

**UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA**

[1] JOHN STEPHENSON

Plaintiff,

v.

[1] GAME SHOW NETWORK, LLC, and
[2] WORLDWINNER.COM, INC.

Defendants.

Case No. 11-CV-564-CVE-PJC

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

COMES NOW PLAINTIFF, and for his complaint against Defendants, states and alleges as follows:

THE PARTIES

1. Plaintiff John Stephenson is a resident of Oklahoma, residing at 4608 S. Knoxville, Tulsa, Oklahoma 74105.
2. Upon information and belief, Defendant Game Show Network, LLC. (“GSN”) is a limited liability company formed under the laws of Delaware and has its principal place of business at 2150 Colorado Ave, #100, Santa Monica, California 90404-5514. Game Show Network is regularly and systematically broadcast in this district, including at least on channel 171 in the Tulsa area through Cox Communications.
3. Upon information and belief, Defendant WorldWinner.com, Inc. (“WorldWinner”) is incorporated under the laws of Delaware and has its principal place of business at 313 Washington St., Newton, Massachusetts 02458-1626.

4. Upon information and belief, WorldWinner is a wholly owned subsidiary of GSN. It operates websites including worldwinner.com that on information and belief continuously and systematically does commerce in Oklahoma, including the Tulsa area. On information and belief the site reaches millions of users every month and solicits business in Oklahoma and elsewhere. On the “About GSN” link at worldwinner.com, it states:

GSN is a multimedia entertainment company that offers original and classic game programming via its 73-million subscriber television network and online games sites. GSN’s cross-platform content puts winning within reach for viewers and participants, whether through GSN’s popular TV game shows, gsn.com’s free casual games or its WorldWinner competitive cash tournaments. GSN is distributed throughout the U.S., Caribbean and Canada by all major cable operators, satellite providers and telcos.

JURISDICTION AND VENUE

5. This action arises under The Acts of Congress relating to patents, 35 U.S.C. § 1, et. seq., as hereinafter more fully appears.

6. This Court has subject matter jurisdiction over Plaintiff’s patent infringement lawsuit under 28 U.S.C. §§ 1331 and 1338(a).

7. This court has personal jurisdiction over the Defendants by virtue of, *inter alia*, their continuous and systematic contacts with Oklahoma at least via their promotion and sale of services via the World Wide Web and through the Game Show Network and through acts of infringement which on information and belief occur within this district.

BACKGROUND

8. John Stephenson is a longtime veteran of the gaming, gaming machines, and online gaming industry. In 1989 he co-founded the company that is now known as Multimedia Games (“Multimedia”).

9. Multimedia grew to become the primary manufacturer and supplier of legal video gaming machines for tribal casinos throughout the United States and Canada.

10. In May 1999, Mr. Stephenson filed a patent application for his novel method for running a game of skill tournament. An embodiment of his invention is shown below.

