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6 Attorney for Plaintiff,
7 **GAMETEK LLC**

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10
11 GAMETEK LLC,

Case No.: 3:12-cv-00503-BEN-RBB

12 Plaintiff,
13 v.

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

14 NHN USA, INC.; NHN CORPORATION;
IJI GAMES, LLC; and RED DUCK INC.,

DEMAND FOR JURY TRIAL

15 Defendants.
16

17 This is an action for patent infringement in which GAMETEK LLC submits this First
18 Amended Complaint¹ against Defendants named herein, namely NHN USA, INC., IJI GAMES,
19 LLC, and RED DUCK INC. (collectively “Defendants”), as follows:
20

21 **THE PARTIES**

22 1. GAMETEK LLC (“GAMETEK” or “Plaintiff”) is a California limited liability
23 company with a place of business at 500 Newport Center Drive, Suite 700, Newport Beach, CA
24 92660.
25

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27
28 ¹ Pursuant to Fed. R. Civ. P. 15(a)(2), GAMETEK obtained NHN and IJI’s written consent prior to filing this First Amended Complaint.

1 Further, on information and belief, Defendants have interactive websites and games comprising
2 infringing methods which are at least used in and/or accessible in this district. Further, on
3 information and belief, Defendants regularly conduct and/or solicit business, engage in other
4 persistent courses of conduct, and/or derive substantial revenue from goods and services provided to
5 persons and/or entities in this district.
6

7 **COUNT I**

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

9 8. United States Patent No. 7,076,445 (“the ‘445 patent”), entitled “SYSTEM AND
10 METHODS FOR OBTAINING ADVANTAGES AND TRANSACTING THE SAME IN A
11 COMPUTER GAMING ENVIRONMENT,” issued on July 11, 2006.
12

13 9. GAMETEK is the present assignee of the entire right, title and interest in and to the
14 ‘445 patent, including all rights to sue for past and present infringement. Accordingly, GAMETEK
15 has standing to bring this lawsuit for infringement of the ‘445 patent.

16 10. The various claims of the ‘445 patent cover, inter alia, a method of managing a game
17 comprising displaying a plurality of game objects, determining if the user has sufficient
18 consideration to purchase a game object, presenting an offer to purchase the game object dependent
19 upon parameters comprising the tracked activity of the user and the indication that the user has
20 sufficient consideration, permitting the user to purchase the game object without interrupting the
21 game, supplying the purchased game object to the user without interrupting the game, and
22 incorporating the game object into the game.
23

24 11. On information and belief, Defendants have been and now are infringing, including
25 jointly, the ‘445 patent by actions comprising the making and/or using methods of managing a game
26 comprising displaying a plurality of game objects, determining if the user has sufficient
27
28

1 consideration to purchase a game object, presenting an offer to purchase the game object dependent
2 upon parameters comprising the tracked activity of the user and the indication that the user has
3 sufficient consideration, permitting the user to purchase the game object without interrupting the
4 game, supplying the purchased game object to the user without interrupting the game, and
5 incorporating the game object into the game. On information and belief, such methods comprise
6 Alliance of Valiant Arms and Soldier Front.
7

8 12. Further, on information and belief, NHN hosts and/or has hosted the game known as
9 Alliance of Valiant Arms and Soldier Front.

10 13. Further, on information and belief, NHN makes, uses, and hosts the game known as
11 Alliance of Valiant Arms and Soldier Front.
12

13 14. Further, on information and belief, IJJI hosts and/or has hosted the game known as
14 Alliance of Valiant Arms and Soldier Front.

15 15. Further, on information and belief, IJJI makes, uses, and hosts the game known as
16 Alliance of Valiant Arms and Soldier Front.
17

18 16. Further, on information and belief, RED DUCK hosts and/or has hosted the game
19 known as Alliance of Valiant Arms and Soldier Front.

20 17. Further, on information and belief, RED DUCK makes, uses, and hosts the game
21 known as Alliance of Valiant Arms and Soldier Front.
22

23 18. Defendants were put on notice of the '445 patent at least by virtue of this suit being
24 filed, which was prior to the filing of this amended complaint. GAMETEK contends that, at a
25 minimum, Defendants' ongoing infringement of the '445 patent since receiving notice of the '445
26 patent is willful, including because Defendants' infringement is clear and, at a minimum, such
27 infringement is an objectively reckless act.
28

PRAYER FOR RELIEF

WHEREFORE, GAMETEK respectfully requests that this Court enter:

1. A judgment in favor of GAMETEK that Defendants have infringed the ‘445 patent;
2. A permanent injunction enjoining Defendants, and their officers, directors, employees, agents, affiliates and all others acting in active concert therewith from infringing the ‘445 patent;
3. A judgment and order requiring Defendants to pay to GAMETEK its damages, including treble damages, for infringement, including willful infringement, of the ‘445 patent, as provided under 35 U.S.C. § 284.
4. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to GAMETEK its reasonable attorneys’ fees;
5. Any and all other relief to which GAMETEK may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

1 Dated: September 12, 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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11 **CERTIFICATE OF SERVICE**

12 I, John J. Edmonds, declares as follows:

13
14 I am over the age of eighteen years and am not a party to this action. I am employed at the
15 law firm of Collins, Edmonds, Pogorzelski, Schlather & Tower, PLLC and I am a member of the bar
16 of this Court. I hereby certify that on September 12, 2012, the following document was transmitted
via the Court's Electronic Case Filing (ECF) system:

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

19 I further certify that the attached document was sent on September 12, 2012, via the Court's
20 Electronic Case Filing (ECF) system to all counsel of record in this action.

21
22
23 September 12, 2012

Respectfully Submitted,

24 /s/ John J. Edmonds

25 John J. Edmonds – LEAD COUNSEL

26 E-mail: jedmonds@cepiplaw.com

27 ATTORNEY FOR GAMETEK LLC.