

1 Matthew D. Francis
2 Nevada Bar No. 6978
3 BROWNSTEIN HYATT FARBER SCHRECK, LLP
4 5520 Kietzke Lane, Suite 110
5 Reno, NV 89511
6 Telephone: (775) 324-4100
7 Facsimile: (775) 333-8171
8 Email: mfrancis@bhfs.com

9 Mark Finkelstein (CA Bar No. 173851) (*pro hac vice to be submitted*)
10 Mei Tsang (CA Bar No. 237959) (*pro hac vice to be submitted*)
11 Molly J. Magnuson (CA Bar No. 229444) (*pro hac vice to be submitted*)
12 UMBERG ZIPSER LLP
13 1920 Main Street, Suite 750
14 Irvine, CA 92614
15 Telephone: (949) 679-0052
16 Facsimile: (949) 679-0461
17 Email: mfinkelstein@umbergzipser.com
18 mtsang@umbergzipser.com
19 mmagnuson@umbergzipser.com

20 Donald L. Jackson (VA Bar No. 42882) (*pro hac vice to be submitted*)
21 Gregory A. Krauss (VA Bar No. 84839) (*pro hac vice to be submitted*)
22 DAVIDSON BERQUIST JACKSON & GOWDEY LLP
23 8300 Greensboro Drive, Suite 500
24 McLean, VA 22102
25 Telephone: (571) 765-7700
26 Facsimile: (571) 765-7200
27 Email: djackson@davidsonberquist.com
28 gkrauss@davidsonberquist.com

Attorneys for Plaintiff
OPUS ONE D/B/A CONTEST FACTORY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

23 OPUS ONE CORPORATION D/B/A
24 CONTEST FACTORY, a California corporation,
25
26 Plaintiff,
27
28 v.
29 PANCAKE LABORATORIES INC., a Nevada
30 corporation,
31
32 Defendant.

Case No.
**COMPLAINT FOR PATENT
INFRINGEMENT**
JURY DEMAND

1 Plaintiff Opus One Corporation d/b/a Contest Factory (“Plaintiff” or “Opus One”), by its
2 attorneys, hereby files this complaint against Pancake Laboratories, Inc. (“Defendant” or
3 “Pancake”) for patent infringement, alleging as follows:

4 **NATURE OF THE SUIT**

5 1. This is a claim for patent infringement arising under the patent laws of the United
6 States, 35 U.S. Code Title 35, involving infringement of United States Patent No. 10,891,642 (“the
7 ’642 patent”) and U.S. Patent No. 8,655,715 (“the ’715 patent”) (collectively, “patents-in-suit” or
8 “asserted patents”).

9 **THE PARTIES**

10 2. Plaintiff Opus One is a California corporation with its principal place of business at
11 18231 Irvine Blvd., Suite 100, Tustin, CA 92780.

12 3. Opus One, doing business as Contest Factory, is in the business of generating and
13 operating online contests that are covered by the asserted patents. Opus One began offering its
14 online contests in the United States in or about 2001. Opus One directly competes with the
15 Accused Products and Services (described below). Upon information and belief, Opus One has
16 lost substantial business to the Accused Products and Services offered by Defendant.

17 4. On information and belief, Defendant is a Nevada corporation having a place of
18 business at 5421 Kietzke Lane, Suite 100, Reno, NV, 89511.

19 **JURISDICTION AND VENUE**

20 5. This Court has jurisdiction over the subject matter of this action pursuant to 28
21 U.S.C. §§ 1331 and 1338(a). Venue is proper in this District under 28 U.S.C. §1400(b) as
22 Defendant (1) has a regular and established place of business, and has committed acts of
23 infringement in this District, and (2) has its principal place of business located in this District.

24 6. Defendant maintains continuous and systematic contacts within this District by
25 maintaining its principal place of business in this District, by selling and offering for sale products
26 and services to customers within this District, and by offering for sale products and services that
27 are used within this District.

28 7. This Court has specific personal jurisdiction over Defendant because Defendant,

1 directly and/or through intermediaries, has conducted and conducts substantial business within this
2 District including, but not limited to: (i) engaging in at least part of the infringing acts alleged
3 herein; (ii) purposefully and voluntarily placing one or more infringing products or services into
4 the stream of commerce with the expectation that they will be purchased and/or used by consumers
5 in this District; and/or (iii) regularly soliciting and/or doing business in this District, and/or
6 engaging in other persistent courses of conduct in this District, and/or or deriving substantial
7 revenue from goods and services provided to individuals in this District.

8 8. Venue is proper in the Unofficial Northern Division of the United States District
9 Court for the District of Nevada under 28 U.S.C. §§ 1391(b)-(d) and 1400(b) for the reasons set
10 forth above, including that facts that: Defendant resides in this District, has a regular and
11 established place of business in this District, has committed acts of infringement in this District,
12 and a substantial part of the events or omissions giving rise to the claims occurred in this District.

13 **THE TECHNOLOGY AND THE PATENTS IN SUIT**

14 9. The patents-in-suit generally disclose and claim systems and methods to obtain,
15 host, and provide content for review, distribution, and ranking, as well as access to, automated
16 creation of, and performance of contests among sets of content-based contestants. The systems and
17 methods provide customizable interactive, ongoing, multi-level, multi-round contests with expert
18 review of and filtered submission of content-based contestants. Among other advantages entities
19 desiring to hold a contest (a/k/a third-party providers or contest sponsors) may use the systems and
20 methods to obtain expert and consumer review and ranking of their particular content.

21 10. The '642 patent, entitled "System and Method for Interactive Contests," was duly
22 and legally issued by the United States Patent and Trademark Office on January 12, 2021. A copy
23 of the '642 patent is attached hereto as Exhibit A.

