IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IMAGINEAR, INC. and IMAGINE AR, INC.,	)	
	)	C.A. No.
Plaintiffs,	)	
	)	**JURY TRIAL DEMANDED**
v.	)	
NIANTIC, INC.	)	
Defendant.	)	

COMPLAINT

Plaintiffs ImagineAR, Inc. ("ImagineAR") and Imagine AR, Inc. ("IAR," collectively, "Plaintiff"), by their undersigned counsel, and for their Complaint against Defendant Niantic, Inc., d/b/a Niantic Labs ("Niantic" or "Defendant"), hereby allege as follows:

SUMMARY OF NATURE OF ACTION

1. This is a civil action for patent infringement arising under the patent laws of the United States, 35 U.S.C. § 1 *et seq.* Plaintiff asserts infringement of seven patents relating to augmented reality technology.

PARTIES

2. Plaintiff ImagineAR is a Canadian corporation with its principal place of business at #250 – 750 West Pender Street, Vancouver, BC, V6C 2T7, Canada.

3. Plaintiff IAR is a corporation organized under the laws of the State of Delaware with its principal place of business at 707 West 38th Street, Suite 230, Erie, Pennsylvania 16508.

4. On information and belief, Defendant Niantic is a corporation organized under the laws of the State of Delaware with its principal place of business at 1 Ferry Building, Suite 200,

San Francisco, California 94111.

5. Defendant and/or its subsidiaries and affiliates make, use, sell, offer for sale in the United States, and/or import into the United States, software products and services under the names Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite.

JURISDICTION AND VENUE

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

7. This Court has personal jurisdiction over Defendant because Defendant engages in business within this District, Defendant has committed acts of infringement in violation of 35 U.S.C. § 271 in this District, and Defendant has placed infringing products and services into the stream of commerce, through an established distribution channel, with the knowledge and/or understanding that such products and services are offered for sale, sold, and/or used in this District. These acts have caused injury to Plaintiffs within this District and continue to cause injury to Plaintiffs within this District. Defendant derives substantial revenue from the sale and use of its infringing products and services within this District. Defendant expects or should reasonably expect its actions to have consequences within this District and Defendant derives substantial revenue from interstate commerce.

8. Venue is proper over Defendant in this District under 28 U.S.C. §§ 1391 and 1400(b) because, among other reasons, Defendant resides in this district through its incorporation in this District and Defendant has committed acts of infringement in this District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 8,777,746

9. Plaintiff repeats and re-alleges each and every allegation of the foregoing paragraphs as though fully set forth herein.

10. Plaintiff ImagineAR is the owner of all right, title, and interest in and to U.S. Patent No. 8,777,746, entitled "Gestures To Encapsulate Intent" ("the '746 patent"), which was duly and lawfully issued by the United States Patent and Trademark Office on July 15, 2014. A true and correct copy of the '746 patent is attached as **Exhibit A** and made a part hereof.

11. Plaintiff IAR is an exclusive licensee with a right to enforce the patent.

12. Oliver (Lake) Watkins, Jr., Yousef Chowdhary, Jeffrey Brunet, and Ravinder (Ray) Sharma are the inventors of the '746 patent.

13. Defendant has at no time been licensed under the '746 patent.

14. Defendant has infringed and continues to infringe one or more claims of the '746 patent, literally and/or under the doctrine of equivalents, by making, using, offering to sell, and selling in the United States, and/or importing into the United States, certain software products that embody or practice one or more claims of the '746 patent, including but not limited to the following software products and services: Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite.

15. Defendant has also indirectly infringed, and continues to indirectly infringe, one or more claims of the '746 patent by contributing to or inducing acts of infringement by others who make, use, sell, offer for sale, or import in the United States products that embody or otherwise practice one or more claims of the '746 patent.

16. By way of example, claim 1 of the '746 patent recites as follows:

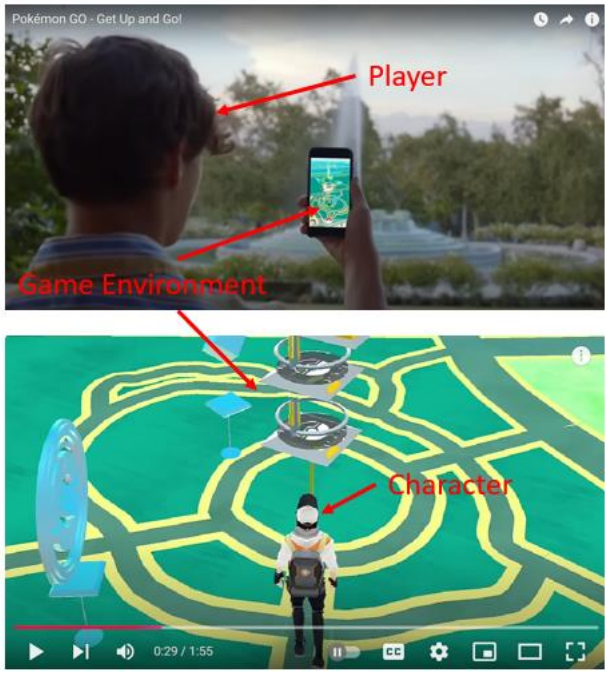
> A method of enabling gameplay with a character in a game environment on a mobile device, comprising:
>
> providing a game environment in which a player can play a game via a character;
>
> when there is an expectation of action from the character in the game, receiving a touch gesture input on the mobile device;

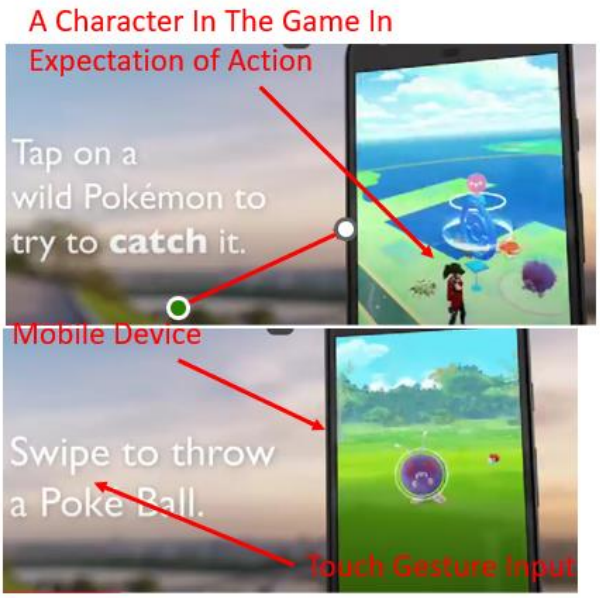
> calculating fidelity of the touch gesture input to an optimal gesture in a reference gesture table; and
>
> if the fidelity is within a predefined range associated with the optimal gesture, matching the touch gesture input to the optimal gesture and calling an associated game script wherein the character would be shown as having successfully completed the expectation.

17. Defendant's Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite software products embody or practice each and every limitation of one or more claims of the '746 patent, including at least claim 1.

18. By way of example, Defendant's Pokémon Go product meets each and every limitation of claim 1 of the '746 patent as shown below:

'746 patent, claim 1	**Accused Product – Pokémon Go**
A method of enabling gameplay with a character in a game environment on a mobile device, comprising:	Pokémon Go enables gameplay with a character in a game environment on a mobile device.  *See* Pokémon GO - Get Up and Go! (youtube.com)
providing a game environment in which a player can play a game via a character,	Pokémon Go provides a game environment in which a player can play a game via a character.

‘746 patent, claim 1	Accused Product – Pokémon Go
	 *See* Pokémon GO - Get Up and Go! (youtube.com)

when there is an expectation of action from the character in the game, receiving a touch gesture input on the mobile device;	Pokémon Go receives a touch gesture input on the mobile device when there is an expectation of action from the character in the game.  *See* Pokémon GO - Catching Pokémon - YouTube To catch a Pokémon, follow these steps: **Select a PokéBall:** Choose the appropriate type of PokéBall based on the Pokémon's rarity and difficulty level. Common Pokémon can often be caught with regular PokéBalls, while more challenging ones may require Great Balls or Ultra Balls. **Aim and Throw:** Swipe the PokéBall toward the Pokémon with the correct amount of force and aim. The goal is to land the ball inside the coloured circle that appears on the Pokémon. Smaller circles yield better rewards, but they are more challenging to hit. *See* How Catching works in Pokémon GO: Catch Mechanics, PokéBalls, Formulas, and Curveball Throws | Pokémon GO Hub (Pokémongohub.net); https://pogo.gamepress.gg/optimized-gameplay-how-quick-catch#topic-411901. *See, e.g.*, Pokémon GO Fest 2024: Global! (youtube.com) (at 0:04-0:06) (player using a swiping touch gesture to throw a Pokéball at a Pokémon)

'746 patent, claim 1	Accused Product – Pokémon Go
calculating fidelity of the touch gesture input to an optimal gesture in a reference gesture table; and if the fidelity is within a predefined range associated with the optimal gesture, matching the touch gesture input to the optimal gesture and calling an associated game script wherein the character would be shown as having successfully completed the expectation.	Pokémon Go calculates fidelity of the touch gesture input to an optimal gesture in a reference gesture table, and if the fidelity is within a predefined range associated with the optimal gesture, matching the touch gesture input to the optimal gesture and calling an associate game script wherein the character would be shown as having successfully completed the expectation. "Catching Pokémon not only adds them to your collection but also brings various rewards that aid in your Pokémon GO journey. These rewards include: **Experience Points (XP)** XP is essential for levelling up your Trainer. Each Pokémon you catch awards you with XP, and throwing curveballs, nice (within big catch circle), great (within medium catch circle), or excellent (within small catch circle) throws further boost the XP gained." Action / XP Catching a Pokémon 100 Curveball throw 20 Nice throw 20 Great throw 100 Excellent throw 1000 First throw bonus 50 How Catching works in Pokémon GO: Catch Mechanics, PokéBalls, Formulas, and Curveball Throws | Pokémon GO Hub (Pokémongohub.net)  Pokémon GO - Catching Pokémon - YouTube (showing a successfully completing the

'746 patent, claim 1	Accused Product – Pokémon Go
	expectation (i.e., "excellent" throw)); https://pogo.gamepress.gg/optimized-gameplay-how-quick-catch#topic-411901 ("Nice").

19. Defendant's infringement of the '746 patent is willful and deliberate, and entitles Plaintiff to increased damages pursuant to 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action pursuant to 35 U.S.C. § 285. Since at least as of the date of Plaintiff's complaint, Defendant has had knowledge of the '746 patent and its infringement of the '746 patent. Defendant has infringed and continues to infringe the '746 patent despite a high likelihood that its actions constituted infringement.

20. Plaintiff has been injured and damaged by Defendant's infringement of the '746 patent and unless enjoined by this Court, Plaintiff will continue to suffer substantial injury, including lost profits, for which Plaintiff is entitled to damages adequate to compensate it for Defendant's infringement.

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 8,668,592

21. Plaintiff repeats and re-alleges each and every allegation of the foregoing paragraphs as though fully set forth herein.

22. Plaintiff ImagineAR is the owner of all right, title, and interest in and to U.S. Patent No. 8,668,592, entitled "Systems And Methods Of Changing Storyline Based On Player Location" ("the '592 patent"), which was duly and lawfully issued by the United States Patent and Trademark Office on March 11, 2014. A true and correct copy of the '592 patent is attached as **Exhibit B** and made a part hereof.

23. Plaintiff IAR is an exclusive licensee with a right to enforce the patent.

24. Oliver Watkins, Jr., Yousef Chowdhary, Jeffrey Brunet, and Ravinder (Ray) Sharma are the inventors of the '592 patent.

25. Defendant has at no time been licensed under the '592 patent.

26. Defendant has infringed and continues to infringe one or more claims of the '592 patent, literally and/or under the doctrine of equivalents, by making, using, offering to sell, and selling in the United States, and/or importing into the United States, certain software products that embody or practice one or more claims of the '592 patent, including but not limited to the following software products and services: Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite.

27. Defendant has also indirectly infringed, and continues to indirectly infringe, one or more claims of the '592 patent by contributing to or inducing acts of infringement by others who make, use, sell, offer for sale, or import in the United States products that embody or otherwise practice one or more claims of the '592 patent.

