

ORIGINAL

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

1st Technology LLC VS Sportingbet PLC., etal

Doc. 9

1st TECHNOLOGY, LLC.

SUMMONS IN A CIVIL ACTION

v.

CASE NUMBER: CV-S-05-0788-RLH-PAL

Sportingbet PLC; NDS Group PLC; Ogame E-Solutions AS; Orbis Technology

MJ  
2005 SEP 20 12:00 PM  
CLERK

TO: (Name and Address of Defendant)

Sportingbet PLC  
82-100 City Road, 6th Floor  
Transworld House, London EC1Y 2BY  
United Kingdom

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon Plaintiff's attorney (name and address)

L. Kristopher Rath  
Hutchison & Steffen  
Peccole Professional Park  
10080 W. Alta Dr. Suite 200  
Las Vegas, Nevada 89145

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

LANCE

AUG - 4 2005

CLERK

DATE

BY DEPUTY CLERK



9

CERTIFICATE - ATTESTATION

The undersigned authority has the honour to certify, in conformity with article 6 of the Convention  
L'autorite soussignée a l'honneur d'attester conformement a l'article 6 de ladite Convention.

- 1) that the document has been served the (date):  
que le demande a ete executee le (date):

**Monday 22 August 2005**

-at (place, street, number):

-a (localite, rue, numero):

**6<sup>th</sup> Floor, Transworld House, 82-100 City Road, London, EC1Y 2BY, England (registered office of Sportingbet plc)**

- in one of the following methods authorised by article 5:

- dans une des formes suivantes prevues a l'article 5:

a) ~~in accordance with the provisions of sub-paragraph (a) of the first paragraph of article 5 of the Convention  
selon les formes legales (article 5, alinea premier, lettre a)~~

b) in accordance with the following particular method:  
selon la forme particuliere suivante:

**Personally served upon Sportingbet plc at the direction of the Senior Master of the Queen's Bench  
Division of the Supreme Court of England and Wales by the agent for the purpose of Graham  
Henry Bridgman, a Solicitor of the Supreme Court of England and Wales, by a method prescribed  
by the internal law of England and Wales for the service of documents in domestic actions upon  
persons who are within its territory**

c) ~~by delivery to the addressee, who accepted it voluntarily  
par remise simple~~

the documents referred to in the request have been delivered to:  
les documents mentionnes dans la demande ont ete remis a:

- (identity and description of person):

- (identite et qualite de la personne):

**Ms Jill Edwards**

- relationship to the addressee (family, business or other):

- liens de parente de subordinaion ou autres avec le desinataire de l'acts:

**In-House Counsel for Sportingbet plc**

- 2) that the document has not been served, by reason of the following facts:  
que la demande n'a pas ete executee, en raison des faits suivants:

~~in conformity with the second paragraph of article 12 of the Convention, the applicant is requested to pay the expenses  
detailed in the attached statement  
conformement a l'article 12, alinea 2 de ladite Convention, le requerant est prie de payer ou de rembourser les frais dont  
le detail figure au memoire ci joint~~

Annexes

Documents returned

Pieces renvoyees

in appropriate cases, documents establishing the service  
le cas echeant, les documents justificatifs de l'execution

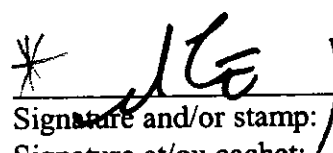
Done at London

Fait a

the (date):

**31: VIII:05**

le:

  
Signature and/or stamp:  
Signature et/ou cachet:

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

1<sup>ST</sup> TECHNOLOGY, LLC

Plaintiff,

vs.

Sportingbet PLC; NDS Group PLC;  
Ongame E-Solutions AS; Orbis Technology

Defendants.

Case No. CV-S-05-0788-RLH-PAL

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**Witness Statement of Service in accordance with sub paragraph (b)  
of the first paragraph of article 5, Hague Convention  
on the Service Abroad of Judicial and  
Extrajudicial Documents In Civil or Commercial Matters**

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I, **DAVID LLEWELYN MORGAN**, Process Server, of Talbot House, Sulhamstead Hill, Sulhamstead, RG7 4DG, England, say as follows:

