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10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA  
12

13 BALLY TECHNOLOGIES, INC., a Nevada  
Corporation,

Civil Action No. 2:10-cv-440

14 Plaintiff,

15 v.

**COMPLAINT FOR  
PATENT INFRINGEMENT**

16 BUSINESS INTELLIGENCE SYSTEMS  
17 SOLUTIONS, INC., a California corporation,

**(JURY DEMAND)**

18 Defendant.  
19 \_\_\_\_\_/

20 Plaintiff Bally Technologies, Inc. (“Bally”) alleges the following in support of its  
21 Complaint for Patent Infringement and Demand for Jury Trial (“Complaint”) against Defendant  
22 Business Intelligence Systems Solutions, Inc. (“BIS2”).

23 JURISDICTION

24 1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and  
25 1338(a) because this action arises under the patent laws of the United States, including 35 U.S.C.  
26 § 271 et seq. This Court has personal jurisdiction over Defendant because it is qualified to do  
27 business in the State of Nevada and has committed acts within Nevada and this judicial district  
28

1 giving rise to this action.

2 VENUE

3 2. The Defendant has committed acts within this judicial district and the Southern  
4 Division of the District of Nevada giving rise to this action and does business in this district and  
5 division, including one or more of the infringing acts of manufacturing, selling, offering for sale,  
6 using, advertising, leasing and offering for lease its infringing products, and providing service and  
7 support to its respective customers in this district and division. Venue is proper in this district  
8 and division pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b), and Local Rule IA 8-1(a).

9 PARTIES

10 3. Plaintiff Bally is a corporation organized and existing under the laws of the State  
11 of Nevada and has its principal place of business at 6601 S. Bermuda Rd., Las Vegas, Nevada  
12 89119.

13 4. Upon information and belief, Defendant BIS2 is a corporation duly organized and  
14 existing under the laws of the State of California, and having a principal place of business at  
15 16955 Via Del Campo, Suite 200, San Diego, CA 92127.

16 COUNT 1

17 (Patent Infringement)

18 5. Paragraphs 1-4 of the Complaint set forth above are incorporated herein by  
19 reference.

20 6. On May 22, 2007, United States Patent No. 7,221,367 (“the ‘367 Patent”) entitled  
21 “Queue Management System and Method” was duly and legally issued to Andrew J. Cardno. All  
22 rights and interests in the ‘367 Patent were assigned to Compudigm International Limited on  
23 October 1, 2003. On December 17, 2008, Compudigm International Limited assigned full rights  
24 and interests in the ‘367 Patent to Bally. A true and correct copy of the ‘367 Patent is attached  
25 hereto as Exhibit A.

26 7. Bally is the full and sole owner of the ‘367 Patent.

27 8. On March 22, 2005, United States Patent No. 6,871,194 (“the ‘194 Patent”)   
28 entitled “Interaction Prediction System and Method” was duly and legally issued to Andrew J.

1 Cardno. All rights and interests in the '194 Patent were assigned to Compudigm International  
2 Limited on March 12, 2001. On December 17, 2008, Compudigm International Limited assigned  
3 full rights and interests in the '194 Patent to Bally. A true and correct copy of the '194 Patent is  
4 attached hereto as Exhibit B.

5 9. Bally is the full and sole owner of the '194 Patent.

6 10. On January 2, 2007, United States Patent No. 7,158,968 ("the '968 Patent")  
7 entitled "Database Query System and Method" was duly and legally issued to Andrew J. Cardno.  
8 All rights and interests in the '968 Patent were assigned to Compudigm International Limited on  
9 July 14, 2003. On December 17, 2008, Compudigm International Limited assigned full rights  
10 and interests in the '968 Patent to Bally. A true and correct copy of the '968 Patent is attached  
11 hereto as Exhibit C.

12 11. Bally is the full and sole owner of the '968 Patent.

13 12. Defendant BIS2 manufactures, sells, offers for sale, uses, advertises, offers for  
14 lease and leases its "Bis2 Suite" data processing and visualization product. A true and correct  
15 copy of a photograph and description of that suite of products contained on the Defendant's  
16 website is attached hereto as Exhibit D.

17 13. Upon information and belief, BIS2 has infringed and continues to infringe under  
18 35 U.S.C. § 271 the '367, '194, and '968 Patents (collectively the "patents-in-suit"). The  
19 infringing acts include, but are not limited to, manufacturing, selling, offering for sale, using,  
20 advertising, leasing and offering for lease the above-identified "Bis2 Suite" products that are  
21 covered by one or more claims of the patents-in-suit.

22 14. BIS2's acts of infringement have caused damage to Plaintiff. Under 35 U.S.C. §  
23 284, Plaintiff is entitled to recover from BIS2 the damages sustained by Bally as a result of  
24 BIS2's infringement of the patents-in-suit. BIS2's infringement of Plaintiff's rights under the  
25 patents-in-suit will continue to damage its businesses, causing irreparable harm to Plaintiff, for  
26 which there is no adequate remedy of law, unless enjoined by this Court under 35 U.S.C. § 283.

27 15. Upon information and belief, BIS2's infringement of the patents-in-suit has been  
28 willful and deliberate, and entitles Plaintiff to increased damages under 35 U.S.C. § 284 and

1 attorney fees and costs under 35 U.S.C. § 285.

2 PRAYER FOR RELIEF

3 WHEREFORE, Plaintiff respectfully requests that this Court enter judgment against BIS2  
4 as follows:

5 (a) For judgment that BIS2 has infringed and continues to infringe the patents-in-suit;

6 (b) For preliminary and permanent injunctions under 35 U.S.C. § 283 against BIS2  
7 and its directors, officers, employees, agents, subsidiaries, parents, attorneys, and all persons  
8 acting in concert, on behalf of, in joint venture, or in partnership with BIS2 from further acts of  
9 infringement;

10 (c) For damages to be paid by BIS2 adequate to compensate Plaintiff for its  
11 infringement, including interests, costs and disbursements as the Court may deem appropriate  
12 under 35 U.S.C. § 284;

13 (d) For judgment finding that BIS2's infringement was willful and deliberate, entitling  
14 Plaintiff to increased damages under 35 U.S.C. § 284;

15 (e) For judgment finding this to be an exceptional case, and awarding Plaintiff's  
16 attorney fees under 35 U.S.C. § 285; and

17 (f) For such other and further relief at law and in equity as the Court may deem just  
18 and proper.

19 DEMAND FOR JURY TRIAL

20 Pursuant to Fed. R. Civ. P. 38(b), Plaintiff hereby demands a jury trial on all issues triable  
21 by jury.

1 Dated: March 29, 2010

By: /s/ Michael D. Rounds

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