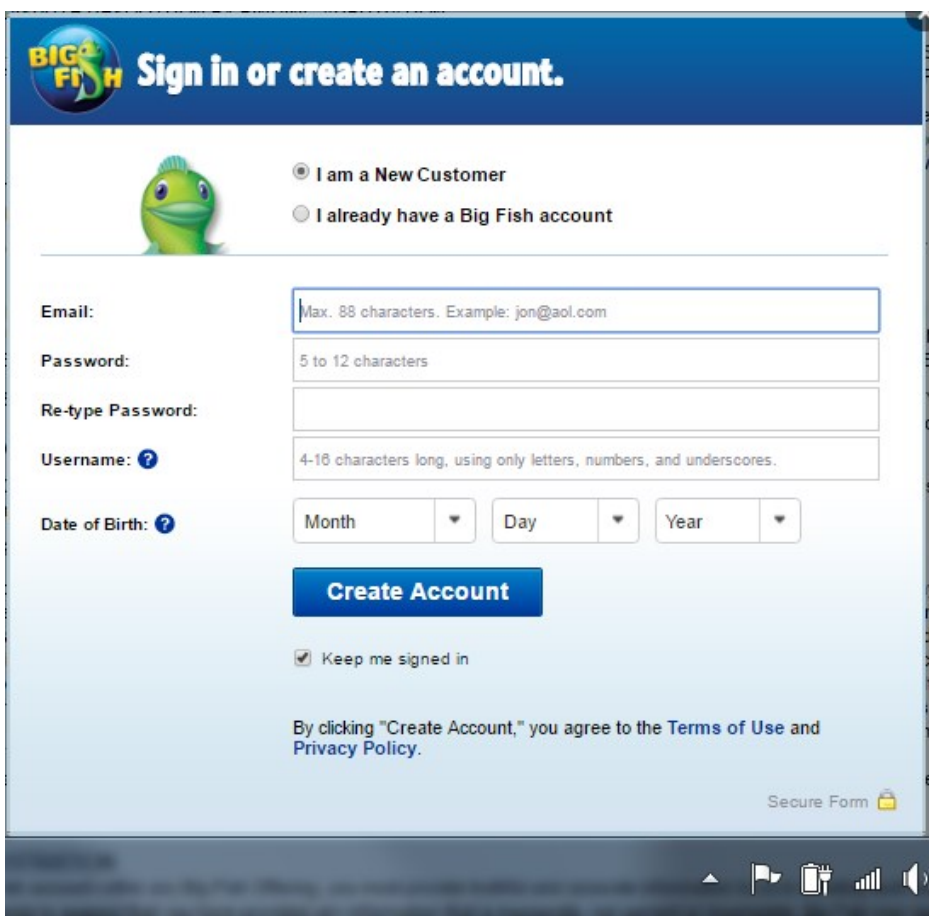
23 28. Defendant does not have a license or permission to use the RE'818 patent.

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

27 30. By way of example only, Defendant tests, uses, and provides, and at least its
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1 customers use, the Big Fish Games social casino platform in a manner that infringes each
2 limitation of at least one asserted claim of the RE’818 patent.

3 31. Defendant and its customers infringes all elements of claim 20, by using and/or
4 providing an apparatus for playing its social casino games (as shown below by a user opening,
5 registering, launching a game, and playing a game on a gaming device), the “game apparatus
6 comprising: a wireless transmitter to transmit both an identification code and game control signals
7 to a processor executing a game.” (RE’818 patent, col. 7, ll. 25-28.)



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32. Defendant tests, uses, and provides, and at least its customers use, a processor such that an “identification code is used by the processor to retrieve identification data and authorize game play based at least in part on an age of a player.” (*Id.* at col. 7, ll. 28-30.)

Sign in to play Big Fish Casino now!



Daily FREE game and bonuses could win you up to 50,000 FREE CHIPS, just for signing in!

[Forgot your password?](#)

Don't have an account?
[Sign Up Now](#)

 Keep me signed in

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Sign up for Big Fish Casino now!



New players get 100,000 FREE BONUS CHIPS in the #1 FREE to play Casino game in the world!

Date of Birth: ?
Month [dropdown] Day [dropdown] Year [dropdown]

Your date of birth is required to verify that you are eligible to create an account with us. Your age won't be revealed to other players without your consent.

Sign Up Now!

Already have an account?
Sign In Now

Keep me signed in

By clicking "Sign Up Now," you agree to the Big Fish Terms of Use and Privacy Policy. We respect your privacy and won't sell or share your information with other companies without your permission.

