

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BENEFICIAL INNOVATIONS, INC.,

Plaintiff,

vs.

AOL LLC, a Delaware limited liability company; THE DALLAS MORNING NEWS, INC., a Delaware corporation; GOOGLE INC., a Delaware corporation; IGN ENTERTAINMENT, INC., a Delaware corporation; MORRIS COMMUNICATIONS COMPANY, LLC, a Georgia limited liability company; TRIBUNE INTERACTIVE, INC., a Delaware corporation; YAHOO! INC., a Delaware corporation; and YOUTUBE, LLC, a Delaware limited liability company,

Defendants.

CASE NO. 2:07-CV-555 – (TJW-DE)

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Beneficial Innovations, Inc. (“Beneficial Innovations”) sues Defendants AOL LLC, The Dallas Morning News, Inc., Google, Inc., IGN Entertainment, Inc., Morris Communications Company, LLC, Tribune Interactive, Inc., Yahoo! Inc., and YouTube, LLC (collectively “Defendants”) and, on information and belief, alleges as follows:

Introduction

1. Plaintiff Beneficial Innovations, Inc. (“Beneficial Innovations”) owns the inventions described and claimed in United States Patent Nos. 6,712,702 entitled “Method and System for Playing Games on a Network” (the “702 Patent”) and 6,183,366 entitled “Network

Gaming System (the “366 Patent”) (collectively “the Patents”). Defendants (a) have used and continue to use Plaintiff’s patented technology in products that they make, use, import, sell, and offer to sell, and (b) have contributed to or induced, and continue to contribute to or induce, others to infringe the Patents. Beneficial Innovations seeks damages for patent infringement and an injunction preventing Defendants from making, using, selling, or offering to sell, and from contributing to and inducing others to make, use, sell, or offer to sell, the technology claimed by the Patents without Plaintiff’s permission.

Jurisdiction and Venue

2. This is an action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 271 and 281, *et seq.* The Court has original jurisdiction over this patent infringement action under 28 U.S.C. § 1338(a).

3. Each of the Defendants has committed acts and continues to commit acts within this judicial district giving rise to this action. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) and § 1400.

Plaintiff Beneficial Innovations

4. Plaintiff Beneficial Innovations is a corporation existing under and by virtue of the laws of the State of Nevada.

Defendants

5. Upon information and belief, AOL, LLC is a Delaware limited liability company having its principal place of business in Dulles, Virginia (“AOL”). AOL is registered to do business as a foreign limited liability company in the State of Texas. AOL’s foreign corporation registration lists Corporation Service Company DBA CSC as its registered agent for service of process.

6. Upon information and belief, Google Inc. is a Delaware corporation having its principal place of business in Mountain View, California (“Google”). Google is registered to do business as a foreign for-profit corporation in the State of Texas. Google’s foreign corporation registration lists Corporation Service Company DBA CSC as its registered agent for service of process.

7. Upon information and belief, IGN Entertainment, Inc. is a Delaware corporation with its principle place of business in Brisbane, California.

8. Upon information and belief, The Dallas Morning News, Inc. is a Delaware corporation having its principle place of business in Dallas, Texas.

9. Upon information and belief, Morris Communications Company, LLC is a Georgia limited liability company having its principle place of business in Augusta, Georgia.

10. Upon information and belief, Tribune Interactive, Inc. is a Delaware corporation with its principle place of business in Chicago, Illinois.

11. Upon information and belief, Yahoo! Inc. is a Delaware corporation having its principal place of business in Sunnyvale, California (“Yahoo”). Yahoo is registered to do business as a foreign for-profit corporation in the State of Texas. Yahoo’s foreign corporation registration lists CT Corporation System as its registered agent for service of process.

12. Upon information and belief, YouTube, LLC is a Delaware limited liability company with its principle place of business in Bruno, California.

First Claim for Patent Infringement
(infringement of the ‘702 patent)

13. Plaintiff incorporates by reference each of the allegations in paragraphs 1 - 12 above and further alleges as follows:

14. The United States Patent and Trademark Office issued the ‘702 patent on March 30, 2004. Attached as Exhibit A is what is believed to be a copy of the text of the ‘702 patent. Through assignment, Plaintiff is the owner of all right, title, and interest in the ‘702 patent, including all rights to pursue and collect damages for past infringements of the patent.

