

**ORIGINAL**

NOV 27 2 10 PM '01

*MJ*

1 Noah G. Allison, Esq.  
Nevada Bar No. 6202  
2 Martin & Allison Ltd.  
3087 East Warm Springs Road #300  
3 Las Vegas, Nevada 89120  
4 Telephone: (702) 933-4444  
Facsimile: (702) 933-4445

5 Of Counsel:  
6 Robert E. Purcell, Esq.  
7 Wall Marjama & Bilinski, LLP  
101 South Salina Street Suite 400  
8 Syracuse, New York 13202  
Telephone: (315) 425-9000  
9 Facsimile: (315) 425-9114

10 Attorneys for Plaintiff  
11 PROGRESSIVE GAMES, INC.

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

14 PROGRESSIVE GAMES, INC., a Delaware  
15 corporation,

CV-S-01-1397-RLH-RJJ

16 Plaintiff,

17 vs.

**COMPLAINT AND JURY DEMAND**

18 RIVERSIDE RESORT AND CASINO, INC., a  
19 Nevada corporation, and D.J. LAUGHLIN, an  
individual,

20 Defendants.

21  
22 Plaintiff, PROGRESSIVE GAMES, INC., ("Plaintiff"), by and through its undersigned  
23 attorneys, hereby states its Complaint against Defendants as follows. All of the allegations and other  
24 factual contentions are likely to have evidentiary support after a reasonable opportunity for further  
25 investigation or discovery.  
26  
27  
28

Martin & Allison Ltd.  
3087 East Warm Springs Road, Suite 300  
Las Vegas, Nevada 89120

Martin & Allison Ltd.  
3087 East Warm Springs Road, Suite 300  
Las Vegas, Nevada 89120

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**I.**

**Parties**

1. Plaintiff, Progressive Games, Inc., is a corporation organized and existing under the laws of the State of Delaware and has a place of business at 920 Pilot Road, Las Vegas, Nevada 89193.

2. Plaintiff believes, after an inquiry reasonable under the circumstances, and as will likely have evidentiary support after a reasonable opportunity for further investigation or discovery, that Defendant, RIVERSIDE RESORT AND CASINO, INC. is a corporation organized and existing under the laws of the State of Nevada, and has a principal place of business at 1650 Casino Drive, Laughlin, Nevada 89029.

3. Plaintiff believes, after an inquiry reasonable under the circumstances, and as will likely have evidentiary support after a reasonable opportunity for further investigation or discovery, that Defendant, D.J. LAUGHLIN is an individual residing in Laughlin, Nevada and d/b/a Don Laughlin's Riverside Resort Hotel and Casino at 1650 Casino Drive, Laughlin, Nevada 89029.

**II.**

**Jurisdiction and Venue**

4. Count One is a civil action for the infringement of claim 3 of U.S. Patent No. 4,861,041, arising under the patent laws of the United States, 35 U.S.C. § 1 et seq. This Court has jurisdiction over the subject matter of Count One under the provisions of 28 U.S.C. §1338(a). Venue is proper under 28 U.S.C. §1400(b).

5. Count Two is a civil action for the infringement of claim 108 of U.S. Patent No. 5,913,726, arising under the patent laws of the United States, 35 U.S.C. §1 et seq. This Court has jurisdiction over the subject matter of Count Two under the provisions of 28 U.S.C. §1338(a). Venue is proper under 28 U.S.C. §1400(b).

6. Count Three is a civil action for the infringement of claims 16 and 22 of U.S. Patent No. 6,045,130, arising under the patent laws of the United States, 35 U.S.C. § 1 et seq. This Court has // jurisdiction over the subject matter of Count Three under the provisions of 28 U.S.C. §1338(a). Venue is proper under 28 U.S.C. § 1400(b).

Martin & Allison Ltd.  
3087 East Warm Springs Road, Suite 300  
Las Vegas, Nevada 89120

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

III.

**Count One: Infringement of Claim 3 of U.S. Patent No. 4,861,041**

7. Plaintiff is the owner of the entire right, title, and interest in and to U.S. Patent No. 4,861,041, issued August 29, 1989, and entitled "Methods of Progressive Jackpot Gaming", a copy of which is attached as Exhibit A.

