IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

AML IP, LLC,	)	
Plaintiff,	)	
	)	**Civil Action No. 6:21-cv-00037**
v.	)	
	)	
KINGSISLE ENTERTAINMENT, INC.	)	**JURY TRIAL DEMANDED**
Defendant.	)	

PLAINTIFF'S ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

AML IP, LLC ("AML") files this Original Complaint and demand for jury trial seeking relief from patent infringement of the claims of 7,177,838 ("the '838 patent") (referred to as the "Patent-in-Suit") by KingsIsle Entertainment, Inc. ("KingsIsle").

I.   THE PARTIES

1.   Plaintiff AML is a Texas Limited Liability Company with its principal place of business located in Harris County, Texas.

2.   On information and belief, KinsIsle is a corporation existing under the laws of the State of Texas, with a principal place of business located at 301 Sundance Parkway, Round Rock, TX 78683.   On information and belief, KinsIsle sells and offers to sell products and services throughout Texas, including in this judicial district, and introduces products and services that perform infringing methods or processes into the stream of commerce knowing that they would be sold in Texas and this judicial district. KinsIsle may be served through their registered agent David Nichols, 275 Dallas Parkway, Suite 620, Plano, Texas 75093.

II.   JURISDICTION AND VENUE

3.   This Court has original subject-matter jurisdiction over the entire action pursuant to 28 U.S.C. §§ 1331 and 1338(a) because Plaintiff's claim arises under an Act of Congress relating to patents, namely, 35 U.S.C. § 271.

4.   This Court has personal jurisdiction over Defendant because: (i) Defendant is present within or has minimum contacts within the State of Texas and this judicial district; (ii) Defendant has purposefully availed itself of the privileges of conducting business in the State of Texas and in this judicial district; and (iii) Plaintiff's cause of action arises directly from Defendant's business contacts and other activities in the State of Texas and in this judicial district.

5.   Venue is proper in this district under 28 U.S.C. §§ 1391(b) and 1400(b). Defendant has committed acts of infringement and has a regular and established place of business in this District. Further, venue is proper because Defendant conducts substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in Texas and this District.

III.   INFRINGEMENT

A. Infringement of the '838 Patent

6.   On February 13, 2007, U.S. Patent No. 7,177,838 ("the '838 patent", attached as Exhibit A) entitled "Method and Apparatus for Conducting Electronic Commerce Transactions Using Electronic Tokens" was duly and legally issued by the U.S. Patent and Trademark Office. AML IP, LLC owns the '838 patent by assignment.

7. The '838 patent relates to a novel and improved methods and apparatuses for conducting electronic commerce.
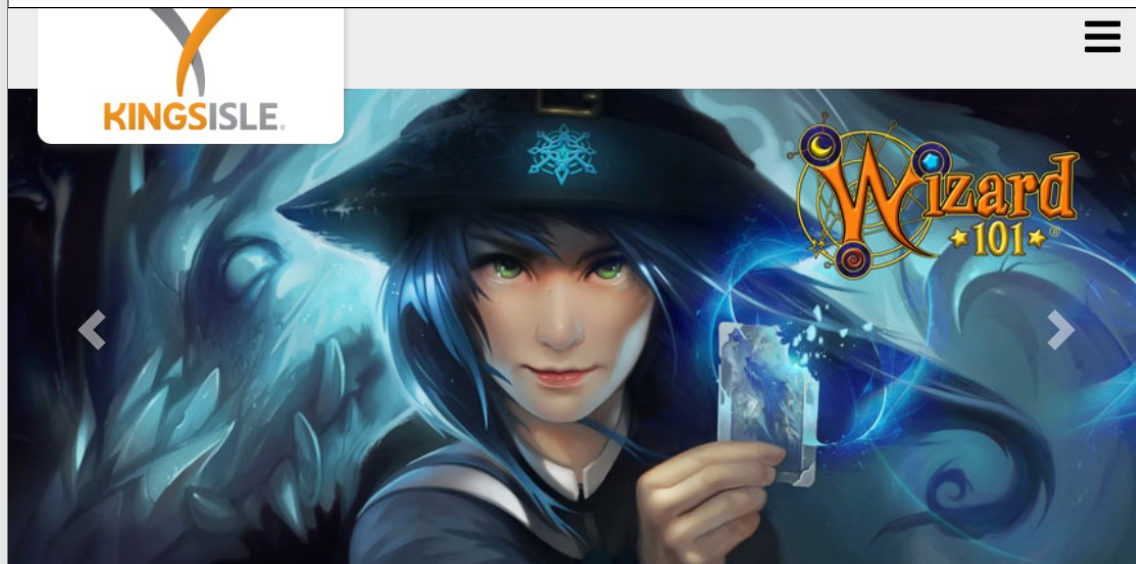
8. KinsIsle maintains, operates, and administers micropayment products and services that facilitate purchases from a vendor at micropayment levels, wherein prices for the products and services are listed in units of electronic tokens that infringes one or more claims of the '838 patent, including one or more of claims 1-28, literally or under the doctrine of equivalents. Defendant put the inventions claimed by the '838 Patent into service (i.e., used them); but for Defendant's actions, the claimed-inventions embodiments involving Defendant's products and services would never have been put into service. Defendant's acts complained of herein caused those claimed-invention embodiments as a whole to perform, and Defendant's procurement of monetary and commercial benefit from it.

