

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA

THE HOMEBINGO NETWORK, INC.

Plaintiff,

v.

OLEG BOIKO, BORIS BELOTSERKOVSKY, GENE CHAYEVSKY, SERGUEI KOUZMINE, and SERGEI SOKOL, t/d/b/a RITZIO ENTERTAINMENT GROUP, and t/d/b/a MTS GAMES and t/d/b/a CADILLAC JACK, also, MIKE MACKE, also, TIM MINARD, also CADILLAC JACK, INC., also, MTS GAMES, INC., also GAMATX, INC., also GREENETRACK, INC. t/d/b/a GREENETRACK, also MACON COUNTY GREYHOUND PARK, INC., t/d/b/a/ VICTORYLAND

Defendants.

Civil Action

Case No. 05-701

COMPLAINT FOR
PATENT
INFRINGEMENT

Plaintiff, by its attorney,

Robert David Malove
Attorney for Plaintiff
One East Broward Boulevard, Suite 700
Ft. Lauderdale, Florida, 33301-1876
Phone - 954-745-5840 Fax - 954-745-5841

respectfully alleges the following, based upon knowledge, information and belief:

THE PARTIES

1. Plaintiff, THE HOMEBINGO NETWORK, INC., is a Pennsylvania corporation with principal offices at 16485 Collins Avenue, Suite WS4C, Sunny Isles Beach, Florida, 33160.

2. Corporate Defendant CADILLAC JACK, INC. maintains its headquarters and its principal manufacturing facility at 2420 Meadowbrook Parkway, Duluth, Georgia, 30096.

3. Corporate Defendant MTS GAMES INC. t/d/b/a Multi-Tab Systems, maintains its headquarters at 2205 North Willow Avenue, Suite A, Broken Arrow, Oklahoma, 74012.

4. Corporate Defendant GAMATX, INC. maintains its headquarters and its principal operating facility at 2420 Meadowbrook Parkway, Duluth, Georgia, 30096.

5. The individual Defendant MIKE MACKE resides in Duluth, Georgia, and is the President and C.E.O. of corporate Defendant CADILLAC JACK, INC. and is a member of its Board of Directors

6. The individual Defendant TIM MINARD resides in Atlanta, Georgia and is the C.F.O. of corporate Defendant Cadillac Jack, Inc., and is a member of its Board of Directors.

7. The individual defendant GENE CHAYEVSKY resides in New York, New York, and is a member of the Board of Directors of corporate Defendant CADILLAC JACK, INC.

8. All of the other individual Defendants reside in Moscow, Russia, and trade and do business as Ritzio Entertainment Group, and as Cadillac Jack, and as MTS Games, and as Gamatx, Inc.

9. All of said individual Defendants are partners of, and/or are joint venturers with, and/or are key personnel of, or manage, or supervise or control the activities of the corporate Defendants CADILLAC JACK, INC., GAMATX, INC., and MTS GAMES INC.

10. The individual Defendants OLEG BOIKO, BORIS BELOTSERKOVSKY, SERGUEI KOUZMINE, GENE CHAYEVSKY AND SERGEI SOKOL, directly or indirectly, own a majority of the voting stock of corporate Defendants CADILLAC JACK, INC., MTS

GAMES, INC., AND GAMATX, INC., and/or control the business of said corporate defendants and/or constitute a majority of the Board of Directors of said corporate defendants.

11. Corporate Defendant GREENETRACK, INC., t/d/b/a GREENETRACK, is an Alabama business corporation that operates a gambling casino known as Greenetrack at 524 Co. Rd. 208, Eutaw, Alabama, 35462.

12. Corporate Defendant MACON COUNTY GREYHOUND PARK, INC., t/d/b/a/ VictoryLand, is an Alabama business corporation that operates a gambling casino known as VictoryLand at I-85, Exit 22, Shorter, Alabama, 36075.

JURISDICTION AND VENUE

13. This Honorable Court has jurisdiction over this patent infringement action under the patent laws of the United States, and in particular, under 35 USC §§ 271, 281, 283, 284 and 285, and also under 28 USC §§ 1331 and 1338.

14. All the individual Defendants, and the corporate Defendants CADILLAC JACK, INC., GAMATX, INC., and MTS GAMES, INC., currently are supplying and maintaining, or soon in the future will, supply and maintain bingo-based slot machines for operation in casinos in Atmore, Alabama, within the Southern District of Alabama, and currently share, or will soon in the future share, in the revenue generated by said slot machines.