28. By way of example, claim 1 of the '592 patent recites as follows:

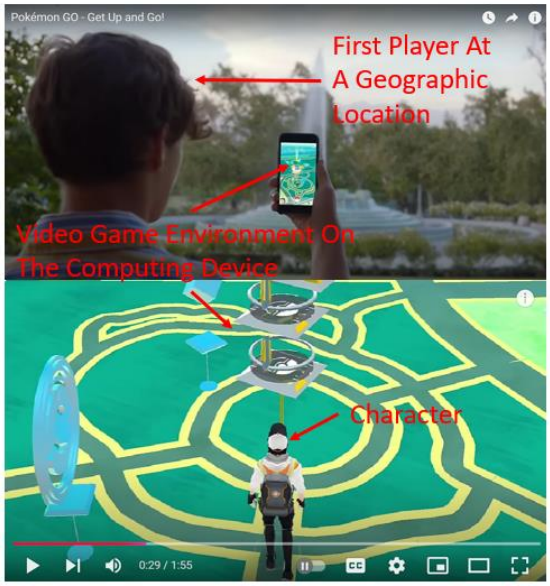
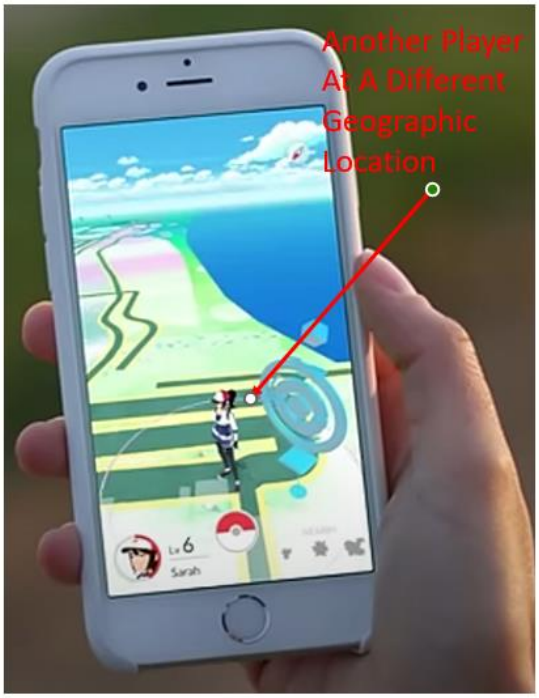
> A method of enabling virtual gameplay on a computing device in communication with a storage medium, the method comprising the steps of:
>
> providing a video game environment on the computing device, enabling a first player to play a game via a character, the first player being one of a plurality of players which have access to the video game environment, each player having a geographic location;
>
> detecting, via an input device in communication with the computing device, the first player's geographic location, and storing the player's geographic location on the storage medium; and
>
> in response to the detected geographic location, retrieving, via the computing device, a storyline for the first player's character to interact with, the retrieved storyline being related to the geographic location of the first player, and permitting the other players' characters to

> interact with the retrieved storyline as long as the first player remains connected to the game; wherein other storylines are opened and closed to the first player's character as other players enter and leave the game.

29. Defendant's Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite software products embody or practice each and every limitation of one or more claims of the '592 patent, including at least claim 1.

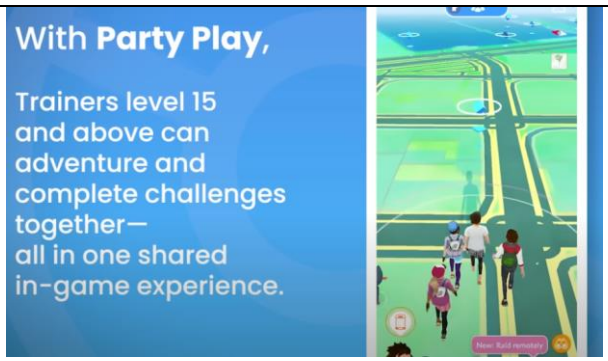
30. By way of example, Defendant's Pokémon Go product meets each and every limitation of claim 1 of the '592 patent as shown below:

‘592 patent, claim 1	Infringing Product – Pokémon Go
A method of enabling virtual gameplay on a computing device in communication with a storage medium, the method comprising the steps of:	Pokémon Go enables virtual gameplay on a computing device in communication with a storage medium.  *See* Pokémon GO - Get Up and Go! (youtube.com) “Pokémon GO is a mobile application that uses many services across Google Cloud, but Cloud Datastore became a direct proxy for the game’s overall popularity given its role as the game’s primary database for capturing the Pokémon game world.” https://cloud.google.com/blog/products/containers-kubernetes/bringing-Pokémon-go-to-life-on-google-cloud

providing a video game environment on the computing device, enabling a first player to play a game via a character, the first player being one of a plurality of players which have access to the video game environment, each player having a geographic location;	Pokémon Go provides a video game environment on the computing device that enables a first player to play a game via a character, the first player being one of a plurality of players which have access to the video game environment, each player having a geographic location.   *See* Pokémon GO - Get Up and Go! (youtube.com); *see also* Pokémon GO | Party Play Overview

	(youtube.com) (explaining that numerous players can have a shared in-game experience).

detecting, via an input device in communication with the computing device, the first player's geographic location, and storing the player's geographic location on the storage medium; and	Pokémon Go detects the first player's geographic location via an input device in communication with the computing device and stores the player's geographic location on the storage medium. Pokémon Go uses a mobile device's built-in GPS, network connectivity, or data from internal sensors to determine location. *See* GPS Troubleshooting Guide — Pokémon GO Help Center (helpshift.com) Pokémon Go uses a frontend service and spatial query backend service. "The front end retrieves information from spatial query backend jobs to send back to the user." How does Pokémon Go scale to millions of requests? (youtube.com). The spatial query backend service "keeps a cache that is sharded by location. This cache and service then decides which Pokémon is shown on the map, what gyms and PokéStops are around you, the time zone you're in, and basically any other feature that is location based." *Id.* Pokémon Go stores the player's geographic location on the storage medium. *See* https://cloud.google.com/blog/products/containers-kubernetes/bringing-Pokémon-go-to-life-on-google-cloud *See also* How Pokémon GO Servers Actually Work | Pokémon GO Hub (Pokémongohub.net)
in response to the detected geographic location, retrieving, via the computing device, a storyline for the first player's character to interact with, the retrieved storyline being related to the geographic location of the first player, and permitting the other players' characters to interact with the retrieved storyline as long as the first player remains connected to the game; wherein other storylines are opened and closed to the first player's character as other players enter and leave the game.	In response to the detected geographic location, Pokémon Go retrieves a storyline for the first player's character to interact with, the retrieved storyline being related to the geographic location of the first player, and permitting the other players' characters to interact with the retrieved storyline as long as the first player remains connected to the game, wherein other storylines are opened and closed to the first player's character as other players enter and leave the game.



Pokémon GO | Party Play Overview (youtube.com) (explaining that numerous players can have a shared in-game experience based on their detected geographic location)

See also Pokémon GO - Raid Battles (youtube.com) (one or more players may be notified of raid battles occurring near their geographic location, participate in the storyline (i.e., raid battle) as long as desirable, and if successful, have an opportunity to capture a Pokémon)

https://niantic.helpshift.com/hc/en/6-pokemon-go/faq/4313-hosting-a-party/ ("If you [*i.e.*, the host] are leaving the Party but others are still playing, you will need to select another host. If the Party will have less than 2 Trainers after you leave, the Party will be disbanded.")

https://www.eurogamer.net/pokemon-go-party-play-challenges-power-9304#section-1 ("There's a range of different Party Challenges you'll be faced with, including spinning PokéStops or Gyms, catching Pokémon, catching a specific type of Pokémon and battling in raids to name a few.")

https://www.eurogamer.net/pokemon-go-party-play-challenges-power-9304#section-1 ("The more party members battling in the raid, the quicker Party Power will charge.")

The spatial query backend service "keeps a cache that is sharded by location. This cache and service then decides which Pokémon is shown on the map, what gyms and PokéStops are around you, the time zone you're in, and basically any other

	feature that is location based." How does Pokémon Go scale to millions of requests? (youtube.com). "We [i.e., Niantic] also have thousands of Kubernetes nodes running specifically for Pokémon GO, plus the GKE nodes running the various microservices that help augment the game experience. All of them work together to support millions of players playing all across the world at a given moment. And unlike other massively multiplayer online games, all of our players share a single "realm", so they can always interact with one another and share the same game state." How does Pokémon Go scale to millions of requests? (youtube.com); *See also* How Pokémon GO Servers Actually Work | Pokémon GO Hub (Pokémongohub.net)

31. Defendant's infringement of the '592 patent is willful and deliberate, and entitles Plaintiff to increased damages pursuant to 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action pursuant to 35 U.S.C. § 285. Defendant has had knowledge of the '592 patent since at least 2016 when the '592 patent was cited during prosecution of U.S. Patent Application No. 14/068,704, which issued as U.S. 9,545,565 and is assigned to Defendant. Defendant has infringed and continues to infringe the '592 patent despite a high likelihood that its actions constituted infringement.

32. Plaintiff has been injured and damaged by Defendant's infringement of the '592 patent and unless enjoined by this Court, Plaintiff will continue to suffer substantial injury, including lost profits, for which Plaintiff is entitled to damages adequate to compensate it for Defendant's infringement.

COUNT III
INFRINGEMENT OF U.S. PATENT NO. 8,579,710

33. Plaintiff repeats and re-alleges each and every allegation of the foregoing paragraphs as though fully set forth herein.

34. Plaintiff ImagineAR is the owner of all right, title, and interest in and to U.S. Patent No. 8,579,710, entitled "Systems And Methods Of Virtual Goods Trading Using Ratings To Ascribe Value To Virtual Goods" ("the '710 patent"), which was duly and lawfully issued by the United States Patent and Trademark Office on November 12, 2013. A true and correct copy of the '710 patent is attached as **Exhibit C** and made a part hereof.

35. Plaintiff IAR is an exclusive licensee with a right to enforce the patent.

36. Oliver (Lake) Watkins, Jr., Yousef Chowdhary, Jeffrey Brunet, and Ravinder (Ray) Sharma are the inventors of the '710 patent.

37. Defendant has at no time been licensed under the '710 patent.

38. Defendant has infringed and continues to infringe one or more claims of the '710 patent, literally and/or under the doctrine of equivalents, by making, using, offering to sell, and selling in the United States, and/or importing into the United States, certain software products that embody or practice one or more claims of the '710 patent, including but not limited to the following software products and services: Pokémon GO and Harry Potter: Wizards Unite.

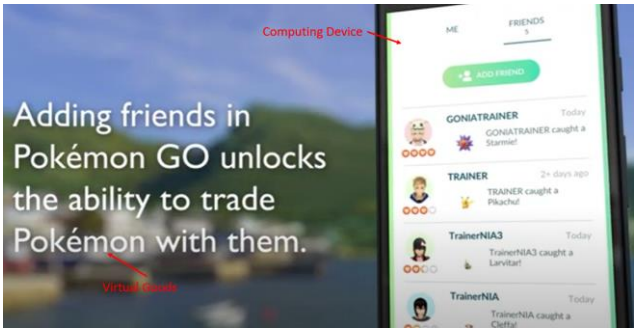
39. Defendant has also indirectly infringed, and continues to indirectly infringe, one or more claims of the '710 patent by contributing to or inducing acts of infringement by others who make, use, sell, offer for sale, or import in the United States products that embody or otherwise practice one or more claims of the '710 patent.

