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Riot Games, Inc.
7

8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 RIOT GAMES, INC., a Delaware
corporation,
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Plaintiff,
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v.
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15 SHANGHAI MOONTON
TECHNOLOGY CO., LTD., and
16 DOES 1-10, inclusive,

Defendants.
17

CASE NO. 2:17-cv-4986

COMPLAINT FOR:

- (1) COPYRIGHT INFRINGEMENT**
- (2) TRADEMARK INFRINGEMENT**
- (3) FALSE DESIGNATION OF ORIGIN**

DEMAND FOR JURY TRIAL

1 Plaintiff Riot Games, Inc. (“Riot”) alleges as follows:
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3 **PRELIMINARY STATEMENT**

4 1. Riot develops, publishes, distributes, and maintains the immensely
5 popular game titled “League of Legends” (“LoL”). Riot owns the copyright and
6 all related rights in LoL. Riot also owns registered trademarks in the word mark
7 “LEAGUE OF LEGENDS” and in LoL’s distinctive and original logo.

8 2. This lawsuit involves the ongoing, willful and bad faith infringement
9 of Riot’s intellectual property rights, including its copyrights and trademarks, by
10 Shanghai Moonton Technology Co, Ltd. (“Moonton”) and those working in
11 concert with it. Moonton has developed and distributed a succession of mobile
12 games designed to trade off Riot’s well-known and valuable intellectual property:
13 *Magic Rush: Heroes*, *Mobile Legends: 5v5 MOBA*, and *Mobile Legends: Bang*
14 *bang* (collectively, the “Infringing Games”). Each of the Infringing Games
15 contains (or at one time contained) a vast array of elements that were directly and
16 deliberately appropriated from LoL, including but not limited to LoL’s characters,
17 artwork, map designs, and unit and monster designs. And, to add insult to injury,
18 Moonton marketed and distributed certain of its games with a logo that is
19 confusingly similar to Riot’s LoL logo, using the exact same font and color scheme
20 as Riot’s LoL logo.

21 3. Moonton not only knows that its conduct is unlawful, but has engaged
22 in overt gamesmanship. Moonton created products that it knew to be infringing,
23 waited to receive an infringement claim from Riot, and in response to that claim
24 made only the most minimal adjustments while continuing to knowingly infringe.
25 Most notably, after Riot discovered *Mobile Legends: 5v5 MOBA* and notified
26 Google that the game was infringing, Moonton purported to remove the game from
27 the Google Play store. But that was simply a subterfuge. Immediately after
28 removing *Mobile Legends: 5v5 MOBA*, Moonton (without notifying Riot or

1 Google) released a “new” game, *Mobile Legends: Bang bang*. However, *Mobile*
2 *Legends: Bang bang* was not a new game at all, but in fact was the exact same
3 game as *Mobile Legends: 5v5 MOBA*, with some modest changes. This ploy of
4 “hide the ball” was part of Moonton’s deliberate business strategy, designed to
5 hamper Riot’s ability to protect its intellectual property. Meanwhile, even though
6 Moonton now has received multiple infringement notices from Riot, it continues to
7 infringe and to profit from its infringement.

8 4. Moonton’s conduct has harmed Riot and its business, while enriching
9 Moonton. Riot is entitled to monetary damages and injunctive and other equitable
10 relief.

11 THE PARTIES

12 5. Riot is a corporation duly organized and existing under the laws of the
13 State of Delaware, with its principal place of business in Los Angeles, California.

14 6. Riot is informed and believes, and on that basis alleges, that Moonton
15 is a company based in the Huangpu district of Shanghai, China, with its principal
16 place of business at Flat A, Room 227, No 103, Nantangbang Road. Riot is
17 informed and believes that Moonton developed each of the Infringing Games, that
18 Moonton formerly published and distributed *Mobile Legends: 5v5 MOBA*, and that
19 Moonton currently publishes, distributes, maintains, and updates *Mobile Legends:*
20 *Bang bang*.

21 7. The true names and capacities, whether individual, corporate,
22 associate, or otherwise, of the defendants sued herein as Does 1-10 inclusive, are
23 unknown to Riot, which has therefore sued said defendants by such fictitious
24 names. These defendants may include individuals whose real identities are not yet
25 known to Riot, but who are acting in concert with one another, often in the guise of
26 Internet aliases, in committing the unlawful acts alleged herein. Riot will seek
27 leave to amend this complaint to state their true names and capacities once said
28 defendants’ identities and capacities are ascertained. Riot is informed and

1 believes, and on that basis alleges, that all defendants sued herein are liable to Riot
2 as a result of their participation in all or some of the acts set forth in this complaint.
3 (All of the aforementioned defendants collectively are referred to herein as
4 “Defendants.”).

