

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

**ARCZAR LLC AND GEOVECTOR
CORPORATION,**

Plaintiffs,

v.

NINTENDO OF AMERICA INC.,

Defendant.

Civil Action No. 2:12-cv-786

JURY TRIAL DEMANDED

AMENDED COMPLAINT FOR PATENT INFRINGEMENT

This is an action for patent infringement in which Arczar LLC (“Arczar”) and Geovector Corporation (“Geovector”) (collectively, “Plaintiffs”) make the following allegations against Nintendo of America Inc. (“Nintendo”):

PARTIES

1. Plaintiff Arczar is a Texas limited liability company having a principal place of business of 104 East Houston Street, Suite 170, Marshall, Texas 75670.
2. Plaintiff Geovector is a California Corporation having a principle place of business at 601 Minnesota St., San Francisco, California 94107.
3. On information and belief, Defendant Nintendo is a Washington corporation with its principal place of business at 4600 150th Ave. NE, Redmond, Washington 98052. Nintendo may be served through its agent for service of process C T Corporation System, 505 Union Ave., Ste. 120, Olympia, Washington 98501.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant has transacted business in this district, and has committed acts of patent infringement in this district.

6. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,037,936

7. Geovector is the owner of United States Patent No. 6,037,936 ("the '936 Patent") entitled "Computer Vision System with a Graphic User Interface and Remote Camera Control." The '936 Patent issued on March 14, 2000. A true and correct copy of the '936 Patent is attached as Exhibit A.

8. Arczar is the exclusive licensee of the '936 and possesses all rights of recovery under the '936 patent, including the right to sue for infringement and recover past damages.

9. Upon information and belief, Nintendo has been and now is infringing the '936 Patent in the State of Texas, in this judicial district, and elsewhere in the United

States, by, among other things, making, using, providing, offering to sell, and/or selling (directly or through intermediaries) the Nintendo 3DS and accompanying augmented reality software, which when operated, addresses a scene with a computer vision system, forms an image of the scene, generates a graphical user interface, combines the image of the scene with the graphical user interface to form a composite image, and displays the composite image in a display field. Nintendo is directly infringing, literally infringing, and/or infringing the '936 Patent under the doctrine of equivalents. Nintendo is thus liable for infringement of the '936 Patent pursuant to 35 U.S.C. § 271.

10. To the extent that facts learned in discovery show that Defendant's infringement of the '936 Patent is, or has been willful, Plaintiffs reserve the right to request such a finding at the time of trial.

11. As a result of Defendant's infringement of the '936 Patent, Plaintiffs have suffered monetary damages and are entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 7,916,138

12. Geovector is the owner of United States Patent No. 7,916,138 ("the '138 Patent") entitled "titled "Electro-Optic Vision Systems." The '138 Patent issued on March 29, 2011. A true and correct copy of the '138 Patent is attached as Exhibit B.

13. Arczar is the exclusive licensee of the '138 and possesses all rights of recovery under the '138 patent, including the right to sue for infringement and recover past damages.

14. Upon information and belief, Nintendo has been and now is infringing the '138 Patent in the State of Texas, in this judicial district, and elsewhere in the United States, by, among other things, making, using, providing, offering to sell, and/or selling (directly or through intermediaries), the Nintendo 3DS and accompanying augmented reality software. Nintendo is directly infringing, literally infringing, and/or infringing the '138 Patent under the doctrine of equivalents. Nintendo is thus liable for infringement of the '138 Patent pursuant to 35 U.S.C. § 271.

15. To the extent that facts learned in discovery show that Defendant's infringement of the '138 Patent is, or has been willful, Plaintiffs reserve the right to request such a finding at the time of trial.

16. As a result of Defendant's infringement of the '138 Patent, Plaintiffs have suffered monetary damages and are entitled to a money judgment in an amount adequate to compensate for Defendant's infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendant, together with interest and costs as fixed by the court.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that this Court enter:

1. A judgment in favor of Plaintiffs that Defendant infringed the '936 and '138 Patents;
2. A judgment and order requiring Defendant pay Plaintiffs their damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '936 and '138 Patents as provided under 35 U.S.C. § 284;

3. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiffs their reasonable attorneys' fees; and

4. Any and all other relief, at law or equity, to which Plaintiffs may show themselves to be entitled.

DEMAND FOR JURY TRIAL

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

DATED February 20, 2013.

Respectfully submitted,

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