

5. Upon information and belief, Defendant Panic Button, LLC is a Texas limited liability company having a place of business having at 9737 Great Hills Trail #300, Austin, TX 78759.

JURISDICTION AND VENUE

6. This is an action for patent infringement which arises under the Patent Laws of the United States, in particular, 35 U.S.C. § § 271, 281, 284, and 285.


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

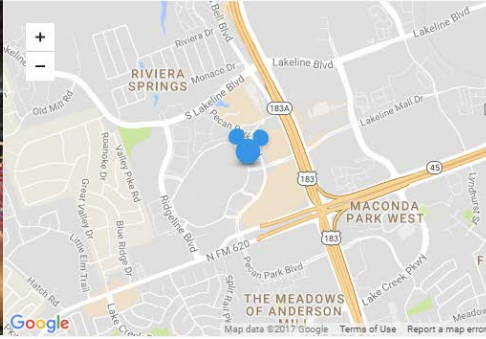
8. This Court has specific and general personal jurisdiction over Defendants pursuant to due process and/or the Texas Long Arm Statute, because they have committed acts giving rise to this action within Texas and within this judicial district. The Court's exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice because Defendants have established minimum contacts with the forum.

9. Defendant Disney Store USA, LLC has committed acts of infringement in this judicial district, by among other things, selling and offering to sale products that infringe the asserted patent as alleged herein, including products sold via the Disney Store at Lakeline Mall located at 11200 Lakestop Boulevard, Austin, TX 78613.

Austin, Texas (TX)

[Select a Location > Texas \(TX\) > Austin](#)





[f](#) [t](#) [p](#)

The widest selection of authentic Disney Merchandise

Disney Store's Austin, TX location offers the latest in official Disney merchandise, including Disney toys, clothes and Disney collectibles featuring everyone's favorite characters including Mickey Mouse, the Disney Princesses, Fairies, Buzz Lightyear, Pooh and so Many More!

Address:

Disney Store
Lakeline Mall
11200 Lakestop Boulevard
Austin, TX 78613
Phone: (512) 219-7117
Send address to: [E-mail](#) | [Mobile](#)

Hours of Operation:

Monday	10:00 AM - 9:00 PM
Tuesday	10:00 AM - 9:00 PM
Wednesday	10:00 AM - 9:00 PM
Thursday	10:00 AM - 9:00 PM
Friday	10:00 AM - 9:00 PM
Saturday	10:00 AM - 9:00 PM
Sunday	12:00 PM - 6:00 PM

Source: <https://stores.shopdisney.com/tx/austin/626/> (archived)

10. Defendant Disney Store USA, LLC has also sold or offered to sale the products that infringe the asserted patent through multiple other “brick and mortar” stores in this District, in at least San Antonio, San Marcos, Round Rock, and Canutillo.

11. Further, Defendant Disney Store USA, LLC through its website at shopDisney.com (Disney Store online is now shopDisney.com, the ultimate Disney shopping destination!) and its parent, The Walt Disney Company, www.disney.com (“The Official home for all things Disney”) specifically identified and ratified these multiple Disney stores in this District to consumers as places of business of Disney and as a place where customers may purchase the infringing Infiniti product.

12. Defendant Disney Store USA, LLC and its parent, The Walt Disney Company, further ratified these Disney Stores as places of business by stating that “returns or exchanges of merchandise purchased from shopDisney.com can be made to any Disney Store.”

Disney Store Locations in San Antonio, Texas (TX)

[Select a Location](#) > [Texas \(TX\)](#) > San Antonio

San Antonio

6301 Northwest Loop 410, San Antonio, Tx, 78238

7400 San Pedro Avenue, San Antonio, Tx, 78216

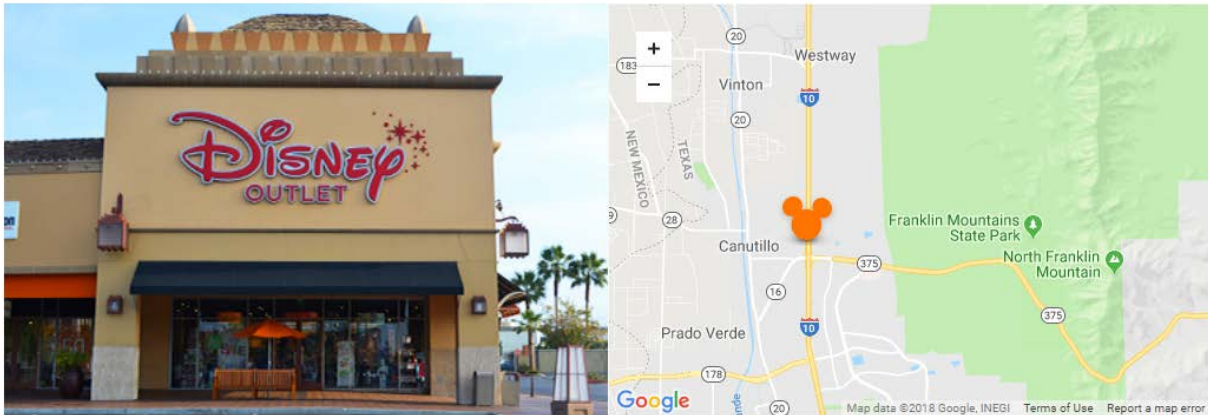
849 East Commerce Street, San Antonio, Tx, 78205