5 8. Riot is informed and believes, and on that basis alleges, that at all
6 times mentioned in this complaint, each of the Defendants was the agent of each of
7 the other Defendants and, in doing the things alleged in this complaint, was acting
8 within the course and scope of such agency.

9 **JURISDICTION AND VENUE**

10 9. This is a civil action seeking damages, injunctive relief, and other
11 equitable relief, under the Copyright Act, 17 U.S.C. § 101 *et seq.*

12 10. This Court has subject matter jurisdiction over Riot’s claims for
13 copyright and trademark infringement pursuant to 28 U.S.C. §§ 1331 and 1338(a).
14 Additionally, this Court has subject matter jurisdiction pursuant to 28 U.S.C.
15 § 1332 because the amount in controversy exceeds the sum or value of \$75,000,
16 and the action is between a California citizen and citizens of a foreign jurisdiction.

17 11. This Court also has personal jurisdiction over Defendants because
18 they have purposefully directed their activities at the United States, and at
19 California in particular, have purposefully availed themselves of the benefits of
20 doing business in California, and have established a continuing presence in
21 California. Riot is informed and believes, and on that basis alleges, that, without
22 limitation:

23 (a) Defendants conduct extensive and ongoing business with customers in
24 the United States and the State of California;

25 (b) Defendants distribute the Infringing Games in the United States and
26 the State of California through the services provided by at least two California
27 companies, Apple, Inc. (“Apple”) and Google, Inc. (“Google”);

1 (c) Defendants have directed their unlawful activities at Riot, knowing
2 and intending that Riot would be harmed by Defendants' conduct in the United
3 States and primarily in the State of California, where Riot has its principal place of
4 business;

5 (d) Defendants advertise and market the Infringing Games in the United
6 States and the State of California, and communicate directly with users in the
7 United States and the State of California, including for the purposes of soliciting
8 purchases of the Infringing Games by such users;

9 (e) Defendants enter into contracts with numerous California and U.S.
10 citizens, including each California resident that installs and plays the Infringing
11 Games on his or her mobile device. Defendants also collect revenue from in-app
12 purchases (or "microtransactions") from users within the United States and the
13 state of California; and

14 (f) Riot is informed and believes, and on that basis alleges, that
15 Defendants have entered into at least one agreement concerning the sale,
16 distribution, advertising and marketing of the Infringing Games in the United
17 States, including an agreement with a U.S. entity known as Elex Technology
18 Holdings Co., Ltd. ("Elex").

19 12. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)
20 because this is a judicial district in which a substantial part of the events giving rise
21 to the claims occurred, and/or in which Riot's injury was suffered.

22 **FACTS APPLICABLE TO ALL CLAIMS**

23 **Riot and "League of Legends"**

24 13. Riot is a game developer and publisher best known for its enormously
25 popular game "League of Legends" ("LoL"). Riot, with its partners and affiliates,
26 develops, publishes, markets, advertises, distributes, maintains, and services LoL
27 in numerous countries throughout the world. Riot owns valid registered copyrights
28 in LoL.

1 14. LoL is a fast-paced, highly competitive online game. In LoL, two
2 five-player teams of powerful champions, each with a unique design and playstyle,
3 battle head-to-head across multiple computer-generated battlefields in a variety of
4 game modes and types. LoL blends the speed and intensity of a “real-time”
5 strategy game with elements of fantasy role-playing and character development.
6 LoL is a style of game sometimes referred to as a MOBA, an acronym for
7 “Multiplayer Online Battle Arena.”

8 15. LoL is a highly creative game with a vast array of original and
9 protectable elements. Among the original and protectable elements contained in
10 LoL are its playable “champion” characters. LoL features more than 130
11 champions, each of which has a unique and distinctive appearance and possesses a
12 unique set of skills and abilities, represented in the game by a piece of original
13 artwork (also referred to as an “icon.”) At the start of each game, players select a
14 champion to play for the remainder of the game. As the game progresses, LoL
15 players select from a variety of unique equipment and items, each of which has an
16 original name and identifying icon, as well as a unique set of defined properties, to
17 enhance the abilities and strength of their champion. Each of the foregoing
18 elements, including the aforementioned characters, visual depictions of characters,
19 item artwork, icon artwork, as well as the combination, selection, and arrangement
20 of the foregoing elements, constitutes Riot’s protected expression.

