

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AMI ENTERTAINMENT NETWORK, INC.,)	
155 Rittenhouse Circle)	
Bristol, PA 19007)	Civil Action No. _____
)	
<i>Plaintiff,</i>)	
v.)	
BIG FISH GAMES, INC.)	JURY TRIAL DEMANDED
333 Elliott Avenue West, Suite 200)	
Seattle, WA 98119-4113)	
)	
<i>Defendants.</i>)	

COMPLAINT

Plaintiff, AMI Entertainment Network, Inc., brings this Complaint for patent infringement against Defendant Big Fish Games, Inc. as outlined below.

THE PARTIES

1. Plaintiff, AMI Entertainment Network, Inc., is a Pennsylvania Corporation having a principal place of business located at 155 Rittenhouse Cir, Bristol, PA 19007.
2. Upon information and belief, Defendant, Big Fish Games, Inc. is a Washington Corporation having a principal place of business located at 333 Elliott Avenue West, Suite 200, Seattle, WA 98119.

JURISDICTION AND VENUE

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331-32 and 1338(a).
4. Upon information and belief, Defendant Big Fish is subject to the jurisdiction of this Court because Defendant Big Fish makes, imports, distributes, uses, sells, and/or offers to

sell the infringing electronic games (defined hereinafter) with the knowledge and/or intent that the infringing electronic games will be offered for sale, sold, or used throughout the United States, including in the Commonwealth of Pennsylvania.

5. Upon information and belief, venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 because Defendant Big Fish transacts business in the Eastern District of Pennsylvania.

FACTS

6. Plaintiff AMI is the owner of U.S. Patent No. 6,942,565, issued by the United States Patent and Trademark Office on September 13, 2005, entitled, “Electronic Card Game and Method” (hereinafter “the ‘565 Patent”).

7. The ‘565 Patent is valid and enforceable. The term of the ‘565 Patent is set to expire on September 13, 2023. A true and correct copy of the ‘565 Patent is attached to this Complaint as Exhibit A.

8. Plaintiff AMI is the assignee of all right, title, and interest in and to the ‘565 Patent and possesses all rights of recovery under the ‘565 Patent, including the right to sue for infringement and recourse for damages.

9. Defendant BIG FISH GAMES has made, used, sold, offered for sale, and/or imported at least Fairway Solitaire accessible at <http://www.fairwaysolitaire.com/> (see Exhibit B), Jewel Quest Solitaire accessible at <http://www.bigfishgames.com/download-games/1213/jewelquestsolitair-nla/index.html> (see Exhibit C), Heartwild Solitaire - Book Two accessible at <http://www.bigfishgames.com/download-games/7747/heartwild-solitaire-book-two/index.html> (see Exhibit D), Royal Challenge Solitaire accessible at <http://www.bigfishgames.com/download-games/12236/royal-challenge-solitaire/index.html> (see

Exhibit E), Summer Tri-Peaks Solitaire accessible at <http://www.bigfishgames.com/download-games/11009/summer-tripeaks-solitaire/index.html> (see Exhibit F) (“Infringing Electronic Games”) in the U.S.

10. Upon information and belief, Defendant Big Fish maintains an interactive website wherein consumers, including those from this Commonwealth, can and have purchased the Infringing Electronic Games at <http://www.bigfishgames.com>. (See, for example, Exhibit G attached hereto).

11. Upon information and belief, Defendant Big Fish offers for sale through other third parties who also maintain interactive websites wherein consumers, including those from this Commonwealth, can purchase the Infringing Electronic Games thereby contributorily infringing and/or inducing others to infringe one or more claims of the ‘565 Patent. (See, for example, Exhibit H attached hereto).

12. Defendant Big Fish has not sought, nor obtained, a license under the ‘565 Patent and is not authorized or permitted to market, manufacture, use, offer for sale or sell the invention claimed in the ‘565 Patent.

COUNT I
INFRINGEMENT OF THE ‘565 PATENT

13. Plaintiff AMI realleges and incorporates by reference paragraphs 1 through 12 of this Complaint as though fully set forth herein.

14. The claims of the ‘565 Patent are presumed valid pursuant to 35 U.S.C. § 282.

15. Defendant Big Fish, in violation of 35 U.S.C. § 271, has been and is currently infringing, contributorily infringing and/or actively inducing others to infringe one or more claims of the ‘565 Patent, either literally or under the doctrine of equivalents, by making, causing

to be made, using, offering for sale, selling and/or importing into the United States, without license or authority, at least the Infringing Electronic Games, as claimed in the '565 Patent.

16. Defendant Big Fish has willfully infringed and, upon information and belief, will continue to willfully infringe upon claims of the '565 Patent by the use, manufacture, offer for sale, sale, and/or importation of the Infringing Electronic Games unless this Court enjoins Defendant Big Fish's infringing activities.

17. As a result of the Defendant Big Fish's willful infringement of the '565 Patent, Plaintiff AMI has been damaged to an extent not yet determined.

18. Plaintiff AMI is entitled to monetary damages adequate to compensate Plaintiff AMI for the infringement of the Defendant Big Fish and, since at least July 12, 2012, AMI is entitled to increased damages under 35 U.S.C. §284, together with interest, costs, and attorneys fees, and is entitled to enjoin Defendant Big Fish from further infringement of the '565 Patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff AMI respectfully requests all legal and equitable relief as may be recoverable for the foregoing offenses, including:

- (a) a judgment that Defendant Big Fish infringes the claims of the '565 Patent;
- (b) a permanent injunction enjoining Defendant Big Fish and those in active concert or participation with it, from infringing the '565 Patent;
- (c) an accounting for damages arising from the infringement of the '565 Patent by the Defendant Big Fish and those in privity with it;

- (d) an award of damages adequate to compensate for the infringement of the '565 Patent, together with prejudgment and post-judgment interest thereon, and costs fixed by the Court, as provided by 35 U.S.C. § 284;
- (e) a judgment that the infringement of the '565 Patent was and is willful, and an award to Plaintiff AMI of increased damages in accordance with 35 U.S.C. § 284;
- (f) a grant to Plaintiff AMI of any such other relief as the Court may deem just, equitable, or proper.

DEMAND FOR JURY TRIAL

Pursuant to Fed. R. Civ. P. 38, Plaintiff AMI hereby demands a trial by jury on all issues so triable.

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