At your local San Antonio, TX Disney Store, apart from toys, clothes, and games, you'll also find DVDs and entertainment, art and Disney collectibles, and Disney themed home & decor products. Shop for popular favorites like Disney Jewelry, Princess Dolls, Watches, and Backpacks. With products from Tinker Bell, Pooh and Pals, Alice in Wonderland, and many others, you'll always find the perfect Disney gift!

Source: <https://stores.shopdisney.com/tx/san-antonio/>

Canutillo, Texas (TX)

[Select a Location](#) > [Texas \(TX\)](#) > Canutillo



The widest selection of authentic Disney Merchandise

Disney Outlet's Canutillo, TX location offers the latest in official Disney merchandise, including Disney toys, clothes and Disney collectibles featuring everyone's favorite characters including Mickey Mouse, the Disney Princesses, Fairies, Buzz Lightyear, Pooh and so Many More!

Address:

Disney Outlet
 Outlet Shoppes at El Paso
 7051 South Desert Boulevard
 Canutillo, TX 79835
 Phone: (915) 877-3839
 Send address to: [E-mail](#) | [Mobile](#)

Hours of Operation:

Monday	10:00 AM - 9:00 PM
Tuesday	10:00 AM - 9:00 PM
Wednesday	10:00 AM - 9:00 PM
Thursday	10:00 AM - 9:00 PM
Friday	10:00 AM - 9:00 PM
Saturday	10:00 AM - 9:00 PM
Sunday	10:00 AM - 7:00 PM

Source: <https://stores.shopdisney.com/tx/canutillo/951/>

Disney Store Locations in El Paso, Texas (TX)

[Select a Location](#) > [Texas \(TX\)](#) > El Paso

El Paso

8401 Gateway Boulevard West, El Paso, Tx, 79925

At your local El Paso, TX Disney Store, apart from toys, clothes, and games, you'll also find DVDs and entertainment, art and Disney collectibles, and Disney themed home & decor products. Shop for popular favorites like Disney Jewelry, Princess Dolls, Watches, and Backpacks. With products from Tinker Bell, Pooh and Pals, Alice in Wonderland, and many others, you'll always find the perfect Disney gift!

Source: <https://stores.shopdisney.com/tx/el-paso/>

Disney Store Locations in San Marcos, Texas (TX)

[Select a Location](#) > [Texas \(TX\)](#) > San Marcos

San Marcos

4015 I-35 South, San Marcos, Tx, 78666

At your local San Marcos, TX Disney Store, apart from toys, clothes, and games, you'll also find DVDs and entertainment, art and Disney collectibles, and Disney themed home & decor products. Shop for popular favorites like Disney Jewelry, Princess Dolls, Watches, and Backpacks. With products from Tinker Bell, Pooh and Pals, Alice in Wonderland, and many others, you'll always find the perfect Disney gift!

Source: <https://stores.shopdisney.com/tx/san-marcos/>



Source: <http://kernelmag.dailydot.com/wp-content/uploads/2013/09/2.png>



Source: <http://kernelmag.dailydot.com/wp-content/uploads/2013/09/3.png>

13. Defendant GameStop Corp. (“GameStop”) has committed acts of infringement in this judicial district, by among other things, selling and offering for sale products that infringe the asserted patent as alleged herein, including products sold via its store at 9300 S IH-35, Austin, TX 78748.



14. Defendant GameStop Corp. has also sold and offered to sale the products that infringe the asserted patent as alleged herein through multiple other “brick and mortar” stores in this District, in at least Austin and San Antonio.

