

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

1<sup>ST</sup> TECHNOLOGY, LLC,

Plaintiff,

v.

WILD TANGENT,

Defendant.

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COMPLAINT

**JURY DEMANDED**

Plaintiff 1<sup>st</sup> Technology, LLC complains of defendant Wild Tangent as follows:

**JURISDICTION AND VENUE**

1. Title 28 U.S.C. § 1338(a) confers jurisdiction in this case because defendants have infringed plaintiff's patents. Federal law, namely the Patent Act of 1952, as amended, 35 U.S.C. § 271, makes patent infringement illegal and actionable through a private cause of action.

2. Defendant has transacted business in this judicial district by making, using, selling, or offering to sell and distributing software products that violate 1<sup>st</sup> Technology's patents either in this judicial district or in the United States.

3. Title 28 U.S.C. § 1391(d), the general federal venue statute and Title 28 U.S.C. § 1400(b), the specific venue statute related to patent cases, make venue proper in this case in this district.

**PARTIES**

4. 1<sup>st</sup> Technology is a Nevada limited liability company with offices in Las Vegas, Nevada. 1<sup>st</sup> Technology is the assignee and owns all right, title and interest in and has standing to sue for infringement of United States Patent Nos.:

5,564,001 (the '001 Patent), which is entitled "Method and System for Interactively Transmitting Multimedia Information Over a Network Which Requires A Reduced Bandwidth;"

5,745,379 (the '379 Patent), which is entitled "Method for the Production and Transmission of Enhanced Multimedia Information;" and

5,845,088 (the '088 Patent), which is entitled "Method for the Production and Transmission of Enhanced Interactive Multimedia Information."

5. Wild Tangent is a Washington corporation. It has its headquarters at 18578 NE 67th Court, Bldg. 5, Redmond, WA 98052. Wild Tangent has previously and is presently making, using, selling, offering for sale, and/or importing into the United States software products that infringe one or more claims of the '001, '379, and '088 Patents. Wild Tangent has infringed the '001, '379, and '088 Patents either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

### **BACKGROUND**

6. Dr. Scott Lewis is an individual residing in Las Vegas, Nevada. Dr. Lewis is the controlling manager of 1<sup>st</sup> Technology LLC. Dr. Lewis is the inventor of the '001, '379, and '088 Patents.

7. Dr. Lewis received B.S. and M.S. degrees with honors in mechanical and electrical engineering from M.I.T. Dr. Lewis has a Ph.D. from Oxford University in adaptive digital signal processing as a Marshall Scholar and an M.B.A. from Harvard Business School. Dr. Lewis led the development of single-chip video and audio compression solutions, as well as the first automotive video cellular telephone.

8. Dr. Lewis is the inventor of a number of patents in multimedia communication technology.

9. Defendant Wild Tangent is an online video games developer, publisher, and distributor.

### **PATENT INFRINGEMENT BY WILD TANGENT**

10. Wild Tangent has infringed and continues to infringe the '001, '379, and '088 Patents either directly or indirectly through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271 through various Wild Tangent games.

11. Wild Tangent's infringement, contributory infringement and/or inducement to infringe has injured 1<sup>st</sup> Technology and it, therefore, is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

12. Wild Tangent's infringement, contributory infringement and/or inducement to infringe has been willful and deliberate because it has been given notice of or knew of the '001, '379, and '088 Patents and has nonetheless injured and will continue to injure 1<sup>st</sup> Technology, unless and

until this Court enters an injunction, which prohibits further infringement and specifically enjoins further manufacture, use, sale and/or offer for sale of products or services that come within the scope of the '001, '379, and '088 Patents.

**JURY DEMAND**

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, 1<sup>st</sup> Technology requests a trial by jury on all issues presented that can properly be tried to a jury.

**DEMAND FOR RELIEF**

THEREFORE, 1<sup>st</sup> Technology asks this Court to enter judgment against defendant Wild Tangent, its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

- A. An award of damages adequate to compensate 1<sup>st</sup> Technology for the infringement that has occurred, together with prejudgment interest from the date infringement began;
- B. All other damages permitted by 35 U.S.C. § 284;
- C. A finding that Wild Tangent has willfully infringed the ‘001, ‘379, and ‘088 Patents.
- D. A finding that this case is exceptional and an award to 1<sup>st</sup> Technology of its attorneys’ fees and costs as provided by 35 U.S.C. § 285;
- E. An injunction prohibiting further infringement, inducement and contributory infringement of the ‘001, ‘379, and ‘088 Patents; and
- F. Such other and further relief as this Court or a jury may deem proper and just.

Dated: November 14, 2012

Respectfully submitted,

/s/William Flachsbart  
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