

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

1ST TECHNOLOGY, LLC,

Plaintiff,

v.

CAKE GAMING, NV, CDV SOFTWARE
DEVELOPMENT, INC., NET
ENTERTAINMENT, NE AB, RED PLANET
GAMING, GmbH, TPCR Development S.R.L.,
and YATAHAY LIMITED,

Defendants.

11-cv-722

AMENDED COMPLAINT

JURY DEMANDED

Plaintiff 1st Technology, LLC complains of defendants Cake Gaming, NV; CDV Software Development, Inc.; Net Entertainment, NE AB; Red Planet Gaming, GmbH; TPCR Development S.R.L.; and Yatahay Limited as follows:

JURISDICTION AND VENUE

1. Jurisdiction exists under 28 U.S.C. § 1338(a) because defendants have infringed plaintiff's patent. Federal law, namely the Patent Act of 1952, as amended, 35 U.S.C. § 271, makes patent infringement illegal and actionable through a private cause of action.

2. Defendants have transacted business in this judicial district by making, using, selling, or offering to sell and distributing software products that violate 1st Technology's patent either in this judicial district or in the United States.

3. Venue is proper under the general federal venue statute, 28 U.S.C. § 1391(d), and under the specific venue provision relating to patent-infringement cases. 28 U.S.C. § 1400(b).

PARTIES

4. 1st Technology is a Nevada limited liability company with offices in Las Vegas, Nevada. 1st Technology is the assignee and owns all right, title and interest in and has standing to sue for infringement of United States Patent No. 5,564,001 (the '001 Patent), which is entitled "Method and System for Interactively Transmitting Multimedia Information Over a Network Which Requires A Reduced Bandwidth."

5. Cake Gaming, NV is a foreign company with offices at Van Engelenweg 23, Curacao, Netherland Antilles. Cake has previously and is presently making, using, selling, offering for sale, and/or importing into the United States a software product (namely, its Cake Poker gaming software) that infringes one or more claims of the '001 Patent. Cake has infringed the '001 Patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

6. CDV Software Development, Inc. is a foreign company registered in Panama with offices and headquarters at trescientos metros norte del correo, Heredia, Costa Rica. CDV has previously and is presently making, using, selling, offering for sale, and/or importing into the United States software products (among others, the PPN Poker software product) that infringes one or more claims of the '001 Patent. CDV has infringed the '001 Patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

7. Net Entertainment NE AB is a foreign company with offices and headquarters at Luntmakargatan 18 SE-111 37 Stockholm, Sweden. Net Entertainment has previously and is presently making, using, selling, offering for sale, and/or importing into the United States software products (among others, the Star Venus online software product) that infringes one or more claims of the '001 Patent. Net Entertainment has infringed the '001 Patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

8. Red Planet Gaming, GmbH is a foreign company with offices and headquarters at Wienerberg Strasse 11/12A Vienna 1100 Austria. Red Planet has previously and is presently making, using, selling, offering for sale, and/or importing into the United States software products (among others, the Partouche Poker online software product) that infringes one or more claims of the '001 Patent. Red Planet has infringed the '001 Patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

9. TPCR Development S.R.L. is a foreign company, with offices at Costa Rica, San José, Sabana Sur, next to Grupo Sama, La Colmena Building. TPCR owns and operates, among other things, the web site at www.truepoker.com. True Poker is an online gaming site within the Yatahay Network. TPCR, through its True Poker web site has previously and is presently

making, using, selling, offering for sale, and/or importing into the United States a software product (namely, its True Poker gaming software) that infringes one or more claims of the '001 Patent. TPCR has infringed the '001 Patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

10. Yatahay Limited is a foreign company with offices at Costa Rica, San José, Sabana Sur, next to Grupo Sama, La Colmena Building. Yatahay has previously and is presently making, using, selling, offering for sale, and/or importing into the United States software products (among others, the Doyle's Room software product) that infringes one or more claims of the '001 Patent. Yatahay has infringed the '001 Patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

BACKGROUND

11. Dr. Scott Lewis is an individual residing in Los Gatos, California. Dr. Lewis is the controlling manager of 1st Technology LLC. Dr. Lewis is the inventor of the '001 Patent.

12. Dr. Lewis received B.S. and M.S. degrees with honors in mechanical and electrical engineering from M.I.T. Dr. Lewis has a Ph.D. from Oxford University in adaptive digital signal processing as a Marshall Scholar and an M.B.A. from Harvard Business School. Dr. Lewis led the development of single-chip video and audio compression solutions, as well as the first automotive video cellular telephone.

13. Dr. Lewis is the inventor of a number of patents in multimedia communication technology. The inventions of Dr. Lewis' patents are used in many online wagering systems.