Find a GameStop Store We found **13 stores near Austin, TX**

Search City, State or Zip Code

Ben White Payload Center - GameStop 500 E Ben White Blvd Austin, TX 78704 View store details	3.4 Mi ● Opens at 10am
ThinkGeek BartonCreek - ThinkGeek 2901 South Of Capitol Tx Hwy Austin, TX 78746 View store details	4.1 Mi ● Opens at 10am
Barton Creek Square - GameStop 2901 S Capitol Of Texas Hwy Austin, TX 78746 View store details	4.1 Mi ● Opens at 10am
Sunset Valley Village - GameStop 5601 Brodie Ln Austin, TX 78745 View store details	5.6 Mi ● Opens at 10am
Norwood Plaza - GameStop	7 Mi

Source: <https://www.gamestop.com/stores>

Find a GameStop Store We found **33 stores near San Antonio, TX**

Search City, State or Zip Code

River Center Mall - GameStop Prestige 849 E Commerce St San Antonio, TX 78205 View store details	0.7 Mi ● Opens at 10am
McCreless Square - GameStop Prestige 3800 S New Braunfels Ave San Antonio, TX 78223 View store details	3.6 Mi ● Opens at 10am
Military Dr San Antonio - GameStop 719 Sw Military Dr San Antonio, TX 78221 View store details	4.7 Mi ● Opens at 10am
Alamo Quarry Market - GameStop E 255 Basse Rd San Antonio, TX 78209 View store details	4.8 Mi ● Opens at 10am
Dellview Shopping Center - GameStop	1 Mi

Source: <https://www.gamestop.com/stores>

15. Defendant GameStop Corp. also identifies the products that infringe the assert patent on its website, www.gamestop.com, with a link as to “Pickup at At Store.”

The screenshot shows the GameStop website interface. At the top, there is a navigation bar with the GameStop logo, a search bar, and various links like 'Need Help', 'PowerUp Rewards', 'Find a Store', 'Gift Cards', 'Weekly Ad', and 'Deals'. A red banner on the right says 'FREE SHIPPING ON ORDERS OVER \$50'. Below the search bar, there are category filters for Xbox One, PS4, Switch, Xbox 360, PS3, PC, Wii U, 3DS, VR, Cool Stuff, Digital, Electronics, More, Pre-Owned, and Trade Values. The main content area shows search results for 'Disney INFINITY 3.0 Edition Starter Pack'. The results are sorted by 'Best Selling'. Two results are visible: one for Xbox 360 priced at \$4.97 and one for Xbox One priced at \$2.97 (with a crossed-out price of \$5.97). Both items are marked as 'Not Rated' and 'Currently unavailable online'. A 'Pick Up At Store' button is present for each item. On the left side, there are filters for 'NARROW RESULTS' including Platforms (Nintendo Wii U, PlayStation 3, PlayStation 4, Xbox 360, Xbox One) and Specials (Price Drop, Value Priced). Customer ratings are also shown for each platform. At the bottom left, there is an 'AdChoices' icon and a 'Safe Driver' label.

Source:

<https://www.gamestop.com/browse?nav=16k-Disney+INFINITY+3+0+Edition+Starter+Pack/>

16. Defendant GameStop Corp. through its website at GameStop.com specifically identified and ratified these multiple GameStop stores in this District to consumers as places of business of GameStop and as places where customers may purchase the infringing Infiniti product.
17. Defendant GameStop Corp., further ratified these GameStop Stores as places of business of GameStop by stating “You can return products purchased online by mail or at a nearby GameStop store.”
18. Defendant Panic Button, LLC has committed acts of infringement in this judicial district, by among other things, developing and using products that infringe the asserted patent as alleged herein.

DISNEY INFINITY

We contributed to the success of multiple versions of the mega successful *Disney Infinity* toys-to-life franchise (Wii U, Xbox 360, PS3, Wii, 2013).



Source: <http://panicbuttongames.com/games.php>

DISNEY INFINITY (2.0 EDITION)

We developed the PlayStation 4 version of the sequel to Disney's amazing toys-to-life franchise (PS4, 2014).



Source: <http://panicbuttongames.com/games.php>



DISNEY INFINITY (2.0 EDITION)

We developed the PS Vita (and PS TV compatible) versions of the sequel to Disney's toys-to-life franchise (PS Vita, PS TV, 2015).

Source: <http://panicbuttongames.com/games.php>



DISNEY INFINITY (2.0 EDITION)

We developed the PS Vita (and PS TV compatible) versions of the sequel to Disney's toys-to-life franchise (PS Vita, PS TV, 2015).

Source: <http://panicbuttongames.com/games.php>

DISNEY INFINITY (3.0 EDITION)

We developed the PlayStation 4 version of Disney's toys-to-life product, which added Star Wars to the game franchise (PS4, 2015).