24 11. The '715 patent, entitled "System and Method for Interactive Contests," was duly
25 and legally issued by the United States Patent and Trademark Office on February 18, 2014. A
26 copy of the '715 patent is attached hereto as Exhibit B.

27 12. Each of the foregoing patents-in-suit is valid and enforceable.

28 13. Opus One is the exclusive owner of all right, title, and interest in each of the

1 patents-in-suit. Opus One has the right to bring this action to recover damages for any current or
2 past infringement of these patents.

3 14. Plaintiff Opus One has never granted Defendant a license to practice any of the
4 inventions claimed in the patents-in-suit.

5 **OPUS ONE'S INTERACTIVE CONTEST PATENTS**

6 15. The inventions claimed in the '715 and '642 patents provide a novel system to
7 generate automated contests, rankings, and expert reviews in a system accessible to producers of
8 content, industry experts, and/or consumer end-users over a network such as the Internet. '642
9 Patent at 1:40-44.

10 16. Online contest / voting technology prior to the inventions in the patents-in-suit, such
11 as web-polls, did not simultaneously allow for flexible media content, such as videos, audio, or
12 virtually any playable content, did not allow for adjustable scoring mechanisms, did not allow for
13 registered end-users, did not allow for multiple round contests such as elimination contests, did not
14 allow for scorekeeping among end-users, did not allow for demographic correlation and marketing
15 data interpolation, did not allow for concurrent sweepstakes based on web poll voting, and did not
16 allow for complete customization of the interactive operation elements to be provided by the
17 contest generator to the third party provider / contest sponsor desiring to hold a contest. *Id.* at 2:28-
18 39.

19 17. The claimed inventions provide multiple multi-level contests for any number of
20 end-users and any number of content providers, allowing, among other features, a content producer
21 to submit content for the contest, industry experts to review content and seek out top content, and
22 end-users to rank, vote for, and seek out the content. *Id.* at 3:25-31.

23 **OPUS ONE'S CLAIMS ARE PATENT ELIGIBLE**

24 18. The asserted claims in the patents-in-suit are directed to patent eligible subject
25 matter.

26 19. The asserted claims in the patents-in-suit do not recite an abstract idea, law of
27 nature, or natural phenomenon.

28 20. The patents-in-suit disclose and claim a computer system that facilitates generating and

1 operating an online contest for third-party providers / contest sponsors using a specifically generated
2 URL and one or more webpages generated using such URL, among other features.

3 21. The asserted claims in the patents-in-suit recite elements that are integrated into a
4 highly practical and concrete application for online contests, including specific improvements to
5 the functioning of computers and computer networks used for online contests.

6 22. The system and methods disclosed and claimed in the asserted patents-in-suit specify
7 how interactions with and through the Internet are manipulated to yield a desired result.
8 Specifically, the claimed systems generate a URL and directs contestants or voters to the above-
9 described URL-generated web page that presents contest information from the contest generator that
10 has visual “look and feel” elements from the third-party / contest sponsor website. As such, the
11 contest generator company undertakes management and storage of contest information, contestant
12 content and data, and voter data and relieves the third-party contest sponsor of the burden of such
13 data management and storage while users experience the “look and feel” of the third-party contest
14 sponsor website. In this way, the claims provide a solution to a problem that is necessarily rooted
15 in computer technology to overcome problems specifically arising in the realm of online contests
16 over computer networks.

17 23. The asserted claims in the patents-in-suit are not directed to any “method of
18 organizing human activity,” “fundamental economic practice long prevalent in our system of
19 commerce,” nor are any of the claims “a building block of the modern economy.”

20 24. The asserted claims in the patents-in-suit do not take a well-known or established
21 business method or process and apply it to a general-purpose computer. Instead, the specific
22 systems and processes described in the asserted claims show a non-conventional and non-generic
23 arrangement of technology components for the efficient generation and improved operation of
24 online contests.

25 25. The asserted patent claims are directed toward a solution rooted in computer
26 technology and uses technology, unique to computers and networks, to overcome problems
27 specifically arising in the realm of computerized online contests.

28 26. The asserted patent claims are not directed at a mere mathematical relationship or

1 formula.

2 27. The asserted patent claims cannot be performed by a human, in the human mind, or
3 by pen and paper.

4 28. The asserted patent claims, both as a whole and with respect to individual elements,
5 are not merely well-understood, routine, conventional activities previously known to the industry.
6 Sponsoring multi-level, interactive, online contests for third-party provider contest sponsors over
7 computer networks, such as the Internet, including the uploading, cross-correlation, sorting by
8 genre, review, and ranking of media content as claimed in the patents-in-suit were not known in
9 2000.

10 29. In allowing the claims of the '642 Patent, the U.S. Patent & Trademark Office states
11 that the closest prior art does not teach or suggest "generating a URL in response to receiving the
12 request; generating one or more webpages using the generated URL, transmitting to the third-party
13 provider the generated URL; ...generating links for each of the second content data, the third
14 content data and the retrieved first content data" as found in the independent claims.

15 30. In allowing the claims of the '715 Patent, the U.S. Patent & Trademark Office states
16 that the closest prior art does not teach or suggest the claimed sorting of "the first and second data
17 content based on an identifying characteristic" to provide for the sorting and selection of content
18 data based on the same genre.

19 31. Accordingly, each claim of the Opus One patents-in-suit recites a combination of
20 elements sufficient to ensure that each claim, in practice, amounts to significantly more than a claim
21 to a patent-ineligible concept.

22 **THE ACCUSED PRODUCTS AND SERVICES**

23 32. Defendant makes, uses, sells, offers for sale, and/or imports products and services
24 that infringe the patents-in-suit.