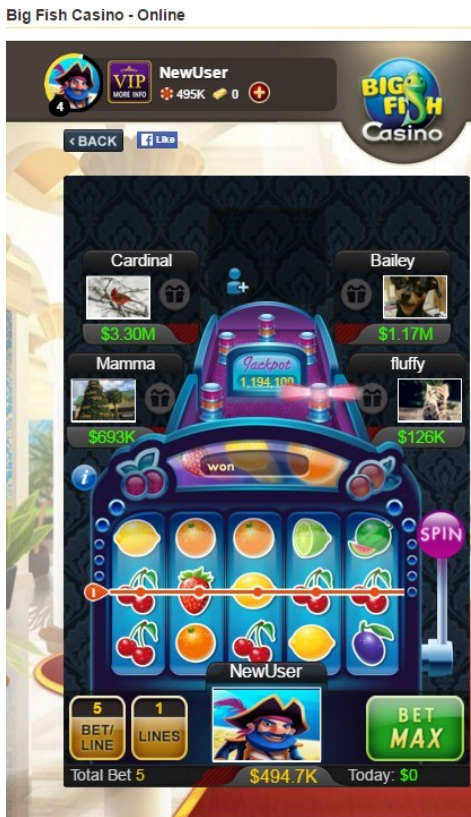


33. Defendant tests, uses, and provides, and at least its customers use, an apparatus for playing its social casino games that includes (as shown below, for example, in the bottom right-hand corner of the screenshot) “a plurality of input controls to allow the player to interact with the processor to play the game.” (*Id.* at col. 7, ll. 31-32.)

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

**SECOND CLAIM FOR RELIEF
 (INFRINGEMENT OF U.S. PATENT NO. 6,899,628)²**

35. Plaintiffs incorporate by reference paragraphs 1-34 as if fully set forth herein.

36. 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

² This allegation is included for preservation of options on appeal only. Because this First Amended Complaint supersedes the original, and the latter may be deemed to have been non-existent, Plaintiffs, out of an abundance of caution only, include this claim for infringement of U.S. Patent No. 6,899,628, so that it cannot be deemed to have been either voluntarily dismissed or waived on appeal from this Court’s decision (ECF No. 36) once judgment is finally entered in this matter.

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1 Management to a User of a Gaming Application” to the listed inventors Fergus A. Leen, Sam B.
2 Lawrence, David G. McNally, Clive Hetherington, David M. McDowell, and Kevin R. O’Neal. A
3 certified copy of the ’628 patent is attached as **Exhibit B**.

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

7 38. 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
10 claims of the ’628 patent. For instance, on information and belief, Defendant’s accused products
11 and/or systems have certain features that manage game events through a gaming application
12 accessible to remote users. A user downloads and installs software on a computing device to
13 remotely access the gaming application. During execution of the gaming application, a monitor
14 module monitors a plurality of game events and communicates event information through an
15 interface. The interface transmits the event information, which is associated with at least one game
16 event, to an enhanced services platform. This platform provides various different functions and
17 generates statistics and a wager record based on the event information. Here, the wager record is
18 associated with an entry fee and other bets made during gameplay between a plurality of users.
19 This is done in a manner that infringes at least claims 1 and 31 of the ’628 patent.

20 39. Big Fish Games’ social casino platform infringes each limitation of at least claim 31
21 of the ’628 patent. By way of example only:

22 40. Big Fish Games’ social casino platform infringes all elements of claim 31, which
23 includes (as shown below) “[a] server for managing game events, comprising: a processor that
24 executes a gaming application that is accessed by a remote user via a network.” (’628 patent,
25 col. 23, ll. 62-64.)

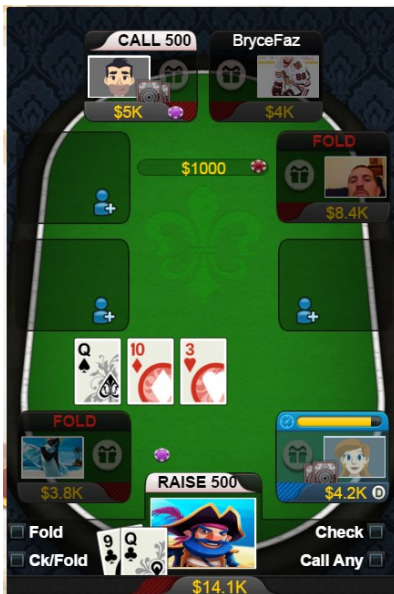
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41. Big Fish Games’ social casino platform includes “a monitor module coupled to the processor that monitors a plurality of game events during the execution of the gaming application by the user.” (*Id.* at col. 23, ll. 65-67.)