1. In the matters detailed below I was acting as agent for Graham Henry Bridgman a Solicitor of the Supreme Court of England and Wales who was in turn acting at the direction of the Central Authority of England and Wales.
2. On Monday the 22<sup>nd</sup> day of August 2005 before 1700 hours, I served Sportingbet PLC, one of the Defendants herein, with the Summons and Complaint for Patent Infringement, together with the Hague Convention Summary of the Document to be Served, by handing them to and leaving them with Ms Jill Edwards, who confirmed herself to be In-House Counsel for Sportingbet PLC, at 6<sup>th</sup> Floor, Transworld House, 82-100 City Road, London, EC1Y 2BY, being the registered office of Sportingbet PLC.
3. Exhibited hereto marked 'A' is a bundle containing a copy of each of the documents so served by me.
4. I believe that service has been effected, as directed by the requesting authority, in accordance with a method prescribed by the internal law of England and Wales and thus in accordance with sub paragraph (b) of the first paragraph of article 5, Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters.

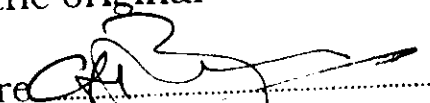
I believe that the facts stated in this witness statement are true

Dated: 24<sup>th</sup> August 2005

Signed:

  
\_\_\_\_\_  
**DAVID LLEWELYN MORGAN**

I hereby certify that this is a true copy of the original

Signature   
\_\_\_\_\_  
G H Bridgman LLB Solicitor

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

1<sup>ST</sup> TECHNOLOGY, LLC

Plaintiff,

vs.

Sportingbet PLC; NDS Group PLC;  
Ongame E-Solutions AS; Orbis Technology

Defendants.

Case No. CV-S-05-0788-RLH-PAL

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**Exhibit A to the Witness Statement of David Llewelyn Morgan**

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This is the exhibit marked "A" to my witness statement dated today.

Dated: 24 August, 2005

Signed:

  
\_\_\_\_\_  
**DAVID LLEWELYN MORGAN**

**SUMMARY OF THE DOCUMENT TO BE SERVED**  
*ELEMENTS ESSENTIELS DE L'ACTE*

**Convention on the service abroad of judicial and extrajudicial documents in civil or commercial matters, signed at The Hague, November 15, 1965**

*Convention relative à la signification et à la notification à l'étranger des actes judiciaires et extrajudiciaires en matière civile ou commerciale, signée à La Hage, le 15 Novembre 1965.*

(article 5, fourth paragraph)  
(article 5, alinéa 4)

**Name and address of the requesting authority:** **L. Celeste Ingalls**  
*Nom et adresse de l'autorité requérante:* LA SALLE PROCESS SERVERS, L.P.  
29 SOUTH LA SALLE ST., STE. 956  
CHICAGO, ILLINOIS 60603

**Particulars of the parties\*:** **1<sup>st</sup> Technology, LLC** ..... **PLAINTIFF**  
*Identité des parties:* **Sportingbet PLC, et al.** ..... **DEFENDANTS**

**JUDICIAL DOCUMENT\*\***  
*ACTE JUDICIAIRE*

**Nature and purpose of the document:**  
*Nature et objet de l'acte:* **To give notice to the Defendant, Sportingbet PLC, of the institution against it of a claim for civil damages and to summon it to answer the claim.**

**Nature and purpose of the proceedings, and, where appropriate, the amount in dispute:**  
*Nature et objet de l'instance, le cas échéant, le montant du litige:*

**Civil claim for money damages in an action alleging patent infringement and related actions. Plaintiff alleges defendants have infringed upon plaintiff's registered Multimedia Patents directly and or through acts of contributory infringement or inducement. Plaintiff further alleges this infringement has caused it to suffer damages. Plaintiff seeks a judgment for damages in an amount to be determined at trial; attorneys fees and costs of this suit; injunction against defendants prohibiting further infringement of plaintiff's patents; and such other and further relief as the court deems just and proper**

**Date and place for entering appearance\*\*:** **N/A**  
*Date et lieu de la comparution:*

**Court which has given judgment\*\*:** **N/A**  
*Jurisdiction qui a rendu la décision:*

**Date of judgment\*\*:** **N/A**  
*Date de la décision:*

**Time limits stated in the document\*\*:**  
*Indication des délais figurant dans l'acte:* **Defendant is required to file an ANSWER with the Court, and serve a copy of the same ANSWER to plaintiff's attorney as stated on Summons, within twenty (20) days after having received the Summons and other documents herein (please see summons for other applicable requirements).**