Source: <http://panicbuttongames.com/games.php>

19. Venue in the Western District of Texas is proper pursuant to 28 U.S.C. §§ 1391 and 1400(b) because Defendants are deemed to reside in this judicial district, have committed acts of infringement in this judicial district, and/or have purposely transacted business involving the Accused Products (as defined herein) in Texas and this judicial district. As non-limiting examples, Defendants, have developed, sold, or offered to sale the Accused Products in this judicial district, including selling products via the stores identified in the preceding paragraphs.

COUNT ONE - INFRINGEMENT OF U.S. PATENT NO. 6,471,565

20. Interactive ToyBox re-alleges and incorporates by reference the preceding paragraphs of this Complaint.
21. On October 29, 2002, the United States Patent and Trademark Office duly and legally issued U.S. Patent No. 6,471,565 (“the ‘565 Patent”), entitled “Interactive Toy.” A true and correct copy of the ‘565 Patent is attached as Exhibit A to this Complaint.
22. Interactive ToyBox is the owner of all rights, title, and interest in and to the ‘565 Patent, including the right to assert all causes of action arising under the ‘565 Patent and the right to any remedies for the infringement of the ‘565 Patent.
23. Defendants made, used, sold, offered to sale, and/or distributed in the United States, including within this judicial district, products such as, but not limited to, the Disney Infinity® game. The Disney Infinity® game includes, but is not limited to, edition released on or for Xbox, PlayStation,

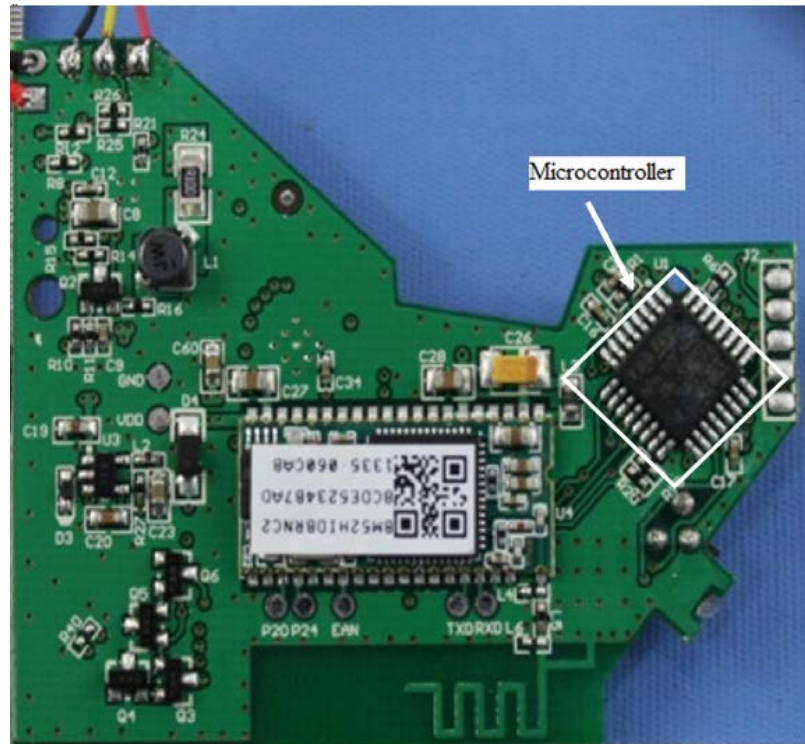
Wii, and Nintendo platforms (collectively, the “Accused Products”). The Accused Products utilize an “Infinity Base” and multiple “Play Set Pieces,” “Game Discs,” “Power Discs,” and/or “Character Figures” that can be placed on or near the Infinity Base to activate various functions in an accompanying game and/or at the Infinity Base/Figures. The Disney Infinity game includes various play sets such as Pirates of the Caribbean, The Incredibles, Cars, and Toy Story.

24. The following paragraphs provide a non-limiting example of infringement. The Accused Products include the Disney Infinity 2.0 Edition Starter Pack.
25. The Disney Infinity 2.0 Edition Starter Pack is offered for sale at multiple retailers in this judicial district, including at the GameStop store located at 2525 West Anderson Lane, Austin, TX 78757, and from online sellers operating in and shipping to this judicial district.
26. The following shows the front of the packaging for the Disney Infinity 2.0 Starter Pack. Also shown are the contents of the Starter Pack which includes an Infinity Base, a Character Figure (Black Spider-Man on the left of the Infinity Base), a Play Set Piece (on the right of the Infinity Base), and 2 Game Discs (on the right):