42. Big Fish Games’ social casino platform includes “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.)

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43. Big Fish Games’ social casino platform includes “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.)



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

45. As a result of Defendant’s infringement of the '628 patent, IG Limited has suffered

1 and continues to suffer damages, in an amount not yet determined, and is entitled to an award of
 2 damages adequate to compensate for the infringement, but in no event less than a reasonable
 3 royalty.

4 **THIRD CLAIM FOR RELIEF**
 5 **(INFRINGEMENT OF U.S. PATENT NO. 7,534,169)³**

6 46. Plaintiffs incorporate by reference paragraphs 1-45 as if fully set forth herein.

7 47. On May 19, 2009, U.S. Patent No. 7,534,169 (“the ’169 patent”) was duly and
 8 legally issued by the PTO for an invention titled “System and Method for Wireless Gaming System
 9 with User Profiles” to the listed inventors Lee M. Amaitis, Joseph M. Asher, Robert F.
 10 Bahrapour, Darrin M. Mylet, Alan B. Wilkins, and Howard W. Lutnick. A certified copy of the
 11 ’169 patent is attached as **Exhibit C**.

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

15 49. Defendant, directly or through its agents, customers, and/or intermediaries, has
 16 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products
 17 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more
 18 claims of the ’169 patent. For instance, on information and belief, Defendant’s accused products
 19 and/or systems have certain features that modify a gaming environment based on a user’s success
 20 level in playing a gaming activity. A gaming device enables a user to play a plurality of gaming
 21 activities, and a user profile associated with the user is updated to reflect a first success level in
 22 playing a first gaming activity during a first gaming session. After termination of the first gaming
 23 session and the start of a second, subsequent, gaming session, the user’s success level in playing
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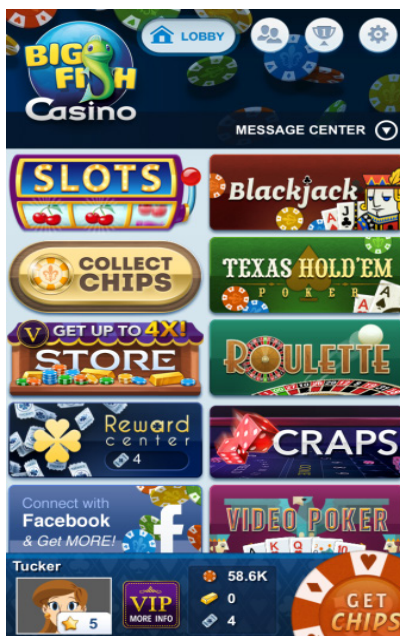
25 ³ This allegation is included for preservation of options on appeal only. Because this First
 26 Amended Complaint supersedes the original, and the latter may be deemed to have been non-
 27 existent, Plaintiffs, out of an abundance of caution only, include this claim for infringement of U.S.
 28 Patent No. 7,534,169, so that it cannot be deemed to have been either voluntarily dismissed or
 waived on appeal from this Court’s decision (ECF No. 36) once judgment is finally entered in this
 matter.

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1 the first gaming activity is determined. Based at least in part on the first success level, a gaming
 2 environment is modified and presented to the user through the gaming device. The modification
 3 includes a change in how the first gaming activity is presented to the user as a possible gaming
 4 activity during the second gaming session. This is done in a manner that infringes at least claim 1
 5 of the '169 patent.

6 50. Big Fish Games' social casino platform infringes each limitation of at least claim 1
 7 of the '169 patent. By way of example only:

8 51. Big Fish Games' social casino platform infringes all elements of claim 1, which
 9 include (as shown below) “[a]n apparatus comprising: . . . at least one profile associated with a user
 10 of a gaming device, the gaming device being operable to make a plurality of gaming activities
 11 available to the user for play via the gaming device.” ('169 patent, col. 26, ll. 43-52.)