21 16. LoL’s gameplay takes place on original and distinctive computer-
22 generated battlefields or “maps,” each with different terrain, features, objectives,
23 and victory conditions. The most popular of LoL’s maps is “Summoner’s Rift.”
24 Summoner’s Rift is a highly detailed map that is comprised of three roads (or
25 “lanes”), a river that divides the map in two, and a dense “jungle” populated by
26 unique computer-controlled monsters, including the Red Brambleback, the Blue
27 Sentinel, the Elder Dragon, and Baron Nashor. At each end of Summoner’s Rift is
28 each team’s “Nexus,” which is a central base from which computer-controlled

1 “minions” appear (or “spawn”) and advance towards the enemy base on the map’s
2 lanes. Summoner’s Rift also contains numerous features and structures spread
3 throughout the map, including powerful defensive turrets and “inhibitors,” which,
4 when destroyed, provide an advantage to the destroying team. The object of a
5 Summoner’s Rift game is to destroy the opponent’s Nexus while protecting one’s
6 own Nexus. Summoner’s Rift has a distinct aesthetic appearance, manifested in its
7 specific color palate and its unique combination of terrain and environmental
8 features (such rocks, trees, and ancient stone structures and ruins).

9 17. The overall layout of Summoner’s Rift is depicted below, and it also
10 appears throughout LoL on a “mini-map” displayed as part of the game’s user
11 interface:



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23 Every aspect and element of Summoner’s Rift has been carefully and thoughtfully
24 designed and put into place by LoL’s artists and game designers. The appearance,
25 placement, design, and layout of Summoner’s Rift, is distinctive, highly original,
26 and constitutes Riot’s protected expression.

1 18. In addition to its rights in the LoL copyright, Riot has invested
2 enormous time, effort, and resources developing and promoting its LEAGUE OF
3 LEGENDS name and accompanying logo.



9 As a result, the LEAGUE OF LEGENDS name and logo have become known
10 throughout the United States and the world by consumers as signifying interactive
11 entertainment and related products and services originating from Riot. In addition
12 to its common law trademark, Riot is the owner of U.S. registrations in the U.S.
13 Patent and Trademark Office for its name and logo, including Registration Nos.
14 4576134, 4576135, 4614039, 3815808, 3756125, and 4164849. Riot's common
15 law and federally registered trademarks herein are referred to collectively as the
16 "LoL Marks."

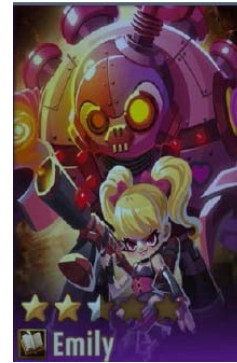
17 **Defendants and the Infringing Games**



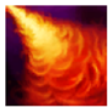

18 *Magic Rush: Heroes*

19 19. In early 2016, Riot discovered the infringing game *Magic Rush:*
20 *Heroes* ("Magic Rush"). *Magic Rush* is a game designed for mobile devices such
21 as the iPad and Android-based smartphones and tablets. *Magic Rush* was, and is,
22 available on mobile platforms such as the iTunes App Store and Google Play
23 Store. Riot is informed and believes, and on that basis alleges, that *Magic Rush*
24 was developed by Moonton and distributed and marketed in the United States by
25 Elex.

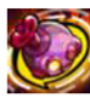
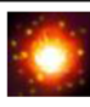
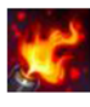

26 20. As first released and sold to the public, *Magic Rush* contained a
27 number of playable heroes or champions, each of which was a near carbon copy of
28 one of LoL's champions. For example, LoL features a champion known as

1 “Annie,” a young girl whose special abilities include the power to summon a toy
 2 bear to stun and attack enemies and to shoot a fan-shaped spray of fire. *Magic*
 3 *Rush* featured a hero known as “Emily,” a young girl whose abilities likewise
 4 included the power to summon a toy bear to stun and attack enemies and to shoot a
 5 fan-shaped spray of fire. As illustrated below, “Annie” and “Emily” not only are
 6 similar in appearance, but also share a nearly identical set of powers and skills:



	Summon: Tibbers Annie wills her bear Tibbers to life, dealing damage to units in the area. Tibbers can attack and also burns enemies that stand near him.
	Disintegrate Annie hurls a Mana infused fireball, dealing damage and refunding the Mana cost if it destroys the target.
	Incinerate Annie casts a blazing cone of fire, dealing damage to all enemies in the area.
	Pyromania After casting 4 spells, Annie's next offensive spell will stun the target for a short duration.

