

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JOHN H. STEPHENSON

Plaintiff,

v.

GAME SHOW NETWORK, LLC, and
WORLDWINNER.COM, INC.

Defendants.

C.A. No. _____

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff John H. Stephenson, for his complaint against Defendants Game Show Network, LLC and WorldWinner.com, Inc., states and alleges as follows:

THE PARTIES

1. Plaintiff John H. Stephenson (“Stephenson”) is a resident of Oklahoma, residing at 4608 S. Knoxville Ave., Tulsa, Oklahoma 74135.
2. Upon information and belief, Defendant Game Show Network, LLC. (“GSN”) is a limited liability company formed and existing under the laws of Delaware and has its principal place of business at 2150 Colorado Ave, #100, Santa Monica, California 90404-5514. GSN is regularly and systematically broadcasted in this district, including at least on Comcast channel 179 in the Wilmington area.
3. Upon information and belief, Defendant WorldWinner.com, Inc. (“WorldWinner”) is incorporated under the laws of Delaware and has its principal place of business at 313 Washington St., Newton, Massachusetts 02458-1626.

4. Upon information and belief, WorldWinner, a wholly owned subsidiary of GSN, operates websites, including a website located at the domain address worldwinner.com.

5. Upon information and belief, the worldwinner.com website reaches millions of users every month, including in Delaware. Upon further information and belief, GSN and WorldWinner use the worldwinner.com website to solicit partners in Delaware and elsewhere. On the “About GSN” link at worldwinner.com, it states:

GSN is a multimedia entertainment company that offers original and classic game programming via its 73-million subscriber television network and online games sites. GSN’s cross-platform content puts winning within reach for viewers and participants, whether through GSN’s popular TV game shows, gsn.com’s free casual games or its WorldWinner competitive cash tournaments. GSN is distributed throughout the U.S., Caribbean and Canada by all major cable operators, satellite providers and telcos.

6. Upon information and belief, at least through its operation of the worldwinner.com website, WorldWinner continuously and systematically engages in commerce in Delaware, including in the Wilmington area.

JURISDICTION AND VENUE

7. This action arises under The Acts of Congress relating to patents, 35 U.S.C. § 1, et. seq., as hereinafter more fully appears.

8. This Court has subject matter jurisdiction over Plaintiff’s patent infringement lawsuit under 28 U.S.C. §§ 1331 and 1338(a).

9. This court has personal jurisdiction over the Defendants by virtue of, *inter alia*, their continuous and systematic contacts with Delaware at least via their promotion

and sale of services via the World Wide Web and through the Game Show Network and through acts of infringement which on information and belief occur within this district. This court also has personal jurisdiction over GSN because GSN is a limited liability company formed and existing under Delaware law, and over WorldWinner because WorldWinner is a corporation formed and existing under Delaware law.

BACKGROUND

10. Stephenson is a longtime veteran of the gaming, gaming machines, and online gaming industry. In 1989 he co-founded the company that is now known as Multimedia Games (“Multimedia”).

11. Multimedia grew to become the primary manufacturer and supplier of legal video gaming machines for tribal casinos throughout the United States and Canada.

12. In May 1999, Stephenson filed a patent application for his novel method for running a game of skill tournament. An embodiment of his invention is shown below.