25 33. Through its website www.shortstack.com (also referred to herein as "ShortStack"),
26 Pancake offers a variety of products and services that are used to, *inter alia*, upload and store
27 content, and facilitate access, distribution, voting, and other features used in interactive, ongoing,
28 multi-level, multi-round online contests that infringe the patents-in-suit ("Accused Products and

1 Services”).

2 34. Pancake uses and offers the Accused Products and Services using computer systems
3 comprising hardware computer processors, computer memory, one or more non-transitory
4 computer readable storage medium storing computer executable instructions that generate online
5 contests for third-party provider contest sponsors to generate an online contest as claimed by the
6 patents-in-suit.

7 35. Among other products and services, Defendant offers online “contests and
8 sweepstakes,” including “social media contests” and “voting contests.” See generally
9 www.shortstack.com.

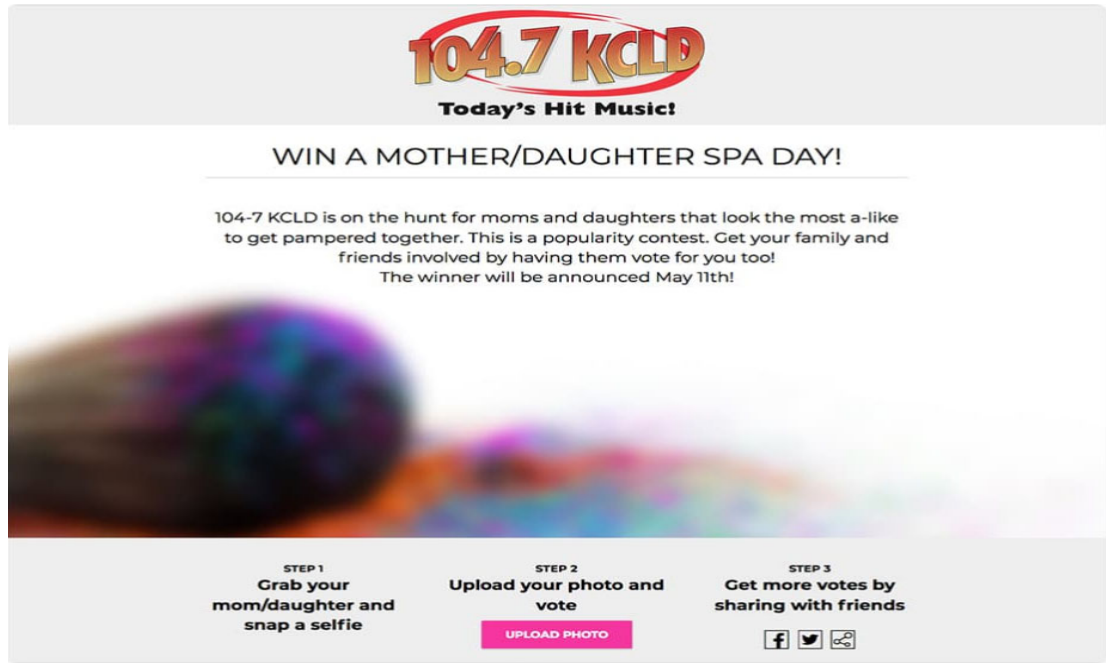
10 36. On the ShortStack website, Pancake advertises the features of its voting contest
11 products as “giv[ing] people the ability to vote on their favorite entries.” “Voting contests,” as
12 further marketed by Pancake, “encourage participants to share their entries (and your contest at the
13 same time) which promotes user engagement with your brand. You also have the option to control
14 how often people can vote.”

15 **REPRESENTATIVE ACCUSED PRODUCT AND SERVICE**

16 37. Defendant advertises on its ShortStack website that it has “8000+ clients,” including
17 many well-known names like Valvoline, Netflix, UFC, Live Nation, PetSmart, PBS, AMC
18 Networks, and Frontier Airlines. Pancake calls ShortStack “the world’s #1 solution for creating
19 and running customizable online contests,” and highlights on its website several representative
20 voting contests, including, but not limited to, Leighton Broadcasting’s KCLD-104.7 “Mother’s
21 Day Giveaway” contest (“Representative Accused Product and Service”), as well as PBS’s 2022
22 “Short Film Festival” contest and others.

23 38. When the “Mother’s Day Giveaway” was launched, according to the ShortStack
24 website, Leighton Broadcasting was “looking for ways to engage their listeners,” and the
25 ShortStack team “thought a contest would help them interact with their loyal audience while also
26 growing their Facebook fan base . . .” The campaign involved uploading a photo to the site,
27 voting on photos, and then sharing on social media to get more votes. According to ShortStack’s
28 website, there were “several [] features that played a key role in the campaign’s success,” including

1 the “[t]he voting and sharing features [which] were key”



2
3
4
5
6
7
8
9
10
11
12
13
14 39. Opus One alleges, on information and belief, that Defendant makes, uses, sells, or
15 offers for sale products and services that infringe at least one claim of each of the asserted patents,
16 as set forth in more detail below.

17 40. Defendant has actual prior knowledge of the asserted patents and of Opus One's
18 belief that Defendant infringes the asserted patents, by virtue of its prior communications with
19 Opus One.

20 **COUNT I – INFRINGEMENT OF THE '642 PATENT**

21 41. Plaintiff incorporates paragraphs 1 through 40 herein by reference.

22 42. Defendant, either alone or jointly in conjunction with its customers, has directly
23 infringed and continues to directly infringe under 35 U.S.C. § 271(a), one or more claims of the
24 '642 patent, either literally and/or under the doctrine of equivalents, by making, using, importing,
25 selling, and/or offering for sale in the United States, the Accused Products and Services that
26 infringe one or more of the claims '642 patent.

