

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

1ST TECHNOLOGY, LLC,

Plaintiff,

v.

CAKE GAMING, NV,

Defendant.

11-cv-722

COMPLAINT

JURY DEMANDED

Plaintiff 1st Technology, LLC complains of defendant Cake Gaming, NV as follows:

JURISDICTION AND VENUE

1. Jurisdiction exists under 28 U.S.C. § 1338(a) because defendant has infringed plaintiff's patent. Federal law, namely the Patent Act of 1952, as amended, 35 U.S.C. § 271, makes patent infringement illegal and actionable through a private cause of action.

2. Defendant has transacted business in this judicial district by making, using, selling, or offering to sell and distributing software products that violate 1st Technology's patent either in this judicial district or in the United States.

3. Venue is proper under the general federal venue statute, 28 U.S.C. § 1391(d), and under the specific venue provision relating to patent-infringement cases. 28 U.S.C. § 1400(b).

PARTIES

4. 1st Technology is a Nevada limited liability company with offices in Las Vegas, Nevada. 1st Technology is the assignee and owns all right, title and interest in and has standing to sue for infringement of United States Patent No. 5,564,001 (the '001 Patent), which is entitled "Method and System for Interactively Transmitting Multimedia Information Over a Network Which Requires A Reduced Bandwidth."

5. Cake Gaming, NV is a foreign company with offices at Van Engelenweg 23, Curacao, Netherland Antilles. Cake has previously and is presently making, using, selling, offering for sale, and/or importing into the United States a software product (namely, its Cake Poker gaming software) that infringes one or more claims of the '001 Patent. Cake has infringed the '001 Patent either directly or through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

BACKGROUND

6. Dr. Scott Lewis is an individual residing in Los Gatos, California. Dr. Lewis is the controlling manager of 1st Technology LLC. Dr. Lewis is the inventor of the '001 Patent.

7. Dr. Lewis received B.S. and M.S. degrees with honors in mechanical and electrical engineering from M.I.T. Dr. Lewis has a Ph.D. from Oxford University in adaptive digital signal processing as a Marshall Scholar and an M.B.A. from Harvard Business School. Dr. Lewis led the development of single-chip video and audio compression solutions, as well as the first automotive video cellular telephone.

8. Dr. Lewis is the inventor of a number of patents in multimedia communication technology. The inventions of Dr. Lewis' patents are used in many online wagering systems.

9. Cake Gaming operates the Cake Poker Network of online poker sites through, among other things, its online site at <http://www.cakepoker.com>. Cake has entered into agreements with numerous affiliates to operate this network in countries throughout the world and in the United States. According to its web site, "Cake Poker is a global poker room offering 24/7 action including Texas Hold'em and Omaha ring games and tournaments of all stakes and levels." The Cake Poker software is available for download at the [cakepoker.com](http://www.cakepoker.com) website.

PATENT INFRINGEMENT

10. Cake has infringed and continues to infringe the '001 Patent either directly or indirectly through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

11. Cake's infringement, contributory infringement and/or inducement to infringe has injured 1st Technology and it, therefore, is entitled to recover damages adequate to compensate it for such infringement, but in no event less than a reasonable royalty.

12. Cake's infringement, contributory infringement and/or inducement to infringe has been willful and deliberate because it has been given notice of or knew of the '001 Patent and has nonetheless injured and will continue to injure 1st Technology, unless and until this Court enters an injunction, which prohibits further infringement and specifically enjoins further manufacture, use, sale and/or offer for sale of products or services that come within the scope of the '001 Patent.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, 1st Technology requests a trial by jury on all issues presented that can properly be tried to a jury.

PRAYER FOR RELIEF

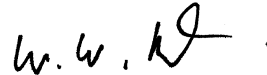
WHEREFORE, 1st Technology asks this Court to enter judgment against Cake and against its subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with it, granting the following relief:

- A. An award of damages adequate to compensate 1st Technology for the infringement that has occurred, together with prejudgment interest from the date infringement began;
- B. All other damages permitted by 35 U.S.C. § 284;
- C. A finding that this case is exceptional and an award to 1st Technology of its attorneys' fees and costs as provided by 35 U.S.C. § 285;

- D. An injunction prohibiting further infringement, inducement and contributory infringement of the '001 Patent; and
- E. Such other and further relief as this Court or a jury may deem proper and just.

Dated: February 1, 2011

Respectfully submitted,



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