9. Support for the allegations of infringement may be found in the following preliminary table:

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1. A method of conducting electronic commerce over the Internet using micropayments, the method comprising:	 <https://www.kingsisle.com/> KingsIsle Entertainment has a method of conducting electronic commerce over the Internet using micropayments. The reference includes subject matter disclosed by the claims of the patent after the priority date.

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opening a user account with a vendor for a user;	Some services of the Site may permit or require you to create an account. You agree to provide true, accurate, current and complete information during the registration process for any account, and to keep the information current through updates. You may not impersonate any person or entity or misrepresent your identity, including by using another person's account information. We may suspend or terminate your account for any failure to comply with these Terms of Use, any terms related to any service offered through the Site or for any reason whatsoever, or for no reason. Notwithstanding the foregoing, you acknowledge that the Company does not guarantee the accuracy of any information submitted by any user, including account information about the user. You are fully responsible for all activities conducted through your account. You are responsible for maintaining the confidentiality of your password and for any use of your password to gain access to your account and your account information. If you disclose your password to any other person, it is at your own risk. <https://www.kingsisle.com/terms-of-use/> The reference describes opening a user account with a vendor for a user.

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issuing one or more electronic tokens from the vendor to the user account, wherein no physical manifestation, other than a database entry, of the user account occurs, each electronic token having a value of at least a fraction of a dollar;	 Pretty cute right? To unlock Twinkle Star, you can only earn tokens through the Baby Animal Challenge. Mythical Baby Animals will NOT appear in the Baby Animal Rescue Events. To power up these Mythical Baby Animals, you'll need to earn a certain number of tokens AND rainbow crystals, a special new currency that you also earn by completing Baby Animal Challenge levels. <https://mobilegames.kingsisle.com/forums/animal-cove/official-news/2484-everything-you-need-to-know-about-baby-animals> The reference describes issuing one or more electronic tokens from the vendor to the user account, wherein no physical manifestation, other than a database entry, of the user account occurs, each electronic token having a value of at least a fraction of a dollar.

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providing products and services that may be purchased from the vendor at micropayment levels, wherein prices for the products and services are listed in units of electronic tokens;

There are set-specific Token Bags available for purchase that will ONLY give you tokens for Baby Animals in that set. This is a great way to increase your chances at getting a specific Baby Animal's token; however, these bags are also randomized. They do not guarantee you will get the exact tokens that you need to increase your star power and unlock more levels of the Baby Animal Challenge.

<https://mobilegames.kingsisle.com/forums/animal-cove/official-news/2495-purchasing-baby-animal-tokens>

The reference describes providing products and services that may be purchased from the vendor at micropayment levels, wherein prices for the products and services are listed in units of electronic tokens. |

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permitting the user to select, at any participating vendor web site, a subset of the products and services for purchase from the vendor;	 Completing each level in the event will award you one, two, or three tokens of the Baby Animal you'll be rescuing. Once you reach 10 tokens, you'll be able to rescue the Baby Animal if you've unlocked the biome that the Baby Animal lives in. <https://mobilegames.kingsisle.com/forums/animal-cove/official-news/2493-baby-animal-rescue-event> The reference describes permitting the user to select, at any participating vendor web site, a subset of the products and services.

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computing at the participating vendor web site a total price for the selected subset of the products and services in units of electronic tokens;	 Completing each level in the event will award you one, two, or three tokens of the Baby Animal you'll be rescuing. Once you reach 10 tokens, you'll be able to rescue the Baby Animal if you've unlocked the biome that the Baby Animal lives in. <https://mobilegames.kingsisle.com/forums/animal-cove/official-news/2493-baby-animal-rescue-event> The reference describes computing at the participating vendor web site a total price for the selected subset of the products and services in units of electronic tokens.