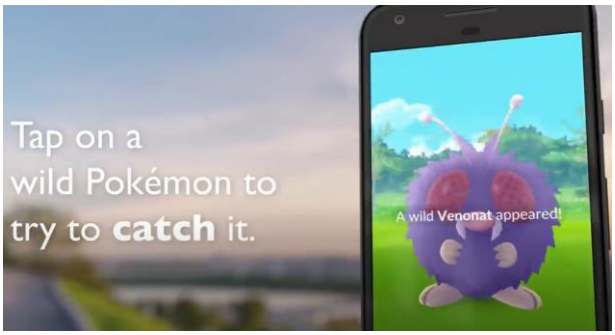
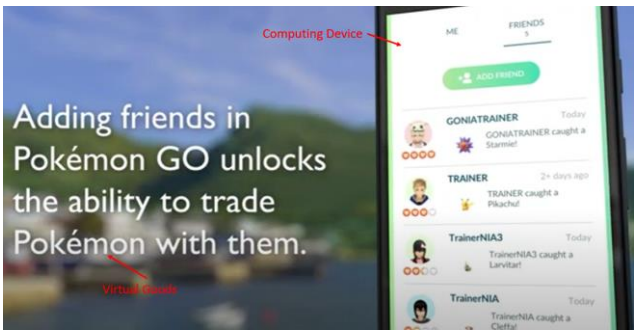
40. By way of example, claim 15 of the '710 patent recites as follows:

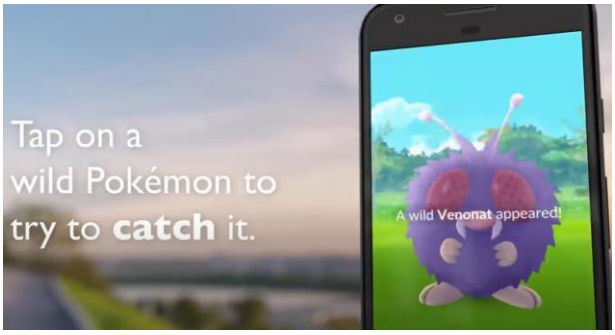
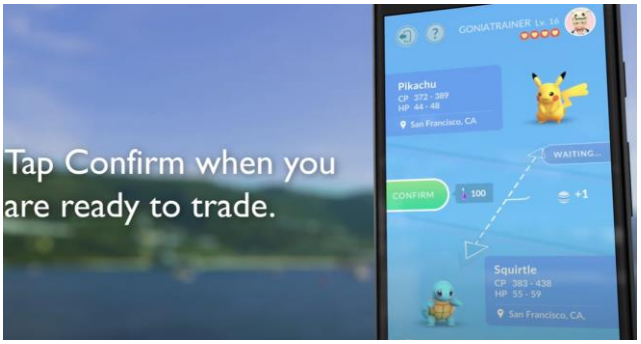
> A computer-implemented system for trading virtual goods on at least one computing device in communication with a storage medium, comprising:
>
> a game engine programmed for:
>
> providing a game environment accessible by a plurality of players, including a facility enabling a first player to acquire or develop a virtual good, the virtual good having a starting value;
>
> receiving, via the game environment at least one rating of the virtual good from a second player;
>
> automatically increasing or decreasing the starting value as a function of the at least one rating of the virtual good;
>
> making the virtual good available for purchase at a new value representing the automatically increased or decreased starting value; and
>
> receiving a request from a requesting player to purchase the virtual good, and checking whether the requesting player previously rated the virtual good prior to allowing a sale of the virtual good to the requesting player;
>
> the storage medium in communication with the game engine for: storing the starting value, the at least one rating and the new value.

41. Defendant's Pokémon GO and Harry Potter: Wizards Unite software products embody or practice each and every limitation of one or more claims of the '710 patent, including at least claim 15.

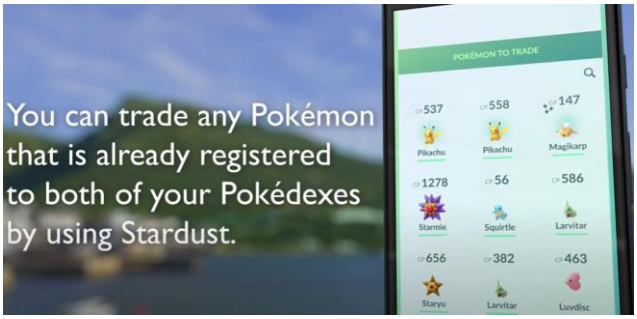
42. By way of example, Defendant's Pokémon Go product meets each and every limitation of claim 15 of the '710 patent as shown below:

‘710 patent, claim 15	Infringing Product – Pokémon Go
A computer-implemented system for trading virtual goods on at least one computing device in communication with a storage medium, comprising:	Pokémon Go provides a computer-implemented system for trading virtual goods on at least one computing device in communication with a storage medium.  Pokémon GO - Trading Pokémon (youtube.com) (“You can trade Pokémon with any of your friends that are close by.”); *see also id.* (trading Pokémon using Stardust and/or Candy) “Pokémon GO is a mobile application that uses many services across Google Cloud, but Cloud Datastore became a direct proxy for the game’s overall popularity given its role as the game’s primary database for capturing the Pokémon game world.” https://cloud.google.com/blog/products/containers-kubernetes/bringing-Pokémon-go-to-life-on-google-cloud

a game engine programmed for:	Pokémon Go provides a programmed game engine.  Pokémon GO - Catching Pokémon (youtube.com) (explaining how to catch a wild Pokémon near a player's location and showing that each wild Pokémon has an initial CP (*i.e.*, combat power) or HP (i.e., health power)).  Pokémon GO - Trading Pokémon (youtube.com) ("You can trade Pokémon with any of your friends that are close by."); *see also id.* (trading Pokémon using Stardust and/or Candy) *See also* Pokémon GO - Powering Up and Evolving Pokémon (youtube.com) (explaining how to develop (*i.e.*, power up and evolve) virtual goods (*i.e.*, Pokémon)); How does Pokémon Go scale to millions of requests? (youtube.com) (explaining aspects of the Pokémon Go game engine)

providing a game environment accessible by a plurality of players, including a facility enabling a first player to acquire or develop a virtual good, the virtual good having a starting value;	Pokémon Go provides a game environment accessible to a plurality of players, including a facility enabling a first player to acquire or develop a virtual good, which has a starting value.  Pokémon GO - Catching Pokémon (youtube.com) (explaining how to catch a wild Pokémon near a player's location and showing that each wild Pokémon has an initial CP (*i.e.*, combat power) or HP (i.e., health power)). *See also* Pokémon GO - Powering Up and Evolving Pokémon (youtube.com) (explaining how to develop (*i.e.*, power up and evolve) virtual goods (*i.e.*, Pokémon))
receiving, via the game environment at least one rating of the virtual good from a second player;	Pokémon Go receives, via the game enivronment, at least one rating of the virtual good from a second player.  Pokémon GO - Trading Pokémon (youtube.com) (a player rates a Pokémon in response.to a trade request by selecting, via the touchscreen, a different Pokémon in exchange)

automatically increasing or decreasing the starting value as a function of the at least one rating of the virtual good;	Pokémon Go automatically increases or decreases the starting value as a function of the at least one rating of the virtual good. Pokémon GO - Powering Up and Evolving Pokémon (youtube.com) (explaining how to develop (*i.e.*, power up and evolve) virtual goods (*i.e.*, Pokémon), including increasing attributes, power, and skills. "A traded Pokémon level will be adjusted to the maximum power up level the recipient can perform. If you try to trade a higher level Pokémon to someone who can't normally power up to that level, the Pokémon's level will go down. In other words, you can't boost someone by passing them a high level Pokémon they wouldn't have access to otherwise." Pokémon GO Trading: Costs, Mechanics and Special Trade Rules | Pokémon GO Hub (Pokémongohub.net)

making the virtual good available for purchase at a new value representing the automatically increased or decreased starting value; and	Pokémon Go makes the virtual good available for purchase at the new value representing the automatically increased or decreased starting value.   Pokémon GO - Trading Pokémon (youtube.com) (Pokémon Go allows players to trade Pokémon via the mobile app)

receiving a request from a requesting player to purchase the virtual good, and checking whether the requesting player previously rated the virtual good prior to allowing a sale of the virtual good to the requesting player;	Pokémon Go receives a request from a requesting player to purchase the virtual good, and checks the whether the requesting player previously rated the virtual good prior to allowing a sale of the virtual good to the requesting player.  Pokémon GO - Trading Pokémon (youtube.com) (Pokémon Go requires a receiving player to "confirm" a trade request from a requesting player)

the storage medium in communication with the game engine for: storing the starting value, the at least one rating and the new value.	Pokémon Go has a storage medium in communication with the game engine for storing the starting value, the at least one rating and the new value. "Pokémon GO is a mobile application that uses many services across Google Cloud, but Cloud Datastore became a direct proxy for the game's overall popularity given its role as the game's primary database for capturing the Pokémon game world." https://cloud.google.com/blog/products/containers-kubernetes/bringing-Pokémon-go-to-life-on-google-cloud The spatial query backend service "keeps a cache that is sharded by location. This cache and service then decides which Pokémon is shown on the map, what gyms and PokéStops are around you, the time zone you're in, and basically any other feature that is location based." How does Pokémon Go scale to millions of requests? (youtube.com). "We [i.e., Niantic] also have thousands of Kubernetes nodes running specifically for Pokémon GO, plus the GKE nodes running the various microservices that help augment the game experience. All of them work together to support millions of players playing all across the world at a given moment. And unlike other massively multiplayer online games, all of our players share a single "realm", so they can always interact with one another and share the same game state." How does Pokémon Go scale to millions of requests? (youtube.com); *See also* How Pokémon GO Servers Actually Work | Pokémon GO Hub (Pokémongohub.net)

43. Defendant's infringement of the '710 patent is willful and deliberate, and entitles Plaintiff to increased damages pursuant to 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action pursuant to 35 U.S.C. § 285. Since at least as of the date of Plaintiff's complaint, Defendant has had knowledge of the '710 patent and its infringement of the '710 patent.

Defendant has infringed and continues to infringe the '710 patent despite a high likelihood that its actions constituted infringement.

44. Plaintiff has been injured and damaged by Defendant's infringement of the '710 patent and unless enjoined by this Court, Plaintiff will continue to suffer substantial injury, including lost profits, for which Plaintiff is entitled to damages adequate to compensate it for Defendant's infringement.

COUNT IV
INFRINGEMENT OF U.S. PATENT NO. 10,946,284

45. Plaintiff repeats and re-alleges each and every allegation of the foregoing paragraphs as though fully set forth herein.

46. Plaintiff ImagineAR is the owner of all right, title, and interest in and to U.S. Patent No. 10,946,284, entitled "Systems And Methods For Capture And Use Of Local Elements In Gameplay" ("the '284 patent"), which was duly and lawfully issued by the United States Patent and Trademark Office on March 16, 2021. A true and correct copy of the '284 patent is attached as **Exhibit D** and made a part hereof.

47. Plaintiff IAR is an exclusive licensee with a right to enforce the patent.

48. Yousef Chowdhary, Jeffrey Brunet, Ravinder (Ray) Sharma, and Oliver (Lake) Watkins, Jr. are the inventors of the '284 patent.

49. Defendant has at no time been licensed under the '284 patent.

50. Defendant has infringed and continues to infringe one or more claims of the '284 patent, literally and/or under the doctrine of equivalents, by making, using, offering to sell, and selling in the United States, and/or importing into the United States, certain software products that embody or practice one or more claims of the '284 patent, including but not limited to the following

software products and services: Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite.

51. Defendant has also indirectly infringed, and continues to indirectly infringe, one or more claims of the '284 patent by contributing to or inducing acts of infringement by others who make, use, sell, offer for sale, or import in the United States products that embody or otherwise practice one or more claims of the '284 patent.