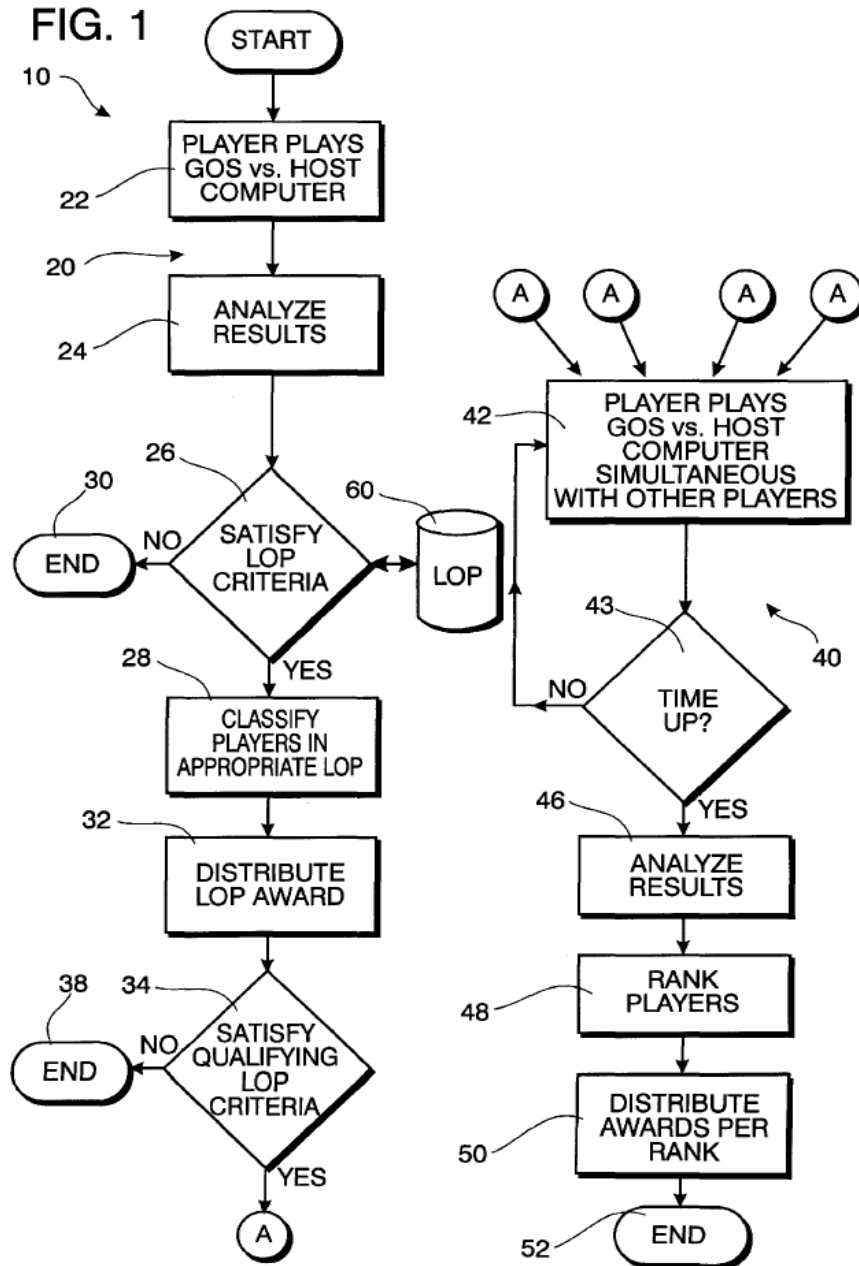


Fig. 1 of the '237 Patent

11. On January 16, 2001, United States Patent No. 6,174,237 (the '237 patent") was duly and legally issued to Stephenson for his invention of a method for a game of skill tournament. A copy of the patent is attached as Exhibit A.

12. Mr. Stephenson currently operates and has licensed the '237 patent to megadollargames.com, a competitor of the defendants.

DESCRIPTION OF INFRINGEMENT

13. GSN operates a website at gsn.com that offers games of skill to visitors of the site.

14. From the gsn.com website and sites related to gsn.com, GSN offers prizes to players based on rewards points called “oodles,” which players can redeem for prizes, as well as cash prizes.

15. The website worldwinner.com is titled “GSN Cash Competitions” and allows players to play in games of skill tournaments via their computers and awards prizes based on the players’ performance.

16. The GSN Cash Competitions website describes the site as being “Powered by WorldWinner.”

17. The GSN Cash Competitions site may be accessed from several websites including at least www.worldwinner.com. The references herein to “GSN Cash Competitions” are meant to include worldwinner.com and other websites operated by either or both Defendants that describe similar competitions.

18. Players may also reach the GSN Cash Competitions site at least by clicking on the “cash competitions” link from/at gsn.com.

19. The GSN Cash Competitions site offers games of skill and offers prizes to players and includes screen shots such as the following:

WINNER DECLARED - Bejeweled 2 2-Player Special

Congratulations You Won!