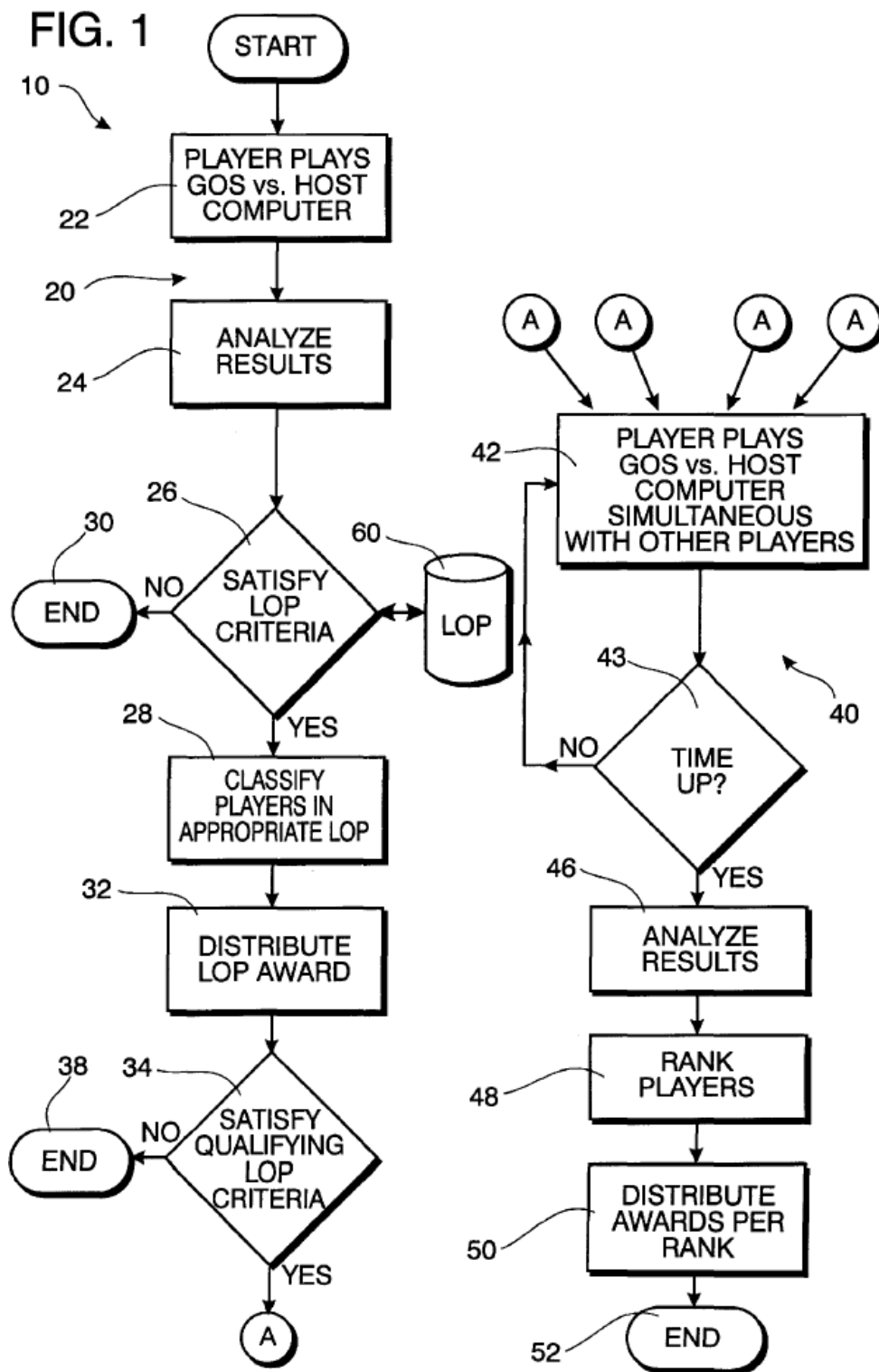


Fig. 1 of the '237 Patent

13. On January 16, 2001, United States Patent No. 6,174,237 (the ‘237 patent”) was duly and legally issued to Stephenson for his invention of a method for a game of skill tournament. A copy of the patent is attached as Exhibit A.

14. Mr. Stephenson currently operates and has licensed the ‘237 patent to megadollargames.com, a competitor of the defendants.

DESCRIPTION OF INFRINGEMENT

15. The worldwinner.com website is titled “GSN Cash Competitions” and allows players to play in games of skill tournaments via their computers and to be awarded prizes based on the players’ performance.

16. The GSN Cash Competitions website describes the site as being “Powered by WorldWinner.”

17. The GSN Cash Competitions site may be accessed from several websites including at least worldwinner.com. The references herein to “GSN Cash Competitions” are meant to include worldwinner.com and other websites operated by either or both Defendants that describe similar competitions.

18. Players may also reach the GSN Cash Competitions site at least by clicking on the “cash competitions” link from GSN’s primary site, found at gsn.com.

19. The GSN Cash Competitions site offers games of skill and offers prizes to players and includes screen shots such as the following:

WINNER DECLARED - Spades 2-Player

Congratulations, You Won!