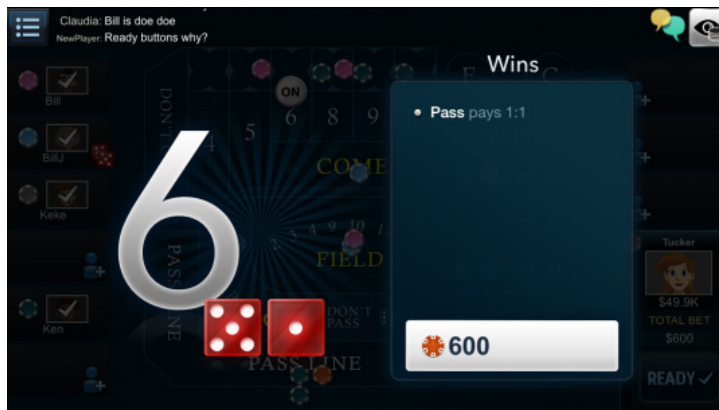


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 22 52. Big Fish Games' social casino platform includes “updat[ing] the user’s profile to
 23 reflect a first success level of the user in playing a first of the plurality of gaming activities via the
 24 gaming device during a first gaming session.” (*Id.* at col. 26, ll. 56-59.)

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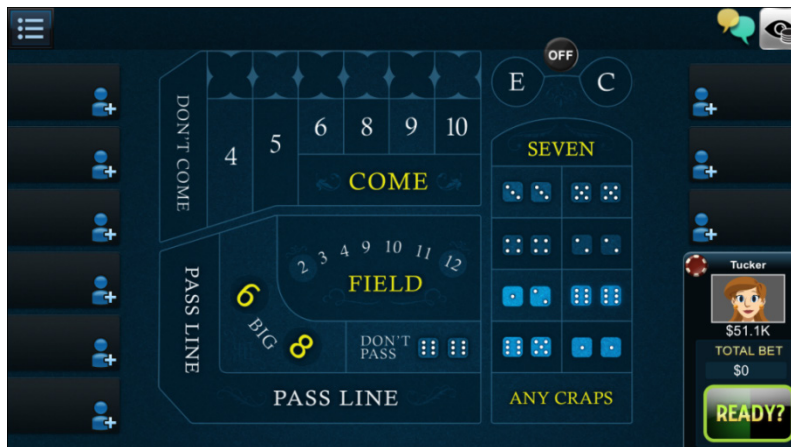
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53. Big Fish Games’ social casino platform includes, “based at least in part on the first success level, modify[ing] a gaming environment, wherein the modification includes a change as to how the first gaming activity is presented to the user as a possible gaming activity that the user may play via the gaming device during the second gaming session.” (*Id.* at col. 26, l. 66 to col. 27, l. 4.)



54. Big Fish Games’ social casino platform includes “present[ing] to the user, via the gaming device, the first gaming activity according to the modified gaming environment.” (*Id.* at col. 27, ll. 5-7.)



55. Defendant does not have a license or permission to use the '169 patent.

56. As a result of Defendant's infringement of the '169 patent, IG LLC has suffered and continues to suffer damages, in an amount not yet determined, and is entitled to an award of damages adequate to compensate for the infringement, but in no event less than a reasonable royalty.

**FOURTH CLAIM FOR RELIEF
(INFRINGEMENT OF U.S. PATENT NO. 6,979,267)⁴**

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

58. On December 27, 2005, U.S. Patent No. 6,979,267 ("the '267 patent") was duly and legally issued by the PTO for an invention titled "System and Method for Generating Profile Information 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 '267 patent is attached as **Exhibit D**.

59. IG Limited is the assignee and sole owner of the '267 patent, with all substantive rights in and to that patent, including the sole and exclusive right to bring this action and enforce the '267 patent against infringers, and to collect damages for all relevant times.

⁴ This allegation is included for preservation of options on appeal only. Because this First Amended Complaint supersedes the original, and the latter may be deemed to have been non-existent, Plaintiffs, out of an abundance of caution only, include this claim for infringement of U.S. Patent No. 6,979,267, so that it cannot be deemed to have been either voluntarily dismissed or waived on appeal from this Court's decision (ECF No. 36) once judgment is finally entered in this matter.

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1 60. Defendant, directly or through its agents, customers, and/or intermediaries, has
2 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products
3 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more
4 claims of the '267 patent. For instance, on information and belief, Defendant's accused products
5 and/or systems have certain features that generate profile information for users of gaming
6 applications executed on a server. During execution of a first gaming application by a first user, a
7 plurality of game events are monitored. First and second event information associated with a first
8 and second game event is communicated to a processor remote from the server. The processor
9 generates first profile information associated with the first user based at least in part on the first
10 event information, the second event information, and wager records of the first user. The processor
11 stores the first profile information in a memory. During execution of a second gaming application
12 by a second user, a plurality of game events are also monitored. Third and fourth event
13 information associated with a third and fourth game event is communicated to the processor. Here,
14 the third event information is received by the processor substantially simultaneously with the first
15 event information. The processor generates second profile information associated with the second
16 user based at least in part upon the third and fourth event information. This is done in a manner
17 that infringes at least claim 1 of the '267 patent.