15. All the individual defendants, and corporate Defendants CADILLAC JACK, INC., MTS GAMES, INC., and GAMATX, INC., are infringing, or will soon infringe U.S. Patent No. 6,186,892, (the '892 patent), by inducing others to use and operate certain bingo-based slot machines at their regular places of business, and by aiding and abetting others to use

and operate, certain bingo-based slot machines at their regular places of business, namely, casinos in Atmore, Alabama, within the Southern District of Alabama.

16. More than 30% of all the bingo-based slot machines manufactured or distributed or maintained or provided by the individual Defendants and the corporate Defendants CADILLAC JACK, INC., GAMATX, INC., AND MTS GAMES, INC. operate in casinos located within the state of Alabama.

17. All of said bingo-based slot machines operating in casinos in Alabama provide a method of playing bingo which infringes the '892 patent.

18. Venue is proper in this honorable Court pursuant to 28 USC §§ 1391(b)(2), 1391(d), and 1400.

THE PATENT-IN-SUIT

19. On February 13, 2001, United States Letters Patent No. 6,186,892, (the '892 patent) entitled BINGO GAME FOR USE ON THE INTERACTIVE COMMUNICATION NETWORK WHICH RELIES UPON PROBABILITIES FOR WINNING were duly and legally issued to inventors Jane McIntyre and Alan Frank.

STANDING OF THE PLAINTIFF

20. Said inventors assigned all of their right, title and interest in the invention of the '892 patent to the plaintiff on October 14, 1997.

21. By virtue of said assignment, Plaintiff has standing to maintain this lawsuit.

ACTS OF INFRINGEMENT BY

Corporate Defendants GREENETRACK, INC. and MACON COUNTY GREYHOUND PARK, INC.,

22. Beginning on or about December 1, 2003, the corporate Defendant GREENETRACK, INC. has continuously operated, and is currently operating, various bingo-based slot machines at its gambling casino located in Eutaw, Alabama within the Northern District of Alabama.

23. Beginning on or about December 1, 2003, the corporate Defendant MACON COUNTY GREYHOUND PARK, INC has continuously operated, and is currently operating, bingo-based slot machines, at its gambling casino located in Shorter, Alabama within the Middle District of Alabama.

24. All of said slot machines provide players with a method of playing bingo that infringes the '892 patent.

25. Corporate Defendants GREENETRACK, INC. and MACON COUNTY GREYHOUND PARK, INC. will continue to infringe the '892 patent unless enjoined by this Honorable Court.

ACTS OF INFRINGEMENT BY

Corporate Defendants CADILLAC JACK, INC., GAMATX, INC., AND MTS GAMES, INC.

26. At various times between September 1, 2002 and March 12, 2003, the corporate Defendants CADILLAC JACK, INC., GAMATX, INC., and MTS GAMES, INC. have infringed the '892 patent in this judicial district and elsewhere, by importing, operating and/or using electronic bingo-based slot machines having various identifying titles.

27. Beginning on or about January 7, 2006, Corporate Defendants CADILLAC JACK, INC., GAMATX, INC., and MTS GAMES, INC. will resume performing acts of infringement of the '892 patent in this judicial district and elsewhere, by importing, operating and/or using electronic bingo-based slot machines having various identifying titles, unless enjoined by this Honorable Court.

28. The identifying titles of said electronic bingo-based slot machines include, but are not limited to: Triple Threat Bingo, Tsunami Bingo, Hexabingo, Black Gold, Flower Power, Old Glory, Mushrooms, Bovine Bucks, Tombstone, Hot 7s, Roy Mercer, Peace, Love Cash, Tuxedo Royale, Dashing Diamonds, Chili Fiesta, and Bad Dog.

29. Corporate Defendants CADILLAC JACK, INC., GAMATX, INC., and MTS GAMES, INC. have shared, and will share in the revenue generated by said slot machines.

30. Said titled electronic bingo-based slot machines and others provide players with a method of playing the game of bingo, which method infringes the '892 patent.

ACTS OF INFRINGEMENT BY

Individual Defendants MIKE MACKE AND TIM MINARD

31. At all times beginning on or about September 1, 2002, and continuing without interruption to the present time, Defendants MIKE MACKE and TIM MINARD, t/d/b/a, MTS Games and Cadillac Jack, have used and operated, and currently are using and operating, the electronic bingo-based slot machines specified above, and others, in this judicial district and elsewhere, which slot machines infringe the '892 patent, and will continue to use and operate said bingo-based slot machines unless enjoined by this Honorable Court.

32. At all times beginning on or about September 1, 2002, and continuing without interruption to the present time, Defendants MIKE MACKE and TIM MINARD, t/d/b/a, MTS Games and Cadillac Jack, have induced, and currently are inducing the use of the electronic bingo-based slot machines specified above, and others, in this judicial district and elsewhere, which infringe the '892 patent, and will continue to induce the use of said electronic bingo-based slot machines unless enjoined by this Honorable Court.

