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Attorneys for PLAINTIFF
 SHUFFLE MASTER, INC., a Minnesota Corporation

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEVADA

SHUFFLE MASTER, INC., CV-N-03-0508-HDM-VPC
 A Minnesota Corporation

Plaintiff,

v.

CARD AUSTRIA FORSCHUNGS
 UND ENTWICKLUNGS GmbH,
 d/b/a CARD CASINO AUSTRIA
 RESEARCH & DEVELOPMENT, GmbH;
 d/b/a CARD; and d/b/a CARD
 AUSTRIA, An Austrian Corporation

**Complaint for Patent
 Infringement**

JURY TRIAL DEMANDED

Defendants.

For its complaint against Casinos Austria Forschungs and
 Entwicklungs GmbH, d/b/a Casinos Austria Research & Development,

2

1 GmbH; d/b/a CARD; and also d/b/a CARD Austria ("CARD Austria"),
2 Shuffle Master, Inc. ("Shuffle Master") states as follows:

3 **JURISDICTION AND VENUE**

4 1. This is an action for patent infringement pursuant to
5 35 U.S.C. § 271 over which this Court has subject matter
6 jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a). CARD
7 Austria is liable for direct infringement; contributory
8 infringement directly by and through its wholly owned affiliate
9 CARD, LLC and inducing infringement directly and by and through
10 its wholly-owned affiliate CARD, LLC of the following United
11 States Patents: (a) U S. Patent No. 6,149,154, issued on Nov.
12 21, 2000, to Attila Grauzer, et al., (b) U.S. Patent 6,267,248,
13 issued on July 31, 2001 to Rodney George Johnson and Mark
14 William Piacun; c) U.S. Patent No. 6,139,014, issued on October
15 31, 2000 to John Breeding, et al., d) U.S. Patent No. 6,588,750
16 B1, issued on July 8, 2003 to Attila Grauzer, et al., and e)
17 U.S. Patent No. 6,588,751 B1, also issued on July 8, 2003 to
18 Attila Grauzer, et al. All five patents (collectively, the
19 "Patents in Suit") have been assigned to Shuffle Master.

20 2. CARD Austria is an Austrian company that manufactures,
21 imports, uses, markets, sells and offers to sell both the
22 infringing One2Six™ shuffler and "Pre-Shuffler" devices and
23 methods in this judicial district through its own activities and
24 through its exercise of control over CARD LLC, which it claims
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1 is its exclusive distributor of these infringing products in the
2 United States, CARD LLC. CARD LLC has filed a related
3 declaratory judgment action against Shuffle Master in this
4 judicial district, case no.CV-N-03-0244-ECR-(RAM), seeking,
5 *inter alia*, a declaratory judgment that the One2Six™ shuffler
6 does not infringe U.S. Patents Nos. 6,149,154 and 6,267,248,
7 which are two of the Patents in Suit in this action.
8

9 3. This Court has personal jurisdiction over CARD Austria
10 because CARD Austria directly and through its wholly owned and
11 controlled affiliate CARD LLC has transacted business and
12 committed acts of patent infringement within the State of Nevada
13 that have injured and will continue to cause injury in Nevada to
14 Shuffle Master. More particularly, CARD Austria is currently
15 doing business in Nevada, importing into, using, marketing and
16 offering to sell the infringing One2Six™ and "Pre-Shuffler"
17 products in concert with its wholly owned and controlled
18 affiliate CARD, LLC during the 2003 Global Gaming Expo, where
19 CARD Austria and CARD, LLC jointly are displaying the One2Six™
20 shuffler and "Pre-Shuffler" and offering these infringing
21 products and methods for sale and use in the United States.
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25 4. Venue lies in this judicial district pursuant to 28
26 U.S.C. § 1391(b), both because acts giving rise to the claims
27 outlined herein have occurred in this district and because CARD
28 Austria may be found and served in this district.

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6. Shuffle Master is a corporation organized and existing under the laws of the State of Minnesota, having a place of business at 1106 Palms Airport Drive, Las Vegas, Nevada 89119-3731. Shuffle Master markets and sells products that are covered by U.S. Patent Nos. 6,149,154; 6,267,248; 6,139,014; 6,588,750 B1; and 6,588,751 B1, including its ACE™ and KING™ card shufflers.

8. On information and belief, CARD, LLC was formed primarily for the purpose of appearing to act as CARD Austria's exclusive distributor for the One2Six™ shuffler and related

1 products, such as the "Pre-Shuffler," which CARD Austria
2 describes as a product that incorporates the technology used in
3 the One2Six™ device. On information and belief, CARD Austria
4 and CARD, LLC together have arranged for importing One2Six™ and
5 "Pre-Shuffler" products to the United States for submittal to
6 various gaming industry regulatory authorities, testing
7 laboratories and for use in trade shows such as the Global
8 Gaming Expo in Nevada, at which these products and the methods
9 employed by such products have been displayed, used and offered
10 for sale, and will be displaying, using and offering such
11 infringing products in the United States.
12

13
14 9. Prior to 2001, Shuffle Master and CARD Austria
15 discussed the possibility of jointly developing shuffler
16 products. In the context of those discussions, Shuffle Master
17 showed its ACE™ and other shuffler products and design
18 information, including features and functions that are protected
19 by one or more claims in the Patents in Suit, which features and
20 functions are present in the One2Six™ and "Pre-Shuffler" devices
21 subsequently developed by CARD Austria.
22

23
24 10. On information and belief, the first time the One2Six™
25 and "Pre-Shuffler" devices and methods were displayed and
26 offered for sale in the United States was at the September 2003
27 Global Gaming Expo in Nevada.
28

Count I**Infringement Of U.S. Patent No. 6,149,154**

11. Shuffle Master repeats and incorporates by reference all of its allegations set forth in paragraphs 1 through 10 above.

