

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

PARALLEL NETWORKS, LLC,)	
)	
Plaintiff,)	C.A. No. _____
)	
v.)	JURY TRIAL DEMANDED
)	
TURBINE, INC.,)	
)	
Defendant.)	
)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Parallel Networks, LLC (“Parallel”) files this Complaint for patent infringement against Defendant Turbine, Inc. (“Turbine” or “Defendant”) and alleges as follows:

PARTIES

1. Plaintiff Parallel Networks, LLC is a Delaware limited liability company having its principal place of business at 1105 N. Market St., Suite 300, Wilmington, Delaware 19801.

2. On information and belief, Turbine, Inc. is a corporation organized under the laws of the State of Delaware, and has a principal place of business at 4000 Warner Blvd., Burbank, California 91522, and/or is conducting business through an affiliate located at this address.

JURISDICTION AND VENUE

3. This civil action for patent infringement arises under the Patent Laws of the United States, 35 U.S.C. §§ 1 *et seq.* This Court has jurisdiction over the claims presented herein pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. On information and belief, Turbine makes, imports, sells, and/or offers for sale the Accused Products (as defined below) within the United States, including this District, that infringe one or more claims of United States Patent No. 7,188,145 entitled “METHOD AND SYSTEM FOR DYNAMIC DISTRIBUTED DATA CACHING” (the “’145 Patent”). The ’145 Patent was duly and legally issued by the United States Patent and Trademark Office on March 6, 2007. A true and correct copy of the ’145 Patent is attached hereto as Exhibit 1.

5. On information and belief, Turbine makes, imports, sells, and/or offers for sale the Accused Products (as defined below) within the United States, including this District, that infringe one or more claims of United States Patent No. 7,730,262 entitled “METHOD AND SYSTEM FOR DYNAMIC DISTRIBUTED DATA CACHING” (the “’262 Patent”). The ’262 Patent was duly and legally issued by the United States Patent and Trademark Office on June 1, 2010. A true and correct copy of the ’262 Patent is attached hereto as Exhibit 2.

6. The ’145 Patent and ’262 Patent are collectively referred to herein as the “Asserted Patents.”

7. On information and belief, Defendant Turbine is engaged in the business of developing and distributing videogames, including but not limited to *Lord of the Rings Online* and *Dungeons & Dragons Online*. Turbine appears to derive revenue from the sale of “Turbine Points,” a virtual currency that Turbine’s customers use to purchase in-game enhancements. On information and belief, Turbine markets and sells its games in the United States, including within this District. On information and belief, Turbine markets and sells Turbine Points in-game currency in the United States, including within this District. On information and belief, Turbine customers, including customers within this District, download Turbine games through Turbine’s interactive website <http://www.turbine.com/en/games>. Turbine customers, including customers

in this District, purchase Turbine Points using the “Add Points” feature within the *Lord of the Rings Online* and/or *Dungeons & Dragons Online* game clients. Turbine customers, including customers within this District, also purchase Turbine Points virtual currency through Turbine’s interactive websites

http://store.turbine.com/store/turbine/en_US/list/categoryID.58726100/parentCategoryID.58516200 and

http://store.turbine.com/store/turbine/en_US/list/categoryID.58726000/parentCategoryID.58516100/themeid.29252200.

8. On information and belief, Turbine directly and/or indirectly imports, manufactures, uses, offers for sale, and/or sells the Accused Products (as defined below) within the United States, including this District, that infringe one or more claims of the Asserted Patents.

9. Venue is proper in this District pursuant to 28 U.S.C. §§ 1400(b) and 1391(c).

GENERAL ALLEGATIONS

10. Parallel is the owner by assignment of all rights, title, and interests in the Asserted Patents, and is entitled to sue for past and future infringement thereof.

11. On information and belief, Turbine is engaged in the business of developing and distributing videogames, including but not limited to *Lord of the Rings Online* and *Dungeons & Dragons Online*. On information and belief, Turbine sells and/or distributes installers, such as but not limited to the “lotrohigh.exe”, “lotrostandard.exe”, “ddohigh.exe”, and “ddostandard.exe” installers (the “lotrohigh.exe” installer and all similar installers, downloaders and/or launchers referred to herein as the “Accused Products”) that is downloaded by an end-user

from a Turbine website, such as at <http://archive.lotro.com/support/download-lotro>, through or by which Turbine distributes its game or games.

FIRST CLAIM FOR RELIEF
(Infringement of the '145 Patent)

12. Parallel incorporates paragraphs 1 through 11 as though fully set forth herein.

13. Upon information and belief, Defendant Turbine has been and now is directly and/or indirectly infringing one or more claims of the '145 Patent by (1) making, importing, using, offering for sale, and/or selling the patented inventions, (2) by actively inducing others to use the patented inventions, or (3) by contributing to the use of the patented inventions in the United States.