33. At all times beginning on or about September 1, 2002, and continuing without interruption to the present time, Defendants MIKE MACKE and TIM MINARD, t/d/b/a, MTS Games and Cadillac Jack, have knowingly, willfully and deliberately assisted, aided and abetted others to use and operate the electronic bingo-based slot machines specified above, and others, in this judicial district and elsewhere, which slot machines infringe the '892 patent, and will continue to assist, aid and abet others to use the electronic bingo-based slot machines specified

above, and others, in this judicial district and elsewhere, unless enjoined by this Honorable Court.

34. Individual Defendants MIKE MACKE and TIM MINARD have shared, and will share in the revenue generated by said slot machines.

ACTS OF INFRINGEMENT BY

Individual Defendants OLEG BOIKO, BORIS BELOTSEKOVSKY, GENE CHAYEVSKY, SERGUEI KOUZMINE, and SERGEI SOKOL

35. Beginning on or about January 1, 2005, and continuing to the present time, the individual Defendants OLEG BOIKO, BORIS BELOTSEKOVSKY, GENE CHAYEVSKY, SERGUEI KOUZMINE, AND SERGEI SOKOL, T/D/B/A Ritzio Entertainment Group, and as MTS Games, and as Cadillac Jack, have induced the use and operation of the electronic bingo-based slot machines specified above, and others, in Atmore, Alabama and elsewhere, which infringe the '892 patent, and will continue to induce the use and operation of said electronic bingo-based slot machines unless enjoined by this Honorable Court.

36. Beginning on or about January 1, 2005, and continuing to the present, the individual Defendants OLEG BOIKO, BORIS BELOTSEKOVSKY, GENE CHAYEVSKY, SERGUEI KOUZMINE, and SERGEI SOKOL, T/D/B/A Ritzio Entertainment Group, MTS Games, and Cadillac Jack, have knowingly, willfully and deliberately assisted, aided and abetted others, are currently assisting, aiding and abetting others to use the electronic bingo-based slot machines specified above, and others, in Atmore, Alabama and elsewhere, which slot machines

infringe the '892 patent, and will continue to assist, aid and abet others to use the electronic bingo-based slot machines specified above, and others, in Atmore, Alabama and elsewhere, unless enjoined by this Honorable Court.

37. All of the individual Defendants have induced, and are currently inducing the use of other versions and titles of electronic bingo-based slot machines in Atmore, Alabama and elsewhere, which infringe the '892 patent, and will continue to induce the use of other versions and titles of electronic bingo-based slot machines in Atmore, Alabama and elsewhere, which infringe the '892 patent, unless enjoined by this Honorable Court.

38. All of the individual Defendants have infringed, and are currently infringing, the '892 patent by knowingly, willfully and deliberately assisting, and abetting, others to infringe said patent by using and operating other versions of electronic bingo-based slot machines in Atmore, Alabama and elsewhere, and will continue to infringe the '892 patent by knowingly, willfully and deliberately assisting, and abetting, others to infringe said patent by using and operating other versions of electronic bingo-based slot machines in Atmore, Alabama and elsewhere, unless enjoined by this Honorable Court.

39. All of the individual Defendants have shared, and will share in the revenue generated by said bingo based slot machines.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff respectfully requests this Honorable Court to:

1. Enter Judgment that all of the Defendants have directly infringed, and have actively induced others to infringe and have contributed to the infringement of the '892 patent;
2. Enter Judgment that said infringement was and continues to be willful, intentional, and wanton;
3. Award Plaintiff damages adequate to compensate for past infringement by Defendants and others in the amount no less than a reasonable royalty based upon total gross revenue generated by all of Defendants' bingo-based slot machines, in an amount to be determined at trial, and that said damages be trebled in view of the willful and intentional nature of the infringement;
4. Enter a preliminary and permanent injunction against all the Defendants, their agents, servants, employees, and other persons in active concert or participation with them, enjoining defendants from further infringing the '892 patent;
5. Order all the Defendants to deliver to plaintiff for destruction, all infringing products and systems in its possession;
6. Declare this case an exceptional case under 35 U.S.C. § 285, and award Plaintiff its attorney fees incurred in this action;
7. Award Plaintiff its costs of this maintaining action, interest on the award and other charges to the maximum extent permitted; and

8. Award Plaintiff any other relief as the Court deems just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

Respectfully submitted,

s/ Robert David Malove
Robert David Malove
Attorney for Plaintiff
One East Broward Boulevard, Suite 700
Ft. Lauderdale, Florida, 33301-1876
Phone - 954-745-5840
Fax - 954-745-5841
robert.malove@malovelaw.com

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