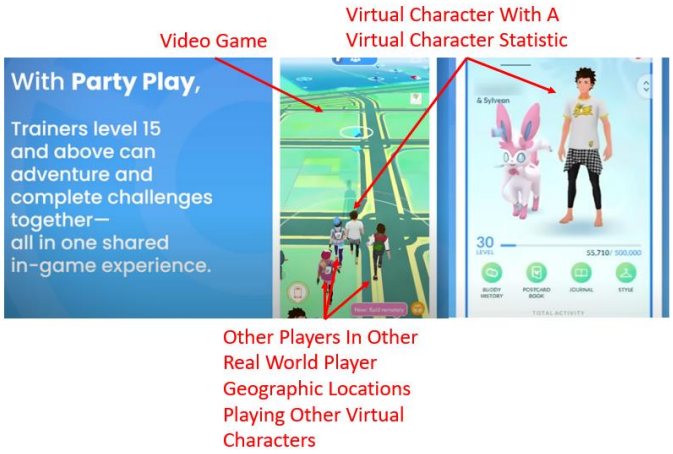
52. By way of example, claim 1 of the '284 patent recites as follows:

> A computer-implemented method of enabling virtual gameplay on a computing device in communication with a storage means and a location sensor, the method comprising the steps of:
>
> providing access to a video game having a virtual character with a virtual character statistic in which a player in a real world player geographic location interacts with the video game and with other players in other real world player geographic locations playing other virtual characters;
>
> detecting with the location sensor the real world player geographic location of the player and storing the real world player geographic location in the storage means;
>
> creating in a database a local element script associated with the real world player geographic location, the local element script actuatable in the video game to modify one or more of the virtual character statistic and a plot node; and
>
> retrieving from the database mapping information related to the real world player geographic location of the player and actuating the corresponding local element script in the video game while the player is interacting with the video game and the player's real world player geographic location is not represented by another player and not actuating the corresponding local element script when the player's real world player geographic location is represented by another player,
>
> wherein actuating the local element script comprises modifying the virtual character statistic of the player's virtual character and modifying one or more of a virtual character statistic and a plot node of at least one of the other players' virtual characters.

53. Defendant's Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite software products embody or practice each and every limitation of one or more claims of the '284 patent, including at least claim 1.

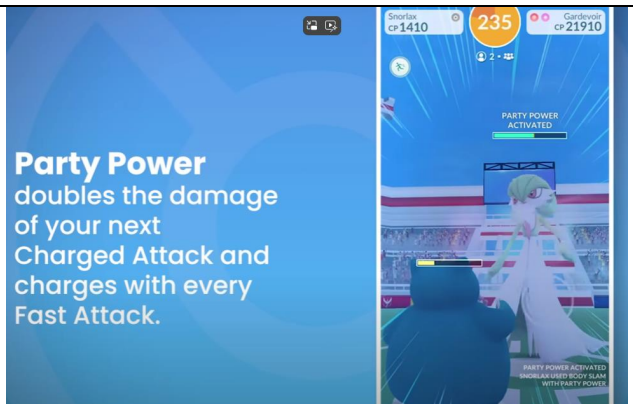
54. By way of example, Defendant's Pokémon Go product meets each and every limitation of claim 1 of the '284 patent as shown below:

‘284 patent, claim 1	Infringing Product – Pokémon Go
A computer-implemented method of enabling virtual gameplay on a computing device in communication with a storage means and a location sensor, the method comprising the steps of:	Pokémon Go enables virtual gameplay on a computing device in communication with a storage means and a location sensor.  *See* Pokémon GO - Get Up and Go! (youtube.com) “Pokémon GO is a mobile application that uses many services across Google Cloud, but Cloud Datastore became a direct proxy for the game’s overall popularity given its role as the game’s primary database for capturing the Pokémon game world.” https://cloud.google.com/blog/products/containers-kubernetes/bringing-Pokémon-go-to-life-on-google-cloud

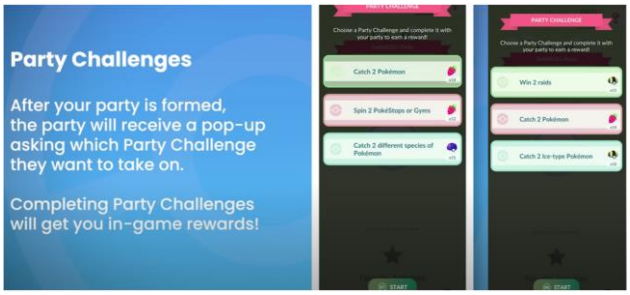
providing access to a video game having a virtual character with a virtual character statistic in which a player in a real world player geographic location interacts with the video game and with other players in other real world player geographic locations playing other virtual characters;	Pokémon Go provides access to a video game having a virtual character with a virtual character statistic in which a player in a real world player geographic location interacts with the video game and with other players in other real world player geographic locations playing other virtual characters. Pokémon Go is a video game.  Pokémon GO | Party Play Overview (youtube.com) (explaining that numerous players can have a shared in-game experience based on their detected real world geographic location) *See also* Pokémon GO - Raid Battles (youtube.com) (one or more players may be notified of raid battles occurring near their geographic location, participate in the storyline (i.e., raid battle) as long as desirable, and if successful, have an opportunity to capture a Pokémon) https://www.androidpolice.com/how-to-get-started-in-pokemon-go/ (explaining that Pokémon Go allows a player to walk to collect items and Pokémon, complete tasks and research, and visit PokéStops and Gyms) Players can battle other trainers. *See* https://niantic.helpshift.com/hc/en/6-pokemon-go/faq/2308-battling-other-trainers/ (explaining that each player's Pokémon participate in the battle and are rewarded or leveled up for battling)

detecting with the location sensor the real world player geographic location of the player and storing the real world player geographic location in the storage means;	Pokémon Go detects with the location sensor the real world player geographic location of the player and storing the real world player geographic location in the storage means. Pokémon Go uses a mobile device's built-in GPS, network connectivity, or data from internal sensors to determine location. *See* GPS Troubleshooting Guide — Pokémon GO Help Center (helpshift.com) Pokémon Go uses a frontend service and spatial query backend service. "The front end retrieves information from spatial query backend jobs to send back to the user." How does Pokémon Go scale to millions of requests? (youtube.com). The spatial query backend service "keeps a cache that is sharded by location. This cache and service then decides which Pokémon is shown on the map, what gyms and PokéStops are around you, the time zone you're in, and basically any other feature that is location based." *Id.* Pokémon Go stores the player's geographic location on the storage medium. *See* https://cloud.google.com/blog/products/containers-kubernetes/bringing-Pokémon-go-to-life-on-google-cloud "We [i.e., Niantic] also have thousands of Kubernetes nodes running specifically for Pokémon GO, plus the GKE nodes running the various microservices that help augment the game experience**.** All of them work together to support millions of players playing all across the world at a given moment. And unlike other massively multiplayer online games, all of our players share a single "realm", so they can always interact with one another and share the same game state." How does Pokémon Go scale to millions of requests? (youtube.com); *See also* How Pokémon GO Servers Actually Work | Pokémon GO Hub (Pokémongohub.net)

creating in a database a local element script associated with the real world player geographic location, the local element script actuatable in the video game to modify one or more of the virtual character statistic and a plot node; and	Pokémon Go creates in a database a local element script associated with the real world player geographic location, the local element script actuatable in the video game to modify one or more of the virtual character statistic and a plot node. "We [i.e., Niantic] also have thousands of Kubernetes nodes running specifically for Pokémon GO, plus the GKE nodes running the various microservices that help augment the game experience**.** All of them work together to support millions of players playing all across the world at a given moment. And unlike other massively multiplayer online games, all of our players share a single "realm", so they can always interact with one another and share the same game state." How does Pokémon Go scale to millions of requests? (youtube.com). https://www.androidpolice.com/how-to-get-started-in-pokemon-go/ (explaining that Pokémon Go allows a player to walk to collect items and Pokémon, complete tasks and research, and visit PokéStops and Gyms) Players can battle other trainers. *See* https://niantic.helpshift.com/hc/en/6-pokemon-go/faq/2308-battling-other-trainers/ (explaining that each player's Pokémon participate in the battle and are rewarded or leveled up for battling)



Pokémon GO | Party Play Overview (youtube.com) (explaining that party battles increases attacks in battles and that completing party challenges will create in-game rewards)

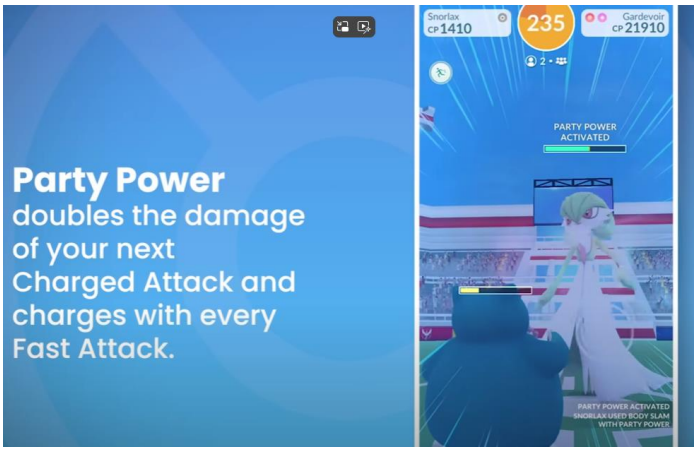


Pokémon GO | Party Play Overview (youtube.com) (explaining that numerous players can have a shared in-game experience based on their detected real world geographic location and can choose party challenges, including catching Pokémon, stopping at Poke Stops or Gyms, winning raids, etc.)

See also Pokémon GO - Raid Battles (youtube.com) (players may participate in raid battles occurring near their geographic location, participate in the storyline (i.e., raid battle) as long as desirable, and if successful, have an opportunity to capture a Pokémon)

retrieving from the database mapping information related to the real world player geographic location of the player and actuating the corresponding local element script in the video game while the player is interacting with the video game and the player's real world player geographic location is not represented by another player and not actuating the corresponding local element script when the player's real world player geographic location is represented by another player,	Pokémon Go retrieves from the database mapping information related to the real world player geographic location of the player and actuates the corresponding local element script in the video game while the player is interacting with the video game and the player's real world player geographic location is not represented by another player and not actuating the corresponding local element script when the player's real world player geographic location is represented by another player. https://www.androidpolice.com/how-to-get-started-in-pokemon-go/ (explaining that Pokémon Go allows a player to walk to collect items and Pokémon, complete tasks and research, and visit PokéStops and Gyms) Players can battle other trainers. *See* https://niantic.helpshift.com/hc/en/6-pokemon-go/faq/2308-battling-other-trainers/ (explaining that each player's Pokémon participate in the battle and are rewarded or leveled up for battling) Pokémon GO | Party Play Overview (youtube.com) (explaining that numerous players can have a shared in-game experience based on their detected real world geographic location) How to Party Play and earn rewards in Pokémon Go | Polygon ("Everyone will contribute to a rolling series of Party Challenges — such as catching Pokémon under certain conditions, or spinning a set number of PokéStops — which will reward items based on their difficulty, such as Poké Balls, Berries, and Mega Energy.") *See also* Pokémon GO - Raid Battles (youtube.com) (one or more players may be notified of raid battles occurring near their geographic location, participate in the storyline (i.e., raid battle) as long as desirable, and if successful, have an opportunity to capture a Pokémon) Pokémon GO: Party Play Power, Explained (gamerant.com) ("One of the most exciting things about Party Play is the Party Power bonus. This is a bonus that is available via raids if there is a party in

	the raid. The bonus will double the damage of your Pokémon's next Charged Attack, and can be charged by using your Pokémon's Fast Attack. This means that if there are more party members in a raid, this will increase quickly, allowing you to do even more damage.")

wherein actuating the local element script comprises modifying the virtual character statistic of the player's virtual character and modifying one or more of a virtual character statistic and a plot node of at least one of the other players' virtual characters.	Pokémon Go actuates the local element script by modifying the virtual character statistic of the player's virtual character and modifying one or more of a virtual character statistic and a plot node of at least one of the other players' virtual characters. https://www.androidpolice.com/how-to-get-started-in-pokemon-go/ (explaining that Pokémon Go allows a player to walk to collect items and Pokémon, complete tasks and research, and visit PokéStops and Gyms to upgrade Pokémon) Players can battle other trainers. *See* https://niantic.helpshift.com/hc/en/6-pokemon-go/faq/2308-battling-other-trainers/ (explaining that each player's Pokémon participate in the battle and are rewarded or leveled up for battling)  Pokémon GO | Party Play Overview (youtube.com) (explaining that party battles increases attacks in battles and that completing party challenges will create in-game rewards) How to Party Play and earn rewards in Pokémon Go | Polygon ("Everyone will contribute to a rolling series of Party Challenges — such as catching Pokémon under certain conditions, or spinning a set number of PokéStops — which will reward items based on their difficulty, such as Poké Balls, Berries, and Mega Energy.") Pokémon GO: Party Play Power, Explained (gamerant.com) ("One of the most exciting things about Party Play is the Party Power bonus. This is a

	bonus that is available via raids if there is a party in the raid. The bonus will double the damage of your Pokémon's next Charged Attack, and can be charged by using your Pokémon's Fast Attack. This means that if there are more party members in a raid, this will increase quickly, allowing you to do even more damage.") Let's Talk: Party Play First Impressions | Pokémon GO Hub (Pokémongohub.net) ("rewards include 1 Max Revive, and 10 Mega Energy among other low-value items such as Pokéballs, Razzberries and Pinap Berries" And "earn Stardust, XP, Pokémon encounters, and new avatar items")

55. Defendant's infringement of the '284 patent is willful and deliberate, and entitles Plaintiff to increased damages pursuant to 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action pursuant to 35 U.S.C. § 285. Since at least as of the date of Plaintiff's complaint, Defendant has had knowledge of the '284 patent and its infringement of the '284 patent. Defendant has infringed and continue to infringe the '284 patent despite a high likelihood that its actions constituted infringement.