27 43. Specifically, claim 1 of the '642 patent claims:

28 A computer system for generating and operating an online contest for a third-

1 party provider, the computer system comprising:

2 one or more hardware computer processors;

3 one or more hardware computer memory; and

4 one or more non-transitory computer readable storage medium storing computer
5 executable instructions that when executed by the one or more hardware
6 computer processors cause the one or more hardware computer processors to
perform the steps of:

7 receiving a request from a third-party provider to generate an online contest;

8 generating a URL in response to receiving the request;

9 generating one or more webpages using the generated URL;

10 transmitting to the third-party provider the generated URL;

11 receiving, from a first content producer via the one or more generated
12 webpages, a content URL associated with a first content data;

13 receiving, from a second content producer and third content producer, a second
14 content data and a third content data;

15 storing the second content data and the third content data in the memory;

16 retrieving the first content data from a database over a computer network using
the content URL;

17 generating links for each of the second content data, the third content data, and
18 the retrieved first content data;

19 generating the online contest, wherein the online contest comprises the
20 generated links;

21 transmitting the generated online contest to a plurality of user computers;

22 receiving, from the plurality of user computers, responses via the generated
23 links; and

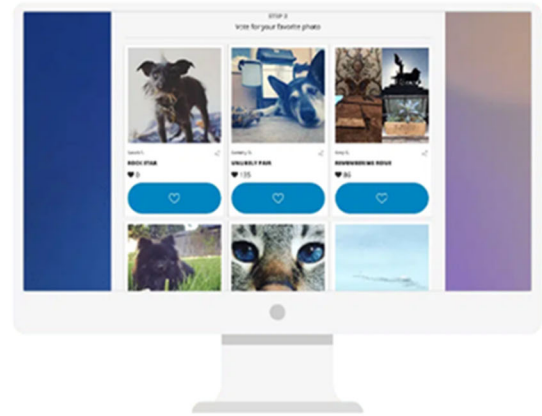
24 determining a result of the online contest using the received responses.

25 44. For Leighton Broadcasting's KCLD-104.7 "Mother's Day Giveaway" contest, on
26 information and belief, Pancake had a computer system for generating and operating the online
27 contest for the contest sponsor/third-party provider. By way of example, the ShortStack website
28 touts that its system can be used to "[g]enerate excitement and user-generated content (UGC) with

1 photo contests.” <https://www.shortstack.com/features/contests/>. ShortStack offers a testimonial
 2 from Leighton Broadcasting, which generated and operated the photo contest using ShortStack.
 3 See [https://www.shortstack.com/blog/the-small-town-radiostation-that-got-24-million-views-on-a-](https://www.shortstack.com/blog/the-small-town-radiostation-that-got-24-million-views-on-a-mothers-day-giveaway/)
 4 [mothers-day-giveaway/](https://www.shortstack.com/blog/the-small-town-radiostation-that-got-24-million-views-on-a-mothers-day-giveaway/).

5
 6
 7 Let users decide who wins with
 8 voting

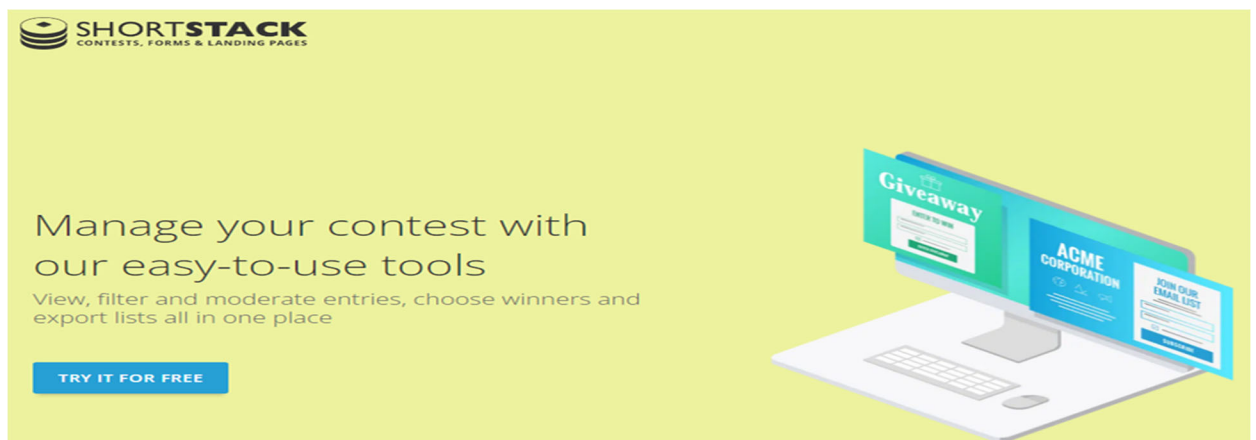
9 Give people the ability to vote on their favorite entries. Voting
 10 contests encourage participants to share their entries (and your
 11 contest at the same time) which promotes user engagement with
 12 your brand. You also have the option to control how often people
 13 can vote.



14 45. On information and belief, the computer system for the “Mother’s Day Giveaway”
 15 contest was comprised of one or more hardware computer processors, one or more hardware
 16 computer memory; and one or more non-transitory computer readable storage medium storing
 17 computer executable instructions. The executable instructions included instructions that when
 18 executed by the hardware computer processors caused the processors to receive a request from the
 19 contest sponsor/third-party provider to generate an online contest; to generate a URL in response to
 20 receiving the request; to generate one or more webpages using the generated URL; to transmit to
 21 the contest sponsor/third-party provider the generated URL. The executable instructions further
 22 included instructions that when executed by the hardware computer processors caused the
 23 processors to receive a contestant photo URL associated with the first content data from a first
 24 content producer via one or more generated webpages comprising Pancake’s uploader. The
 25 executable instructions further included instructions that when executed by the hardware computer
 26 processors caused the processors to receive a contestant photo URL associated with the second
 27 content data from a second content producer and a contestant photo URL associated with a third
 28 content data from a third content producer. See <https://www.shortstack.com/features/contest->

1 administration/.

