

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

PLANET BINGO, LLC, a California limited liability company,

Plaintiff,

v.

VKGS, LLC, dba VIDEO KING, a Delaware limited liability company,

Defendant.

Case No.:

COMPLAINT AND DEMAND FOR JURY TRIAL

Planet Bingo, LLC (“Planet Bingo”) (“Plaintiff”), by and through undersigned counsel, in and for its Complaint against Defendant VKGS, LLC, d/b/a Video King (“Video King”) states and alleges as follows:

JURISDICTION AND VENUE

1. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. §101, *et seq.* This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§1331 and 1338.

2. This Court has personal jurisdiction over Video King and venue is proper in this judicial district pursuant to 28 U.S.C. §1391(c) and §1400(b).

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THE PARTIES

3. Plaintiff Planet Bingo, at all times relevant to this Complaint, was and is a limited liability company organized and existing under the laws of the State of California. Planet Bingo has a principal place of business at 41-750 Rancho Las Palmas Drive, Building A-1, Rancho Mirage, California 92270, and also has a Michigan office at 808 Century Boulevard, Suite 100, Lansing, Michigan 48917.

4. On information and belief, Defendant Video King is a limited liability company organized and existing under the laws of the State of Delaware, with a principal place of business at 2717 N. 118th Circle, Suite 210, Omaha, Nebraska 68164. Upon further information and belief, Video King is licensed to do business in the State of Michigan and has a resident agent designated for service of process within this district.

GENERAL ALLEGATIONS AND FACTUAL BACKGROUND

5. On June 4, 2002, U.S. Patent No. 6,398,646 (the “‘646 Patent”), titled “Method and System for Storing Preselected Numbers for Use in Games of Bingo,” was issued to William Wei, Jeffery A. Dettloff, Ronald J. Austin, Richard G. Bean, Harrold J. Rappold, and James L. Green. A true and correct copy of the ‘646 Patent is attached hereto as **Exhibit A**.

6. On December 2, 2003, U.S. Patent No. 6,656,045 (the “‘045 Patent”), titled “Method and System for Storing Preselected Numbers for Use in Games of Bingo,” was issued to William Wei, Jeffery A. Dettloff, Ronald J. Austin, Richard G. Bean, Harrold J. Rappold, and James L. Green. A true and correct copy of the ‘045 Patent is attached hereto as **Exhibit B**.

7. Planet Bingo, by assignment, is the owner of all rights, title, and interest in and to the ‘646 Patent and the ‘045 Patent.

8. Melange Computer Services, Inc., a wholly owned subsidiary of Planet Bingo, is the developer of VIPick'em™, which is the commercial embodiment of the '646 Patent and the '045 Patent. VIPick'em™ allows a player to store multiple sets of preferred Bingo numbers on his/her player's card. Upon swiping the player's card at a gaming facility, any of the player's stored sets of preferred Bingo numbers may be downloaded onto a handheld device or printed onto paper.

9. Video King is a bingo company which markets, among other things, a number of different electronic bingo devices and games. One product that it markets, in particular, is PowerPick-Em's™, which, as utilized in certain halls, allows a player to store multiple sets of preferred Bingo numbers on his/her player's card, so that the player may choose from among the loaded numbers a set that may be printed or downloaded electronically. A true and correct copy of a brochure for PowerPick-Em's™ is attached hereto as **Exhibit C**.

10. Video King has made, sold, offered for sale, used, and/or installed such a version of PowerPick-Em's™ at several gaming locations, including but not limited to, Morongo Casino, Resort & Spa, located in Cabazon, California.

COUNT I: INFRINGEMENT OF U.S. PATENT NO. 6,398,646

11. Planet Bingo repeats and by this reference incorporates each and every allegation set forth in Paragraphs 1-10 of the Complaint as though set forth in full herein.

12. Upon information and belief, Video King, having full knowledge of the patent rights of Planet Bingo, has infringed Planet Bingo's '646 Patent by making, selling, offering for sale, using, and/or installing PowerPick-Em's™ with the storage feature at several gaming locations.

13. Defendant's acts, as set forth in Paragraph 12 above, were without permission, license, or consent of Planet Bingo.

14. Planet Bingo has been damaged by Defendant's acts of patent infringement in an amount to be proven at trial.

15. Video King's infringement of the '646 Patent will continue unless enjoined by this Court.

COUNT II: INFRINGEMENT OF U.S. PATENT NO. 6,656,045

16. Planet Bingo repeats and by this reference incorporates each and every allegation set forth in Paragraphs 1-10 of the Complaint as though set forth in full herein.

17. Upon information and belief, Video King, having full knowledge of the patent rights of Planet Bingo, has infringed Planet Bingo's '045 Patent by making, selling, offering for sale, using, and/or installing PowerPick-Em'sTM with the storage feature at several gaming locations.

18. Defendant's acts, as set forth in Paragraph 17 above, were without permission, license, or consent of Planet Bingo.

19. Planet Bingo has been damaged by Defendant's acts of patent infringement in an amount to be proven at trial.

20. Video King's infringement of the '045 Patent will continue unless enjoined by this Court.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff Planet Bingo respectfully demands:

- a. That Defendant, its officers, agents, servants, employees, and any and all persons in active concert or participation with them, be enjoined permanently from infringing Plaintiff's aforesaid patents in any manner including, but not limited to, making, selling, offering for sale, using, and/or installing PowerPick-Em'sTM or any other products that infringe Plaintiff's patents;
- b. That Defendant be required to pay to Plaintiff such damages as Plaintiff has sustained in consequence of Defendant's infringement of Plaintiff's patents and to account for all gains, profits, and advantages derived by Defendant from said infringements, and that such award for damages be enhanced, to the fullest extent permitted by law, due to the willful and wanton nature thereof;
- c. Entry of judgment awarding Plaintiff exemplary damages;
- d. Entry of judgment awarding Plaintiff its costs and reasonable attorneys' fees incurred in the prosecution of this action pursuant to the patent laws of the United States, 35 U.S.C. §101, *et seq.* ; and
- e. Such other relief as this Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff hereby sets forth its demand for a jury trial on all issues for which it is entitled to a jury trial.

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DATED this 7th day of March, 2012.

Respectfully submitted,

WEISS & MOY, P.C.

s/ Jeffrey Weiss

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