14. Cake Gaming operates the Cake Poker Network of online poker sites through, among other things, its online site at <http://www.cakepoker.com>. Cake has entered into agreements with numerous affiliates to operate this network in countries throughout the world and in the United States. According to its web site, "Cake Poker is a global poker room offering 24/7 action including Texas Hold'em and Omaha ring games and tournaments of all stakes and levels." The Cake Poker software is available for download at the [cakepoker.com](http://www.cakepoker.com) website.

15. CDV Software Development is a software company that makes, among other things, software that allows users to interactively play poker with others online. CDV also owns

and operates the Poker Players Network, which operates an online poker site at www.ppn poker.com. PPN uses the CDV poker software to run its online poker site. The PPN Poker software is available for download on www.ppn poker.com.

16. Net Entertainment is a software company that makes, among other things, software that allows users to interactively play poker with others online. Among Net Entertainment's numerous clients is the Star Venus online casino, which operates an online poker site at www.starvenuscasino.com. Star Venus uses the Net Entertainment poker software to run its online poker site. The Star Venus Casino permits users to play online poker through a web browser by loading Flash-based software within the browser.

17. Red Planet is a software company that makes, among other things, software that allows users to interactively play poker with others online. Among Net Entertainment's numerous clients is Partouche Poker, which operates an online poker site at <https://poker.partouche-game.com/php/index.php>. Poker can be played through Partouche both with downloadable, stand-alone software and also in web-browser based Flash software. Partouche uses the Red Planet poker software to run its online poker games. Red Plante, through Partouche, permits users to play online poker through a web browser by loading Flash-based software within the browser.

18. Yatahay is a software company that makes, among other things, software that allows users to interactively play poker with others online. Among Yatahay's numerous clients is the Doyle's Room online casino, which operates an online poker site at www.doylesroom.com. Doyle's Room uses the Yatahay poker software to run its online poker site. Yatahay's software, for example the Doyle's Room software, is available for download at the web site www.doylesroom.com.

PATENT INFRINGEMENT

Count I – Cake Gaming

19. Cake has infringed and continues to infringe the '001 Patent either directly or indirectly through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

20. Cake's infringement, contributory infringement and/or inducement to infringe has injured 1st Technology and it, therefore, is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

21. Cake's infringement, contributory infringement and/or inducement to infringe has been willful and deliberate because it has been given notice of or knew of the '001 Patent and has nonetheless injured and will continue to injure 1st Technology, unless and until this Court enters an injunction, which prohibits further infringement and specifically enjoins further manufacture, use, sale and/or offer for sale of products or services that come within the scope of the '001 Patent.

Count II – CDV Software Development, Inc.

22. CDV Software Development has infringed and continues to infringe the '001 Patent either directly or indirectly through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

23. CDV Software Development's infringement, contributory infringement and/or inducement to infringe has injured 1st Technology and it, therefore, is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

Count III – Net Entertainment

24. Net Entertainment has infringed and continues to infringe the '001 Patent either directly or indirectly through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

25. Net Entertainment's infringement, contributory infringement and/or inducement to infringe has injured 1st Technology and it, therefore, is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

26. Net Entertainment's infringement, contributory infringement and/or inducement to infringe has been willful and deliberate because it has been given notice of or knew of the '001 Patent and has nonetheless injured and will continue to injure 1st Technology, unless and until this Court enters an injunction, which prohibits further infringement and specifically

enjoins further manufacture, use, sale and/or offer for sale of products or services that come within the scope of the '001 Patent.

Count IV – Red Planet Gaming

27. Red Planet Gaming has infringed and continues to infringe the '001 Patent either directly or indirectly through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

28. Red Planet Gaming's infringement, contributory infringement and/or inducement to infringe has injured 1st Technology and it, therefore, is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

Count V – TPCR Development

29. TPCR has infringed and continues to infringe the '001 Patent either directly or indirectly through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

30. TPCR's infringement, contributory infringement and/or inducement to infringe has injured 1st Technology and it, therefore, is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

Count V – Yatahay

31. Yatahay has infringed and continues to infringe the '001 Patent either directly or indirectly through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

32. Yatahay's infringement, contributory infringement and/or inducement to infringe has injured 1st Technology and it, therefore, is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, 1st Technology requests a trial by jury on all issues presented that can properly be tried to a jury.

REQUEST FOR RELIEF

WHEREFORE, 1st Technology asks this Court to enter judgment against All defendants and against their respective subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with the defendants, granting the following relief:

A. An award of damages adequate to compensate 1st Technology for the infringement that has occurred, together with prejudgment interest from the date infringement began;

B. All other damages permitted by 35 U.S.C. § 284;

C. A finding that this case is exceptional and an award to 1st Technology of its attorneys' fees and costs as provided by 35 U.S.C. § 285;

D. An injunction prohibiting further infringement, inducement and contributory infringement of the '001 Patent; and

E. Such other and further relief as this Court or a jury may deem proper and just.

Dated: May 12, 2011

Respectfully submitted,

/s/ William W. Flachsbart

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