2 46. The ShortStack website touts that its computer system for generating and operating
3 an online contest can be generated using templates, widgets and a style panel. Users can also use a
4 Code Widget and CSS Editor to further customize the campaign. See
5 <https://www.shortstack.com/faqs/>. This necessarily requires the use of a processor to utilize the
6 widgets and templates. The site further explains: “Your Lists. Lists can be created on your
7 ShortStack account for email marketing, contests, and other reasons. The data can be collected
8 through ShortStack forms, data imports of lists you have collected elsewhere, data imported via
9 ShortStack Feeds or the Import Likes/Comments features. Your ShortStack lists are stored on
10 secure Pancake servers.” See <https://www.shortstack.com/privacy-policy/>. And ShortStack further
11 touts that its platform allows a contest to be easily created and managed with easy-to-use tools.
12 Thus, the Accused Products and Services are implemented through one or more non-transitory
13 computer readable storage medium storing computer executable instructions that when executed
14 implement the online contest. See <https://www.shortstack.com/features/contest-administration/>.



23
24 47. On information and belief, the executable instructions for the “Mother’s Day
25 Giveaway” included the receipt by Defendant of a request from the third-party provider to generate
26 the online contest. Shortstack’s website explains that: “Once you’ve set up your account, you’ll
27 have access to more than 35 professionally designed templates that are easy to customize, even if
28 you don’t know CSS. (And if you do know CSS the sky’s the limit.)” To generate a contest, the

1 user chooses the type of contest, selects a template, and defines the rules. See
2 [https://www.shortstack.com/blog/8-steps-to-running-a-successful-contest-plus-new-photo-contest-](https://www.shortstack.com/blog/8-steps-to-running-a-successful-contest-plus-new-photo-contest-templates/)
3 [templates/](https://www.shortstack.com/blog/8-steps-to-running-a-successful-contest-plus-new-photo-contest-templates/)

6 Step 3: Build Your Contest

7 Once you've [set up your account](#), you'll have access to more than 35 professionally designed
8 templates that are easy to customize, even if you don't know CSS. (And if you do know CSS the
9 sky's the limit.)

10 The type of contest you build will determine the next steps, but basically they go like this:

- 11 1. Choose the type of photo contest you want to host.
- 12 2. Choose a template.
- 13 3. Edit the template — logo, images, form fields, etc. — to reflect your
14 brand. You can even **create designer-quality images** for your
15 contests without needing graphic design skills.
- 16 4. Write rules. Make sure your rules include the following verbiage and
17 other details:

18 48. On information and belief, the executable instructions for the “Mother’s Day
19 Giveaway” contest further included instructions that when executed by the one or more hardware
20 computer processors cause the one or more hardware computer processors to generate a URL in
21 response to receiving the request. For example, ShortStack discusses that one or more links to a
22 contest can be sent via emails. “When you use ShortStack to send emails, we track information
23 about who has opened the emails and clicked the links.” See [https://www.shortstack.com/privacy-](https://www.shortstack.com/privacy-policy/)
24 [policy/](https://www.shortstack.com/privacy-policy/). ShortStack details how the third-party provider can use generated code and URLs to
25 embed the contest on a web page, for example. See [https://www.shortstack.com/embedded-](https://www.shortstack.com/embedded-campaigns/)
26 [campaigns/](https://www.shortstack.com/embedded-campaigns/).

27 ///

28 ///

///

///

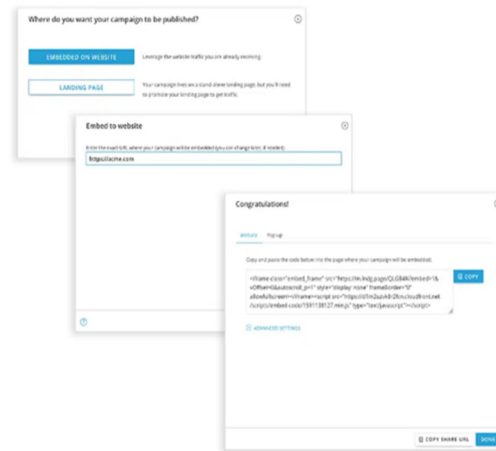
///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Copy and paste to embed

To embed a campaign, simply copy the ShortStack-provided code into any webpage that accepts HTML for an iFrame, including WordPress, Squarespace, Shopify and BigCommerce.



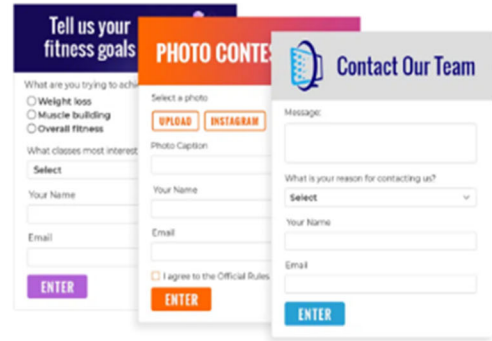
49. On information and belief, the executable instructions for the “Mother’s Day Giveaway” contest further included instructions that when executed by the one or more hardware computer processors cause the one or more hardware computer processors to generate one or more webpages using the generated URL. For example, ShortStack details how the third-party provider can use generated code and URLs to embed the generated webpage for the contest on a web page.

50. On information and belief, the executable instructions for the “Mother’s Day Giveaway” contest further included instructions that when executed by the one or more hardware computer processors cause the one or more hardware computer processors to transmit to the third-party provider the generated URL. As explained above, the third-party provider can use the platform to generate code to be inserted into a website, which includes a unique URL. The executable instructions for the “Mother’s Day Giveaway” contest, on information and belief, also included instructions that when executed by the one or more hardware computer processors caused the one or more hardware computer processors to receive from a first content producer via the one or more generated webpages, a content URL associated with a first content data. The ShortStack website highlights that users can directly upload content or provide a content URL (e.g., Instagram link). See <https://www.shortstack.com/features/user-generated-content/>.

