

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

WILDCAT INTELLECTUAL PROPERTY
HOLDINGS, LLC,

Plaintiff,

v.

WIZARDS OF THE COAST LLC

Defendant.

Case No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

1. This is an action for patent infringement in which Wildcat Intellectual Property Holdings, LLC (“Wildcat” or “Plaintiff”) makes the following allegations against Wizards of the Coast LLC (“Wizards” or “Defendant”).

PARTIES

2. Plaintiff Wildcat is a Texas Limited Liability Company with its principal place of business at 1700 Pacific Ave., Ste. 2320, Dallas, TX 75201.

3. On information and belief, Defendant Wizards is a Delaware limited liability company with its principal place of business at 1600 Lind Ave. SW, Ste. 400, Renton, WA 98055. Wizards may be served with process through its registered agent CT Corporation System, 1801 West Bay Dr. NW, Ste. 206, Olympia, WA 98502.

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendant has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

6. On information and belief, Defendant is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 6,200,216

7. Plaintiff is the owner by assignment of United States Patent No. 6,200,216 ("the '216 Patent") entitled "Electronic Trading Card" – including all rights to recover for past and future acts of infringement. The '216 Patent issued on March 13, 2001. A true and correct copy of the '216 Patent is attached as Exhibit A.

8. On information and belief, Defendant Wizards has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others, including customers of Wizards, the '216 Patent in this judicial district, and elsewhere in the United States. Wizards's Magic: The Gathering Online infringes at least claims 1, 9, 10, 21, 29, 30 and 36 of the '216 Patent. Infringements by Wizards include, without limitation, making, using, selling, hosting, and/or providing access to within the United States, and/or importing into the United States, at least Wizards's Magic: The Gathering Online game, infringing one or more claims of the '216 Patent. Also upon information and belief, Wizards knew or should have known that the

Magic: The Gathering Online game would induce infringement by its customers. It is further alleged that Wizards has contributed to the infringement of the '216 Patent by engaging in such activities knowing that its Magic: The Gathering Online game is especially made or especially adapted to be used in a method that infringes the '216 Patent, and which does not have a substantial non-infringing use. Defendant Wizards is thus liable for infringement of the '216 Patent under 35 U.S.C. § 271(a), (b), & (c).

9. Wildcat practices at least one of the asserted claims through the use and commercialization of its website at <http://www.unitcommand.com>. Wildcat is entitled to the issuance of permanent injunction enjoining Defendant from continuing its infringement. Wildcat has suffered irreparable harm as Defendant's infringement has diluted the value of Wildcat's patent rights, and has taken business away from Wildcat, resulting in lost profits, and a loss of market share and good will, in amounts that cannot be compensated by payment of money. Moreover, allowing Defendant to continue in its infringement would encourage other would-be infringers to attempt to gain access, resulting in significant litigation expenses and uncertainty about the value of Wildcat's patent, which is the foundation of Wildcat's business. In addition, a remedy in equity is warranted because, considering the balance of hardship as between Defendant and Wildcat, Defendant would suffer far less hardship from the issuance of an injunction than Wildcat would suffer if an injunction is not issued. Finally, the public interest would not be disserved by the issuance of a permanent injunction, as the public does not have any substantial interest in the practice of Defendant's accused games.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendant has infringed, directly, jointly, and/or indirectly, by way of inducing and/or contributing to the infringement of the '216 Patent;

2. A permanent injunction enjoining Defendant and its officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '216 Patent;

3. A judgment and order requiring Defendant to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendant's infringement of the '216 Patent as provided under 35 U.S.C. § 284;

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

5. Any and all other relief to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

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

Dated: November 1, 2012

Respectfully submitted,

/s/ Darrell G. Dotson

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