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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,

12 Plaintiff,

13 v.

Case No.: '12CV2937 DMS WMC

14 6WAVES LLC f/k/a LOLAPPS INC. d/b/a  
6WAVES LOLAPPS d/b/a SIX WAVES;  
15 6WAVES TECHNOLOGIES, LLC f/k/a  
LOLAPPS INC. d/b/a 6WAVES LOLAPPS  
16 d/b/a SIX WAVES; 6WAVES US, INC. f/k/a  
LOLAPPS INC. d/b/a 6WAVES LOLAPPS  
17 d/b/a SIX WAVES; SIX WAVES INC. f/k/a  
LOLAPPS INC. d/b/a 6WAVES LOLAPPS  
18 d/b/a SIX WAVES,

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

**DEMAND FOR JURY TRIAL**

Complaint Filed: December 10, 2012  
Trial Date: not set

19 Defendants.  
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21 This is an action for patent infringement in which GAMETEK LLC submits this Complaint  
22 against Defendants named herein, namely 6WAVES LLC f/k/a LOLAPPS INC. d/b/a 6WAVES  
23 LOLAPPS d/b/a SIX WAVES; 6WAVES TECHNOLOGIES, LLC f/k/a LOLAPPS INC. d/b/a  
24 6WAVES LOLAPPS d/b/a SIX WAVES; 6WAVES US, INC. f/k/a LOLAPPS INC. d/b/a  
25 6WAVES LOLAPPS d/b/a SIX WAVES; SIX WAVES INC. f/k/a LOLAPPS INC. d/b/a 6WAVES  
26 LOLAPPS d/b/a SIX WAVES (collectively "Defendants"), as follows:  
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**THE PARTIES**

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

2. On information and belief, Defendants 6WAVES LLC f/k/a LOLAPPS INC. d/b/a 6WAVES LOLAPPS d/b/a SIX WAVES; 6WAVES TECHNOLOGIES, LLC f/k/a LOLAPPS INC. d/b/a 6WAVES LOLAPPS d/b/a SIX WAVES are Delaware limited liability companies with a place of business at 116 New Montgomery St., Suite 700, San Francisco, CA 94105.

3. On information and belief, Defendant 6WAVES US, INC. f/k/a LOLAPPS INC. d/b/a 6WAVES LOLAPPS d/b/a SIX WAVES is a Delaware corporation with a place of business at 116 New Montgomery St., Suite 700, San Francisco, CA 94105.

4. On information and belief, SIX WAVES INC. f/k/a LOLAPPS INC. d/b/a 6WAVES LOLAPPS d/b/a SIX WAVES is a British Virgin Island Corporation with place of business at Suite 601, 6/F, Caroline Centre, Lee Gardens Twim 28 Yun Ping Road, Causeway Bay, Hong Kong. Hereinafter, 6WAVES LLC f/k/a LOLAPPS INC. d/b/a 6WAVES LOLAPPS d/b/a SIX WAVES; 6WAVES TECHNOLOGIES, LLC f/k/a LOLAPPS INC. d/b/a 6WAVES LOLAPPS d/b/a SIX WAVES; 6WAVES US, INC. f/k/a LOLAPPS INC. d/b/a 6WAVES LOLAPPS d/b/a SIX WAVES; SIX WAVES INC. f/k/a LOLAPPS INC. d/b/a 6WAVES LOLAPPS d/b/a SIX WAVES are collectively referred to as “SIX WAVES.”

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**JURISDICTION AND VENUE**

5. 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).

6. On information and belief, the Defendants are subject to this Court's specific and/or general personal jurisdiction, pursuant to due process and/or the California Long Arm Statute, due at least to their substantial business in California, including related to the infringements alleged herein. Further, on information and belief, Defendants have interactive websites and/or games comprising infringing methods, which are at least used in and/or accessible in California. Further, on information and belief, Defendants regularly conduct and/or solicit business, engage in other persistent courses of conduct, and/or derive substantial revenue from goods and services provided to persons and/or entities in California.

7. Venue is proper in this district under 28 U.S.C. §§ 1391(b), 1391(c) and 1400(b). Without limitation, on information and belief, Defendants are subject to personal jurisdiction in this district. On information and belief, the Defendants are subject to this Court's specific and/or general personal jurisdiction, pursuant to due process and/or the California Long Arm Statute, due at least to their substantial business in this district, including related to the infringements alleged herein. Further, on information and belief, Defendants have interactive websites and games comprising infringing methods, which are at least used in and/or accessible in this district. Further, on information and belief, Defendants regularly conduct and/or solicit business, engage in other persistent courses of conduct, and/or derive substantial revenue from goods and services provided to persons and/or entities in this district.

**COUNT I**

## INFRINGEMENT OF U.S. PATENT NO. 7,076,445

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

1           9.       GAMETEK is the present assignee of the entire right, title and interest in and to the  
2 '445 patent, including all rights to sue for past and present infringement. Accordingly, GAMETEK  
3 has standing to bring this lawsuit for infringement of the '445 patent.