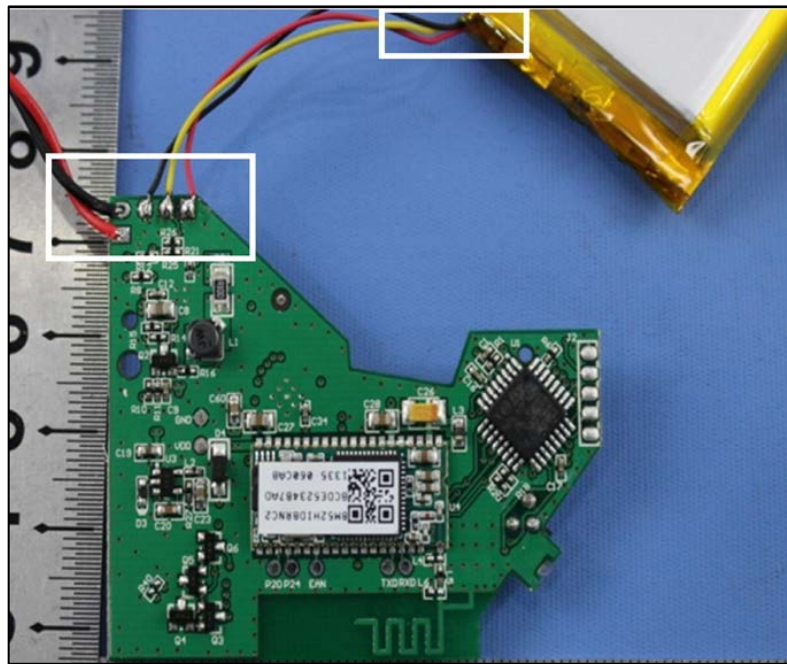
Source: Product testing

27. The Infinity Base includes several circuit boards. At least one of the circuit boards (“processor board”) includes a processor.



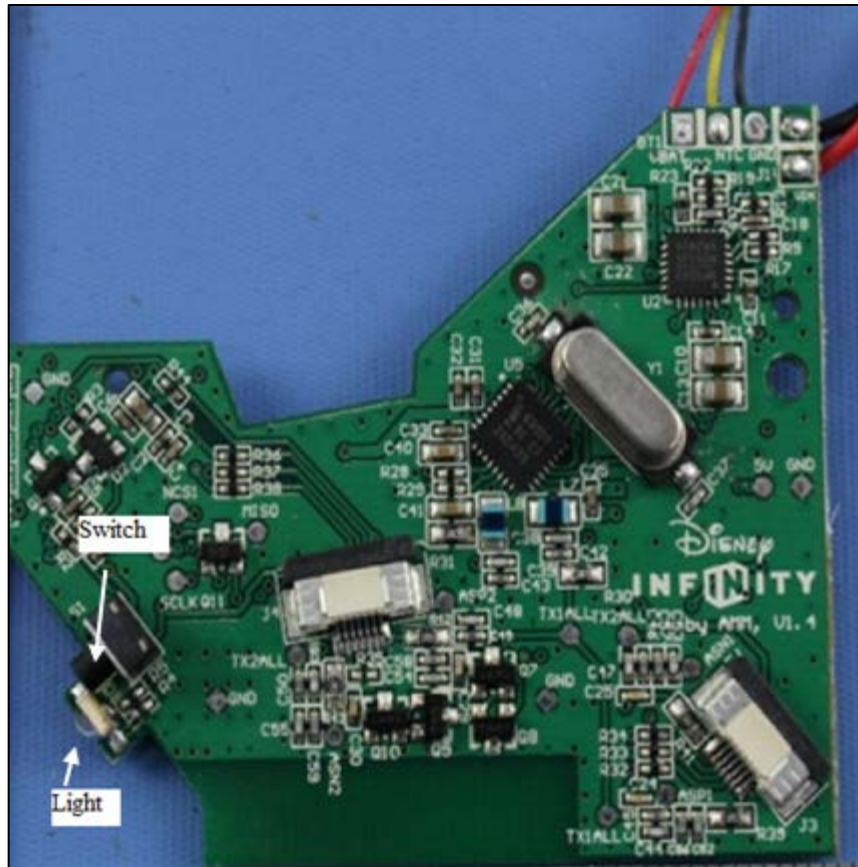
Source: <https://fccid.io/QOF-8039228/Internal-Photos/Internal-photos-2517779.pdf>

28. In view of the preceding paragraph, at least one processing unit is incorporated into the Infinity Base.
29. The Infinity Base includes a battery compartment and circuitry connected to the processor board.



