

5. Merge Gaming, is a foreign company with offices in Brisbane, Queensland, Australia. Merge Gaming has previously and is presently making, using, selling, offering for sale, and/or importing into the United States software products (on information and belief among other products, the Carbon Poker gaming software) that infringes one or more claims of the '001 Patent. Merge Gaming has infringed the '001 Patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

6. Everleaf Gaming Limited is a foreign company with offices at Valley View Apartments Commercial Outlet No. 5, Sir Joseph Carbone Street, St. Julians, STJ 1320 Malta. Everleaf has previously and is presently making, using, selling, offering for sale, and/or importing into the United States a software products (information and belief among other products, the Cherry Poker gaming software) which infringe one or more claims of the '001 Patent. Everleaf has infringed the '001 Patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

BACKGROUND

7. 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.

8. 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. form 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.

9. 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.

10. Defendants Merge Gaming and Everleaf Gaming make software for use in, among other ways, online gaming.

PATENT INFRINGEMENT

Merge Gaming

11. Merge 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.

12. Merge 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.

13. Merge Gaming'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.

Everleaf Gaming

14. Everleaf 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.

15. Everleaf'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.

16. Everleaf'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.

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.

DEMAND FOR RELIEF

WHEREFORE, 1st Technology asks this Court to enter judgment against defendants Merge Gaming and Everleaf Gaming and against their respective subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, 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 Merge and Everleaf have willfully infringed the '001 Patent.
- D. 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;
- E. An injunction prohibiting further infringement, inducement and contributory infringement of the '001 Patent; and
- F. Such other and further relief as this Court or a jury may deem proper and just.

Dated: September 15, 2011

Respectfully submitted,

/s/William Flachsbart
William Flachsbart
wwf@fg-law.com
Michael R. La Porte
mrl@fg-law.com
Flachsbart & Greenspoon LLC
333 N. Michigan Ave., Suite 2700
Chicago, IL 60601-3901
Phone: (312) 551-9500
Fax: (312) 551-9501

ATTORNEYS FOR PLAINTIFF,
1ST TECHNOLOGY, LLC