

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

WORLDS.COM INC.,	§	
	§	Civil Action No. 6:08-cv-508
Plaintiff,	§	
v.	§	<u>Jury Demand</u>
	§	
NCSOFT CORP.,	§	
	§	
Defendant.	§	
	§	

COMPLAINT AND DEMAND FOR TRIAL BY JURY

Plaintiff Worlds.com Inc., for its complaint, hereby alleges as follows:

1. Worlds.com Inc. ("Worlds"), is a corporation organized and existing under the laws of the State of Massachusetts, having its principal place of business at 11 Royal Road, Brookline, Massachusetts 02445.
2. Defendant NCSoft Corp. ("NCSoft"), is South Korean corporation having a place of business at 6801 N Capital of Texas Hwy. Building 1, Suite #102, Austin, Texas 78731.
3. This action is for patent infringement arising under the patent laws of the United States, 35 U.S.C. §§ 1 *et seq.* Subject matter jurisdiction is conferred upon this Court under 28 U.S.C. § 1338(a).
4. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(b).
5. Personal jurisdiction over the defendant comports with the United States Constitution because NCSoft is committing, inducing and/or contributing to the acts of patent infringement alleged in this Complaint in this district.

6. On February 20, 2007, United States Patent No. 7,181,690 ("the '690 Patent"), entitled "System and Method for Enabling Users to Interact in a Virtual Space," was duly and lawfully issued. A copy of the '690 Patent is attached as Exhibit A.

7. Worlds is the owner of the '690 Patent, and has the right to sue and recover damages for infringement thereof.

8. NCSOFT is engaged in the marketing and sale of massive multiplayer online games, including, but not limited to City of Heroes, City of Villains, Dungeon Runners, Exteel, Guild Wars, Lineage, Lineage II, and Tablula Rasa, in the United States generally, and specifically in the Eastern District of Texas.

9. By such acts, NCSOFT has directly and/or contributorily infringed, and/or induced infringement of, and is continuing to directly and/or contributorily infringe, and/or induce infringement of, the '690 Patent, by selling and offering to sell such products and by using and inducing others to use, sell, and offer to sell massive multiplayer online games within the scope of the '690 Patent.

10. Upon information and belief, after reasonable opportunity for further investigation and discovery, it is likely that the evidence will show that the acts of infringement of NCSOFT have occurred with knowledge of the '690 Patent and are willful and deliberate. This action, therefore, is "exceptional" within the meaning of 35 U.S.C. § 285.

11. Worlds has been damaged by the infringement by NCSOFT and is suffering, and will continue to suffer, irreparable harm and damage as a result of this infringement, unless such infringement is enjoined by this Court.

12. Worlds has no adequate remedy at law.

WHEREFORE, Worlds demands judgment as follows:

- A. An order finding that the '690 Patent is valid and enforceable
- B. An order adjudging defendant NCSOFT to have infringed the '690 Patent;
- C. An order finding that defendant NCSOFT's acts in infringing the '690 Patent were willful and wanton;
- D. A permanent injunction enjoining NCSOFT, together with its officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with any of them who receive actual notice of the order by personal service or otherwise, from infringing the '690 Patent;
- E. An order directing NCSOFT to file with the Court, and serve upon Worlds's counsel, within thirty (30) days after entry of the order of injunction, a report setting forth the manner and form in which it has complied with the injunction
- F. An award of damages adequate to compensate Worlds for the infringement of NCSOFT, along with prejudgment and postjudgment interest, but in no event less than a reasonable royalty, such damages to be trebled pursuant to the provisions of 35 U.S.C. § 284;
- G. An award of Worlds's reasonable attorney fees and expenses, pursuant to the provisions of 35 U.S.C. § 285;
- H. An award of World's costs; and
- I. Such other and further relief as this Court may deem just and proper.

DEMAND FOR TRIAL BY JURY

Pursuant to Fed. R. Civ. P. 38(b), Worlds hereby demands a jury trial on all issues so triable raised in this action.

Respectfully submitted,

By: /s/ Charles Ainsworth

Charles Ainsworth

State Bar No. 00783521

Robert Christopher Bunt

State Bar No. 00787165

PARKER, BUNT & AINSWORTH, P.C.

100 E. Ferguson, Suite 1114

Tyler, TX 75702

903/531-3535

903/533-9687

E-mail: charley@pbatyler.com

E-mail: rcbunt@pbatyler.com

OF COUNSEL:

Stephen F. Roth

Orville R. Cockings

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, NJ 07090-1497

Tel: (908) 654-5000

Fax: (908) 654-7866

ATTORNEYS FOR PLAINTIFF

WORLDS.COM INC.