Place	Player	Score	Prize
1	 [Redacted]	2,610	\$1.25
2	 [Redacted]	1,023	\$0.05

[Prizes](#) | Entry Fee: \$0.88 | ID: 934864933 | Players: 2/2
End Time: 4/24/12 10:59:33 AM

20. The GSN Cash Competition site describes its operation at least in part through portions of the website such as the one shown below:

Home

Frequently Asked Questions

[Frequently Asked Questions](#) > [Matching](#) >

How do I know if I'm matched correctly?

Our goal is to provide each player with opponents of a similar skill level in a timely manner. Your potential to win a competition is based solely on your actual skill. There are many factors that determine how you are matched.

Here are only a few:

- Your scoring capabilities within each game title
- Win/Loss ratios
- Recent and overall player performance
- The skill of the other available opponents within each game title

Matching is always conducted before you play your entry, not after. We only use past data to match you successfully with other players of similar skill levels.

Here are a few more facts:

- WorldWinner does not profit on the outcome of a competition. While we take a nominal fee for organizing and managing the competitions, our revenue is not contingent upon the end result of a competition.
- WorldWinner does not fill spots in competitions with employees, nor do we contract regular players to do the same.
- Whether you are a beginner in Mystery P.I. or an expert in Bejeweled 2, WorldWinner will work diligently to match you against players of similar skill.

Related Topics


[Why did I receive a message stating that there were no other available opponents at my skill level at this time?](#)


[Who am I competing against?](#)

[Why am I not winning?](#)

Topic Information


Topic #: 12012-86
Date Created: 7/15/2010
Last Modified Since: 3/29/2012
Viewed: 179

 [Print Topic](#)

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(Found at <http://help.worldwinner.com/ics/support/KBAnswer.asp?questionID=86>)

21. The GSN Cash Competitions site, describes “matched skill competitions” at least in part as shown below:



Matched Skill Competitions

In Matched Skill Competitions, such as Limited Entry or Super Rewards competitions, you must compete in a specific game against a predetermined number of opponents. Our proprietary FairMatching system provides you with opponents whose skill level in that game is similar to your own. Skill levels are based on a variety of factors, including win frequency, scoring ability, and overall degree of experience in a game.

Please note that the matching process is always conducted before gameplay begins, never after. We only use past data (not your current score) to determine the competition into which you are placed.

(Found at <http://www.worldwinner.com/cgi/tournament/introToCompetitions.pl>)