8. Upon information and belief, formed after an inquiry reasonable under the circumstances, and as will likely have evidentiary support after a reasonable opportunity for further investigation or discovery, Defendants' activities in connection with a live casino table card game known as "Bonus Blackjack" constitutes an infringement of claim 3 of Plaintiff's patent pursuant to the provisions of 35 U.S.C. § 1 et seq. Defendants are liable for direct infringement, contributory infringement, and inducing infringement of claim 3 of Plaintiff's patent pursuant to 35 U.S.C. § 271.

9. Upon information and belief, formed after an inquiry reasonable under the circumstances, and as will likely have evidentiary support after a reasonable opportunity for further investigation or discovery, Defendants have infringed claim 3 of said patent by inter alia making, using, offering for sale, offering for lease, selling, leasing, and importing into the United States the invention described and claimed in claim 3 of said patent without the authority or approval of Plaintiff.

10. Upon information and belief, formed after an inquiry reasonable under the circumstances, and as will likely have evidentiary support after a reasonable opportunity for further investigation or discovery, the infringing activities of Defendants have been deliberate, knowing, and willful.

11. Upon information and belief, formed after an inquiry reasonable under the circumstances, and as will likely have evidentiary support after a reasonable opportunity for further investigation or discovery, Defendants will continue to infringe upon claim 3 of said patent to Plaintiff's irreparable injury and other damage unless enjoined by the Court. Plaintiff has no adequate remedy at law.

Martin & Allison Ltd.  
3087 East Warm Springs Road, Suite 300  
Las Vegas, Nevada 89120

IV.

**Count Two: Infringement of Claim 108 of U.S. Patent No. 5,913,726**

12. Plaintiff is the owner of the entire right, title, and interest in and to U.S. Patent No. 5,913,726, issued June 22, 1999, and entitled "Methods of Progressive Jackpot Gaming," a copy of which is attached as Exhibit B.

13. Upon information and belief, formed after an inquiry reasonable under the circumstances, and as will likely have evidentiary support after a reasonable opportunity for further investigation or discovery, Defendants' activities in connection with a live casino table card game known as "Bonus Blackjack" constitute an infringement of claim 3 of Plaintiff's patent pursuant to the provisions of 35 U.S.C. § 1 et seq. Defendants are liable for direct infringement, contributory infringement, and inducing infringement of claim 108 of Plaintiff's patent pursuant to 35 U.S.C. § 271.

14. Upon information and belief, formed after an inquiry reasonable under the circumstances, and as will likely have evidentiary support after a reasonable opportunity for further investigation or discovery, Defendants have infringed claim 108 of said patent by inter alia making, using, offering for sale, offering for lease, selling, leasing, and importing into the United States the invention described and claimed in claim 108 of said patent without the authority or approval of Plaintiff.

15. Upon information and belief, formed after an inquiry reasonable under the circumstances, and as will likely have evidentiary support after a reasonable opportunity for further investigation or discovery, the infringing activities of Defendants have been deliberate, knowing and willful.

16. Upon information and belief, formed after an inquiry reasonable under the circumstances, and as will likely have evidentiary support after a reasonable opportunity for further investigation or discovery, Defendants will continue to infringe upon claim 108 of said patent to Plaintiff's irreparable injury and other damage unless enjoined by the Court. Plaintiff has no adequate remedy at law.

//

//

V.

**Count Three: Infringement of Claims 16 and 22 of U.S. Patent No. 6,045,130**

17. Plaintiff is the owner of the entire right, title, and interest in and to U.S. Patent No. 6,045,130, issued April 4, 2000, and entitled, "Methods of Progressive Jackpot Gaming," a copy of which is attached as Exhibit C.

18. Upon information and belief, formed after an inquiry reasonable under the circumstances, and as will likely have evidentiary support after a reasonable opportunity for further investigation or discovery, Defendants' activities in connection with a live casino table card game known as "Bonus Blackjack" constitute an infringement of claims 16 and 22 of Plaintiff's patent pursuant to the provisions of 35 U.S.C. § 1 et seq. Defendants are liable for direct infringement, contributory infringement, and inducing infringement of claims 16 and 22 of Plaintiff's patent pursuant to 35 U.S.C. § 271.

19. Upon information and belief, formed after an inquiry reasonable under the circumstances, and as will likely have evidentiary support after a reasonable opportunity for further investigation or discovery, Defendants have infringed claims 16 and 22 of said patent by inter alia making, using, offering for sale, offering for lease, selling, leasing, and importing into the United States the invention described and claimed in claims 16 and 22 of said patent without the authority or approval of Plaintiff.