Place	Player	Score	Prize
1	 [REDACTED]	4,264	\$1.50
 <p style="text-align: center;">Post your win on Facebook! Share Your Victory with Your Friends! f Share</p>			
2	 [REDACTED]	2,320	\$0.05

[Prizes](#) | Entry Fee: \$0.99 | [REDACTED] | Players: 2/2
 [REDACTED]

20. The GSN Cash Competition site describes its operation at least in part through portions of the website such as the one shown below:

FAQs

[FAQs](#) > [Matching](#) >

How do I know if I'm matched correctly?

Our goal is to provide each player with opponents of a similar skill level in a timely manner. Your potential to win a competition is based solely on your actual skill. There are many factors that determine how you are matched.

Here are only a few:

- Your scoring capabilities within each game title
- Win/Loss ratios
- Recent and overall player performance
- The skill of the other available opponents within each game title

Matching is always conducted before you play your entry, not after. We only use past data to match you successfully with other players of similar skill levels.

Here are a few more facts:

- WorldWinner does not profit on the outcome of a competition. While we take a nominal fee for organizing and managing the competitions, our revenue is not contingent upon the end result of a competition.
- WorldWinner does not fill spots in competitions with employees, nor do we contract regular players to do the same.
- Whether you are a beginner in Mystery P.I. or an expert in Bejeweled 2, WorldWinner will work diligently to match you against players of similar skill.

Related Topics

[Who am I competing against?](#)

[Why did I receive a message stating that there were no other available opponents at my skill level at this time?](#)

[Are all WorldWinner card games solvable?](#)

Topic Information

Topic #: 12012-86
Date Created: 7/15/2010
Last Modified Since: 4/7/2011
Viewed: 1587

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(Found at <http://help.worldwinner.com/ics/support/KBAnswer.asp?questionID=86>)

21. The GSN Cash Competitions site, describes “matched skill competitions” at least in part as shown below:



Matched Skill Competitions

In Matched Skill Competitions, such as Limited Entry or Super Rewards competitions, you must compete in a specific game against a predetermined number of opponents. Our proprietary FairMatching system provides you with opponents whose skill level in that game is similar to your own. Skill levels are based on a variety of factors, including win frequency, scoring ability, and overall degree of experience in a game.

Please note that the matching process is always conducted before gameplay begins, never after. We only use past data (not your current score) to determine the competition into which you are placed.

(Found at <http://www.worldwinner.com/cgi/tournament/introToCompetitions.pl>)