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authorizing a purchase transaction at the participating vendor web site without requiring any third party authentication and a physical manifestation of the user account; and	 MythicalAnimals.jp Happy Anniversary community! Today marks one year since Animal Cove launched globally. As a thank you to our players, each account has received 10 tokens for every Mythical Animal in the game, which is enough tokens to rescue them all! <https://mobilegames.kingsisle.com/forums/animal-cove/official-news/3447-happy-anniversary-animal-cove-community> The reference describes authorizing a purchase transaction at the participating vendor web site without requiring any third party authentication and a physical manifestation of the user account.

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if the user account contains electronic tokens having a value equal to or greater than the total price, permitting the user to purchase the selected subset of the products and services without requiring the user to disclose personal information to the vendor, and subtracting the total price from the user account, wherein the purchase transaction is not subject to a minimum processing fee.	 MythicalAnimals.jp Happy Anniversary community! Today marks one year since Animal Cove launched globally. As a thank you to our players, each account has received 10 tokens for every Mythical Animal in the game, which is enough tokens to rescue them all! <https://mobilegames.kingsisle.com/forums/animal-cove/official-news/3447- happy-anniversary-animal-cove-community> The reference describes if the user account contains electronic tokens having a value equal to or greater than the total price, permitting the user to purchase the selected subset of the products and services without requiring the user to disclose personal information to the vendor, and subtracting the total price from the user account, wherein the purchase transaction is not subject to a minimum processing fee.

These allegations of infringement are preliminary and are therefore subject to change.

10. KinsIsle has and continues to induce infringement. KinsIsle has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., micropayment products and services that facilitate purchases from a vendor at micropayment levels, wherein prices for the products and services are listed in units of electronic tokens) such as to cause infringement of one or more of claims 1–28 of the '838 patent, literally or under the doctrine of equivalents. Moreover, KinsIsle has known of the '838 patent and the technology underlying it from at least the date of issuance of the patent.

11. KinsIsle has and continues to contributorily infringe. KinsIsle has actively encouraged or instructed others (e.g., its customers and/or the customers of its related companies), and continues to do so, on how to use its products and services (e.g., micropayment products and services that facilitate purchases from a vendor at micropayment levels, wherein prices for the products and services are listed in units of electronic tokens) and related services such as to cause infringement of one or more of claims 1–28 of the '838 patent, literally or under the doctrine of equivalents. Moreover, KinsIsle has known of the '838 patent and the technology underlying it from at least the date of issuance of the patent.

12. KinsIsle has caused and will continue to cause AML damage by direct and indirect infringement of (including inducing infringement of) the claims of the '838 patent.

IV.   **JURY DEMAND**

AML hereby requests a trial by jury on issues so triable by right.

V.   **PRAYER FOR RELIEF**

WHEREFORE, AML prays for relief as follows:

a.   enter judgment that Defendant has infringed the claims of the '838 patent through KinsIsle payment links;

b.   award AML damages in an amount sufficient to compensate it for Defendant's infringement of the '838 patent in an amount no less than a reasonable royalty or lost profits, together with pre-judgment and post-judgment interest and costs under 35 U.S.C. § 284;

c.   award AML an accounting for acts of infringement not presented at trial and an award by the Court of additional damage for any such acts of infringement;

d.   declare this case to be "exceptional" under 35 U.S.C. § 285 and award AML its attorneys' fees, expenses, and costs incurred in this action;

e.   declare Defendant's infringement to be willful and treble the damages, including attorneys' fees, expenses, and costs incurred in this action and an increase in the damage award pursuant to 35 U.S.C. § 284;

f.   a decree addressing future infringement that either (i) awards a permanent injunction enjoining Defendant and its agents, servants, employees, affiliates, divisions, and subsidiaries, and those in association with Defendant from infringing the claims of the Patents-in-Suit, or (ii) awards damages for future infringement in lieu of an injunction in an amount consistent with the fact that for future infringement the Defendant will be an adjudicated infringer of a valid patent, and trebles that amount in view of the fact that the future infringement will be willful as a matter of law; and

g.   award AML such other and further relief as this Court deems just and proper.

Respectfully submitted,

Ramey & Schwaller, LLP

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