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Attorneys for Plaintiff Konami Gaming, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KONAMI GAMING, INC., a Nevada
corporation,

Plaintiff,

v.

PTT, LLC d/b/a High 5 Games., a Delaware
limited liability company,

Defendant.

Case No.:
Dept. No.:

**COMPLAINT FOR PATENT
INFRINGEMENT**

JURY DEMAND

Plaintiff, KONAMI GAMING, INC. (“Konami”), for its Complaint against
PTT, LLC d/b/a High 5 Games (hereinafter “Defendant”), alleges as follows:

1 NATURE OF THE ACTION

2 1. This is an action for patent infringement under 35 U.S.C. §§ 271,
3 283, 284 and 285.
4

5 THE PARTIES

6 2. Plaintiff Konami is a Nevada corporation having a principal place of business
7 at 585 Konami Circle, Las Vegas, Nevada 89119.

8 3. On information and belief, Defendant PTT, LLC d/b/a High 5 Games is a
9 Delaware limited liability company having a principal place of business at 1200
10 Macarthur Boulevard, Mahwah, New Jersey, 07430.
11

12 JURISDICTION AND VENUE

13 4. This Court has subject matter jurisdiction over this matter pursuant to
14 28 U.S.C. §§ 1331 and 1338(a).
15

16 5. On information and belief, Defendant is subject to personal jurisdiction in the
17 District of Nevada (the "District"), consistent with the principles of due process and the Nevada
18 Long Arm Statute, because Defendant operates and offers their products for sale in this District
19 including at the G2E Gaming Conference in Las Vegas where Defendant displayed, used and
20 offered for sale to potential customers, manufacturers and distributors, have transacted business
21 in this District with local distributors and manufacturers, have committed and/or induced acts of
22 patent infringement in this District, and/or have placed infringing products into the stream of
23 commerce through established distribution channels with the expectation that such products will
24 be purchased by residents of this District.
25

26 6. Venue over Defendant is proper in this judicial district under 28 U.S.C.
27 §§ 1391(d) and 1400(b).
28

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 8,096,869

7. Konami restates the allegations contained in paragraphs 1-6.

8. Konami is the owner of all right, title, and interest in U.S. Patent No. 8,096,869 (the ‘869 patent), entitled “Gaming Machines with Runs of Consecutive Identical Symbols,” duly and properly issued by the U.S. Patent and Trademark Office on January 17, 2012. A copy of the ‘869 patent is attached as **Exhibit A**.

9. Defendant has in the past, or is currently, directly infringing the claims of the ‘869 patent under 35 U.S.C. § 271(a) by making, using, offering for sale, or selling without Konami’s authority, games that embody one or more of the claims of the ‘869 patent.

10. At least upon the filing of this Complaint, Defendant is inducing and contributing to the direct infringement of the ‘869 patent claims in violation of 35 U.S.C. §§ 271(b) and (c), by making, using, offering for sale, or selling without Konami’s authority, games with knowledge of the ‘869 patent and its claims; knowing that others will use their games in their own games and as such will use the games in an infringing manner; knowing that their games are a material part of the invention claimed in the ‘869 patent; knowing that their games are especially made or especially adapted for use in an infringement of the ‘869 patent; and knowing that their games are not staple articles or commodities of commerce that are suitable for substantial non-infringing use.

11. By way of example and not limitation, Defendant has in the past, or is currently, making, using, offering for sale, or selling games that include a “Super Stack” feature that directly infringe at least claims 1 and 19 of the ‘869 patent.

12. By way of example and not limitation, Defendant has in the past, or is currently, making, using, offering for sale, or selling games that include the “Super Stack” feature that their customers use to directly infringe at least claims 1 and 19 of the ‘869 patent.

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1 13. By way of example and not limitation, Defendant has in the past, or is
2 currently, making, using, offering for sale, or selling or providing games to manufacturers or
3 distributors who are making, using, offering for sale, or selling at least the following games
4 that include the “Super Stack” feature that directly infringe at least claims 1 and 19 of the
5 ‘869 patent: Bah, Humbug, Black Widow, Bollywood Bride, Brazilia, Cherry Mischief,
6 Cirque Chinois, Dangerous Beauty, Desert Rose, Diamonds of Athens The Dream, Golden
7 Goddess, Golden Tower, Haunted Hearts, Island Eyes, and Jaguar Princess.

8
9 14. By way of example and not limitation, Defendant has in the past, or is
10 currently, making, using, offering for sale, or selling Golden Goddess, Black Widow, Shadow
11 of the Panther, Might Panther, Prince of Lightning, The Royal Promise, and Dynamite
12 Blast/White Swan games that directly infringe at least claims 1 and 19 of the ‘869 patent.

13
14 15. By way of example and not limitation, Defendant has in the past, or is
15 currently, making, using, offering for sale, or selling or providing games to manufacturers or
16 distributors who are making, using, offering for sale, or selling Golden Goddess, Black
17 Widow, Shadow of the Panther, Might Panther, Prince of Lightning, The Royal Promise, and
18 Dynamite Blast/White Swan games that their customers use to directly infringe at least claims
19 1 and 19 of the ‘869 patent and operate at the Paris Las Vegas Hotel and Casino.

20
21 16. Defendant’s infringing activities are directly and proximately causing
22 immediate and irreparable injury to Konami for which Konami has no adequate remedy at
23 law.

24
25 17. Defendant will continue their infringing activities unless enjoined from doing
26 so by the Court.

27
28 18. Defendant’s infringing activities have and continue to directly and proximately
cause damages to Konami.

COUNT II – INFRINGEMENT OF U.S. PATENT NO. 8,366,540

19. Konami restates the allegations contained in paragraphs 1-6.

20. Konami is the owner of all right, title, and interest in U.S. Patent No. 8,366,540 (the ‘540 patent), entitled “Gaming Machines with Runs of Consecutive Identical Symbols,” duly and properly issued by the U.S. Patent and Trademark Office on February 5, 2013. A copy of the ‘540 patent is attached as **Exhibit B**.

21. Defendant has in the past, or is currently, directly infringing the claims of the ‘540 patent under 35 U.S.C. § 271(a) by making, using, offering for sale, or selling without Konami’s authority, games that embody one or more of the claims of the ‘540 patent.

22. At least upon the filing of this Complaint, Defendant is inducing and contributing to the direct infringement of the ‘540 patent claims in violation of 35 U.S.C. §§ 271(b) and (c), by making, using, offering for sale, or selling without Konami’s authority, games with knowledge of the ‘540 patent and its claims; knowing that others will use their games in their own games and as such will use the games in an infringing manner; knowing that their games are a material part of the invention claimed in the ‘540 patent; knowing that their games are especially made or especially adapted for use in an infringement of the ‘540 patent; and knowing that their games are not staple articles or commodities of commerce that are suitable for substantial non-infringing use.

23. By way of example and not limitation, Defendant has in the past, or is currently, making, using, offering for sale, or selling games that include a “Super Stack” feature that directly infringe at least claims 1 and 21 of the ‘540 patent.

24. By way of example and not limitation, Defendant has in the past, or is currently, making, using, offering for sale, or selling games that include a “Super Stack” feature that their customers use to directly infringe at least claims 1 and 21 of the ‘540 patent.

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