

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

JOHN STEPHENSON)	
)	
Plaintiff,)	
)	
v.)	Case No. 09-CV-698-TCK-FHM
)	
MVP NETWORK ONLINE GAMES, INC., and)	
MVP NETWORK, INC.)	
)	
Defendants.)	
_____)	

BRIEF IN SUPPORT OF MOTION FOR DEFAULT JUDGMENT

Comes now Plaintiff, John Stephenson, and pursuant to Local Rule 55.1(b), hereby submits his Brief in Support of Motion for Default Judgment against Defendants, MVP Network Online Games, Inc. and MVP Network, Inc.,

On October 29, 2009, Plaintiff filed his Complaint in the above styled matter alleging patent infringement of U.S. Patent No. 6,174,237 and seeking damages and injunctive relief.

On February 10, 2010, service of process was had on the Defendants. The Defendants, however, failed to answer, plead or otherwise defend against this action.

On September 7, 2010, the Clerk of the Court entered an Entry of Default against the Defendants in accordance with Fed. R. Civ. P 55(a) and Local Rule 55.1(a).

Because Defendants failed to answer in this proceeding and is in default under Federal Rule of Civil Procedure 55(a), the matters alleged in the Complaint are deemed true. The Plaintiff seeks judgment against the Defendant for an award of damages in an amount not less than a reasonable royalty to compensate for Defendants' infringement of

claims of the '237 Patent; for an injunction be issued against further infringement of claims of the '237 Patent by Defendants and their directors, officers, agents, servants, employees, attorneys and all persons in active concert or participation with them; and that Defendants pay all attorneys' fees, all costs of this action, and interest on those fees and costs to Plaintiff pursuant to 35 U.S.C § 271, 284.

The Complaint alleges the following facts that are sufficient for the Court to grant a default judgment in favor of Plaintiff:

- a. On January 16, 2001, U.S. Patent No. 6,174,237 (the '237 Patent), entitled "Method for a Game of Skill Tournament" was duly and legally issued to Plaintiff and that Plaintiff is the owner of all right, title and interest in, and has full rights to sue, enforce and recover damages for all infringements, including damages for all past infringements, of the '237 Patent.
- b. Defendants use, sell, have sold, and/or offer to sell a variety of infringing products and/or services that incorporate a method of play as described in '237 patent, namely, having a qualification round of game play and a playoff round of game play, all performed over an interactive computer system, including, but not limited to, Defendants' game entitled "GOLDEN FAIRWAY", which is an online game having a golf theme, in this judicial district and elsewhere in the United States. Accordingly, Defendants have infringed one or more claims of the '237 Patent.
- c. Plaintiff has suffered damages as a result of Defendants' infringement and will continue to suffer damages as a result of Defendants' infringement.

Accordingly, Plaintiff seeks an injunction issued against future infringing acts of the '237 Patent and for a determination for damages resulting from past infringement. In order to properly make this determination, Plaintiff likely needs to conduct discovery into Defendants' financial transactions involving Defendants' infringing products/services.

WHEREFORE, PREMISES CONSIDERED, Plaintiff, John Stephenson, respectfully prays for judgment in favor of Plaintiff and against the Defendants as set forth herein. A proposed default judgment has been submitted simultaneously herewith.

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Certificate of Service

WPA I hereby certify that I served the foregoing document by first class mail on the day of January, 2011, upon the following:

Paul A. Schneider, President
MVP Network Online Games, Inc.
MVP Network, Inc.
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Brent A. Capohart