12. CARD Austria has infringed and will continue to infringe, under 35 U.S.C. § 271(a), (b), or (c), one or more of the claims of U.S. Patent No. 6,149,154, by making, importing, using, selling and/or offering for sale One2Six™ shufflers and the "Pre-Shuffler" or related devices or methods.

13. Unless enjoined, CARD Austria will continue to infringe U.S. Patent No. 6,149,154 by making, importing, using, selling and/or offering for sale gaming devices using the invention claimed by U.S. Patent No. 6,149,154.

14. CARD Austria is infringing with knowledge (actual or constructive) of U.S. Patent No. 6,149,154.

15. CARD Austria's infringement of U.S. Patent No. 6,149,154 is and has been willful.

16. CARD Austria's infringement has injured Shuffle Master and, thus, Shuffle Master is entitled to recover damages adequate to compensate it for CARD Austria's infringement.

17. Shuffle Master is entitled to injunctive and compensatory relief, including attorney's fees, pursuant to 35 U.S.C. §§ 271, 281, 283-285.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 6,267,248

18. Shuffle Master repeats and incorporates by reference all of its allegations set forth in paragraphs 1 through 10 above.

19. CARD Austria has infringed, under 35 U.S.C. § 271(a), (b), or (c), one or more claims of U.S. Patent No. 6,267,248 by making, importing, using, selling and/or offering for sale One2Six shufflers and "Pre-Shuffler" devices or related methods.

20. Unless enjoined, CARD Austria will continue to infringe U.S. Patent No. 6,267,248 by making, importing, using, selling and/or offering for sale gaming devices using the invention claimed by U.S. Patent No. 6,267,248.

21. CARD Austria is infringing with knowledge (actual or constructive) of U.S. Patent No. 6,267,248.

22. CARD Austria's infringement of U.S. Patent No. 6,267,248 is and has been willful.

23. CARD Austria's infringement has injured Shuffle Master and, thus, Shuffle Master is entitled to recover damages adequate to compensate it for CARD Austria's infringement.

24. Shuffle Master is entitled to injunctive and compensatory relief, including attorneys' fees, pursuant to 35 U.S.C. §§ 271, 281, 283-285.

COUNT III
INFRINGEMENT OF U.S. PATENT NO. 6,138,014

25. Shuffle Master repeats and incorporates by reference all of its allegations set forth in paragraphs 1 through 10 above.

26. CARD Austria has infringed, under 35 U.S.C. § 271(a), (b), or (c), one or more claims of U.S. Patent No. 6,138,014 by making, importing, using, selling and/or offering for sale One2Six™ shufflers and "Pre-Shuffler" devices or related methods.

27. Unless enjoined, CARD Austria will continue to infringe the U.S. Patent No. 6,138,014 by making, importing, using, selling and/or offering for sale gaming devices using the invention claimed by U.S. Patent No. 6,138,014.

28. On information and belief, CARD Austria is infringing with knowledge (actual or constructive) of U.S. Patent No. 6,138,014.

29. On information and belief, CARD Austria's infringement of the U.S. Patent No. 6,138,014 is and has been willful.

30. CARD Austria's infringement has injured Shuffle Master and, thus, Shuffle Master is entitled to recover damages adequate to compensate them for CARD Austria's infringement.

1 31. Shuffle Master is entitled to injunctive and
2 compensatory relief, including attorneys' fees, under 35 U.S.C.
3 §§ 271, 281, 283-285.
4

5 **COUNT IV**
6 **INFRINGEMENT OF U.S. PATENT NO. 6,588,750 B1**

7 32. Shuffle Master repeats and incorporates by reference
8 all of its allegations set forth in paragraphs 1 through 10
9 above.
10

11 33. CARD Austria has infringed, under 35 U.S.C. § 271(a),
12 (b), or (c), one or more claims of the U.S. Patent No. 6,255,750
13 B1 by making, importing, using, selling and/or offering for sale
14 One2Six shufflers™ and "Pre-Shuffler" devices or related
15 methods.
16

17 34. Unless enjoined, CARD Austria will continue to
18 infringe the U.S. Patent No. 6,255,750 B1 by making, importing,
19 using, selling and/or offering for sale gaming devices using the
20 invention claimed by U.S. Patent No. 6,255,750 B1.

21 35. On information and belief, CARD Austria is infringing
22 with knowledge (actual or constructive) of U.S. Patent No.
23 6,255,750 B1.
24

25 36. On information and belief, CARD Austria's infringement
26 of the U.S. Patent No. 6,255,750 B1 is and has been willful.
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COUNT V
INFRINGEMENT OF U.S. PATENT NO. 6,588,751 B1

39. Shuffle Master repeats and incorporates by reference all of its allegations set forth in paragraphs 1 through 10 above.

40. CARD Austria has infringed, under 35 U.S.C. § 271(a), (b), or (c), one or more claims of U.S. Patent No. 6,588,751 B1 by making, importing, using, selling and/or offering for sale One2Six shufflers, CARD Pre-Shuffler or related methods.

41. On information and belief, CARD Austria is infringing with knowledge (actual or constructive) of U.S. Patent No. 6,588,751 B1.

42. On information and belief, CARD Austria's infringement of the U.S. Patent No. 6,588,751 B1 is and has been willful.

43. Unless enjoined, CARD Austria will continue to infringe U.S. Patent No. 6,588,751 B1 by making, using, selling and/or offering for sale gaming devices using the invention claimed by U.S. Patent No. 6,588,751 B1.

1 f. granting Shuffle Master such other and further relief
2 as justice may require.

3 DATED this 18th day of September, 2003.

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6 By: 

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