///
///
///

Gather photos, emails and more

You decide what information to collect from entrants and we'll store it for you. Allow participants to submit photos from any device, and request their email addresses to grow your marketing list. Need more data? Choose from a variety of fields to include in your form to gather the information you need.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

51. On information and belief, the executable instructions for the “Mother’s Day Giveaway” contest further included instructions that when executed by the one or more hardware computer processors cause the one or more hardware computer processors to receive from a second content producer and third content producer, a second content data and a third content data. ShortStack’s website notes that users can directly upload content.

52. On information and belief, the executable instructions for the “Mother’s Day Giveaway” contest further included instructions that when executed by the hardware computer processors caused the processors to store the second content data and the third content data in the memory. The executable instructions further included instructions that when executed by the hardware computer processors caused the processors to retrieve the first content data from a database over a computer network using the content URL and to generate links for each of the second content data, the third content data, and the retrieved first content data. As shown below, each entry is associated with a unique URL:

///

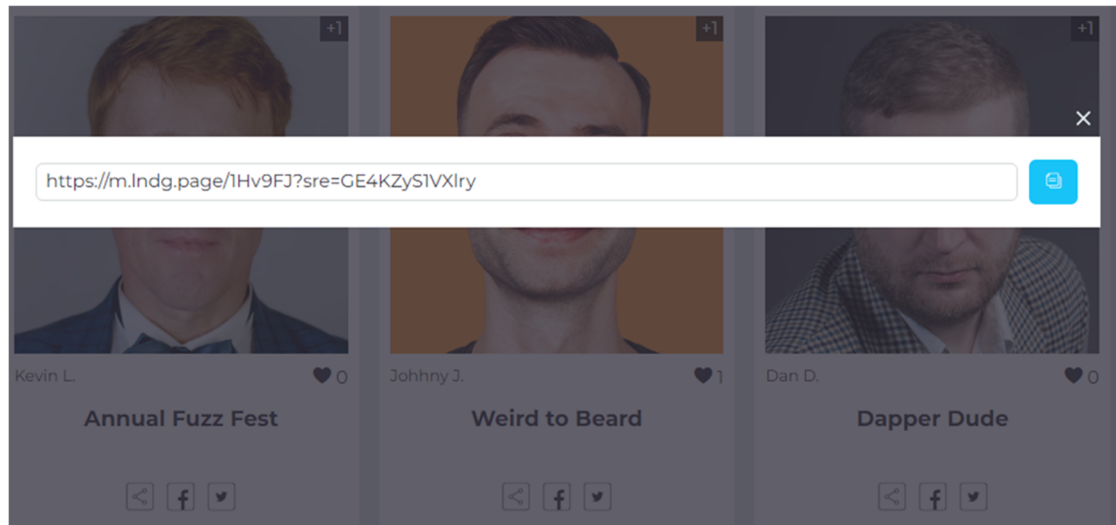
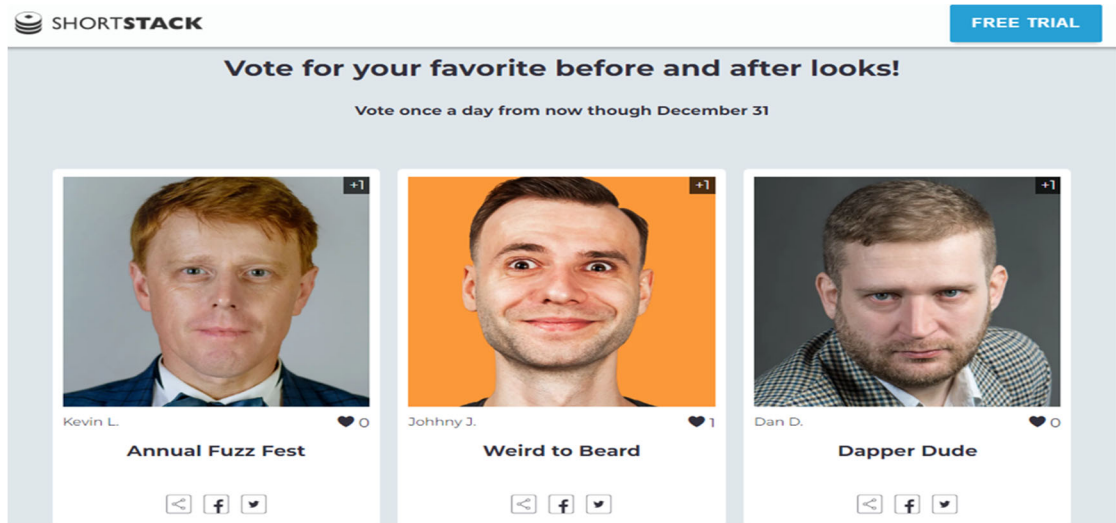
///

///

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



53. On information and belief, the executable instructions for the “Mother’s Day Giveaway” contest further included instructions that when executed by the hardware computer processors caused the processors to generate the online contest, wherein the online contest comprises the generated links and to transmit the generated online contest to a plurality of user computers. The executable instructions, on information and belief, further included instructions that when executed by the hardware computer processors caused the processors to receive from the plurality of user computers, responses via the generated links; and determine the result of the online contest using the received responses.

54. As such, as demonstrated by the Representative Accused Product and Service,

1 Pancake, either alone or jointly in conjunction with its customers, infringes at least claim 1 of the
2 '642 patent. To the extent any of the limitations set forth above for the asserted claims are not met
3 literally by Pancake's Accused Products and Services, those limitations are met under the Doctrine
4 of Equivalents because such differences would be insubstantial from the claimed limitations, and
5 any such differences would function in a substantially similar way to reach substantially the same
6 result as the claimed invention. By way of example, any of the claimed data content may be
7 stored, accessed, or processed in an insubstantially different manner than claimed, but the resultant
8 online contest would still function in substantially the same manner as claimed, and would result in
9 a substantially same online contest as claimed.