56. Plaintiff has been injured and damaged by Defendant's infringement of the '284 patent and unless enjoined by this Court, Plaintiff will continue to suffer substantial injury, including lost profits, for which Plaintiff is entitled to damages adequate to compensate it for Defendant's infringement.

COUNT V
INFRINGEMENT OF U.S. PATENT NO. 11,484,797

57. Plaintiff repeats and re-alleges each and every allegation of the foregoing paragraphs as though fully set forth herein.

58. Plaintiff ImagineAR is the owner of all right, title, and interest in and to U.S. Patent No. 11,484,797, entitled "Systems And Methods For Capture And Use Of Local Elements In

Gameplay" ("the '797 patent"), which was duly and lawfully issued by the United States Patent and Trademark Office on November 1, 2022. A true and correct copy of the '797 patent is attached as **Exhibit E** and made a part hereof.

59. Plaintiff IAR is an exclusive licensee with a right to enforce the patent.

60. Yousef Chowdhary, Jeffrey Brunet, Ravinder (Ray) Sharma, and Oliver (Lake) Watkins, Jr. are the inventors of the '797 patent.

61. Defendant has at no time been licensed under the '797 patent.

62. Defendant has infringed and continues to infringe one or more claims of the '797 patent, literally and/or under the doctrine of equivalents, by making, using, offering to sell, and selling in the United States, and/or importing into the United States, certain software products that embody or practice one or more claims of the '797 patent, including but not limited to the following software products and services: Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite.

63. Defendant has also indirectly infringed, and continues to indirectly infringe, one or more claims of the '797 patent by contributing to or inducing acts of infringement by others who make, use, sell, offer for sale, or import in the United States products that embody or otherwise practice one or more claims of the '797 patent.

64. By way of example, claim 1 of the '797 patent recites as follows:

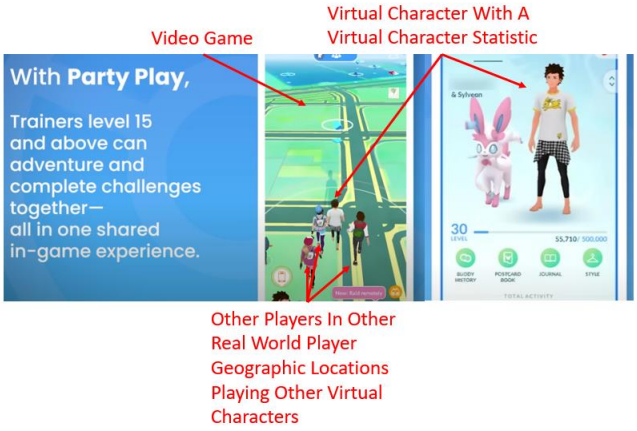
> A computer-implemented method of enabling virtual gameplay on a computing device in communication with a storage memory and a location sensor, the method comprising the steps of:
>
> providing access to a video game having a virtual character with a virtual character statistic in which a player in a real world player geographic location interacts with the video game and with other players in other real world player geographic locations playing other virtual characters;

> detecting with the location sensor the real world player geographic location of the player and storing the real world player geographic location in the storage memory;
>
> creating in a database a local element script associated with the real world player geographic location, the local element script actuatable in the video game to modify one or more of the virtual character statistic and a plot node; and
>
> retrieving from the database mapping information related to the real world player geographic location of the player and actuating the corresponding local element script in the video game while the player is interacting with the video game and the player's real world player geographic location is not represented by another player and not actuating the corresponding local element script when the player's real world player geographic location is represented by another player,
>
> wherein actuating the local element script comprises modifying the virtual character statistic of the player's virtual character and modifying one or more of a virtual character statistic and a plot node of at least one of the other players' virtual characters.

65. Defendant's Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite software products embody or practice each and every limitation of one or more claims of the '797 patent, including at least claim 1.

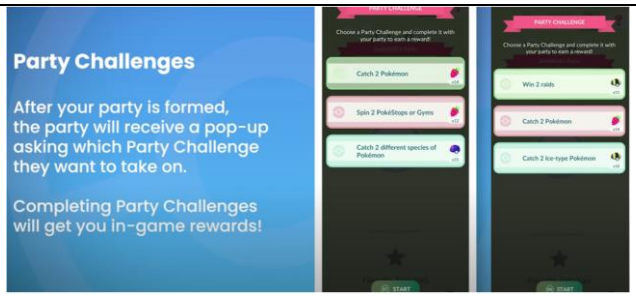
66. By way of example, Defendant's Pokémon Go product meets each and every limitation of claim 1 of the '797 patent as shown below:

'797 patent, claim 1	Infringing Product – Pokémon Go
A computer-implemented method of enabling virtual gameplay on a computing device in communication with a storage memory and a location sensor, the method comprising the steps of:	Pokémon Go enables virtual gameplay on a computing device in communication with a storage memory and a location sensor.  *See* Pokémon GO - Get Up and Go! (youtube.com) "Pokémon GO is a mobile application that uses many services across Google Cloud, but Cloud Datastore became a direct proxy for the game's overall popularity given its role as the game's primary database for capturing the Pokémon game world." https://cloud.google.com/blog/products/containers-kubernetes/bringing-Pokémon-go-to-life-on-google-cloud

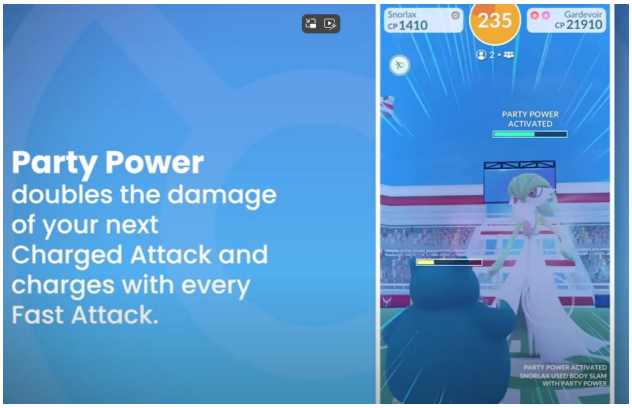
providing access to a video game having a virtual character with a virtual character statistic in which a player in a real world player geographic location interacts with the video game and with other players in other real world player geographic locations playing other virtual characters;	Pokémon Go provides access to a video game having a virtual character with a virtual character statistic in which a player in a real world player geographic location interacts with the video game and with other players in other real world player geographic locations playing other virtual characters. Pokémon Go is a video game.  Pokémon GO | Party Play Overview (youtube.com) (explaining that numerous players can have a shared in-game experience based on their detected real world geographic location) *See also* Pokémon GO - Raid Battles (youtube.com) (one or more players may be notified of raid battles occurring near their geographic location, participate in the storyline (i.e., raid battle) as long as desirable, and if successful, have an opportunity to capture a Pokémon) https://www.androidpolice.com/how-to-get-started-in-pokemon-go/ (explaining that Pokémon Go allows a player to walk to collect items and Pokémon, complete tasks and research, and visit PokéStops and Gyms) Players can battle other trainers. *See* https://niantic.helpshift.com/hc/en/6-pokemon-go/faq/2308-battling-other-trainers/ (explaining that each player's Pokémon participate in the battle and are rewarded or leveled up for battling)

detecting with the location sensor the real world player geographic location of the player and storing the real world player geographic location in the storage memory;	Pokémon Go detects with the location sensor the real world player geographic location of the player and storing the real world player geographic location in the storage memory. Pokémon Go uses a mobile device's built-in GPS, network connectivity, or data from internal sensors to determine location. *See* GPS Troubleshooting Guide — Pokémon GO Help Center (helpshift.com) Pokémon Go uses a frontend service and spatial query backend service. "The front end retrieves information from spatial query backend jobs to send back to the user." How does Pokémon Go scale to millions of requests? (youtube.com). The spatial query backend service "keeps a cache that is sharded by location. This cache and service then decides which Pokémon is shown on the map, what gyms and PokéStops are around you, the time zone you're in, and basically any other feature that is location based." *Id.* Pokémon Go stores the player's geographic location on the storage medium. *See* https://cloud.google.com/blog/products/containers-kubernetes/bringing-Pokémon-go-to-life-on-google-cloud "We [i.e., Niantic] also have thousands of Kubernetes nodes running specifically for Pokémon GO, plus the GKE nodes running the various microservices that help augment the game experience**.** All of them work together to support millions of players playing all across the world at a given moment. And unlike other massively multiplayer online games, all of our players share a single "realm", so they can always interact with one another and share the same game state." How does Pokémon Go scale to millions of requests? (youtube.com); *See also* How Pokémon GO Servers Actually Work | Pokémon GO Hub (Pokémongohub.net)

creating in a database a local element script associated with the real world player geographic location, the local element script actuatable in the video game to modify one or more of the virtual character statistic and a plot node; and	Pokémon Go creates in a database a local element script associated with the real world player geographic location, the local element script actuatable in the video game to modify one or more of the virtual character statistic and a plot node. "We [i.e., Niantic] also have thousands of Kubernetes nodes running specifically for Pokémon GO, plus the GKE nodes running the various microservices that help augment the game experience**.** All of them work together to support millions of players playing all across the world at a given moment. And unlike other massively multiplayer online games, all of our players share a single "realm", so they can always interact with one another and share the same game state." How does Pokémon Go scale to millions of requests? (youtube.com). https://www.androidpolice.com/how-to-get-started-in-pokemon-go/ (explaining that Pokémon Go allows a player to walk to collect items and Pokémon, complete tasks and research, and visit PokéStops and Gyms) Players can battle other trainers. *See* https://niantic.helpshift.com/hc/en/6-pokemon-go/faq/2308-battling-other-trainers/ (explaining that each player's Pokémon participate in the battle and are rewarded or leveled up for battling)



Pokémon GO | Party Play Overview (youtube.com) (explaining that numerous players can have a shared in-game experience based on their detected real world geographic location and can choose party challenges, including catching Pokémon, stopping at Poke Stops or Gyms, winning raids, etc.)

