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9 Attorney for Plaintiff,  
**GAMETEK LLC**

10  
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  
INFRINGEMENT 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 Complaint<sup>1</sup> 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.  
27

28 <sup>1</sup> GAMETEK is amending its complaint pursuant to FRCP 15(a)(1)(B).



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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4  
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.  
13

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.  
21

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;  
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7 2. A judgment that GAMEVIEW's infringement is and/or has been willful and  
8 objectively reckless;  
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10 3. A permanent injunction enjoining GAMEVIEW, and their officers, directors,  
11 employees, agents, affiliates and all others acting in active concert therewith from infringing the  
12 '445 patent;  
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14 4. A judgment and order requiring GAMEVIEW to pay to GAMETEK its damages,  
15 costs, expenses, fees and prejudgment and post-judgment interest for GAMEVIEW'S infringement  
16 of the '445 patent as provided under 35 U.S.C. §§ 284 and/or 285;  
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18 5. A judgment and order finding that this is an exceptional case within the meaning of  
19 35 U.S.C. § 285 and awarding to GAMETEK its reasonable attorneys' fees; and  
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21 6. Any and all other relief to which GAMETEK may show itself to be entitled.

22 **DEMAND FOR JURY TRIAL**

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

Respectfully submitted,

/s/ John J. Edmonds  
John J. Edmonds  
COLLINS EDMONDS POGORZELSKI  
SCHLATHER & TOWER, PLLC

Attorney for Plaintiff  
GAMETEK LLC

**CERTIFICATE OF SERVICE**

I, John J. Edmonds, declare as follows:

I am over the age of eighteen years and am not a party to this action. I am employed at the 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,

8  
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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