

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

IGT and IGT CANADA SOLUTIONS ULC,)	
)	
Plaintiffs,)	
)	C.A. No. 6:21-CV-00331-ADA
v.)	
)	JURY TRIAL DEMANDED
ZYNGA INC.,)	
)	
Defendant.)	

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs IGT (“IGT US”) and IGT Canada Solutions ULC (“IGT Canada”) (together, “IGT”), for their First Amended Complaint for Patent Infringement against Defendant Zynga Inc. (“Zynga”), allege the following:

NATURE OF THE ACTION

1. This is an action for infringement of United States Patent Nos. 8,708,791; 9,159,189; 7,168,089; 7,303,473; 8,795,064; and 8,266,212 (collectively, the “Asserted Patents”), arising under the patent laws of the United States, Title 35 of the United States Code, including § 271 and §§ 281–285.

THE PARTIES

2. Plaintiff IGT US is a corporation organized and existing under the laws of the State of Nevada, having a place of business located at 6355 South Buffalo Drive, Las Vegas, Nevada 89113.

3. Plaintiff IGT Canada Solutions ULC is a Canadian unlimited liability company organized and existing under the laws of Nova Scotia, having a place of business located at 328 Urquhart Avenue, Moncton, New Brunswick E1H 2R6, Canada. IGT US and IGT Canada are

subsidiaries of International Game Technology PLC, which is listed on the New York Stock Exchange under the trading symbol “IGT.” IGT is a world leader in gaming entertainment and a leading supplier of casino and lottery machines.

4. Upon information and belief, Defendant Zynga is a corporation organized and existing under the laws of the State of Delaware, having a place of business located at 12357-A, Riata Trace Pkwy #200, Austin, Texas 78727.

JURISDICTION AND VENUE

5. This is a civil action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

6. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Zynga because Zynga has a place of business in this District, has committed acts within this District giving rise to this action, and has established minimum contacts with this forum such that the exercise of jurisdiction over Zynga would not offend traditional notions of fair play and substantial justice. Zynga has committed and continues to commit acts of infringement in this District by, among other things, developing, making, testing, using, and providing instrumentalities that infringe one or more claims of the Asserted Patents.

8. Venue is proper in this judicial district under 28 U.S.C. § 1400(b). For instance, Zynga has a regular and established place of business in at least Austin, Texas, and has committed acts of infringement in this District and Division.

FACTUAL BACKGROUND

I. IGT and Remote Gaming

9. With more than 12,000 employees worldwide, IGT (NYSE: IGT) enables players to experience their favorite games across various market channels and regulated segments, from

gaming machines and lotteries to digital and social platforms. IGT's gaming solutions anticipate and meet consumer demands—wherever they choose to play—by leveraging IGT's portfolio of premium and proprietary content, substantial investments in innovation, in-depth customer intelligence, significant operational expertise, and novel, industry-leading technologies. IGT has a well-established presence locally and internationally, including relationships with governments and regulators in more than 100 countries around the world. For more than thirty years, IGT has created and driven value by adhering to the highest standards of service, integrity, and responsibility in the gaming industry.

10. In addition to IGT's established brick-and-mortar casino and lottery operations, IGT is a world leader and innovator in the markets for remote gaming and social casinos. IGT offers a complete portfolio of award-winning digital gaming products, platforms, and services. With substantial investments in research and development, IGT's solutions are flexible, scalable, and backed by a market-leading technology investment program to ensure players will always catch the next wave of innovation. For example, IGT's Remote Game Server ("RGS") is home to over 100 themed games, including some of the industry's most celebrated titles, such as Cleopatra®, Golden Goddess®, and Wheel of Fortune®. In fact, in May 2017, IGT announced that the RGS would also house the leading online gaming site PokerStars Casino. The RGS contains a vast library of new and proven games and features that ignite player excitement and engagement in markets around the world.

11. IGT's products and services include, for example, its PlayAnywhere, PlaySports, PlayLottery, PlayPlatform, and PlayService offerings, as advertised on its website:

For more than 30 years, IGT has been ahead of the curve, delivering the top-performing, must-have games that continually push boundaries.

PlayAnywhere

Poker, Casino, Bingo, and Instant Wins; we've got every game covered for both desktop and mobile devices. Browse through our library to find the right games for you and your players.

[Learn More](#)



PlaySports

Winners are choosing IGT PlaySports, the U.S. market leader for sports betting. Ready for deployment in all states that allow sports betting, our innovative platform and retail and mobile solutions can meet all of your sports betting needs and get you across the finish line quickly.