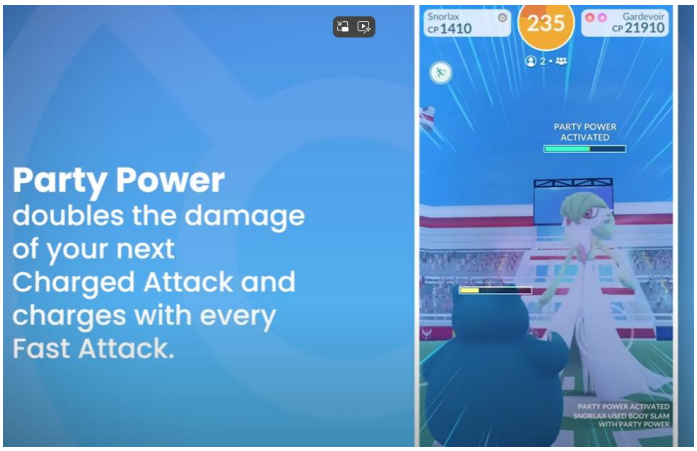


Pokémon GO | Party Play Overview (youtube.com) (explaining that party battles increases attacks in battles and that completing party challenges will create in-game rewards)

See also Pokémon GO - Raid Battles (youtube.com) (players may participate in raid battles occurring near their geographic location, participate in the storyline (i.e., raid battle) as long as desirable, and if successful, have an opportunity to capture a Pokémon)

retrieving from the database mapping information related to the real world player geographic location of the player and actuating the corresponding local element script in the video game while the player is interacting with the video game and the player's real world player geographic location is not represented by another player and not actuating the corresponding local element script when the player's real world player geographic location is represented by another player,	Pokémon Go retrieves from the databse mapping information related to the real world player geographic location of the player and actuates the corresponding local element script in the video game while the player is interacting with the video game and the player's real world player geographic location is not represented by another player and not actuating the corresponding local element script when the player's real world player geographic location is represented by another player. https://www.androidpolice.com/how-to-get-started-in-pokemon-go/ (explaining that Pokémon Go allows a player to walk to collect items and Pokémon, complete tasks and research, and visit PokéStops and Gyms) Players can battle other trainers. *See* https://niantic.helpshift.com/hc/en/6-pokemon-go/faq/2308-battling-other-trainers/ (explaining that each player's Pokémon participate in the battle and are rewarded or leveled up for battling) Pokémon GO | Party Play Overview (youtube.com) (explaining that numerous players can have a shared in-game experience based on their detected real world geographic location) How to Party Play and earn rewards in Pokémon Go | Polygon ("Everyone will contribute to a rolling series of Party Challenges — such as catching Pokémon under certain conditions, or spinning a set number of PokéStops — which will reward items based on their difficulty, such as Poké Balls, Berries, and Mega Energy.") *See also* Pokémon GO - Raid Battles (youtube.com) (one or more players may be notified of raid battles occurring near their geographic location, participate in the storyline (i.e., raid battle) as long as desirable, and if successful, have an opportunity to capture a Pokémon) Pokémon GO: Party Play Power, Explained (gamerant.com) ("One of the most exciting things about Party Play is the Party Power bonus. This is a bonus that is available via raids if there is a party in

	the raid. The bonus will double the damage of your Pokémon's next Charged Attack, and can be charged by using your Pokémon's Fast Attack. This means that if there are more party members in a raid, this will increase quickly, allowing you to do even more damage.")

wherein actuating the local element script comprises modifying the virtual character statistic of the player's virtual character and modifying one or more of a virtual character statistic and a plot node of at least one of the other players' virtual characters.	Pokémon Go actuates the local element script by modifying the virtual character statistic of the player's virtual character and modifying one or more of a virtual character statistic and a plot node of at least one of the other players' virtual characters. https://www.androidpolice.com/how-to-get-started-in-pokemon-go/ (explaining that Pokémon Go allows a player to walk to collect items and Pokémon, complete tasks and research, and visit PokéStops and Gyms to upgrade Pokémon) Players can battle other trainers. *See* https://niantic.helpshift.com/hc/en/6-pokemon-go/faq/2308-battling-other-trainers/ (explaining that each player's Pokémon participate in the battle and are rewarded or leveled up for battling)  Pokémon GO | Party Play Overview (youtube.com) (explaining that party battles increases attacks in battles and that completing party challenges will create in-game rewards) How to Party Play and earn rewards in Pokémon Go | Polygon ("Everyone will contribute to a rolling series of Party Challenges — such as catching Pokémon under certain conditions, or spinning a set number of PokéStops — which will reward items based on their difficulty, such as Poké Balls, Berries, and Mega Energy.") Pokémon GO: Party Play Power, Explained (gamerant.com) ("One of the most exciting things about Party Play is the Party Power bonus. This is a

	bonus that is available via raids if there is a party in the raid. The bonus will double the damage of your Pokémon's next Charged Attack, and can be charged by using your Pokémon's Fast Attack. This means that if there are more party members in a raid, this will increase quickly, allowing you to do even more damage.") Let's Talk: Party Play First Impressions | Pokémon GO Hub (Pokémongohub.net) ("rewards include 1 Max Revive, and 10 Mega Energy among other low-value items such as Pokéballs, Razzberries and Pinap Berries" And "earn Stardust, XP, Pokémon encounters, and new avatar items")

67. Defendant's infringement of the '797 patent is willful and deliberate, and entitles Plaintiff to increased damages pursuant to 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action pursuant to 35 U.S.C. § 285. Since at least as of the date of Plaintiff's complaint, Defendant has had knowledge of the '797 patent and its infringement of the '797 patent. Defendant has infringed and continues to infringe the '797 patent despite a high likelihood that its actions constituted infringement.

68. Plaintiff has been injured and damaged by Defendant's infringement of the '797 patent and unless enjoined by this Court, Plaintiff will continue to suffer substantial injury, including lost profits, for which Plaintiff is entitled to damages adequate to compensate it for Defendant's infringement.

COUNT VI
INFRINGEMENT OF U.S. PATENT NO. 11,666,827

69. Plaintiff repeats and re-alleges each and every allegation of the foregoing paragraphs as though fully set forth herein.

70. Plaintiff ImagineAR is the owner of all right, title, and interest in and to U.S. Patent No. 11,666,827, entitled "Systems And Methods For Capture And Use Of Local Elements In

Gameplay" ("the '827 patent"), which was duly and lawfully issued by the United States Patent and Trademark Office on June 6, 2023. A true and correct copy of the '827 patent is attached as **Exhibit F** and made a part hereof.

71. Plaintiff IAR is an exclusive licensee with a right to enforce the patent.

72. Yousef Chowdhary, Jeffrey Brunet, Ravinder (Ray) Sharma, and Oliver (Lake) Watkins, Jr. are the inventors of the '827 patent.

73. Defendant has at no time been licensed under the '827 patent.

74. Defendant has infringed and continues to infringe one or more claims of the '827 patent, literally and/or under the doctrine of equivalents, by making, using, offering to sell, and selling in the United States, and/or importing into the United States, certain software products that embody or practice one or more claims of the '827 patent, including but not limited to the following software products and services: Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite.

75. Defendant has also indirectly infringed, and continues to indirectly infringe, one or more claims of the '827 patent by contributing to or inducing acts of infringement by others who make, use, sell, offer for sale, or import in the United States products that embody or otherwise practice one or more claims of the '827 patent.

76. By way of example, claim 1 of the '827 patent recites as follows:

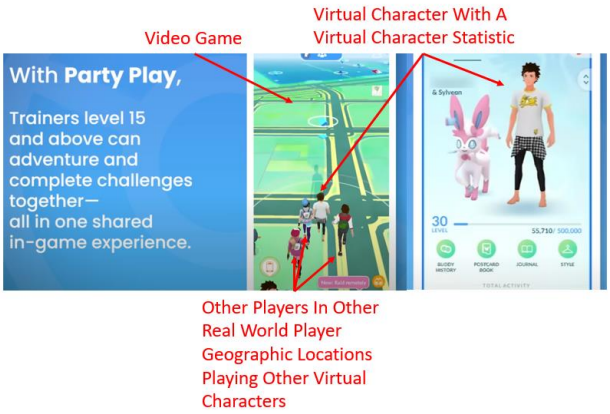
> A computer-implemented method of enabling virtual gameplay on a computing device in communication with a storage memory and a location sensor, the method comprising the steps of:
>
> providing access to a video game having a virtual character with a virtual character statistic in which a player in a real world player geographic location interacts with the video game and with other players in other real world player geographic locations playing other virtual characters;

> detecting with the location sensor the real world player geographic location of the player and storing the real world player geographic location in the storage memory;
>
> retrieving from a database a local element script associated with the real world player geographic location, the local element script actuatable in the video game to modify one or more of the virtual character statistic and a plot node; and
>
> retrieving from the database mapping information related to the real world player geographic location of the player and actuating the corresponding local element script in the video game while the player is interacting with the video game and the player's real world player geographic location is not represented by another player and not actuating the corresponding local element script when the player's real world player geographic location is represented by another player,
>
> wherein actuating the local element script comprises modifying the virtual character statistic of the player's virtual character and modifying one or more of a virtual character statistic and a plot node of at least one of the other players' virtual characters.

77. Defendant's Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite software products embody or practice each and every limitation of one or more claims of the '827 patent, including at least claim 1.

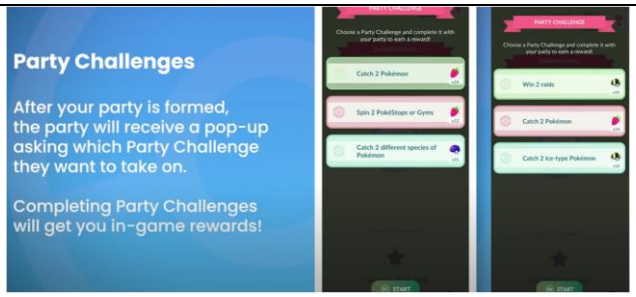
78. By way of example, Defendant's Pokémon Go product meets each and every limitation of claim 1 of the '827 patent as shown below:

‘827 patent, claim 1	Infringing Product – Pokémon Go
A computer-implemented method of enabling virtual gameplay on a computing device in communication with a storage memory and a location sensor, the method comprising the steps of:	Pokémon Go enables virtual gameplay on a computing device in communication with a storage memory and a location sensor.  *See* Pokémon GO - Get Up and Go! (youtube.com) “Pokémon GO is a mobile application that uses many services across Google Cloud, but Cloud Datastore became a direct proxy for the game’s overall popularity given its role as the game’s primary database for capturing the Pokémon game world.” https://cloud.google.com/blog/products/containers-kubernetes/bringing-Pokémon-go-to-life-on-google-cloud

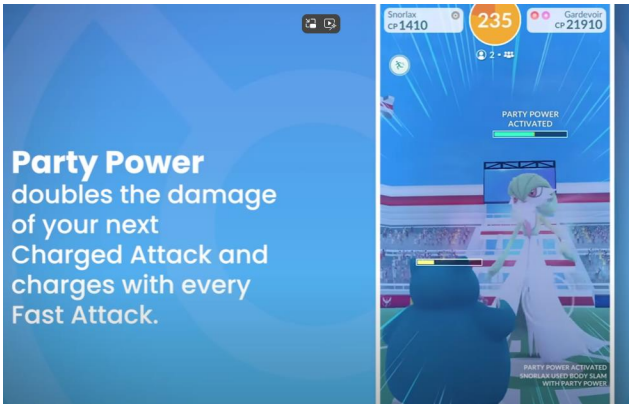
providing access to a video game having a virtual character with a virtual character statistic in which a player in a real world player geographic location interacts with the video game and with other players in other real world player geographic locations playing other virtual characters;	Pokémon Go provides access to a video game having a virtual character with a virtual character statistic in which a player in a real world player geographic location interacts with the video game and with other players in other real world player geographic locations playing other virtual characters. Pokémon Go is a video game.  Pokémon GO | Party Play Overview (youtube.com) (explaining that numerous players can have a shared in-game experience based on their detected real world geographic location) *See also* Pokémon GO - Raid Battles (youtube.com) (one or more players may be notified of raid battles occurring near their geographic location, participate in the storyline (i.e., raid battle) as long as desirable, and if successful, have an opportunity to capture a Pokémon) https://www.androidpolice.com/how-to-get-started-in-pokemon-go/ (explaining that Pokémon Go allows a player to walk to collect items and Pokémon, complete tasks and research, and visit PokéStops and Gyms) Players can battle other trainers. *See* https://niantic.helpshift.com/hc/en/6-pokemon-go/faq/2308-battling-other-trainers/ (explaining that each player's Pokémon participate in the battle and are rewarded or leveled up for battling)