14. More particularly, without limitation, Turbine is now directly infringing one or more claims of the '145 Patent by making, importing, using, offering for sale, and/or selling the Accused Products, all in violation of 35 U.S.C. § 271(a).

15. In addition and/or in the alternative, Turbine has been and/or now is indirectly infringing one or more claims of the Asserted Patents by (1) inducing customers to use the Accused Products to directly infringe one or more claims of the Asserted Patents in violation of 35 U.S.C. § 271(b), and/or by (2) contributing to customers' direct infringement of one or more claims of the Asserted Patents by their use of the Accused Products in violation of 35 U.S.C. § 271(c).

16. By way of example, and not as a limitation, Turbine induces and/or contributes to such infringement by at least making its website available to customers and providing links and/or other directions on its website and/or the internet for users to download and use the Accused Products. Turbine engages in such activities knowingly and, at least from the time of receipt of the present Complaint, has done so with the knowledge that such activities induce

customers to directly infringe the Asserted Patents. In addition, or, in the alternative, Turbine engages in such activities knowingly, and, at least from the time of receipt of the present Complaint, has sold or distributed the Accused Products knowing that such Accused Products are especially made or adapted for use by its customers in an infringing use of one or more claims of the Accused Products.

17. Parallel has been damaged by the infringing activities of Turbine, and will be irreparably harmed unless those infringing activities are preliminarily and permanently enjoined by this Court. Parallel does not have an adequate remedy at law.

18. At least as of the filing of this action, Turbine has been given actual notice of the existence of the '145 Patent. Despite such notice, Turbine continues in acts of infringement without regard to the '145 Patent, and will likely continue to do so unless otherwise enjoined by this Court.

SECOND CLAIM FOR RELIEF
(Infringement of the '262 Patent)

19. Parallel incorporates paragraphs 1 through 11 as though fully set forth herein.

20. Upon information and belief, Defendant Turbine has been and now is directly and/or indirectly infringing one or more claims of the '262 Patent by (1) making, importing, using, offering for sale, and/or selling the patented inventions, (2) by actively inducing others to use the patented inventions, or (3) by contributing to the use of the patented inventions in the United States.

21. More particularly, without limitation, Turbine is now directly infringing one or more claims of the '145 Patent by making, importing, using, offering for sale, and/or selling the Accused Products, all in violation of 35 U.S.C. § 271(a).

22. In addition and/or in the alternative, Turbine has been and/or now is indirectly infringing one or more claims of the Asserted Patents by (1) inducing customers to use the Accused Products to directly infringe one or more claims of the Asserted Patents in violation of 35 U.S.C. § 271(b), and/or by (2) contributing to customers' direct infringement of one or more claims of the Asserted Patents by their use of the Accused Products in violation of 35 U.S.C. § 271(c).

23. By way of example, and not as a limitation, Turbine induces and/or contributes to such infringement by at least making its website available to customers and providing links and/or other directions on its website and/or the internet for users to download and use the Accused Products. Turbine engages in such activities knowingly and, at least from the time of receipt of the present Complaint, has done so with the knowledge that such activities induce customers to directly infringe the Asserted Patents. In addition, or, in the alternative, Turbine engages in such activities knowingly, and, at least from the time of receipt of the present Complaint, has sold or distributed the Accused Products knowing that such Accused Products are especially made or adapted for use by its customers in an infringing use of one or more claims of the Accused Products.

24. Parallel has been damaged by the infringing activities of Turbine, and will be irreparably harmed unless those infringing activities are preliminarily and permanently enjoined by this Court. Parallel does not have an adequate remedy at law.

25. At least as of the filing of this action, Turbine has been given actual notice of the existence of the '262 Patent. Despite such notice, Turbine continues in acts of infringement without regard to the '262 Patent, and will likely continue to do so unless otherwise enjoined by this Court.

REQUEST FOR RELIEF

WHEREFORE, Parallel requests the following relief:

- (a) A judgment in favor of Parallel that Turbine has directly infringed, and/or has indirectly infringed by way of inducement and/or contributory infringement, one or more claims of the Asserted Patents;
- (b) A judgment that Parallel has been irreparably harmed by the infringing activities of Turbine and is likely to continue to be irreparably harmed by Defendant's continued infringement;
- (c) Preliminary and permanent injunctions prohibiting Turbine and its officers, agents, servants, employees and those persons in active concert or participation with any of them, as well as all successors or assignees of the interests or assets related to the Accused Products, from further infringement, direct and indirect, of the Asserted Patents;
- (d) A judgment and order requiring Turbine to pay Parallel damages adequate to compensate for infringement under 35 U.S.C. § 284, which damages may include lost profits but in no event shall be less than a reasonable royalty for the use made of the inventions of the Asserted Patents, including pre- and post-judgment interest and costs, including expenses and disbursements; and
- (e) Any and all such further necessary or proper relief as this Court may deem just.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Parallel hereby demands a trial by jury of all issues so triable.

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