10 55. Defendant has induced infringement and continues to induce infringement under 35
11 U.S.C. § 271(b). Defendant has actively, knowingly, and intentionally induced, and continues to
12 actively, knowingly, and intentionally induce, infringement of the '642 patent by, as demonstrated
13 by the Representative Accused Product and Service example, selling or otherwise supplying the
14 Accused Products and Services in the United States with the knowledge and intent that third parties
15 will use, sell, and/or offer for sale in the United States the Accused Product and Services, for their
16 intended purpose to infringe the '642 patent, with instructions as to the use of those products and
17 services and guidance as to cause users to perform the specific steps to utilize those products and
18 services, including the provision of interactive data fields, all with the knowledge and intent to
19 encourage and facilitate infringement through the dissemination of the Accused Products and
20 Services and/or the creation and dissemination of documentation and technical information to
21 customers and prospective customers related to those products and services.

22 56. Defendant has contributed to, and continues to contribute to, the infringement by
23 third parties, including its customers, of one or more claims of the '642 patent under 35 U.S.C. §
24 271(c) by, as demonstrated by the Representative Accused Product and Service example, selling
25 and/or offering for sale in the United States the Accused Products and Services knowing that those
26 products and services constitute a material part of the invention or inventions of the '642 patent,
27 knowing that those products and services are especially made or adapted to infringe the '642
28 patent, and knowing that those products and services are not staple articles of commerce suitable

1 for substantial non-infringing use.

2 57. Opus One has been and continues to be damaged by Defendant's infringement of
3 the '642 patent. Opus One has no adequate remedy at law.

4 58. Having knowledge of the '642 patent, Defendant knows, or should know, that
5 without taking a license to the patents-in-suit, its actions continued to infringe one or more claims
6 of the '642 patent.

7 59. Defendant has willfully infringed the '642 patent and continues to do so.

8 60. The conduct by Defendant in infringing the '642 patent renders this case exceptional
9 within the meaning of 35 U.S.C. § 285.

10 **COUNT II – INFRINGEMENT OF THE '715 PATENT**

11 61. Plaintiff incorporates paragraphs 1 through 60 herein by reference.

12 62. Defendant, either alone or joint in conjunction with its customers, has directly
13 infringed and continues to directly infringe under 35 U.S.C. § 271(a), one or more claims of the
14 '715 patent, either literally and/or under the doctrine of equivalents, by making, using, importing,
15 selling, and/or offering for sale in the United States, the Accused Products and Services that
16 infringe one or more of the claims '715 patent.

17 63. Specifically, claim 1 of the '715 patent claims:

18 a contest system, comprising:

19 a contest server, comprising a processor, and a computer-readable storage medium
20 storing computer-executable instructions that when executed by the processor cause
the contest server to:

21 receive first content data and second content data,

22 store the first and second content data in the computer-readable storage medium,

23 access the first and second content data from the computer-readable storage
24 medium,

25 sort the first and second content data based on an identifying characteristic of the
26 first content data and second content data to provide sorted content data based on
genre,

27 select the first content data and the second content data from the sorted content data,
wherein the first content data and the second content data have a same genre,

28 generate contest data based on the first and second content data,

1 transmit over a network the contest data to serve at least one contest to a user, the
2 contest comprising at least one voting stage,

3 include display data in the transmitted content data to electronically present during
4 the at least one voting stage representations of the first and second content data on a
display having access to the network,

5 receive during the at least one voting stage vote data transmitted over the network,
6 the vote data representing one or more received votes from voters for one or more of
the first or second content data concurrently displayed, the vote data comprising at
least one vote; and

7 select at least one of the first or second content data based on the vote data.

8 64. For Leighton Broadcasting's "Mother's Day Giveaway" contest, on information and
9 belief, Pancake had a contest system for generating and operating the online contest that includes a
10 contest server having a processor and computer-readable storage medium for storing computer-
11 executable instructions that, when executed by the processor, cause the contest server to perform
12 certain functions. More specifically, the contest server will receive, store, access and sort the first
13 and second content data based on an identifying characteristic to sort the content based on genre.

14 65. More specifically, on information and belief, the executable instructions for the
15 "Mother's Day Giveaway" contest included instructions that when executed by the hardware
16 computer processors caused the processors to receive a request from the contest sponsor/third-party
17 provider to generate an online contest; and caused the processors to receive a contestant photo
18 URL associated with the first content data from a first content producer and second content data
19 from a second content producer via one or more generated webpages comprising Pancake's
20 uploader.

21 66. On information and belief, for the "Mother's Day Giveaway" contest, once the first
22 content data and second content data are stored based on genre, the executable instructions
23 included instructions that when executed by the hardware computer processors cause the
24 generation of a contest and the transmission of the first and second content data to at least one user
25 to view and rate the content as part of the contest.

26 67. The executable instructions for the "Mother's Day Giveaway" contest, on
27 information and belief, also included instructions that when executed by the hardware computer
28

1 processors caused the system to permit voting by users, and the collection and tabulation of votes
2 to select a winner of the contest.

3 68. As such, as demonstrated by the Representative Accused Product and Service,
4 Pancake, either alone or jointly in conjunction with its customers, infringes at least claim 1 of the
5 '715 patent. To the extent any of the limitations set forth above for the asserted claims are not met
6 literally by Pancake's Accused Products and Services, those limitations are met under the Doctrine
7 of Equivalents because such differences would be insubstantial from the claimed limitations, and
8 any such differences would function in a substantially similar way to reach substantially the same
9 result as the claimed invention. By way of example, any of the claimed data content may be
10 stored, accessed, or processed in an insubstantially different manner than claimed, but the resultant
11 online contest would still function in substantially the same manner as claimed, and would result in
12 a substantially same online contest as claimed.