18 61. Big Fish Games' social casino platform infringes each limitation of at least claim 1
19 of the '267 patent. By way of example only:

20 62. Big Fish Games' social casino platform infringes all elements of claim 1, which
21 include (as shown below) "[a] system for generating profile information for users of gaming
22 applications, comprising: a server that: . . . monitors a plurality of game events during the
23 execution of the first gaming application by a first user." ('267 patent, col. 20, ll. 24-29.)

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63. Big Fish Games’ social casino platform includes “a processor remotely coupled to the server that: . . . generates first profile information associated with the first user based at least in part upon . . . first event information, . . . second event information and wager records of the first user.” (*Id.* at col. 20, ll. 34-40.)



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64. Big Fish Games' social casino platform includes "receiv[ing] third event information substantially simultaneously with the first event information, the third event information associated with a third game event, wherein the third game event is associated with the execution by a second user of a second gaming application." (*Id.* at col. 20, ll. 41-46.)



65. Big Fish Games' social casino platform includes "receiv[ing] fourth event information associated with a fourth game event, wherein the fourth game event is associated with the execution by the second user of the second gaming application." (*Id.* at col. 20, ll. 47-50.)



66. Big Fish Games' social casino platform includes "generat[ing] second profile information associated with the second user based at least in part upon the third event information and the fourth event information." (*Id.* at col. 20, ll. 51-53.)



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1 67. Defendant does not have a license or permission to use the '267 patent.

2 68. As a result of Defendant's infringement of the '267 patent, IG Limited has suffered
3 and continues to suffer damages, in an amount not yet determined, and is entitled to an award of
4 damages adequate to compensate for the infringement, but in no event less than a reasonable
5 royalty.

6 **FIFTH CLAIM FOR RELIEF**
7 **(INFRINGEMENT OF U.S. PATENT NO. 8,342,924)**⁵

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

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

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

17 72. Defendant, directly or through its agents, customers, and/or intermediaries, has
18 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products
19 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more
20 claims of the '924 patent. For instance, on information and belief, Defendant's accused products
21 and/or systems have certain features that enable a user to play a game and initiate at least one event
22 within a context of playing the game. Information associated with the event is received by an
23 apparatus comprising a processor while the user plays the game. Here, the apparatus generates
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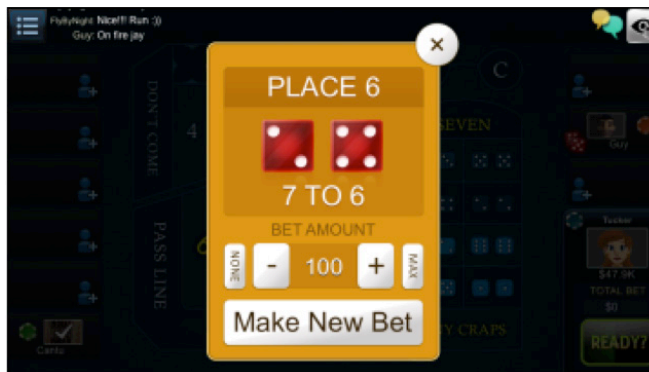
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26 ⁵ This allegation is included for preservation of options on appeal only. Because this First
27 Amended Complaint supersedes the original, and the latter may be deemed to have been non-
28 existent, Plaintiffs, out of an abundance of caution only, include this claim for infringement of U.S.
Patent No. 8,342,924, so that it cannot be deemed to have been either voluntarily dismissed or
waived on appeal from this Court's decision (ECF No. 36) once judgment is finally entered in this
matter.

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1 statistics information associated with the user based at least in part on the information. This
2 statistics information is associated with the user’s playing of the game, and is electronically
3 displayed to another user. This is done in a manner that infringes at least claim 11 of the ’924
4 patent.