20. Upon information and belief, formed after an inquiry reasonable under the circumstances, and as will likely have evidentiary support after a reasonable opportunity for further investigation or discovery, the infringing activities of Defendants have been deliberate, knowing, and willful.

21. Upon information and belief, formed after an inquiry reasonable under the circumstances, and as will likely have evidentiary support after a reasonable opportunity for further investigation or discovery, Defendants will continue to infringe upon claims 16 and 22 of said patent to Plaintiff's irreparable injury and other damage unless enjoined by the Court. Plaintiff has no adequate remedy at law.

//

Martin & Allison Ltd.  
3087 East Warm Springs Road, Suite 300  
Las Vegas, Nevada 89120

Martin & Allison Ltd.  
3087 East Warm Springs Road, Suite 300  
Las Vegas, Nevada 89120

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**VI.**

**PRAYER FOR RELIEF**

**As to Count One**

**WHEREFORE**, Plaintiff demands the following relief with respect to U.S. Patent No. 4,861,041 against each Defendant:

- (a) That this Court enter judgment that Defendant has infringed claim 3 of said patent.
- (b) That Defendant, its successors, privies, and all through or under Defendant, and all those acting for Defendant or on Defendant's behalf, be permanently enjoined from infringing claim 3 of said patent.
- (c) That Defendant be required to account to Plaintiff for all damages suffered by Plaintiff resulting from the infringement of claim 3 of said patent and that the awarded damages be trebled because of the willful nature of the infringement.
- (d) That Plaintiff be granted such other and further relief as to which this Court may seem just and proper, together with costs and disbursements of this action, including attorneys' fees.

**As to Count Two**

**WHEREFORE**, Plaintiff demands the following relief with respect to U.S. Patent No. 5,913,726 against each Defendant:

- (a) That this Court enter judgment that Defendant has infringed claim 108 of said patent.
- (b) That Defendant, its successors, privies, and all through or under Defendant, and all those acting for Defendant or on Defendant's behalf, be permanently enjoined from infringing claim 108 of said patent.
- (c) That Defendant be required to account to Plaintiff for all damages suffered by Plaintiff resulting from the infringement of claim 108 of said patent and that the awarded damages be trebled because of the willful nature of the infringement.
- (d) That Plaintiff be granted such other and further relief as to which this Court may seem just and proper, together with costs and disbursements of this action, including attorneys' fees.

//  
//

Martin & Allison Ltd.  
3087 East Warm Springs Road, Suite 300  
Las Vegas, Nevada 89120

As to Count Three

**WHEREFORE**, Plaintiff demands the following relief with respect to U.S. Patent No. 6,045,130 against each Defendant:

- (a) That this Court enter judgment that Defendant has infringed claims 16 and 22 of said patent.
- (b) That Defendant, its successors, privies, and all through or under Defendant, and all those acting for Defendant or on Defendant's behalf, be permanently enjoined from infringing claims 16 and 22 of said patent.
- (c) That Defendant be required to account to Plaintiff for all damages suffered by Plaintiff resulting from the infringement of claims 16 and 22 of said patent and that the awarded damages be trebled because of the willful nature of the infringement.
- (d) That Plaintiff be granted such other and further relief as to which this Court may seem just and proper, together with costs and disbursements of this action, including attorneys' fees.

14 //  
15 //  
16 //  
17 //  
18 //  
19 //  
20 //  
21 //  
22 //  
23 //  
24 //  
25 //  
26 //  
27 //  
28 //



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28


VII.

**DEMAND FOR A JURY TRIAL**

Plaintiff demands a trial by jury on all issues so triable.

RESPECTFULLY SUBMITTED this 27 day of November, 2001.

**MARTIN & ALLISON LTD.**

By:   
Noah G. Allison, Esq.  
3087 East Warm Springs Road #300  
Las Vegas, Nevada 89120  
Telephone: (702) 933-4444  
Facsimile: (702) 933-4445

Of Counsel:

Robert E. Purcell, Esq.  
Wall Marjama & Bilinski, LLP  
101 South Salina Street #400  
Syracuse, New York 13202  
Telephone: (315) 425-9000  
Facsimile: (315) 425-9114

Attorneys for Plaintiff  
PROGRESSIVE GAMES, INC.

Martin & Allison Ltd.  
3087 East Warm Springs Road, Suite 300  
Las Vegas, Nevada 89120