Source: <https://fccid.io/QOF-8039228/Internal-Photos/Internal-photos-2517779.pdf>

30. In view of the preceding paragraph, the Infinity Base includes an autonomous electrical supply that supplies at least one processing unit with electrical energy.
31. The Infinity Base includes a button and an electrical switch to carry out on, off, and Bluetooth pairing functions.



Source: <https://fccid.io/QOF-8039228/Internal-Photos/Internal-photos-2517779.pdf>

- The Infinity Base includes two RFID antennas operating at 13.56 MHz that are connected to the processor board to carry out functions including detecting accessories, such as Character Figures.



Source: <https://fccid.io/QOF-8039228/Internal-Photos/Internal-photos-2517779.pdf>

33. The Infinity Base includes a “circular spot” to carry out functions including detecting Character Figures.



Source: <https://www.youtube.com/watch?v=2jCpun8Ikds>

34. In view of the preceding paragraphs, the Infinity Base includes an assembly of at least one of a sensor and an actuator that is connected to the at least one processing unit to carry out at least one type of function.
35. The Infinity Base includes a wire loop that inductively couples with the RFID tag included in an accessory, such as a Character Figure, when the accessory is placed on the top surface of the Infinity Base.

36. The wire loop described in preceding paragraphs is connected to the processor board.

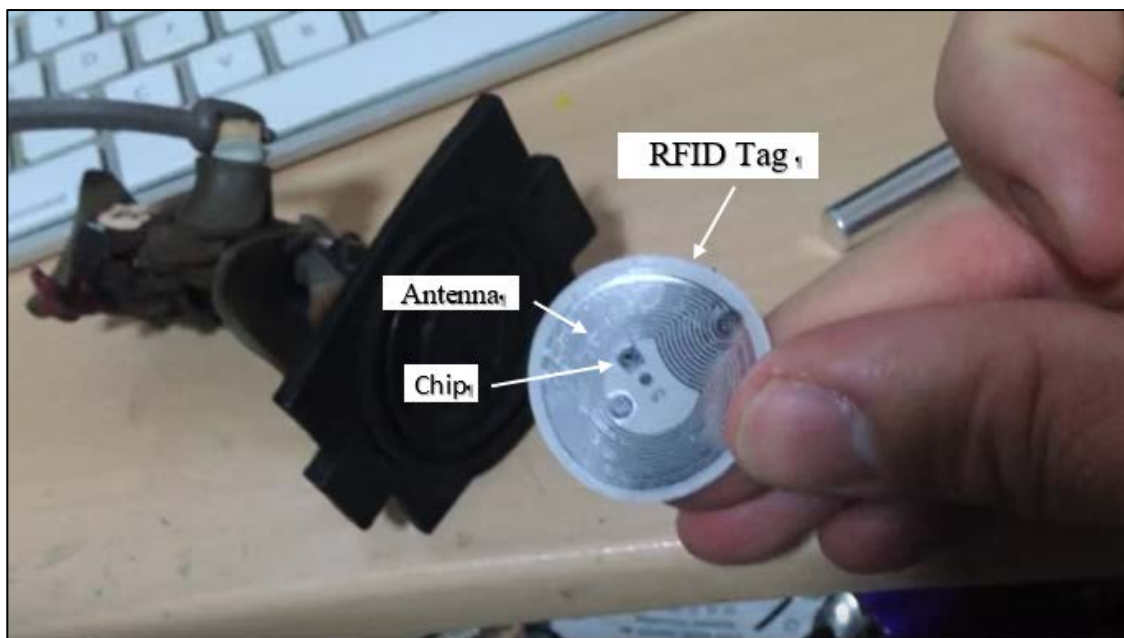


Source: <https://fccid.io/QOF-8039228/Internal-Photos/Internal-photos-2517779.pdf>

37. An antenna loop for the circular spot (“circular spot loop”) surrounds the circular spot and inductively couples with an RFID tag included in a Character Figure placed onto the circular spot.



Source: <http://disneyinfinitycodes.com/light-fx-figure-tear-down-comparison-anakin/>