5 73. Big Fish Games’ social casino platform infringes each limitation of at least claim 11
6 of the ’924 patent. By way of example only:

7 74. Big Fish Games’ social casino platform infringes all elements of claim 11, which
8 include (as shown below) “[a]n apparatus comprising: at least one processor; and at least one
9 memory device . . . [that] stores instructions which . . . direct the at least one processor to: receive
10 information associated with at least one event initiated by a user within a context of playing a
11 game, wherein the information is received during the playing of the game by the user.” (’924
12 patent, col. 21, ll. 4-13.)

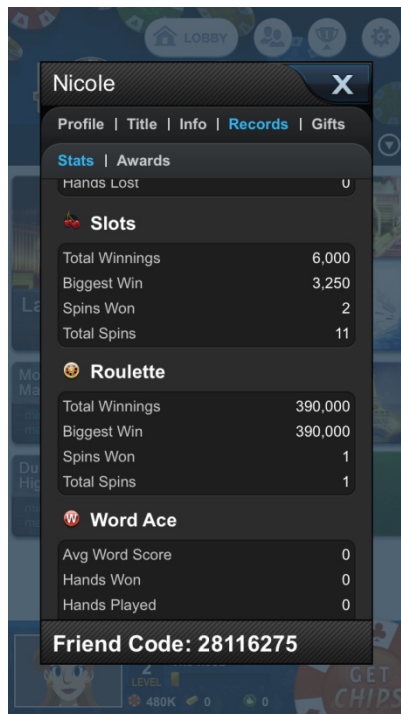


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19 75. Big Fish Games’ social casino platform includes, “based at least in part on the
20 information, generat[ing] statistics information, wherein the statistics information is associated
21 with the user with respect to the playing of the game.” (*Id.* at col. 21, ll. 14-17.)

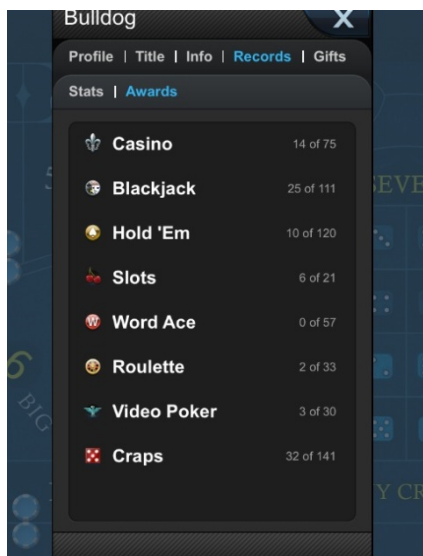
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76. Big Fish Games’ social casino platform includes “caus[ing] to be electronically displayed to another user at least the statistics information.” (*Id.* at col. 21, ll. 18-19.)



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

78. 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, and is entitled to an award of damages adequate to compensate for the infringement, but in no event less than a reasonable

1 royalty.

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3 **SIXTH CLAIM FOR RELIEF**
4 **(INFRINGEMENT OF U.S. PATENT NO. 7,029,394)⁶**

5 79. Plaintiffs incorporate by reference paragraphs 1-78 as if fully set forth herein.

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

11 81. IG Limited is the assignee and sole owner of the ’394 patent, with all substantive
12 rights in and to that patent, including the sole and exclusive right to bring this action and enforce
13 the ’394 patent against infringers, and to collect damages for all relevant times.

14 82. Defendant, directly or through its agents, customers, and/or intermediaries, has
15 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products
16 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more
17 claims of the ’394 patent. Specifically, Defendant’s accused products and/or systems have certain
18 features that enable a user to execute a gaming application hosted on a remote server. During
19 execution of the gaming application, first and second event information associated with first and
20 second game events is received. Statistics information associated with the user and the gaming
21 application is generated based at least in part on the first event information, the second event
22 information, and wager records associated with the gaming application. The statistics information
23 is used to determine an outcome of a wager associated with the gaming application and then stored.
24 This is done in a manner that infringes at least claim 1 of the ’394 patent.

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26 ⁶ This allegation is included for preservation of options on appeal only. Because this First
27 Amended Complaint supersedes the original, and the latter may be deemed to have been non-
28 existent, Plaintiffs, out of an abundance of caution only, include this claim for infringement of U.S.
Patent No. 7,029,394, so that it cannot be deemed to have been either voluntarily dismissed or
waived on appeal from this Court’s decision (ECF No. 36) once judgment is finally entered in this
matter.

