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8 UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 OAKLAND DIVISION
11

12 OLYMPIC DEVELOPMENTS AG, LLC,

13 Plaintiff,

14 v.

15 NINTENDO OF AMERICA, INC.,

16 Defendant.
17

Case No. 11-cv-00329-SBA

**FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

Jury Trial Demanded

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2 **PLAINTIFF'S FIRST AMENDED COMPLAINT**

3 Plaintiff Olympic Developments AG, LLC ("Plaintiff"), by and through its undersigned
4 counsel, files this First Amended Complaint against Nintendo of America, Inc. ("Defendant") as
5 follows:

6 **NATURE OF THE ACTION**

7 1. This is a patent infringement action to stop Defendant's infringement of Plaintiff's
8 United States Patent No. 5,475,585 entitled "*Transactional Processing System*" (the "'585
9 patent"; a copy of which is attached hereto as Exhibit A) and United States Patent No. 6,246,400
10 entitled "*Device for Controlling Remote Interactive Receiver*" (the "'400 patent"; a copy of which
11 is attached hereto as Exhibit B) (collectively, "the patents-in-suit"). Plaintiff is the exclusive
12 licensee of the '585 patent and '400 patent with respect to the Defendant. Plaintiff seeks
13 injunctive relief and monetary damages.

14 **PARTIES**

15 2. Plaintiff is a limited liability company organized and existing under the laws of the
16 State of Delaware. Plaintiff maintains its principal place of business at 1000 North West Street,
17 Suite 1200, Wilmington, DE 19801. Plaintiff is the exclusive licensee of the '585 and '400
18 patents with respect to the Defendant, and possesses the right to sue for infringement and recover
19 past damages.

20 3. Upon information and belief, Nintendo of America, Inc. ("Nintendo") is a
21 corporation organized and existing under the laws of the State of Washington, with its principal
22 place of business located at 4600 150th Avenue NE, Redmond, Washington 98052.

23 **JURISDICTION AND VENUE**

24 4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1 *et*
25 *seq.*, including 35 U.S.C. §§ 271, 281, 283, 284, and 285. This Court has subject matter
26 jurisdiction over this case for patent infringement under 28 U.S.C. §§ 1331 and 1338(a).

1 system terminals. Plaintiff is the exclusive licensee of the '400 patent with respect to the
2 Defendant, and possesses all rights of recovery under the '400 patent with respect to the
3 Defendant, including the right to sue for infringement and recover past damages.

4 10. Plaintiff is informed and believes that Nintendo owns, operates, advertises,
5 controls, sells, and otherwise provides hardware, software and websites for "online game and
6 video services" including via the Nintendo Wii ("the Nintendo device") and Nintendo Wii Shop
7 ("the Nintendo service"), both available through www.Nintendo.com. Upon information and
8 belief, Nintendo has infringed and continues to infringe one or more claims of the '585 patent by
9 making, using, providing, offering to sell, and selling (directly or through intermediaries), in this
10 district and elsewhere in the United States, systems and methods for purchasing products and
11 services and processing corresponding financial transactions, including via the Nintendo service
12 and Nintendo device. Upon information and belief, Nintendo has infringed and continues to
13 infringe one or more claims of the '400 patent by making, using, providing, offering to sell, and
14 selling (directly or through intermediaries), in this district and elsewhere in the United States,
15 systems and methods for remotely selecting and receiving desired programming selections,
16 including via the Nintendo service and Nintendo device. More particularly, Plaintiff is informed
17 and believes that Nintendo has and/or requires and/or directs users to access and/or view and/or
18 purchase products from a remote programming system at the Nintendo Wii Shop Channel via a
19 Wii remote receiver device in a manner claimed in the patents-in-suit.

20 11. Defendant's aforesaid activities have been without authority and/or license from
21 Plaintiff.

22 12. Plaintiff is entitled to recover from the Defendant the damages sustained by
23 Plaintiff as a result of the Defendant's wrongful acts in an amount subject to proof at trial, which,
24 by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this
25 Court under 35 U.S.C. § 284.

13. Defendant's infringement of Plaintiff's exclusive rights under the '585 patent and the '400 patent will continue to damage Plaintiff, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

JURY DEMAND

14. Plaintiff hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court find in its favor and against Defendant, and that the Court grant Plaintiff the following relief:

- A. An adjudication that one or more claims of the '585 patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- B. An adjudication that one or more claims of the '400 patent have been infringed, either literally and/or under the doctrine of equivalents, by Defendant;
- C. An award to Plaintiff of damages adequate to compensate Plaintiff for the Defendant's acts of infringement together with pre-judgment and post-judgment interest;
- D. A grant of permanent injunction pursuant to 35 U.S.C. § 283, enjoining the Defendant from further acts of infringement with respect to the claims of the '585 patent and the '400 patent;
- E. That this Court declare this to be an exceptional case and award Plaintiff its reasonable attorneys' fees and costs in accordance with 35 U.S.C. §285; and

1 F. Any further relief that this Court deems just and proper.

2 Respectfully submitted,
3 **WHITE FIELD, INC.**

4 Dated: June 15, 2011

5 /s/ Steven W. Ritcheson
6 Steven W. Ritcheson,
7 Attorney for Plaintiff
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