

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.

ROTHSCHILD DIGITAL  
MEDIA INNOVATIONS, LLC,

Plaintiff,

v.

GAMELOFT, S.A.,

Defendant.

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**COMPLAINT FOR PATENT INFRINGEMENT**

Rothschild Digital Media Innovations, LLC (“RDMI”), hereby sues Gameloft S.A. (“Gameloft”) for patent infringement, and alleges as follows:

**THE PARTIES**

1. RDMI is a limited liability company organized and existing under the laws of the State of Florida with a principal place of business in Bay Harbor, Florida.
2. Gameloft is a for-profit corporation organized and existing under the laws of the Republic of France with a principal place of business in Paris, France.

**JURISDICTION AND VENUE**

3. This is an action for patent infringement arising under the patent laws of the United States, more specifically, under Title 35 of the United States Code, Section 271 *et seq.*
4. This Court has federal question jurisdiction over this action under 28 U.S.C. §§ 1331 and 1338(a) because RDMI seeks relief under the Patent Act, 35 U.S.C. §

271 *et seq.*, including remedies for infringement of a United States Patent owned by RDMI.

5. Gameloft is subject to personal jurisdiction in this state under Florida Statute § 48.193 because it has transacted and continues to transact business in this state and more particularly this District, has contracted to supply services or products in this state and District and/or has caused tortious injury in this state and District.

6. Venue is proper pursuant to 28 U.S.C. §§ 1391 and 1400(b) because a substantial part of the events giving rise to these claims occurred in this judicial district, because RDMI has suffered injury in this district, and because Gameloft resides in this district under the patent venue statute by having committed acts of alleged patent infringement in this district.

#### **RDMI'S PATENT AND GAMELOFT'S INFRINGEMENT**

7. RDMI is the owner of United States Patent No. 6,101,534 (“the ‘534 patent”), entitled “Interactive, Remote, Computer Interface System.” Mr. Leigh Rothschild is the sole inventor of the ‘534 patent. The ‘534 patent was duly and lawfully issued on August 8, 2000 by the United States Patent and Trademark office and is now, and has been at all times since its date of issue, valid and enforceable. The ‘534 patent was previously the subject of an *ex parte* reexamination by the United States Patent and Trademark Office, which concluded with a confirmation of the patent’s validity. A true and correct copy of the ‘534 patent is attached as Exhibit “A.”

8. The ‘534 patent relates to an interactive, remote, computer interface system comprised of three distinct physical components: a remote server assembly, a local processor assembly and a data storage assembly including a compact, portable and

interchangeable computer readable medium. The '534 patent further relates to the interaction between each of these components and data stored therein to create a desired user experience.

9. Gameloft violates 35 U.S.C. § 271(c) (and is therefore liable for contributory infringement) because it sells and/or offers to sell at least one component for use in practicing the patented process of the '534 patent. More specifically, Gameloft develops and distributes online multiplayer gaming applications ("Apps") such as *Heroes of Order and Chaos*, capable of being installed in iOS or Android mobile computing platforms. The Apps, when used in conjunction with Gameloft's game servers, enable online multiplayer gaming — infringing at least claim 1 of the '534 patent.

10. Gameloft's Apps are material to practicing the invention claimed by the '534 patent, have no substantially non-infringing uses, and upon information and belief, are known by Gameloft to be especially made or especially adapted for use in an infringement of the '534 patent.

11. Further, Gameloft is liable for inducing infringement under 35 U.S.C. §271(b) given that Gameloft sells infringing components to its customers who, in turn, use the components in a way that directly infringes the '534 patent. Gameloft knew or should have known that its actions in the development, sale and/or offer for sale of the infringing components would induce actual and direct infringement by its customers.

12. Gameloft had knowledge of its infringement of the '534 patent prior to the filing of this action because, as early as May 2015, Gameloft was in possession of a notice letter and claim chart, authored by the undersigned, describing Gameloft's infringement of the '534 patent.

13. Upon information and belief, Gameloft continued – with specific intent – to infringe the ‘534 patent. Upon information and belief, Gameloft instructed users how to engage in an infringing use of the ‘534 patent through at least (a) publication of user guides and/or product manuals and (b) in-game instructions. Upon information and belief, Gameloft likewise aided and abetted its customer’s direct infringement of the ‘534 patent.

14. Gameloft will continue to infringe in the future unless enjoined by the Court.

15. RDMI has been damaged by Gameloft’s infringement of the ‘534 patent in an amount to be proven at trial, but at a minimum in the amount of a reasonable royalty pursuant to 35 U.S.C. § 284.

WHEREFORE, RDMI prays:

a. That the Court find Gameloft liable for infringement of the ‘534 patent, either literally or under the doctrine of equivalents;

b. That Gameloft, and all of its agents, servants, employees, successors and assigns, and all persons acting in concert or in active participation with Gameloft, be preliminarily and permanently enjoined and restrained from making, using, importing, selling and/or offering to sell any products or services in the United States that infringe the ‘534 patent;

c. That the Court award RDMI damages due to Gameloft infringement of the ‘534 patent, and that the Court enter judgment three (3) times such amount pursuant to 35 U.S.C. § 284.

d. That the Court find this case exceptional within the meaning of 35 U.S.C. § 285 and award RDMI its reasonable attorneys' fees and expenses incurred in this action.

e. That the Court award RDMI its taxable costs and disbursements.

f. That the Court award RDMI both pre-judgment and post-judgment interest.

g. For such other and further relief as this Court deems just and proper.

**JURY DEMAND**

RDMI demands trial by jury on all issues so triable.

Dated: September 1, 2015

Respectfully submitted,

*/s/ Ernesto M. Rubi*

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