4           10.      The various claims of the '445 patent cover, inter alia, a method of managing a game  
5 comprising displaying a plurality of game objects, determining if the user has sufficient  
6 consideration to purchase a game object, presenting an offer to purchase the game object dependent  
7 upon parameters comprising the tracked activity of the user and the indication that the user has  
8 sufficient consideration, permitting the user to purchase the game object without interrupting the  
9 game, supplying the purchased game object to the user without interrupting the game, and  
10 incorporating the game object into the game.  
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12           11.      On information and belief, SIX WAVES has been and now is infringing, including  
13 jointly, the '445 patent by actions comprising managing a game comprising displaying a plurality of  
14 game objects, determining if the user has sufficient consideration to purchase a game object,  
15 presenting an offer to purchase the game object dependent upon parameters comprising the tracked  
16 activity of the user and the indication that the user has sufficient consideration, permitting the user to  
17 purchase the game object without interrupting the game, supplying the purchased game object to the  
18 user without interrupting the game, and incorporating the game object into the game. On information  
19 and belief, such methods comprise Ravenwood Fair, Ravenskye City, Astro Garden, Township,  
20 Airport City, Fishing Stars, Ravenshire Castle, The Lost Island, Fluffy Tale, Star City, Style Street,  
21 Animal Party, Simply Hospital, My Country, Zombie Island, Lords of Atlantis, Toy City, Big  
22 Business, and Resort World.  
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26           12.      Further, on information and belief, SIX WAVE makes, uses, and hosts the game  
27 known as Ravenwood Fair.  
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1           13.     Further, on information and belief, SIX WAVE makes, uses, and hosts the game  
2 known as Ravenskye City.

3           14.     Further, on information and belief, SIX WAVE makes, uses, and hosts the game  
4 known as Astro Garden.

5           15.     Further, on information and belief, SIX WAVE makes, uses, and hosts the game  
6 known as Township.

7           16.     Further, on information and belief, SIX WAVE makes, uses, and hosts the game  
8 known as Airport City.

9           17.     Further, on information and belief, SIX WAVE makes, uses, and hosts the game  
10 known as Fishing Stars.

11           18.     Further, on information and belief, SIX WAVE makes, uses, and hosts the game  
12 known as Ravenshire Castle.

13           19.     Further, on information and belief, SIX WAVE makes, uses, and hosts the game  
14 known as The Lost Island.

15           20.     Further, on information and belief, SIX WAVE makes, uses, and hosts the game  
16 known as Fluffy Tale.

17           21.     Further, on information and belief, SIX WAVE makes, uses, and hosts the game  
18 known as Star City.

19           22.     Further, on information and belief, SIX WAVE makes, uses, and hosts the game  
20 known as Style Street.

21           23.     Further, on information and belief, SIX WAVE makes, uses, and hosts the game  
22 known as Animal Party.

1           24. Further, on information and belief, SIX WAVE makes, uses, and hosts the game  
2 known as Simply Hospital.

3           25. Further, on information and belief, SIX WAVE makes, uses, and hosts the game  
4 known as My Country.

5           26. Further, on information and belief, SIX WAVE makes, uses, and hosts the game  
6 known as Zombie Island.

7           27. Further, on information and belief, SIX WAVE makes, uses, and hosts the game  
8 known as Lords of Atlantis.

9           28. Further, on information and belief, SIX WAVE makes, uses, and hosts the game  
10 known as Toy City.

11           29. Further, on information and belief, SIX WAVE makes, uses, and hosts the game  
12 known as Big Business.

13           30. Further, on information and belief, SIX WAVE makes, uses, and hosts the game  
14 known as Resort World.

15           31. As a result of SIX WAVES' infringing conduct, SIX WAVES has damaged  
16 GAMETEK. SIX WAVES is liable to GAMETEK in an amount that adequately compensates  
17 GAMETEK for its infringement, which, by law, can be no less than a reasonable royalty.

18           32. SIX WAVES was put on notice of the '445 patent prior to the filing of this suit.  
19 GAMTEK contends that, at a minimum, SIX WAVES' ongoing infringement of the '445 patent  
20 since receiving notice of the '445 patent is willful, including because SIX WAVES' infringement is  
21 clear and, at a minimum, such infringement is an objectively reckless act.  
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2 **PRAYER FOR RELIEF**

3 WHEREFORE, GAMETEK respectfully requests that this Court enter:

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

21 **DEMAND FOR JURY TRIAL**

22 Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of  
23 any issues so triable by right.  
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1 Dated: December 10, 2012

Respectfully submitted,

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3 COLLINS, EDMONDS, POGORZELSKI,  
SCHLATHER & TOWER, PLLC

4  
5 /s/ John J. Edmonds  
6 John J. Edmonds

7 Attorney for Plaintiff  
8 GAMETEK LLC