13 69. Defendant has induced infringement and continues to induce infringement under 35
14 U.S.C. § 271(b). Defendant has actively, knowingly, and intentionally induced, and continues to
15 actively, knowingly, and intentionally induce, infringement of the '715 patent by, as demonstrated
16 by the Representative Accused Product and Service example, selling or otherwise supplying the
17 Accused Products and Services in the United States with the knowledge and intent that third parties
18 will use, sell, and/or offer for sale in the United States the Accused Product and Services, for their
19 intended purpose to infringe the '715 patent, with instructions as to the use of those products and
20 services and guidance as to cause users to perform the specific steps to utilize those products and
21 services, including the provision of interactive data fields, all with the knowledge and intent to
22 encourage and facilitate infringement through the dissemination of the Accused Products and
23 Services and/or the creation and dissemination of documentation and technical information to
24 customers and prospective customers related to those products and services.

25 70. Defendant has contributed to, and continues to contribute to, the infringement by
26 third parties, including its customers, of one or more claims of the '715 patent under 35 U.S.C. §
27 271(c) by, as demonstrated by the Representative Accused Product and Service example, selling
28 and/or offering for sale in the United States the Accused Products and Services knowing that those

1 products and services constitute a material part of the invention or inventions of the '715 patent,
2 knowing that those products and services are especially made or adapted to infringe the '715
3 patent, and knowing that those products and services are not staple articles of commerce suitable
4 for substantial non-infringing use.

5 71. Opus One has been and continues to be damaged by Defendant's infringement of
6 the '715 patent. Opus One has no adequate remedy at law.

7 72. Having knowledge of the '715 patent, Defendant knows, or should know, that
8 without taking a license to the patents-in-suit, its actions continued to infringe one or more claims
9 of the '715 patent.

10 73. Defendant has willfully infringed the '715 patent and continues to do so.

11 74. The conduct by Defendant in infringing the '715 patent renders this case exceptional
12 within the meaning of 35 U.S.C. § 285.

13 **PRAYER OF RELIEF**

14 **WHEREFORE**, Opus One prays for judgment as follows:

15 A. That Defendant has directly and indirectly infringed each of the patents-in-suit;

16 B. That Opus One be awarded all damages adequate to compensate it for Defendant's
17 infringement of the patents-in-suit, such damages to be determined by a jury with pre-judgment
18 and post-judgment interest;

19 C. A judgment that the infringement was willful and that such damages be trebled
20 pursuant to 35 U.S.C. § 284;

21 D. An order permanently enjoining Defendant and its officers, agents, servants and
22 employees, privies, and all persons in concert or participation with it, from further infringement of
23 the patents-in-suit;

24 E. That this case be declared an exceptional case within the meaning of 35 U.S.C. §
25 285 and that Opus One be awarded attorney fees, costs, and expenses incurred relating to this
26 action; and

27 F. That Opus One be awarded such other and further relief as this Court deems just and
28 proper.

1 Dated: October 3, 2023

BROWNSTEIN HYATT FARBER SCHRECK, LLP

2 /s/ Matthew D. Francis

3 Matthew D. Francis
4 5520 Kietzke Lane, Suite 110
5 Reno, NV 89511
6 Telephone: 775-324-4100
7 Facsimile: 775-333-8171

8 Mark Finkelstein
9 (*pro hac vice to be submitted*)
10 Mei Tsang
11 (*pro hac vice to be submitted*)
12 Molly J. Magnuson
13 (*pro hac vice to be submitted*)
14 UMBERG ZIPSER LLP
15 1920 Main Street, Suite 750
16 Irvine, CA 92614
17 Telephone: (949) 679-0052
18 Facsimile: (949) 679-0461

19 Donald L. Jackson
20 (*pro hac vice to be submitted*)
21 Gregory A. Krauss
22 (*pro hac vice to be submitted*)
23 DAVIDSON BERQUIST JACKSON & GOWDEY, LLP
24 8300 Greensboro Drive, Suite 500
25 McLean, VA 22102
26 Telephone: (571) 765-7700
27 Facsimile: (571) 765-7200

28 *Attorneys for Plaintiff*
OPUS ONE D/B/A CONTEST FACTORY

DEMAND FOR TRIAL BY JURY

Opus One Corporation d/b/a Contest Factory demands trial by jury of all issues so triable, pursuant to Rule 38 of the Federal Rules of Civil Procedure.

Dated: October 3, 2023

BROWNSTEIN HYATT FARBER SCHRECK, LLP

/s/ Matthew D. Francis

Matthew D. Francis
5520 Kietzke Lane, Suite 110
Reno, NV 89511
Telephone: (775) 324-4100
Facsimile: (775) 333-8171

Mark Finkelstein
(pro hac vice to be submitted)
UMBERG ZIPSER LLP
1920 Main Street, Suite 750
Irvine, CA 92614
Telephone: (949) 679-0052
Facsimile: (949) 679-0461

Donald L. Jackson
(pro hac vice to be submitted)
Gregory A. Krauss
(pro hac vice to be submitted)
DAVIDSON BERQUIST JACKSON & GOWDEY, LLP
8300 Greensboro Drive, Suite 500
McLean, VA 22102
Telephone: (571) 765-7700
Facsimile: (571) 765-7200

Attorneys for Plaintiff
OPUS ONE D/B/A CONTEST FACTORY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INDEX OF EXHIBITS

A.	Patent No.: US 10,891,642 B2	58 Pages
B.	Patent No.: US 8,655,715 B2	57 Pages