

John J. Edmonds (State Bar No. 274200)  
jedmonds@cepiplaw.com  
COLLINS, EDMONDS, POGORZELSKI,  
SCHLATHER & TOWER, PLLC  
1851 East First Street, Suite 900  
Santa Ana, California 92705  
Telephone: (951) 708-1237  
Facsimile: (951) 824-7901

Attorney for Plaintiff,  
**GAMETEK LLC**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

GAMETEK LLC,

Plaintiff,

v.

FACEBOOK, INC., et al.,

Defendant.

**Case No.: 3:12-cv-00501-BEN-RBB**

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

**DEMAND FOR JURY TRIAL**

Complaint Filed: February 28, 2012  
Trial Date: not set

This is an action for patent infringement in which GAMETEK LLC submits this Second Amended Complaint<sup>1</sup> against the Defendant named herein, namely BIG VIKING GAMES INC. f/k/a TALLTREE GAMES (“BIG VIKING”), as follows:

**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.

---

<sup>1</sup> This Second Amended Complaint is being filed pursuant to the Court’s Order at Dkt No. 169.



1 of conduct, and/or derives substantial revenue from goods and services provided to persons and/or  
2 entities in this district.

3 **COUNT I**

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

5  
6 6. United States Patent No. 7,076,445 (“the ‘445 patent”), entitled “SYSTEM AND  
7 METHODS FOR OBTAINING ADVANTAGES AND TRANSACTING THE SAME IN A  
8 COMPUTER GAMING ENVIRONMENT,” issued on July 11, 2006.

9 7. GAMETEK is the present assignee of the entire right, title and interest in and to the  
10 ‘445 patent, including all rights to sue for past and present infringement. Accordingly, GAMETEK  
11 has standing to bring this lawsuit for infringement of the ‘445 patent.

12  
13 8. The various claims of the ‘445 patent cover, inter alia, a method of managing a game  
14 comprising displaying a plurality of game objects, determining if the user has sufficient  
15 consideration to purchase a game object, presenting an offer to purchase the game object dependent  
16 upon parameters comprising the tracked activity of the user and the indication that the user has  
17 sufficient consideration, permitting the user to purchase the game object without interrupting the  
18 game, supplying the purchased game object to the user without interrupting the game, and  
19 incorporating the game object into the game.

20  
21 9. On information and belief, BIG VIKING has been and now is infringing, including  
22 jointly, the ‘445 patent by actions comprising managing a game comprising displaying a plurality of  
23 game objects, determining if the user has sufficient consideration to purchase a game object,  
24 presenting an offer to purchase the game object dependent upon parameters comprising the tracked  
25 activity of the user and the indication that the user has sufficient consideration, permitting the user to  
26 purchase the game object without interrupting the game, supplying the purchased game object to the  
27  
28

1 user without interrupting the game, and incorporating the game object into the game. On information  
2 and belief, such methods comprise Fish World and Candy Shop.

3 10. Further, on information and belief, BIG VIKING makes, uses, and hosts the game  
4 known as Fish World.

5 11. Further, on information and belief, BIG VIKING makes, uses, and hosts the game  
6 known as Candy Shop.

7 12. As a result of BIG VIKING's infringing conduct, BIG VIKING has damaged  
8 GAMETEK. BIG VIKING is liable to GAMETEK in an amount that adequately compensates  
9 GAMETEK for its infringement, which, by law, can be no less than a reasonable royalty.

10 13. BIG VIKING was put on notice of the '445 patent at least by virtue of this suit being  
11 filed, which was prior to the filing of this amended complaint. GAMETEK contends that, at a  
12 minimum, BIG VIKING's ongoing infringement of the '445 patent since receiving notice of the  
13 '445 patent is willful, including because BIG VIKING's infringement is clear and, at a minimum,  
14 such infringement is an objectively reckless act.

15  
16  
17 **PRAYER FOR RELIEF**

18  
19 WHEREFORE, GAMETEK respectfully requests that this Court enter:

- 20 1. A judgment in favor of GAMETEK that BIG VIKING has infringed the '445 patent;  
21 2. A permanent injunction enjoining BIG VIKING, and its officers, directors,  
22 employees, agents, affiliates and all others acting in active concert therewith from infringing the  
23 '445 patent;  
24 3. A judgment and order requiring BIG VIKING to pay to GAMETEK its damages,  
25 including treble damages, for infringement, including willful infringement, of the '445 patent, as  
26 provided under 35 U.S.C. § 284.  
27  
28

1           4.       A judgment and order finding that this is an exceptional case within the meaning of  
2 35 U.S.C. § 285 and awarding to GAMETEK its reasonable attorneys' fees;

3           5.       Any and all other relief to which GAMETEK may show itself to be entitled.  
4

5                           **DEMAND FOR JURY TRIAL**

6           Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of  
7 any issues so triable by right.  
8

9  
10 Dated:    December 13, 2012

Respectfully submitted,

11                           COLLINS, EDMONDS, POGORZELSKI,  
12                           SCHLATHER & TOWER, PLLC  
13

14                           /s/ John J. Edmonds  
                              John J. Edmonds

15                           Attorney for Plaintiff  
16                           GAMETEK LLC  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**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 of this Court. I hereby certify that on December 13, 2012, the following document was transmitted via the Court's Electronic Case Filing (ECF) system:

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

I further certify that the attached document was sent on December 13, 2012, via the Court's Electronic Case Filing (ECF) system to all counsel of record in this action.

December 13, 2012

Respectfully Submitted,

/s/ John J. Edmonds  
John J. Edmonds