1 83. Big Fish Games’ social casino platform infringes each limitation of at least claim 1
 2 of the ’394 patent. By way of example only:

3 84. Big Fish Games’ social casino platform infringes all elements of claim 1, which
 4 includes (as shown below) “[a] system for generating statistics information, comprising: a server
 5 that: executes a gaming application; monitors a plurality of game events during the execution of
 6 the gaming application by a user; communicates first event information associated with a first
 7 game event; and communicates second event information associated with a second game event.”
 8 (’394 patent, col. 20, ll. 46-55.)

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 20 85. Big Fish Games’ social casino platform includes “a processor remotely coupled to
 21 the server that receives the first event information; receives the second event information; [and]
 22 generates statistics information based at least in part upon the first event information, the second
 23 event information and wager records associated with the gaming application.” (*Id.* at col. 20,
 24 ll. 56-62.)

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86. Big Fish Games’ social casino platform 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.)



87. Defendant does not have a license or permission to use the ’394 patent.

88. 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, and is entitled to an award of

1 damages adequate to compensate for the infringement, but in no event less than a reasonable
2 royalty.

3 **SEVENTH CLAIM FOR RELIEF**
4 **(INFRINGEMENT OF U.S. PATENT NO. 9,111,417)**⁷

5 89. Plaintiffs incorporate by reference paragraphs 1-88 as if fully set forth herein.

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

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

14 92. Defendant, directly or through its agents, customers, and/or intermediaries, has
15 made, used, tested, imported, provided, supplied, distributed, sold, and/or offered for sale products
16 and/or systems that infringe (either directly or under the doctrine of equivalents) one or more
17 claims of the ’417 patent. For example, on information and belief, Defendant’s accused products
18 and/or systems have certain features that provide a card game to users through their respective
19 computing devices over a communications network. On information and belief, Defendant’s
20 accused products and/or systems present users with a graphical user interface that allows users to
21 generate a wager offer, where the offer includes a wager amount. The interface further provides an
22 option to present the wager offer to other users and receive from a plurality of other users an
23 acceptance of the wager offer at the wager amount. In addition, during the playing of the game,
24

25 ⁷ This allegation is included for preservation of options on appeal only. Because this First
26 Amended Complaint supersedes the original, and the latter may be deemed to have been non-
27 existent, Plaintiffs, out of an abundance of caution only, include this claim for infringement of U.S.
28 Patent No. 9,111,417, so that it cannot be deemed to have been either voluntarily dismissed or
waived on appeal from this Court’s decision (ECF No. 36) once judgment is finally entered in this
matter.

1 Defendant's accused products and/or systems offer certain features that generate statistics for
 2 multiple users of the game, including presenting a portion of the statistics information for the users.
 3 At the end of the game, an outcome is determined and funds are transferred to at least one user who
 4 played (and "won") the game. This is done in a manner that infringes at least claim 1 of the '417
 5 patent.

6 93. Big Fish Games' social casino platform infringes each limitation of at least claim 1
 7 of the '417 patent. By way of example only:

8 94. Big Fish Games' social casino platform infringes all elements of claim 1, which
 9 includes (as shown below) "[a] system comprising at least one processor and at least one non-
 10 volatile memory having software stored thereon that when executed by the at least one processor
 11 directs the at least one processor to: provide a game via a communications network to users via
 12 respective computing devices of the users, wherein the game is a sports game, an arcade game, a
 13 card game, or an adventure game." ('417 patent, col. 20, ll. 20-27.)



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24 95. Big Fish Games' social casino platform includes, "responsive to a request from one
 25 of the users, caus[ing] a graphical user interface to be presented to the user at the user's computing
 26 device, wherein the graphical user interface allows the user to offer a wager to other users; [and]
 27 responsive to presenting the graphical user interface to the user, receiv[ing] from that user a request
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1 to generate a wager offer, wherein the wager offer includes a wager amount.” (*Id.* at col. 20,
 2 ll. 28-34.)



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 13 96. Big Fish Games’ social casino platform includes, “responsive to receiving the
 14 request to generate the wager offer, present[ing] the wager offer to other users via respective
 15 computing devices of the other users.” (*Id.* at col. 20, ll. 35-37.)