**EXTRAJUDICIAL DOCUMENT\***  
*ACTE EXTRAJUDICIAIRE*

**Nature and purpose of the document:** **N/A**  
*Nature et objet de l'acte:*

**Time limits stated in the document\*\*:** **N/A**  
*Indication des délais figurant dans l'acte:*

**\* If appropriate, identity and address of the person interested in the transmission of the document.**  
*S'il y a lieu, identité et adresse de la personne intéressée à la transmission de l'acte.*

**\*\* Delete if inappropriate.**  
*Rayer les mentions inutiles.*

1 **COMP**  
Mark A. Hutchison (4639)  
2 Kristopher L. Rath (4639)  
Cecilla P. Ventimiglia (8300)  
3 Hutchison & Steffen, LLC  
Peccole Professional Park  
4 10080 Alta Drive, Suite 200  
Las Vegas, Nevada 89145  
5 Phone: 702-385-2500  
Fax: 702-385-2086

6 Attorneys for 1<sup>st</sup> Technology, LLC  
7

FILED RECEIVED  
ENTERED SERVED ON  
COUNSEL PARTIES OF RECORD

2005 JUN 27 P 3: 58

CLERK US DISTRICT COURT  
DISTRICT OF NEVADA

BY \_\_\_\_\_ DEPUTY

8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 1ST TECHNOLOGY LLC,

11 Plaintiff,

12 v.

13 SPORTINGBET PLC,  
NDS GROUP PLC,  
14 ONGAME E-SOLUTIONS AB, and  
ORBIS TECHNOLOGY,

15 Defendants.  
16

CV-S-05-0788-RLH-PAL

JURY DEMANDED

17 COMPLAINT FOR PATENT INFRINGEMENT

18 Plaintiff 1<sup>st</sup> Technology LLC ("1<sup>st</sup> Technology"), complains of defendants Sportingbet PLC,  
19 NDS Group PLC, Ongame e-solutions AB and Orbis Technology (collectively "Defendants") as  
20 follows:

21 **JURISDICTION AND VENUE**

- 22 1. Jurisdiction exists under 28 U.S.C. § 1338(a) because defendants are charged with patent  
23 infringement under 35 U.S.C. § 271.
- 24 2. Defendants each have transacted business in this judicial district by making, using, selling  
25 or offering to sell and distributing software products that violate 1<sup>st</sup> Technology's patents  
26 either in this judicial district or in the United States.
- 27 3. Venue is proper under 28 U.S.C. §§ 1391(d) and 1400(b).  
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A PROFESSIONAL LLC  
PECCOLE PROFESSIONAL PARK  
10080 ALTA DRIVE, SUITE 200  
LAS VEGAS, NEVADA 89145

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A PROFESSIONAL LLC  
PECCOLE PROFESSIONAL PARK  
10080 ALTA DRIVE, SUITE 200  
LAS VEGAS, NEVADA 89145

**PARTIES**

1  
2 4. 1<sup>st</sup> Technology is a California limited liability company with offices at 654 North Santa  
3 Cruz Avenue #C169, Los Gatos, California 95030. 1<sup>st</sup> Technology is the assignee of and  
4 owns all right, title and interest in and has standing to sue for infringement of United States  
5 Patent No. 5,564,001 entitled "Method and System for Interactively Transmitting  
6 Multimedia Information Over a Network Which Requires Reduced Bandwidth" ("the '001  
7 Patent"), United States Patent No. 5,745,379 entitled "Method for the Production and  
8 Transmission of Enhanced Multimedia Information" ("the '379 Patent") and United States  
9 Patent No. 5,845,088 entitled "Method for the Production and Transmission of Enhanced  
10 Interactive Multimedia Information" ("the '088 Patent") (collectively "the Lewis  
11 Multimedia Patents").

12 5. Sportingbet PLC ("Sportingbet") is a foreign corporation with offices at 82-100 City Road  
13 6th Floor, Transworld House, London EC1Y 2BY, United Kingdom. Sportingbet has  
14 made, sold, offered for sale, offers for sale and/or imports software products that infringe  
15 one or more claims of the Lewis Multimedia Patents. Sportingbet has infringed the Lewis  
16 Multimedia Patents either directly or through acts of contributory infringement or  
17 inducement in violation of 35 U.S.C. § 271.