22. The GSN Cash Competitions site also describes “Skill Division Competitions” as shown below:

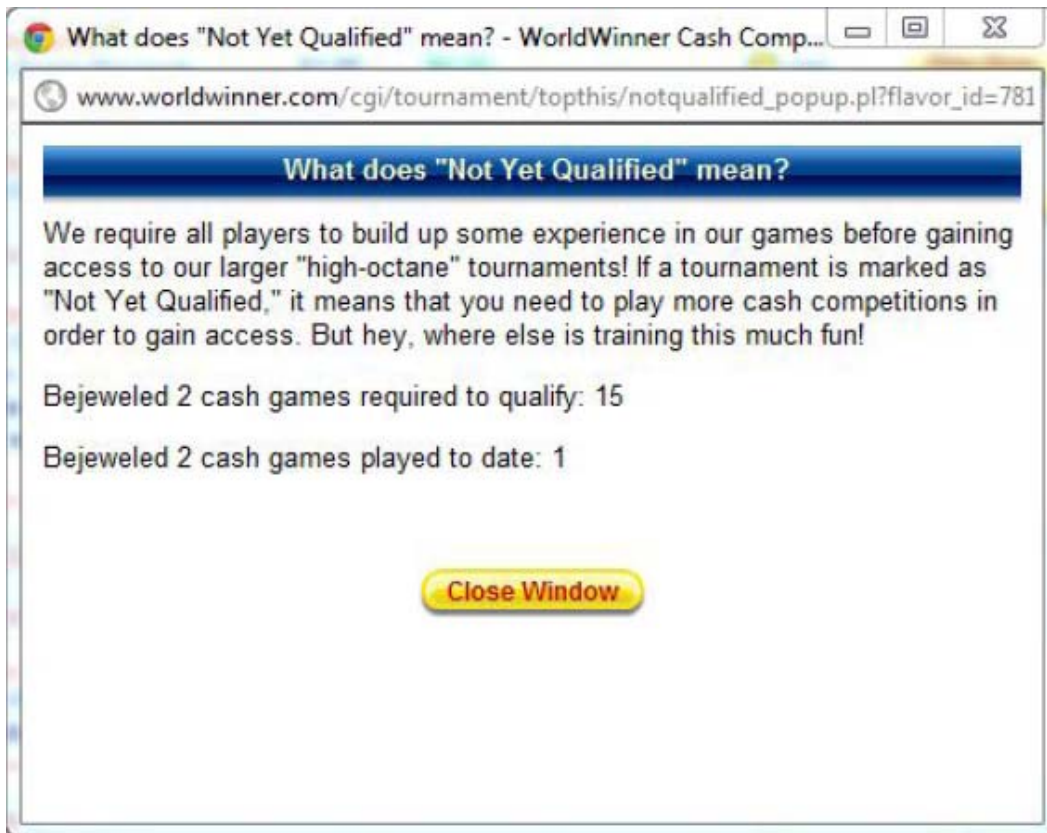


Skill Division Competitions

Skill Division Competitions, such as our "Daily Delight" unlimited entry tournaments, have a preset end time and a potentially unlimited number of players who are divided into groups based on their skill levels. The total prize pool for each tournament is divided and distributed equally between each skill group. Players only compete against opponents in their skill group.

(Found at <http://www.worldwinner.com/cgi/tournament/introToCompetitions.pl>)

23. The GSN Cash Competitions site describes qualification and non-qualification at least as shown below:



(Found at http://www.worldwinner.com/cgi/tournament/topthis/notqualified_popup.pl?flavor_id=781)

24. Players play via the GSN Cash Competitions site against both computer and other human players.

25. For some or all of the games offered on the GSN Cash Competitions website, the site determines which players qualify for certain types of tournaments.

26. In some tournament types of some or all of the games offered on the GSN Cash Competitions website, the site determines which players will qualify for which prize pool.

27. For each of the games offered on the GSN Cash Competitions website, the site determines the winner of tournaments and awards prizes based on the results.

COUNT I

INFRINGEMENT OF U.S. PATENT NO. 6,174,237

28. Plaintiff incorporates by reference each of the averments, 1-27, above.

29. Defendants have infringed claims of the '237 patent and, unless enjoined from doing so, will continue to do so by using, selling, or offering for sale Mr. Stephenson's patented technology and by inducing and contributing to infringement of the '237 patent.

30. Mr. Stephenson has been damaged by the infringement of the Defendants and will continue to suffer irreparable harm to his business and impairment of the value of his patent rights unless Defendants are enjoined from continuing to directly or indirectly infringe the '237 patent.

31. Mr. Stephenson is entitled to recover damages from Defendants to compensate him for the infringement in an amount no less than a reasonable royalty.

32. At least any continued direct or indirect infringement after notice of or willful blindness to the existence and scope of the '237 patent is or will be willful infringement.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment that:

A. The Defendants have infringed one or more claims of United States Patent No. 6,174,237;

B. The Defendants Game Show Network, LLC and Worldwinner.com, Inc., their officers, agents, servants and employees, and those persons in active concert or participation with any of them be enjoined from further infringing, contributing to the infringement, or inducing the infringement of United States Patent No. 6,174,237, and be permanently enjoined from direct and indirect infringing acts including continued use, offer for sale, or sale of the Defendants' products or services used to infringe the patent in suit;

C. Plaintiff be awarded damages arising out of Defendants' infringement of United States Patent No. 6,174,237, with interest;

D. At least due to any infringement by Defendants after notice of the '237 patent, this case be adjudged and decreed exceptional pursuant to 35 U.S.C. § 285 and that Plaintiff be awarded their costs and attorney's fees in pursuing this action; and

E. Plaintiff be awarded such other and further relief as this Court may deem necessary and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury of all issues so triable.

Respectfully submitted,

Dated: September 8, 2011

/s/ Steven M. Harris

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