

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BOT M8 LLC, a Delaware Limited Liability Company)	
)	
)	Civil Action No. _____
Plaintiff,)	
)	DEMAND FOR JURY TRIAL
v.)	
)	
SONY CORPORATION OF AMERICA, a New York Corporation; SONY CORPORATION, a Japanese Corporation; and SONY INTERACTIVE ENTERTAINMENT LLC, a California Limited Liability Company,)	
)	
Defendants.)	
)	
)	
)	

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Bot M8 LLC (“Bot M8”) files this Complaint for Patent Infringement and Demand for Jury Trial against Sony Interactive Entertainment, Sony Interactive Entertainment LLC, Sony Corporation of America, and Sony Corporation (collectively, “Sony”), and alleges as follows:

THE PARTIES

1. Plaintiff Bot M8 is a Delaware Limited Liability Company.
2. Defendant Sony Corporation of America (“SCA”) is a corporation organized and existing under the laws of the State of New York, having a principal place of business at 25 Madison Avenue, New York, New York 10010. SCA is a wholly-owned subsidiary of Japanese conglomerate Sony Corporation and is the United States headquarters of Sony Corporation. Upon information and belief, Defendant Sony Corporation of America has authority to negotiate and enter into patent licenses on behalf of Sony Corporation.

3. Defendant Sony Corporation is a corporation organized and existing under the laws of Japan, with a principal place of business at 1-7-1 Konan, Minato-ku, Tokyo 108-0075, Japan. Sony Corporation is a Japanese multinational conglomerate, with businesses including gaming, consumer and professional electronics, entertainment and financial services.

4. Sony Interactive Entertainment is a multinational video game and digital entertainment company that is a wholly-owned subsidiary of Japanese conglomerate Sony Corporation. Defendant Sony Interactive Entertainment LLC (“SIE”) is the global and Americas regional headquarters of Sony Interactive Entertainment, located at 2207 Bridgepointe Parkway, San Mateo, California.

5. Sony designs, manufactures, uses, advertises, imports, distributes, offers for sale and sells PlayStation 4 consoles, PlayStation Network services and PlayStation 4 videogames, including single player games and multiplayer games. The PlayStation 4 console is an eighth-generation home video game console developed by Sony, and launched on November 15, 2013 in North America.

JURISDICTION AND VENUE

6. This action arises under the Patent Act, 35 U.S.C. § 101 *et seq.* This Court has original jurisdiction over this controversy pursuant to 28 U.S.C. §§ 1331 and 1338.

7. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

8. This Court has personal jurisdiction over Defendant SCA because it is a New York corporation, with its headquarters within this District, and because it has committed acts of infringement and has a regular and established place of business within this District.

9. This Court has personal jurisdiction over Defendant Sony Corporation because it has committed acts of infringement and has a regular and established place of business within this

District through its subsidiary SCA and its regular contacts with and conduct of business within this District. As a foreign corporation, Sony Corporation is subject to venue within this District.

10. This Court has personal jurisdiction over SIE because it maintains regular and substantial business related to the acts of infringement giving rise to this action within this District, including the development and sale of the infringing products and services, upon Plaintiff's information and belief.

11. Additionally, this Court can further exercise personal jurisdiction over the Defendants in this action because they have committed acts of infringement and inducement of infringement in this District, including through designing, manufacturing, advertising, using, distributing, offering for sale and selling infringing products and services in this District and because Plaintiff's claims arise out of and relate to Defendants' acts of infringement and inducement of infringement in this District, and because the exercise of jurisdiction by this Court over Defendants would be reasonable. Defendants have more than minimal contacts with this District, such that the maintenance of this action within this District would not offend traditional notions of fair play and substantial justice.

BOT M8'S ASSERTED PATENTS

12. On March 4, 2008, the USPTO issued U.S. Patent No. 7,338,363 ("the '363 Patent"), titled "Gaming Machine, Server, and Program" to Kazuo Okada. All rights, title, and interests in the '363 Patent have been assigned to Bot M8 who is the sole owner of the '363 Patent. A true and correct copy of the '363 Patent is attached to this Complaint as **Exhibit 1** and is incorporated by reference herein.

13. The '363 Patent generally relates to a gaming machine, a server and a program. More particularly, the specification values of a game machine can be changed by each game player to meet each player's unique preference. One of the ways this is accomplished is by renewing

specification values of a game machine on the basis of the total of the number of medals paid out by a game player to the gaming machine. Furthermore, a game can be jointly played on two gaming machines, and the total results of the jointly played game can be used to update specification values.

14. On December 13, 2011, the USPTO issued U.S. Patent No. 8,078,540 (“the ‘540 Patent”), titled “Gaming Machine, Gaming Information Authentication and Acquisition Device, and Gaming Information Acquisition Device” to Tatsuhiko Tanimura. All rights, title, and interests in the ‘540 Patent have been assigned to Bot M8 who is the sole owner of the ‘540 Patent. A true and correct copy of the ‘540 Patent is attached to this Complaint as **Exhibit 2** and is incorporated by reference herein.

15. The ‘540 Patent generally relates to a gaming machine, a gaming information authenticating and loading device, and a loading device for loading gaming information, whereby gaming information recorded on a portable storage medium can be authenticated. Double authentication is used to authenticate gaming information and increase authentication reliability. Namely, before a motherboard loads an authentication program to authenticate actual gaming information, a preliminary authentication is carried out to confirm that the authentication program is a legitimate program which has not been manipulated.

16. On January 10, 2012, the USPTO issued U.S. Patent No. 8,095,990 (“the ‘990 Patent”), titled “Gaming Machine, Gaming Information Authentication Loading Device and Gaming Information Loading Device” to Tatsuhiko Tanimura. All rights, title, and interests in the ‘990 Patent have been assigned to Bot M8 who is the sole owner of the ‘990 Patent. A true and correct copy of the ‘990 Patent is attached to this Complaint as **Exhibit 3** and is incorporated by reference herein.

17. The '990 Patent generally relates to a gaming machine, a gaming information authentication loading device, and a gaming information loading device. Mutual authentication is used to increase authentication reliability. Namely, before a mutual authentication unit executes an authentication program to authenticate actual gaming information, the mutual authentication unit checks that the authentication program is a legitimate program.

18. On February 16, 2010, the USPTO issued U.S. Patent No. 7,664,988 ("the '988 Patent"), titled "Gaming Apparatus Having Memory Fault Detection" to Jun Haishima. All rights, title, and interests in the '988 Patent have been assigned to Bot M8 who is the sole owner of the '988 Patent. A true and correct copy of the '998 Patent is attached to this Complaint as **Exhibit 4** and is incorporated by reference herein.

19. The '988 Patent generally relates to an information process device in which a fault in hardware or software is inspected. Faults include, for example, damage, changes or falsification. The memory device in which a fault inspection program and a boot program are stored is different from another memory device where a game application program is stored. Both memory devices are connected to the same motherboard. If the memory device where the game application program is stored is damaged, the fault inspection program would not be affected. Therefore, fault detection reliability is increased.

20. On February 7, 2012, the USPTO issued U.S. Patent No. 8,112,670 ("the '670 Patent"), titled "Gaming Apparatus Having Memory Fault Detection" to Jun Haishima. All rights, title, and interest in the '670 Patent have been assigned to Bot M8 who is the sole owner of the '670 Patent. A true and correct copy of the '670 Patent is attached to this Complaint as **Exhibit 5** and is incorporated by reference herein.

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