15. The United States Patent and Trademark Office issued the '366 patent on February 6, 2001. Attached as Exhibit B is what is believed to be a copy of the text of the '366 patent. Through assignment, Plaintiff is the owner of all right, title, and interest in the '366 patent, including all rights to pursue and collect damages for past infringements of the patent.

16. Defendants AOL LLC, The Dallas Morning News, Inc., Google, Inc., IGN Entertainment, Inc., Morris Communications Company, LLC, Tribune Interactive, Inc., Yahoo! Inc., and YouTube, LLC have infringed, contributed to the infringement, or induced others to infringe the '702 Patent and, unless enjoined, will continue to infringe the '702 Patent by using the method(s) claimed in the '702 Patent or by contributing to or inducing others to use the claimed method(s), including at least the use of the patented methods on the following websites, without a license or permission from Plaintiff:

Defendant	Infringing website
AOL, LLC.	www.aol.com
The Dallas Morning News, Inc.	www.dallasnews.com
Google, Inc.	www.google.com; www.youtube.com
IGN Entertainment, Inc.	www.ign.com
Morris Communications Company, LLC	www.augustchronicle.com
Tribune Interactive, Inc.	www.chicagotribune.com; www.latimes.com
Yahoo! Inc.	www.yahoo.com
YouTube LLC	www.youtube.com

17. Plaintiff has been damaged by Defendants' infringement of the '702 patent and will suffer additional irreparable damage and impairment of the value of its patent rights unless Defendants are enjoined from continuing to infringe the '702 patent.

18. The Defendants are and have been willfully infringing one or more claims of the '702 patent.

19. Plaintiff is entitled to recover damages from the Defendants to compensate them for the infringement.

20. Plaintiff demands trial by jury of all issues relating to this claim.

Second Claim for Patent Infringement
(infringement of the '366 patent)

21. Plaintiff incorporates by reference each of the allegations in paragraphs 1 - 12 above and further alleges as follows:

22. The United States Patent and Trademark Office issued the '366 patent on February 6, 2001. Attached as Exhibit B is what is believed to be a copy of the text of the '366 patent. Through assignment, Plaintiff is the owner of all right, title, and interest in the '366 patent, including all rights to pursue and collect damages for past infringements of the patent.

23. Defendants AOL LLC, The Dallas Morning News, Inc., Google, Inc., IGN Entertainment, Inc., Morris Communications Company, LLC, Tribune Interactive, Inc., Yahoo! Inc., and YouTube, LLC have infringed, contributed to the infringement, or induced others to infringe the '366 Patent and, unless enjoined, will continue to infringe the '366 Patent by using the method(s) claimed in the '366 Patent or by contributing to or inducing others to use the claimed method(s), including at least the use of the patented methods on the following websites, without a license or permission from Plaintiff:

Defendant	Infringing website
AOL, LLC.	www.aol.com
The Dallas Morning News, Inc.	www.dallasnews.com
Google, Inc.	www.google.com; www.youtube.com
IGN Entertainment, Inc.	www.ign.com
Morris Communications Company, LLC	www.augustchronicle.com
Tribune Interactive, Inc.	www.chicagotribune.com; www.latimes.com
Yahoo! Inc.	www.yahoo.com
YouTube LLC	www.youtube.com

24. Plaintiff has been damaged by Defendants' infringement of the '366 patent and will suffer additional irreparable damage and impairment of the value of its patent rights unless Defendants are enjoined from continuing to infringe the '366 patent.

25. The Defendants are and have been willfully infringing one or more claims of the '702 patent.

26. Plaintiff is entitled to recover damages from the Defendants to compensate them for the infringement.

27. Plaintiff demands trial by jury of all issues relating to this claim.

WHEREFORE, Plaintiff prays for judgment as follows:

- A. A decree preliminarily and permanently enjoining Defendants, their officers, directors, employees, agents, and all persons in active concert with them, from infringing, and contributing to or inducing others to infringe, the '702 and '366 patents;
- B. Compensatory damages for Defendants' infringement of the '702 and '366 patents;
- C. Treble the compensatory damages as consequence of Defendants' willful infringement;
- D. Costs of suit and attorneys' fees on the basis that this patent infringement case is exceptional;
- E. Pre-judgment interest; and
- F. For such other relief as justice requires.

Dated: December 20, 2007

Respectfully submitted,

By: /s/ Charles Ainsworth

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