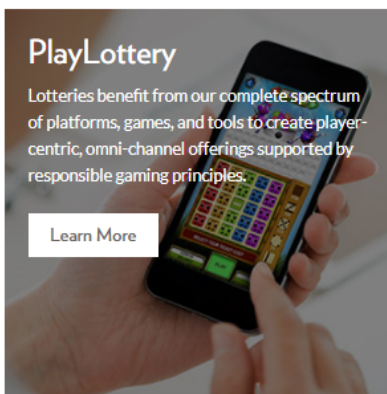
[Learn More](#)



PlayLottery

Lotteries benefit from our complete spectrum of platforms, games, and tools to create player-centric, omni-channel offerings supported by responsible gaming principles.

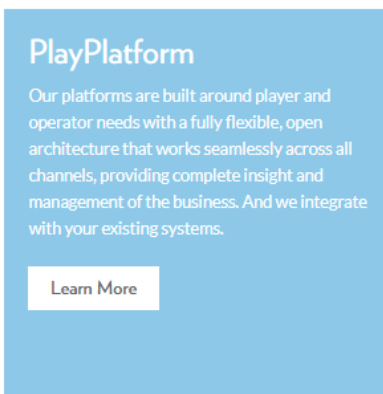
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PlayPlatform

Our platforms are built around player and operator needs with a fully flexible, open architecture that works seamlessly across all channels, providing complete insight and management of the business. And we integrate with your existing systems.

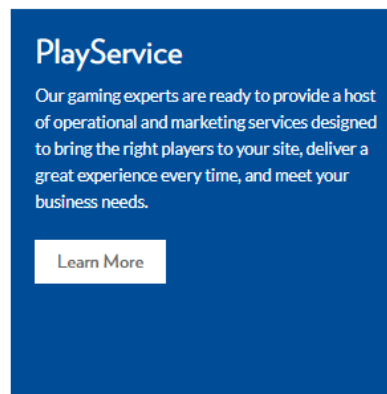
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PlayService

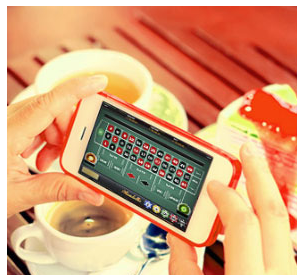
Our gaming experts are ready to provide a host of operational and marketing services designed to bring the right players to your site, deliver a great experience every time, and meet your business needs.

[Learn More](#)



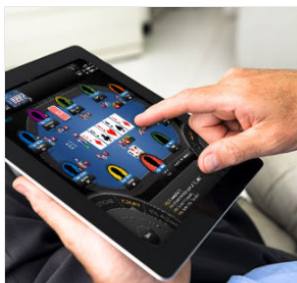
<https://www.igt.com/products-and-services/playdigital> (last visited May 3, 2021).

12. IGT's PlayAnywhere offerings further include, for example, PlayCasino, PlayPoker, PlayBingo, and PlayInstants:



PlayCasino

Rocking, top-performing titles.



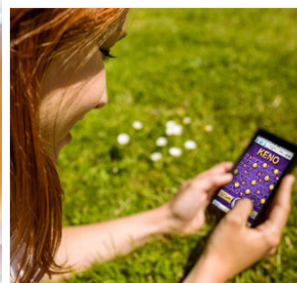
PlayPoker

An unbeatable hand. No bluff.



PlayBingo

A classic game, a modern player.



PlayInstants

Fast-paced, entertaining action.

<https://www.igt.com/products-and-services/playdigital/playanywhere> (last visited May 3, 2021).

13. To protect these and other valuable and proprietary technologies, IGT has heavily invested in acquiring and maintaining its intellectual property, including cultivating a portfolio of approximately 3,400 United States patents and pending applications, and hundreds more in Europe, Australia, and Asia.

II. Zynga and the Accused Instrumentalities

14. Zynga labels itself “a leading developer of the world’s most popular social games that are played by millions of people around the world each day.” <https://www.zynga.com/> (last visited May 3, 2021). According to Zynga, “more than one billion people” have played its games “across the Web and mobile” to date. *Id.* Upon information and belief, Zynga has made, used, sold, or offered to sell in the United States, or imported into the United States, infringing instrumentalities, including servers and other hardware and software enabling players to play its various game offerings (“Accused Instrumentalities”), including, but not limited to, Zynga Poker, The Wizard of Oz, Game of Thrones, Mustang Money, Hit It Rich, other spin slot machine games, Words With Friends, Farmville, Loyalty Lounge, and other game offerings.

COUNT I

15. IGT realleges and incorporates by reference the foregoing allegations as though fully set forth herein.

16. U.S. Patent No. 8,708,791 (“the ’791 Patent”) is attached hereto as Exhibit A. The ’791 Patent is entitled “Detecting and preventing bots and cheating in online gaming.”

17. IGT US is the owner of all rights, title, and interest in the ’791 Patent, which issued on April 29, 2014.

18. The ’791 Patent is valid and enforceable.

19. In violation of at least 35 U.S.C. § 271(a), Zynga is liable for direct infringement of at least one claim of the ’791 Patent, including without limitation claim 1, having made, used,



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