detecting with the location sensor the real world player geographic location of the player and storing the real world player geographic location in the storage memory;	Pokémon Go detects with the location sensor the real world player geographic location of the player and storing the real world player geographic location in the storage memory. Pokémon Go uses a mobile device's built-in GPS, network connectivity, or data from internal sensors to determine location. *See* GPS Troubleshooting Guide — Pokémon GO Help Center (helpshift.com) Pokémon Go uses a frontend service and spatial query backend service. "The front end retrieves information from spatial query backend jobs to send back to the user." How does Pokémon Go scale to millions of requests? (youtube.com). The spatial query backend service "keeps a cache that is sharded by location. This cache and service then decides which Pokémon is shown on the map, what gyms and PokéStops are around you, the time zone you're in, and basically any other feature that is location based." *Id.* Pokémon Go stores the player's geographic location on the storage medium. *See* https://cloud.google.com/blog/products/containers-kubernetes/bringing-Pokémon-go-to-life-on-google-cloud "We [i.e., Niantic] also have thousands of Kubernetes nodes running specifically for Pokémon GO, plus the GKE nodes running the various microservices that help augment the game experience**.** All of them work together to support millions of players playing all across the world at a given moment. And unlike other massively multiplayer online games, all of our players share a single "realm", so they can always interact with one another and share the same game state." How does Pokémon Go scale to millions of requests? (youtube.com); *See also* How Pokémon GO Servers Actually Work | Pokémon GO Hub (Pokémongohub.net)

retrieving from a database a local element script associated with the real world player geographic location, the local element script actuatable in the video game to modify one or more of the virtual character statistic and a plot node; and	Pokémon Go retrieves from a database a local element script associated with the real world player geographic location, the local element script actuatable in the video game to modify one or more of the virtual character statistic and a plot node. "We [i.e., Niantic] also have thousands of Kubernetes nodes running specifically for Pokémon GO, plus the GKE nodes running the various microservices that help augment the game experience**.** All of them work together to support millions of players playing all across the world at a given moment. And unlike other massively multiplayer online games, all of our players share a single "realm", so they can always interact with one another and share the same game state." How does Pokémon Go scale to millions of requests? (youtube.com). https://www.androidpolice.com/how-to-get-started-in-pokemon-go/ (explaining that Pokémon Go allows a player to walk to collect items and Pokémon, complete tasks and research, and visit PokéStops and Gyms) Players can battle other trainers. *See* https://niantic.helpshift.com/hc/en/6-pokemon-go/faq/2308-battling-other-trainers/ (explaining that each player's Pokémon participate in the battle and are rewarded or leveled up for battling)



Pokémon GO | Party Play Overview (youtube.com) (explaining that numerous players can have a shared in-game experience based on their detected real world geographic location and can choose party challenges, including catching Pokémon, stopping at Poke Stops or Gyms, winning raids, etc.)



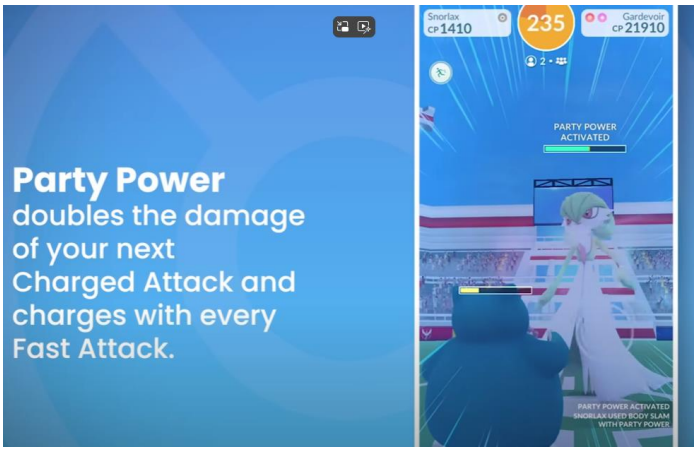
Pokémon GO | Party Play Overview (youtube.com) (explaining that party battles increases attacks in battles and that completing party challenges will create in-game rewards)

See also Pokémon GO - Raid Battles (youtube.com) (players may participate in raid battles occurring near their geographic location, participate in the storyline (i.e., raid battle) as long as desirable, and if successful, have an opportunity to capture a Pokémon)

https://www.androidpolice.com/how-to-get-started-in-pokemon-go/ (explaining that Pokémon Go allows a player to walk to collect items and Pokémon, complete tasks and research, and visit PokéStops and Gyms)

retrieving from the database mapping information related to the real world player geographic location of the player and actuating the corresponding local element script in the video game while the player is interacting with the video game and the player's real world player geographic location is not represented by another player and not actuating the corresponding local element script when the player's real world player geographic location is represented by another player,	Pokémon Go retrieves from the databse mapping information related to the real world player geographic location of the player and actuates the corresponding local element script in the video game while the player is interacting with the video game and the player's real world player geographic location is not represented by another player and not actuating the corresponding local element script when the player's real world player geographic location is represented by another player. https://www.androidpolice.com/how-to-get-started-in-pokemon-go/ (explaining that Pokémon Go allows a player to walk to collect items and Pokémon, complete tasks and research, and visit PokéStops and Gyms) Players can battle other trainers. *See* https://niantic.helpshift.com/hc/en/6-pokemon-go/faq/2308-battling-other-trainers/ (explaining that each player's Pokémon participate in the battle and are rewarded or leveled up for battling) Pokémon GO | Party Play Overview (youtube.com) (explaining that numerous players can have a shared in-game experience based on their detected real world geographic location) How to Party Play and earn rewards in Pokémon Go | Polygon ("Everyone will contribute to a rolling series of Party Challenges — such as catching Pokémon under certain conditions, or spinning a set number of PokéStops — which will reward items based on their difficulty, such as Poké Balls, Berries, and Mega Energy.") *See also* Pokémon GO - Raid Battles (youtube.com) (one or more players may be notified of raid battles occurring near their geographic location, participate in the storyline (i.e., raid battle) as long as desirable, and if successful, have an opportunity to capture a Pokémon) Pokémon GO: Party Play Power, Explained (gamerant.com) ("One of the most exciting things about Party Play is the Party Power bonus. This is a bonus that is available via raids if there is a party in

	the raid. The bonus will double the damage of your Pokémon's next Charged Attack, and can be charged by using your Pokémon's Fast Attack. This means that if there are more party members in a raid, this will increase quickly, allowing you to do even more damage.")

wherein actuating the local element script comprises modifying the virtual character statistic of the player's virtual character and modifying one or more of a virtual character statistic and a plot node of at least one of the other players' virtual characters.	Pokémon Go actuates the local element script by modifying the virtual character statistic of the player's virtual character and modifying one or more of a virtual character statistic and a plot node of at least one of the other players' virtual characters. https://www.androidpolice.com/how-to-get-started-in-pokemon-go/ (explaining that Pokémon Go allows a player to walk to collect items and Pokémon, complete tasks and research, and visit PokéStops and Gyms to upgrade Pokémon) Players can battle other trainers. *See* https://niantic.helpshift.com/hc/en/6-pokemon-go/faq/2308-battling-other-trainers/ (explaining that each player's Pokémon participate in the battle and are rewarded or leveled up for battling)  Pokémon GO | Party Play Overview (youtube.com) (explaining that party battles increases attacks in battles and that completing party challenges will create in-game rewards) How to Party Play and earn rewards in Pokémon Go | Polygon ("Everyone will contribute to a rolling series of Party Challenges — such as catching Pokémon under certain conditions, or spinning a set number of PokéStops — which will reward items based on their difficulty, such as Poké Balls, Berries, and Mega Energy.") Pokémon GO: Party Play Power, Explained (gamerant.com) ("One of the most exciting things about Party Play is the Party Power bonus. This is a

	bonus that is available via raids if there is a party in the raid. The bonus will double the damage of your Pokémon's next Charged Attack, and can be charged by using your Pokémon's Fast Attack. This means that if there are more party members in a raid, this will increase quickly, allowing you to do even more damage.") Let's Talk: Party Play First Impressions | Pokémon GO Hub (Pokémongohub.net) ("rewards include 1 Max Revive, and 10 Mega Energy among other low-value items such as Pokéballs, Razzberries and Pinap Berries" And "earn Stardust, XP, Pokémon encounters, and new avatar items")

79. Defendant's infringement of the '827 patent is willful and deliberate, and entitles Plaintiff to increased damages pursuant to 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action pursuant to 35 U.S.C. § 285. Since at least as of the date of Plaintiff's complaint, Defendant has had knowledge of the '827 patent and its infringement of the '827 patent. Defendant has infringed and continues to infringe the '827 patent despite a high likelihood that its actions constituted infringement.

80. Plaintiff has been injured and damaged by Defendant's infringement of the '827 patent and unless enjoined by this Court, Plaintiff will continue to suffer substantial injury, including lost profits, for which Plaintiff is entitled to damages adequate to compensate it for Defendant's infringement.

COUNT VII
INFRINGEMENT OF U.S. PATENT NO. 12,070,691

81. Plaintiff repeats and re-alleges each and every allegation of the foregoing paragraphs as though fully set forth herein.

82. Plaintiff ImagineAR is the owner of all right, title, and interest in and to U.S. Patent No. 12,070,691, entitled "Systems And Methods For Capture And Use Of Local Elements In

Gameplay" ("the '691 patent"), which was duly and lawfully issued by the United States Patent and Trademark Office on August 27, 2024. A true and correct copy of the '691 patent is attached as **Exhibit G** and made a part hereof.

83. Plaintiff IAR is an exclusive licensee with a right to enforce the patent.

84. Yousef Chowdhary, Jeffrey Brunet, Ravinder (Ray) Sharma, and Oliver (Lake) Watkins, Jr. are the inventors of the '691 patent.

85. Defendant has at no time been licensed under the '691 patent.

86. Defendant has infringed and continues to infringe one or more claims of the '691 patent, literally and/or under the doctrine of equivalents, by making, using, offering to sell, and selling in the United States, and/or importing into the United States, certain software products that embody or practice one or more claims of the '691 patent, including but not limited to the following software products and services: Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite.

87. Defendant has also indirectly infringed, and continues to indirectly infringe, one or more claims of the '691 patent by contributing to or inducing acts of infringement by others who make, use, sell, offer for sale, or import in the United States products that embody or otherwise practice one or more claims of the '691 patent.

88. By way of example, claim 1 of the '691 patent recites as follows:

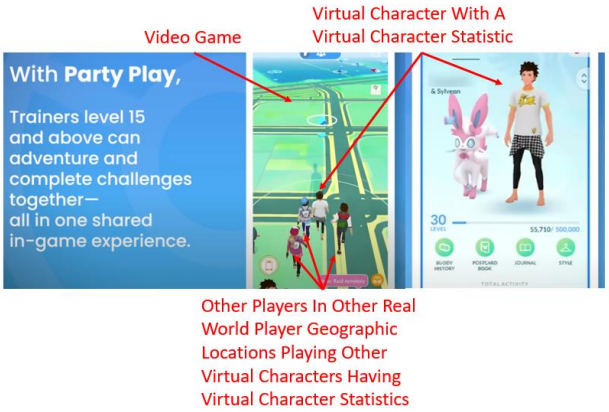
> A computer-implemented method of enabling virtual gameplay on a computing device in communication with a storage memory and a location sensor, the method comprising the steps of:
>
> providing access to a video game having a virtual character with a virtual character statistic in which a player in a real world player geographic location interacts with the video game and with other players in other real world player geographic locations playing other virtual characters;

> detecting with the location sensor the real world player geographic location of the player and storing the real world player geographic location in the storage memory;
>
> retrieving from a database a local element script associated with the real world player geographic location, the local element script actuatable in the video game to modify one or more of the virtual character statistic and a plot node; and
>
> retrieving from the database mapping information related to the real world player geographic location of the player and actuating the corresponding local element script in the video game while the player is interacting with the video game and the player's real world player geographic location is not represented by another player and not actuating the corresponding local element script when the player's real world player geographic location is represented by another player,
>
> wherein actuating the local element script comprises modifying the virtual character statistic of the player's virtual character and modifying one or more of a virtual character statistic and a plot node of at least one of the other players' virtual characters.