18 6. NDS Group PLC ("NDS") is a foreign company with offices at One London Road, Staines,  
19 Middlesex TW18 4EX, United Kingdom. NDS has made, sold, offered for sale, offers for  
20 sale and/or imports software products that infringe one or more claims of the Lewis  
21 Multimedia Patents. NDS has infringed the Lewis Multimedia Patents either directly or  
22 through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

23 7. Ogame e-solutions AB ("Ogame") is a foreign company with offices at  
24 Dragarbrunnsgatan 50, Svavagallerlan, Smedsgränd 3, 753 20 Uppsala, Uppsala, Sweden.  
25 Ogame has made, sold, offered for sale, offers for sale and/or imports software products  
26 that infringe one or more claims of the Lewis Multimedia Patents. Ogame has infringed  
27 the Lewis Multimedia Patents either directly or through acts of contributory infringement  
28

1 or inducement in violation of 35 U.S.C. § 271.

- 2 8. Orbis Technology ("Orbis") is a foreign company with offices at 414 Chiswick High Road,  
3 London W4 5TF, United Kingdom. Orbis has made, sold, offered for sale, offers for sale  
4 and/or imports software products that infringe one or more claims of the Lewis Multimedia  
5 Patents. Orbis has infringed the Lewis Multimedia Patents either directly or through acts  
6 of contributory infringement or inducement in violation of 35 U.S.C. § 271.

7  
8 **BACKGROUND**

- 9 9. Dr. Scott Lewis ("Dr. Lewis") is an individual residing in Los Gatos, California. Dr. Lewis  
10 is the controlling manager of 1<sup>st</sup> Technology LLC. Dr. Lewis is the inventor of the '001  
11 Patent, the '379 Patent and the '088 Patent.

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

- 17 11. Dr. Lewis is the inventor of a number of patents in multimedia communication technology  
18 including the separation, processing and recombination of multiple streams of multimedia  
19 data. This processing can include enhancement, compression and other forms of data  
20 manipulation. The inventions of Dr. Lewis' patents are used in many online wagering  
21 systems.

22 **PATENT INFRINGEMENT**

- 23 12. Each of the Defendants has infringed the Lewis Multimedia Patents either directly or  
24 through acts of contributory infringement or inducement in violation of 35 U.S.C. § 271.

- 25 13. Sportingbet PLC has infringed at least Claim 1 of the '379 Patent, at least Claim 26 of the  
26 '001 Patent, and at least Claim 1 of the '088 Patent.

- 27 14. NDS Group PLC has infringed at least Claim 1 of the '379 Patent, at least Claim 26 of the  
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LAS VEGAS, NEVADA 89145

- '001 Patent, and at least Claim 1 of the '088 Patent.
15. Ogame e-solutions AB has infringed at least Claim 1 of the '379 Patent, at least Claim 26 of the '001 Patent, and at least Claim 1 of the '088 Patent.
16. Orbis Technology has infringed at least Claim 1 of the '379 Patent, at least Claim 26 of the '001 Patent, and at least Claim 1 of the '088 Patent.
17. Defendants' infringement, contributory infringement and/or inducement to infringe has injured 1<sup>st</sup> 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.
18. Defendants' infringement, contributory infringement and/or inducement to infringe has been willful and deliberate because each Defendant has been given notice of or knew of the Lewis Multimedia Patents and has nonetheless injured and will continue to injure 1<sup>st</sup> Technology, unless and until this Court enters an injunction prohibiting further infringement and, specifically, enjoining further manufacture, use, sale and/or offer for sale of products or services that come within the scope of the Lewis Multimedia Patents.

**JURY DEMAND**

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

WHEREFORE, plaintiff, 1<sup>st</sup> Technology, asks this Court to enter judgment, individually and jointly against defendants Sportingbet PLC, NDS Group PLC, Ogame e-solutions AB, and Orbis Technology and against their subsidiaries, affiliates, agents, servants, employees and all persons in active concert or participation with them, granting the following relief:

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LAS VEGAS, NEVADA 89145

- A. An award of damages adequate to compensate 1<sup>st</sup> 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 1<sup>st</sup> Technology of attorneys' fees and costs as provided by 35 U.S.C. § 285;
- D. A permanent injunction prohibiting further infringement, inducement and contributory infringement of the Lewis Multimedia Patents; and,
- E. Such other and further relief as this Court or a jury may deem proper and just.

Respectfully submitted,



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Mark A. Hutchison (4639)  
Kristopher L. Rath (4639)  
Cecilla P. Ventimiglia (8300)  
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Peccole Professional Park  
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Attorneys for 1<sup>st</sup> Technology, LLC