Source: <https://www.youtube.com/watch?v=2jCpun8Ikds>

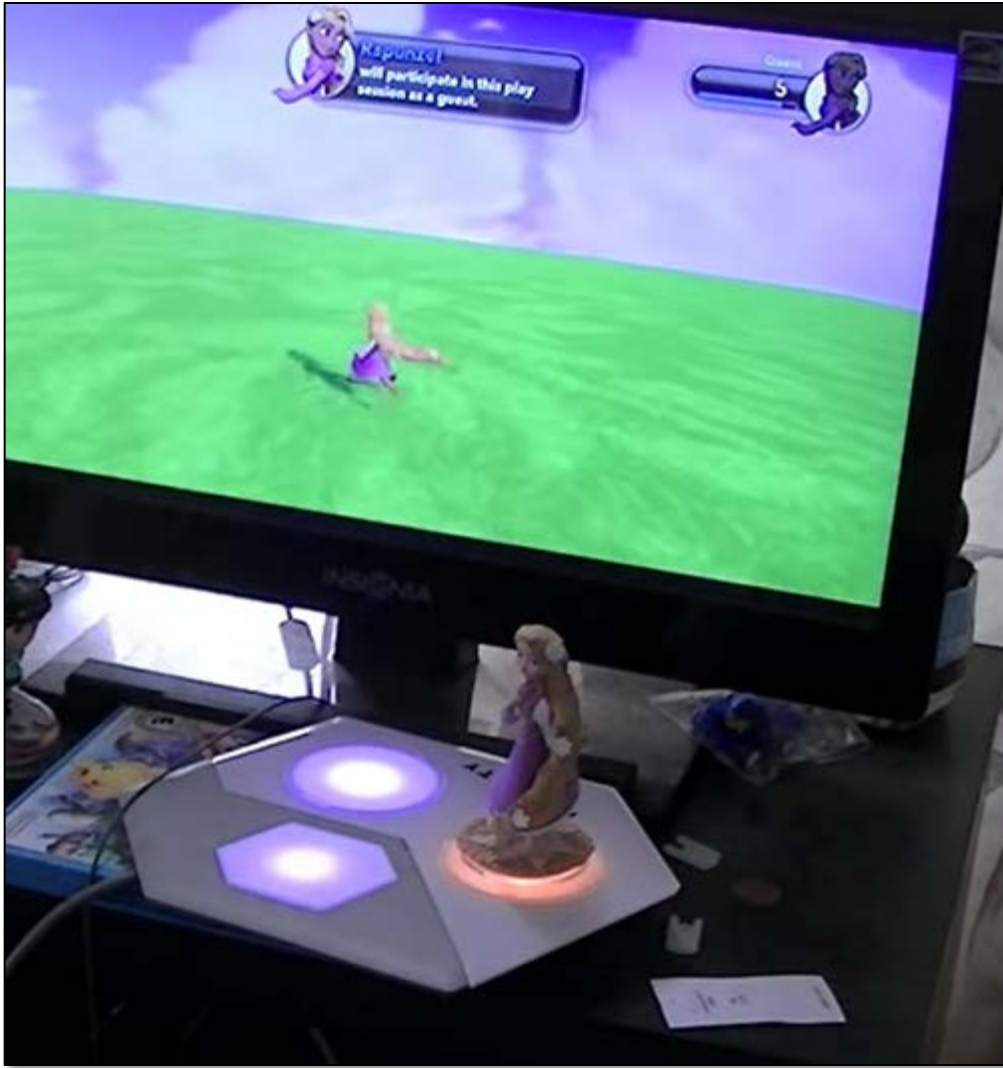
38. The Infinity Base is capable of reading data from and/or writing data to Character Figures placed onto the circular spot.

Yes that's right "taking ownership" simply writes your unique owner ID to the figure as well as what level it has for it in your game data, overwriting the previous owner and level. If the character isn't listed in your game data yet, ie you've not used that character before, it sets it to level 0. Your figures levels are saved/synced in your game data, this is why a family can share one set of figures, they keep retaking ownership which "reloads" the figures with their data each time.

Source:

<http://www.disneyinfinityfans.com/viewtopic.php?t=3591#sthash.0OVeyYQJ.8zyuKuNo.dpbs>

39. In view of preceding paragraphs, the Infinity Base includes at least one inductive coupler connected to the at least one processing unit.
40. Accessories for use with the Infinity Base, such as the Character Figures, Game Disc, and Play Set piece included in the Disney Infinity 2.0 Starter Pack, each include a passive RFID tag.
41. The passive RFID tag described in the preceding paragraphs is powered via an electromagnetic field when near the wire loop, such as when a Character Figure is placed on the circular spot of the Infinity Base.
42. In view of preceding paragraphs, the Disney Infinity 2.0 Starter Pack includes a plurality of accessories that comprises at least one inductive label for interacting electromagnetically with the at least one inductive coupler.
43. The Infinity Base is capable of reading data from and/or writing data to accessories placed on the circular spot of the Infinity Base.
44. Upon information and belief, when an accessory is placed on the circular spot of the Infinity Base, the RFID tag in the accessory and the RFID reader in the Infinity Base communicate using inductive coupling.