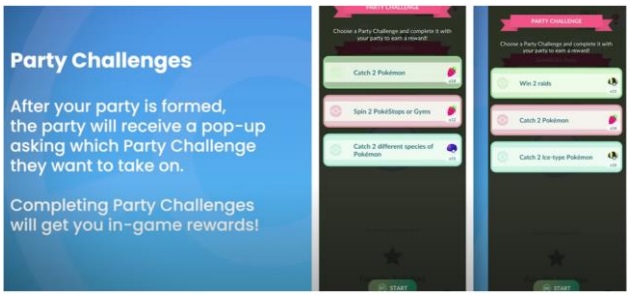
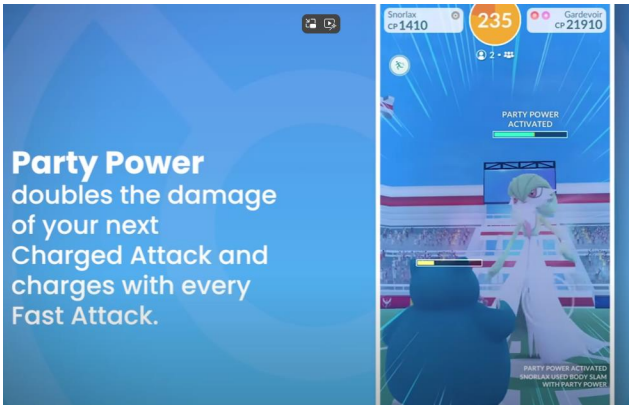
89. Defendant's Pokémon GO, Pikmin Bloom, Peridot, Skatrix, Monster Hunter Now, and Harry Potter: Wizards Unite software products embody or practice each and every limitation of one or more claims of the '691 patent, including at least claim 1.

90. By way of example, Defendant's Pokémon Go product meets each and every limitation of claim 1 of the '691 patent as shown below:

‘691 patent, claim 1	Infringing Product – Pokémon Go
A computer-implemented method of enabling virtual gameplay on a computing device in communication with a storage memory and a location sensor, the method comprising the steps of:	Pokémon Go enables virtual gameplay on a computing device in communication with a storage memory and a location sensor.  *See* Pokémon GO - Get Up and Go! (youtube.com) “Pokémon GO is a mobile application that uses many services across Google Cloud, but Cloud Datastore became a direct proxy for the game’s overall popularity given its role as the game’s primary database for capturing the Pokémon game world.” https://cloud.google.com/blog/products/containers-kubernetes/bringing-Pokémon-go-to-life-on-google-cloud

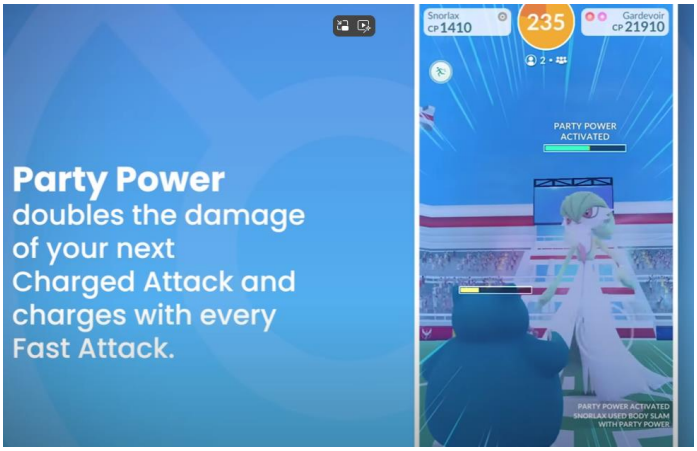
providing access to a video game having a virtual character with a virtual character statistic in which a player in a real world player geographic location interacts with the video game and with other players in other real world player geographic locations playing other virtual characters having virtual character statistics;	Pokémon Go provides access to a video game having a virtual character with a virtual character statistic in which a player in a real world player geographic location interacts with the video game and with other players in other real world player geographic locations playing other virtual characters. Pokémon Go is a video game.  Pokémon GO | Party Play Overview (youtube.com) (explaining that numerous players can have a shared in-game experience based on their detected real world geographic location) *See also* Pokémon GO - Raid Battles (youtube.com) (one or more players may be notified of raid battles occurring near their geographic location, participate in the storyline (i.e., raid battle) as long as desirable, and if successful, have an opportunity to capture a Pokémon) https://www.androidpolice.com/how-to-get-started-in-pokemon-go/ (explaining that Pokémon Go allows a player to walk to collect items and Pokémon, complete tasks and research, and visit PokéStops and Gyms) Players can battle other trainers. *See* https://niantic.helpshift.com/hc/en/6-pokemon-go/faq/2308-battling-other-trainers/ (explaining that each player's Pokémon participate in the battle and are rewarded or leveled up for battling)

detecting with the location sensor the real world player geographic location of the player and storing the real world player geographic location in the storage memory;	Pokémon Go detects with the location sensor the real world player geographic location of the player and storing the real world player geographic location in the storage means. Pokémon Go uses a mobile device's built-in GPS, network connectivity, or data from internal sensors to determine location. *See* GPS Troubleshooting Guide — Pokémon GO Help Center (helpshift.com) Pokémon Go uses a frontend service and spatial query backend service. "The front end retrieves information from spatial query backend jobs to send back to the user." How does Pokémon Go scale to millions of requests? (youtube.com). The spatial query backend service "keeps a cache that is sharded by location. This cache and service then decides which Pokémon is shown on the map, what gyms and PokéStops are around you, the time zone you're in, and basically any other feature that is location based." *Id.* Pokémon Go stores the player's geographic location on the storage medium. *See* https://cloud.google.com/blog/products/containers-kubernetes/bringing-Pokémon-go-to-life-on-google-cloud "We [i.e., Niantic] also have thousands of Kubernetes nodes running specifically for Pokémon GO, plus the GKE nodes running the various microservices that help augment the game experience**.** All of them work together to support millions of players playing all across the world at a given moment. And unlike other massively multiplayer online games, all of our players share a single "realm", so they can always interact with one another and share the same game state." How does Pokémon Go scale to millions of requests? (youtube.com); *See also* How Pokémon GO Servers Actually Work | Pokémon GO Hub (Pokémongohub.net)

retrieving from a database a local element script associated with the real world player geographic location, the local element script actuatable in the video game to modify one or more of the virtual character statistic and a plot node; and	Pokémon Go retrieves from a database a local element script associated with the real world player geographic location, the local element script actuatable in the video game to modify one or more of the virtual character statistic and a plot node. "We [i.e., Niantic] also have thousands of Kubernetes nodes running specifically for Pokémon GO, plus the GKE nodes running the various microservices that help augment the game experience. All of them work together to support millions of players playing all across the world at a given moment. And unlike other massively multiplayer online games, all of our players share a single "realm", so they can always interact with one another and share the same game state." How does Pokémon Go scale to millions of requests? (youtube.com).  Pokémon GO | Party Play Overview (youtube.com) (explaining that numerous players can have a shared in-game experience based on their detected real world geographic location and can choose party challenges, including catching Pokémon, stopping at Poke Stops or Gyms, winning raids, etc.) 

	Pokémon GO | Party Play Overview (youtube.com) (explaining that party battles increases attacks in battles and that completing party challenges will create in-game rewards) *See also* Pokémon GO - Raid Battles (youtube.com) (players may participate in raid battles occurring near their geographic location, participate in the storyline (i.e., raid battle) as long as desirable, and if successful, have an opportunity to capture a Pokémon) https://www.androidpolice.com/how-to-get-started-in-pokemon-go/ (explaining that Pokémon Go allows a player to walk to collect items and Pokémon, complete tasks and research, and visit PokéStops and Gyms)

retrieving from the database mapping information related to the real world player geographic location of the player and actuating the local element script in the video game while the player is interacting with the video game and the player's real world player geographic location is not represented by another player and not actuating the local element script when the player's real world player geographic location is represented by another player,	Pokémon Go retrieves from the databse mapping information related to the real world player geographic location of the player and actuates the corresponding local element script in the video game while the player is interacting with the video game and the player's real world player geographic location is not represented by another player and not actuating the corresponding local element script when the player's real world player geographic location is represented by another player. https://www.androidpolice.com/how-to-get-started-in-pokemon-go/ (explaining that Pokémon Go allows a player to walk to collect items and Pokémon, complete tasks and research, and visit PokéStops and Gyms) Players can battle other trainers. *See* https://niantic.helpshift.com/hc/en/6-pokemon-go/faq/2308-battling-other-trainers/ (explaining that each player's Pokémon participate in the battle and are rewarded or leveled up for battling) Pokémon GO | Party Play Overview (youtube.com) (explaining that numerous players can have a shared in-game experience based on their detected real world geographic location) How to Party Play and earn rewards in Pokémon Go | Polygon ("Everyone will contribute to a rolling series of Party Challenges — such as catching Pokémon under certain conditions, or spinning a set number of PokéStops — which will reward items based on their difficulty, such as Poké Balls, Berries, and Mega Energy.") Pokémon GO - Raid Battles (youtube.com) (one or more players may be notified of raid battles occurring near their geographic location, participate in the storyline (i.e., raid battle) as long as desirable, and if successful, have an opportunity to capture a Pokémon) Pokémon GO: Party Play Power, Explained (gamerant.com) ("One of the most exciting things about Party Play is the Party Power bonus. This is a bonus that is available via raids if there is a party in

	the raid. The bonus will double the damage of your Pokémon's next Charged Attack, and can be charged by using your Pokémon's Fast Attack. This means that if there are more party members in a raid, this will increase quickly, allowing you to do even more damage.")
wherein actuating the local element script comprises modifying the virtual character statistic of the player's virtual character and modifying one or more of a virtual character statistic and a plot node of at least one of the other players' virtual characters.	Pokémon Go actuates the local element script by modifying the virtual character statistic of the player's virtual character and modifying one or more of a virtual character statistic and a plot node of at least one of the other players' virtual characters. https://www.androidpolice.com/how-to-get-started-in-pokemon-go/ (explaining that Pokémon Go allows a player to walk to collect items and Pokémon, complete tasks and research, and visit PokéStops and Gyms to upgrade Pokémon) Players can battle other trainers. *See* https://niantic.helpshift.com/hc/en/6-pokemon-go/faq/2308-battling-other-trainers/ (explaining that each player's Pokémon participate in the battle and are rewarded or leveled up for battling)  Pokémon GO | Party Play Overview (youtube.com) (explaining that party battles increases attacks in battles and that completing party challenges will create in-game rewards) How to Party Play and earn rewards in Pokémon Go | Polygon ("Everyone will contribute to a rolling series of Party Challenges — such as catching Pokémon under certain conditions, or spinning a set number of

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91. Defendant's infringement of the '691 patent is willful and deliberate, and entitles Plaintiff to increased damages pursuant to 35 U.S.C. § 284 and to attorneys' fees and costs incurred in prosecuting this action pursuant to 35 U.S.C. § 285. Since at least as of the date of Plaintiff's complaint Defendant has had knowledge of the '691 patent and its infringement of the '691 patent. Defendant has infringed and continues to infringe the '691 patent despite a high likelihood that its actions constituted infringement.

92. Plaintiff has been injured and damaged by Defendant's infringement of the '691 patent.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for entry of a judgment in its favor and against Defendant as follows:

A. Finding that Defendant has infringed, directly or indirectly, one or more claims of the '746 patent, the '592 patent, the '710 patent, the '284 patent, the '797 patent, the '827 patent, the '691 patent, and such infringement has been willful;

B. Permanently enjoining Defendant, its officers, directors, employees, agents, subsidiaries, licensees, servants, successors and assigns, and any and all persons acting in privity or in concert or participation with Defendant from further infringement of the '746 patent, the '592 patent, the '710 patent, the '284 patent, the '797 patent, the '827 patent, and the '691 patent under 35 U.S.C. § 283;

C. Awarding Plaintiff damages adequate to compensate Plaintiff for Defendant's infringement of the '746 patent, the '592 patent, the '710 patent, the '284 patent, the '797 patent, the '827 patent, and the '691 patent along with pre- and post-judgment interest, and trebling such damages under 35 U.S.C. § 284;

D. Finding that this case is an exceptional case under 35 U.S.C. § 285, and awarding Plaintiff its attorneys' fees, costs, and expenses incurred in this action;

E. Awarding Plaintiff its actual and compensatory damages; and

F. Awarding to Plaintiff such other and further relief as the Court deems just and proper.

JURY DEMAND

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury on all issues triable by jury.

Dated: November 13, 2024

GREENBERG TRAURIG, LLP

/s/ Renée Mosley Delcollo

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