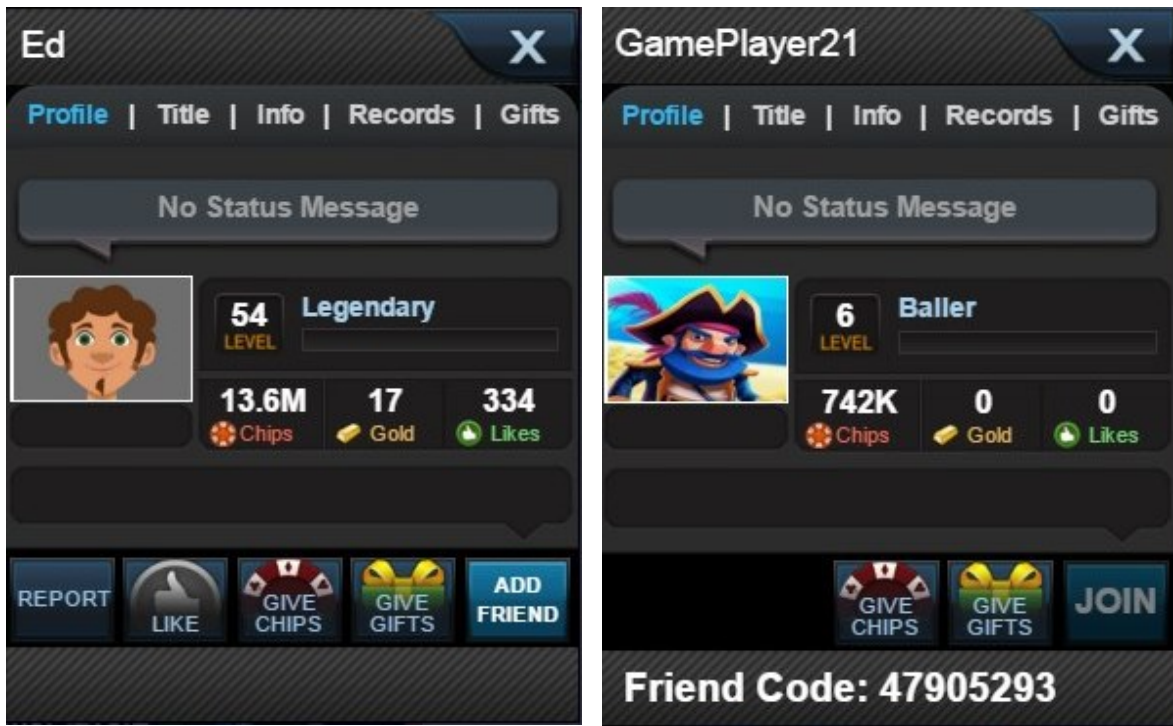


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 27 97. Big Fish Games’ social casino platform includes “receiv[ing] from a plurality of the
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1 other users an acceptance of the wager offer, each acceptance at the wager amount.” (*Id.* at col. 20,
 2 ll. 38-39.)



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 14 98. Big Fish Games’ social casino platform includes, “during a playing of the game by
 15 a plurality of the users: generat[ing] statistics information related to at least a first and a second of
 16 the users playing the game.” (*Id.* at col. 20, ll. 40-42.)



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1 99. Big Fish Games’ social casino platform includes, “at end of the game, determin[ing]
 2 an outcome of the wagers resulting from the users that accepted the wager offer, wherein . . .
 3 determin[ing] the outcome of the wagers includes . . . transfer[ring] funds to at least one user who
 4 played the game.” (*Id.* at col. 20, ll. 49-53.)



16 100. Defendant does not have a license or permission to use the ’417 patent.

17 101. As a result of Defendant’s infringement of the ’417 patent, IG Limited has suffered
 18 and continues to suffer damages, in an amount not yet determined, and is entitled to an award of
 19 damages adequate to compensate for the infringement, but in no event less than a reasonable
 20 royalty.

21 **JURY DEMAND**

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

23 **PRAYER FOR RELIEF**

24 Wherefore, Plaintiffs respectfully request that the Court find in their favor and against
 25 Defendant, and that the Court grants Plaintiffs the following relief:

26 1. A declaration that Big Fish Games infringes the Patents-in-Suit under 35 U.S.C.
 27 § 271(a), (b), and/or (c), and a final judgment incorporating same;
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2. Equitable relief under 35 U.S.C. § 283, including but not limited to an injunction that enjoins Big Fish Games and any of its officers, agents, employees, assigns, representatives, privies, successors, and those acting in concert or participation with them from infringing, contributing to the infringement of, and/or for inducing infringement of the Patents-in-Suit;

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

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

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

6. A declaration or order increasing damages under 35 U.S.C. § 284; and

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CERTIFICATE OF SERVICE

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

Douglas F. Stewart
David J. Ball
Michael N. Feder

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

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DATED this 28th day of September, 2016.

/s/ Carol Rojas
An Employee of OGLETREE, DEAKINS, NASH,
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