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9 Attorney for Plaintiff,
GAMETEK LLC

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11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

13 GAMETEK LLC,

Case No.: 3:12-cv-499-BEN-RBB

14 Plaintiff,
15 v.

**FIRST AMENDED COMPLAINT FOR
INFRINGEMNT OF U.S. PATENT NO.
7,076,445**

16 GAMEVIEW STUDIOS, LLC

DEMAND FOR JURY TRIAL

17 Defendant.

18 Complaint Filed: February 28, 2012
19 Trial Date: not set

20 This is an action for patent infringement in which GAMETEKLLC submits this First
21 Amended Complaint¹ against the Defendant named herein, namely GAMEVIEW STUDIOS, LLC,
22 as follows:

23 **THE PARTIES**

24 1. GAMETEKLLC (“GAMETEK” or “Plaintiff”) is a California limited liability
25 company with a place of business at 500 Newport Center Drive, Suite 700, Newport Beach, CA
26 92660.
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28 ¹ GAMETEK is amending its complaint pursuant to FRCP 15(a)(1)(B).

1 2. On information and belief, GAMEVIEW STUDIOS, LLC (“GAMEVIEW” or
2 “Defendant”) is a Delaware Corporation with a place of business at 405 Mount Laurel Court,
3 Mountain View, CA 94043.
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6 **JURISDICTION AND VENUE**

7 3. This action arises under the patent laws of the United States, Title 35 of the United
8 States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

9 4. On information and belief, the Defendant is subject to this Court’s specific and/or
10 general personal jurisdiction, pursuant to due process and/or the California Long Arm Statute, due at
11 least to its substantial business in California, including related to the infringements alleged herein.
12 Further, on information and belief, the Defendant has interactive games comprising infringing
13 methods which are at least used in and/or accessible in California. Further, on information and
14 belief, the Defendant regularly conducts and/or solicits business, engages in other persistent courses
15 of conduct, and/or derives substantial revenue from goods and services provided to persons and/or
16 entities in California.
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19 5. Venue is proper in this District under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b).
20 Without limitation, on information and belief, the Defendant is subject to personal jurisdiction in
21 this District. On information and belief, the Defendant is subject to this Court’s specific and/or
22 general personal jurisdiction, pursuant to due process and/or the California Long Arm Statute, due at
23 least to its substantial business in this District, including related to the infringements alleged herein.
24 Further, on information and belief, the Defendant has interactive games comprising infringing
25 methods which are at least used in and/or accessible in this District. Further, on information and
26 belief, the Defendant regularly conducts and/or solicits business, engages in other persistent courses
27 of conduct, and/or derives substantial revenue from goods and services provided to persons and/or
28 entities in California.

1 of conduct, and/or derives substantial revenue from goods and services provided to persons and/or
2 entities in this District.

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5 **COUNT I**

6 **INFRINGEMENT OF U.S. PATENT NO. 7,076,445**

7 6. United States Patent No. 7,076,445 (“the ‘445 patent”), entitled “SYSTEM AND
8 METHODS FOR OBTAINING ADVANTAGES AND TRANSACTING THE SAME IN A
9 COMPUTER GAMING ENVIRONMENT,” duly and legally issued on July 11, 2006.

10 7. GAMETEK is the present assignee of the entire right, title and interest in and to the
11 ‘445 patent, including all rights to sue for past and present infringement. Accordingly, GAMETEK
12 has standing to bring this lawsuit for infringement of the ‘445 patent.

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14 8. The various claims of the ‘445 patent cover, *inter alia*, a method of managing games
15 comprising displaying a plurality of game objects, determining if the user has sufficient
16 consideration to purchase a game object, presenting an offer to purchase the game object dependent
17 upon parameters comprising the tracked activity of the user and the indication that the user has
18 sufficient consideration, permitting the user to purchase the game object without interrupting the
19 game, supplying the purchased game object to the user without interrupting the game, and
20 incorporating the game object into the game.

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22 9. On information and belief, GAMEVIEW has been and now is infringing the ‘445
23 patent by actions comprising the making of and/or using methods of managing a game comprising
24 displaying a plurality of game objects, determining if the user has sufficient consideration to
25 purchase a game object, presenting an offer to purchase the game object dependent upon parameters
26 comprising the tracked activity of the user and the indication that the user has sufficient
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1 consideration, permitting the user to purchase the game object without interrupting the game,
2 supplying the purchased game object to the user without interrupting the game, and incorporating
3 the game object into the game. On information and belief, such methods comprise TAP FISH, TAP
4 FISH 2, TAP FISH SEASONS, TAP FISH PLUS, TAP FISH EXOTIC, TAP RANCH 2, FARM
5 LIFE, SNOWY FARM, TAP TOWN, TAP MALL, TAP MALL: SPRING, TAP JURASSIC, TAP
6 BISTRO, FISH LIFE, FISH IN LOVE and/or WONDER COVE.
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8 10. Further, on information and belief, GAMEVIEW makes, uses, and hosts the game
9 known as TAP FISH.