Source: Product testing

45. Upon information and belief, during operation of the Infinity Base, current flows through the wire loop and/or the antenna loop and produces a magnetic field that causes, when an accessory is placed within the magnetic field, a current to flow in the coil of the RFID tag in the accessory, forming a parallel resonant circuit corresponding to a transmission frequency of the RFID reader.
46. The Infinity Base has a label that indicates Federal Communications Commission (FCC) ID QOF-8039228.



Source: Product testing

47. Publicly available documents for FCC ID QOF-8039228 available at <http://fccid.io/QOF-8039228> (“FCC Documents”) indicate that the device operates using a transmission frequency of 13.56 MHz.

Product Name:	Disney Infinity Base INF-8039228
Model No.:	INF-8039228
Trade Mark:	Disney Infinity
Operation Frequency:	13.56MHz
Power Supply:	Input: 5V 500mA
Battery:	DC 3.7V 1200mAh
USB Cable:	180cm (Shielded with two ferrite core)

Source: <https://fccid.io/QOF-8039228/Test-Report/SZEM141200676902-rev3-2518607.pdf>

48. Upon information and belief, when an accessory is placed on or near the Infinity Base, an RFID tag in the accessory stores data that varies the current in an antenna of the RFID tag.

49. Upon information and belief, the data described in the preceding paragraph includes at least an identifier of the character to which a figurine corresponds.
50. The FCC Documents indicate the use of Binary Phase-shift keying (BPSK) modulation for communication.

Measurement Data			
Intentional emission			
Test Frequency (MHz)	Level (dBμV/m)	Limits (dBμV/m)	Margin (dB)
13.56	54.73	124	-69.27

Remark: 1. The EUT was tested at 3m in field chamber.
 2. The EUT modulation type is BPSK modulation, and duty is 100%.
 3. Since the field strength of fundamental is lower than the spurious emission limit, so the emission mask was not shown in this report.

Source: <https://fccid.io/QOF-8039228/Test-Report/SZEM141200676902-rev3-2518607.pdf>

51. In view of the preceding paragraphs, the Disney Infinity 2.0 Starter Pack includes a plurality of accessories comprising at least one inductive label for interacting electromagnetically with the at least one inductive coupler so that a current of defined frequency flows through the at least one inductive coupler and the inductive coupler exchanges with the at least one inductive label binary data corresponding to at least one of a phase and an amplitude state of modulation.
52. In view of preceding paragraphs, each and every element of at least claim 1 of the '565 Patent is found in the Disney Infinity 2.0 Starter Pack.
53. Defendant GameStop, Inc. continues to directly infringe at least one claim of the '565 Patent, literally or under the doctrine of equivalents, by making, using, selling, offering for sale, importing, and/or distributing the Accused Products in the United States, including within this judicial district, without the authority of Interactive ToyBox. The Accused Products are especially made or adapted for infringing the '565 Patent and have no substantial non-infringing

use. For example, in view of the preceding paragraphs, the Accused Products contain functionality which is material to at least one claim of the '565 Patent.

JURY DEMAND

Interactive ToyBox hereby demands a jury on all issues so triable.

REQUEST FOR RELIEF

WHEREFORE, Interactive ToyBox respectfully requests that the Court:

(A) Enter judgment that Defendants infringes one or more claims of the '565 Patent literally and/or under the doctrine of equivalents;

(B) Award Interactive ToyBox damages, to be paid by Defendants in an amount adequate to compensate Interactive ToyBox for such damages, together with pre-judgment and post-judgment interest for the infringement by Defendants of the '565 Patent through the date such judgment is entered in accordance with 35 U.S.C. § 284, and increase such award by up to three times the amount found or assessed in accordance with 35 U.S.C. § 284;

(C) Declare this case exceptional pursuant to 35 U.S.C. § 285; and

(D) Award Interactive ToyBox its costs, disbursements, attorneys' fees, and such further and additional relief as is deemed appropriate by this Court.

Dated: September 25, 2018

Respectfully submitted,

/s/ Travis L. Richins

Travis L. Richins
Texas State Bar No. 24061296
James L. Etheridge
Texas State Bar No. 24059147
Ryan S. Loveless
Texas State Bar No. 24036997
ETHERIDGE LAW GROUP, PLLC

2600 E. Southlake Blvd., Suite 120 / 324

Southlake, Texas 76092

Telephone: (817) 470-7249

Facsimile: (817) 887-5950

Travis@EtheridgeLaw.com

Jim@EtheridgeLaw.com

Ryan@EtheridgeLaw.com

Counsel for Plaintiff

Interactive ToyBox, LLC