22. The GSN Cash Competitions site also describes "Skill Division Competitions" as shown below:

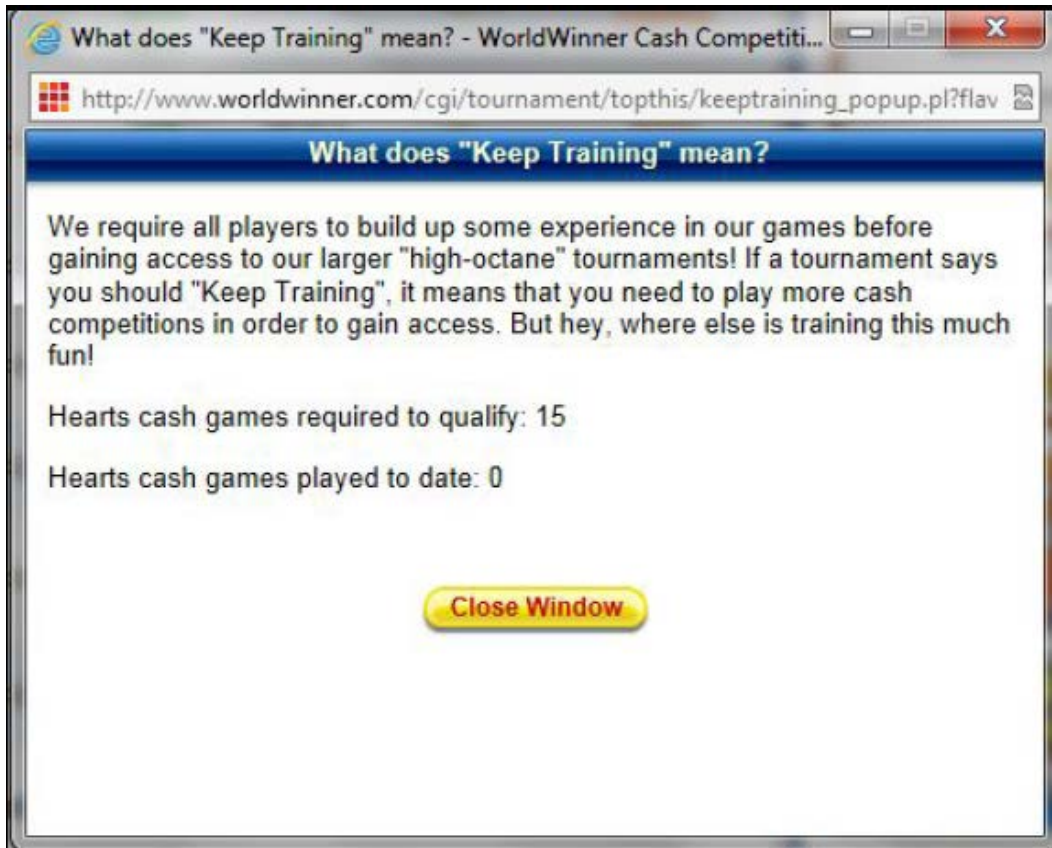


Skill Division Competitions

Skill Division Competitions, such as our "Daily Delight" unlimited entry tournaments, have a preset end time and a potentially unlimited number of players who are divided into groups based on their skill levels. The total prize pool for each tournament is divided and distributed equally between each skill group. Players only compete against opponents in their skill group.

(Found at <http://www.worldwinner.com/cgi/tournament/introToCompetitions.pl>)

23. The GSN Cash Competitions site describes qualification and non-qualification at least as shown below:



(Found at http://www.worldwinner.com/cgi/tournament/topthis/keeptraining_popup.pl?flavor_id=85289&cpww=1)

24. Players play via the GSN Cash Competitions site against computer opponents.

25. After a match against computer opponents, the player's score is compared to other human players for allocation of prizes.

26. For some or all of the games offered on the GSN Cash Competitions website, the site determines which players qualify for certain types of tournaments.

27. In some tournament types of some or all of the games offered on the GSN Cash Competitions website, the site determines which players will qualify for which prize pool.

28. For each of the games offered on the GSN Cash Competitions website, the site determines the winner of tournaments and awards prizes based on the results.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 6,174,237

29. Plaintiff incorporates by reference each of the averments, 1-28, above.

30. Defendants have infringed claims of the '237 patent and, unless enjoined from doing so, will continue to do so by using, selling, or offering for sale Stephenson's patented technology and by inducing and contributing to infringement of the '237 patent.

31. Stephenson has been damaged by the infringement of the Defendants and will continue to suffer irreparable harm to his business and impairment of the value of his patent rights unless Defendants are enjoined from continuing to directly or indirectly infringe the '237 patent.

32. Stephenson is entitled to recover damages from Defendants to compensate him for the infringement in an amount no less than a reasonable royalty.

33. Defendants received specific notice of the '237 patent and Defendants' infringement thereof on or around September 8, 2011, based on a letter from Plaintiff's counsel.

34. Defendants' direct or indirect infringement of the '237 patent since learning of the patent's existence scope and at least since October 1, 2011 has been willful infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff John H. Stephenson prays for judgment that:

A. Defendants Game Show Network, LLC and WorldWinner.com, Inc. have infringed one or more claims of United States Patent No. 6,174,237;

B. Defendants, their officers, agents, servants and employees, and those persons in active concert or participation with any of them be enjoined from further infringing, contributing to the infringement, or inducing the infringement of United States Patent No. 6,174,237, and be permanently enjoined from direct and indirect infringing acts including continued use, offer for sale, or sale of their products or services used to infringe the patent in suit;

C. Plaintiff be awarded damages arising out of Defendants' infringement of United States Patent No. 6,174,237, with interest;

D. At least due to any infringement by Defendants after notice of the '237 patent, this case be adjudged and decreed exceptional pursuant to 35 U.S.C. § 285 and that Plaintiff be awarded their costs and attorney's fees in pursuing this action; and

E. Plaintiff be awarded such other and further relief as this Court may deem necessary and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all issues so triable.

YOUNG CONAWAY STARGATT
& TAYLOR, LLP

/s/ James L. Higgins

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