10 11. Further, on information and belief, GAMEVIEW makes, uses, and hosts the game
11 known as TAP FISH 2.

12 12. Further, on information and belief, GAMEVIEW makes, uses, and hosts the game
13 known as TAP FISH SEASONS.

14 13. Further, on information and belief, GAMEVIEW makes, uses, and hosts the game
15 known as TAP FISH PLUS.

16 14. Further, on information and belief, GAMEVIEW makes, uses, and hosts the game
17 known as TAP FISH EXOTIC.

18 15. Further, on information and belief, GAMEVIEW makes, uses, and hosts the game
19 known as TAP RANCH 2.

20 16. Further, on information and belief, GAMEVIEW makes, uses, and hosts the game
21 known as FARM LIFE.

22 17. Further, on information and belief, GAMEVIEW makes, uses, and hosts the game
23 known as SNOWY FARM.
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1 18. Further, on information and belief, GAMEVIEW makes, uses, and hosts the game
2 known as TAP TOWN.

3 19. Further, on information and belief, GAMEVIEW makes, uses, and hosts the game
4 known as TAP MALL.

5 20. Further, on information and belief, GAMEVIEW makes, uses, and hosts the game
6 known as TAP MALL: SPRING.

7 21. Further, on information and belief, GAMEVIEW makes, uses, and hosts the game
8 known as TAP JURASSIC.

9 22. Further, on information and belief, GAMEVIEW makes, uses, and hosts the game
10 known as TAP BISTRO.

11 23. Further, on information and belief, GAMEVIEW makes, uses, and hosts the game
12 known as FISH LIFE.

13 24. Further, on information and belief, GAMEVIEW makes, uses, and hosts the game
14 known as FISH IN LOVE.

15 25. Further, on information and belief, GAMEVIEW makes, uses, and hosts the game
16 known as WONDER COVE.

17 26. As a result of GAMEVIEW's infringing conduct, GAMEVIEW has damaged
18 GAMETEK. GAMEVIEW is liable to GAMETEK in an amount that adequately compensates
19 GAMETEK for its infringement, which, by law, can be no less than a reasonable royalty.

20 27. GAMETEK reserves the right to take discovery regarding GAMEVIEW's actual pre-
21 suit notice of the '445 patent. In any event, on information and belief, GAMTEK contends, that at a
22 minimum, GAMEVIEW's continuing infringement of the '445 patent during the pendency of this
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1 suit is willful, including because GAMEVIEW's infringement is clear and, at a minimum, such
2 infringement would be necessarily be an objectively reckless act.

3 **PRAYER FOR RELIEF**

4 WHEREFORE, GAMETEK respectfully requests that this Court enter:

5 1. A judgment in favor of GAMETEK that GAMEVIEW has infringed the '445 patent;

6 2. A judgment that GAMEVIEW's infringement is and/or has been willful and
7 objectively reckless;

8 3. A permanent injunction enjoining GAMEVIEW, and their officers, directors,
9 employees, agents, affiliates and all others acting in active concert therewith from infringing the
10 '445 patent;

11 4. A judgment and order requiring GAMEVIEW to pay to GAMETEK its damages,
12 costs, expenses, fees and prejudgment and post-judgment interest for GAMEVIEW'S infringement
13 of the '445 patent as provided under 35 U.S.C. §§ 284 and/or 285;

14 5. A judgment and order finding that this is an exceptional case within the meaning of
15 35 U.S.C. § 285 and awarding to GAMETEK its reasonable attorneys' fees; and

16 6. Any and all other relief to which GAMETEK may show itself to be entitled.

17 **DEMAND FOR JURY TRIAL**

18 Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of
19 any issues so triable by right.
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1 Dated: June 11, 2012

Respectfully submitted,

2 /s/ John J. Edmonds

3 John J. Edmonds

4 COLLINS EDMONDS POGORZELSKI

SCHLATHER & TOWER, PLLC

5 Attorney for Plaintiff

6 GAMETEK LLC

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25 **CERTIFICATE OF SERVICE**

26 I, John J. Edmonds, declare as follows:

27 I am over the age of eighteen years and am not a party to this action. I am employed at the
28 law firm of Collins, Edmonds, Pogorzelski, Schlather & Tower, PLLC and I am a member of the bar

1 of this Court. I hereby certify that on June 11, 2012, the following document was transmitted via the
2 Court's Electronic Case Filing (ECF) system:

3 **FIRST AMENDED COMPLAINT FOR INFRINGEMENT OF U.S. PATENT NO. 7,076,445**

4 I further certify that the attached document was sent on June 11, 2012, via the Court's
5 Electronic Case Filing (ECF) system to all counsel of record in this action.

6
7 June 11, 2012

Respectfully Submitted,

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9 /s/ John J. Edmonds

10 John J. Edmonds – LEAD COUNSEL

11 E-mail: jedmonds@cepiplaw.com

12 ATTORNEY FOR GAMETEK LLC.
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