Annie from LoL

	Play Time Summons a powerful mechanical monster which causes magic damage and stun to enemies near the target and actively attack enemies nearby.
	Flame Jet Spews fire at a single enemy, dealing magic damage.
	Burning Deals magic damage to enemies in a fan shaped area near in front of the hero.
	Flame Strike Every 5th attack will deal a stun the enemy.

Emily from Magic Rush

1 in LoL. In mid-2016, Moonton released *Mobile Legends: 5v5 MOBA* on the
2 Google Play Store.

3 25. *Mobile Legends: 5v5 MOBA* is a mobile game in which, like LoL,
4 players assume the role of a unique hero and engage with other players on a
5 computer-generated battlefield. As released to the public, *Mobile Legends: 5v5*
6 *MOBA* infringed Riot's copyrights and trademarks in numerous respects, including
7 but not limited to the following:

8 (a) *Mobile Legends: 5v5 MOBA* used a battlefield that is nearly identical
9 to LoL's Summoner's Rift. The similarities between the *Mobile Legends: 5v5*
10 *MOBA* battlefield and Summoner's Rift include both the visual and aesthetic
11 appearance of the map and the placement and location of nearly every object and
12 feature on the map. For example, *Mobile Legends: 5v5 MOBA* directly and
13 slavishly copied the overall look and feel of Summoner's Rift, such as its
14 distinctive color combinations, textures, and terrain design (such as location and
15 number of staircase steps, rocks, and bushes), as illustrated below:



1 *Mobile Legends: 5v5 MOBA* also copied all of the key elements and obstacles in
2 Summoner's Rift (and their precise location), including the "dragon," "baron,"
3 "blue buff," and "red buff" camps.

4 (b) *Mobile Legends: 5v5 MOBA* copied the exact appearance of various
5 objects, monsters and non-player characters, such as LoL's "caster," "melee," and
6 "siege" minions; unique in-game monsters such as the Red Brambleback; and the
7 look and feel of the game's towers and turrets (including the central "Nexus"
8 base).

9 (c) *Mobile Legends: 5v5 MOBA* copied logos and banners from within
10 the game, such as the logo announcing a player "Victory."

11 (d) *Mobile Legends: 5v5 MOBA* blatantly copied and referenced LoL's
12 unique and distinctive characters, including its popular LoL character "Garen," as
13 illustrated below:



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Garen from LoL



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Image from Mobile Legends

25 26. Additionally, Moonton used a logo for *Mobile Legends: 5v5 MOBA*
26 that was confusingly similar to Riot's logo for LoL, including in font, color
27 scheme, and overall style:



6 27. In August 2016, Riot advised Google that *Mobile Legends: 5v5*
7 *MOBA* infringed Riot’s copyright in LoL, and demanded that Google remove
8 *Mobile Legends: 5v5 MOBA* from the Google Play Store. In response, Google
9 requested additional specificity as to the nature of the infringement and Riot, in
10 turn, did so. Attached hereto as Exhibit B is a copy of an August 15, 2016, letter
11 sent by Riot to Google, which is incorporated herein by reference.

12 28. Riot is informed and believes, and on that basis alleges, that Google
13 provided Riot’s letter directly to Moonton. In response, Moonton removed *Mobile*
14 *Legends: 5v5 MOBA* from the Google Play Store without any explanation. Then,
15 Moonton released a new version of *Mobile Legends: 5v5 MOBA* titled *Mobile*
16 *Legends: Bang bang*. *Mobile Legends: Bang bang* was the exact same game as
17 *Mobile Legends: 5v5 MOBA*, but with a few minor artwork changes, including
18 revisions to a few of the elements identified by Riot in its August 2016 letter.

19 29. Notwithstanding Moonton’s minor changes, *Mobile Legends: Bang*
20 *bang* infringes Riot’s copyrights and trademarks in a number of respects. By way
21 of example, *Mobile Legends: Bang bang* takes place on a battlefield that is nearly
22 identical to Riot’s “Summoner’s Rift” and contains the exact same obstacles,
23 objects, monsters, bases, turrets, textures, and overall color palate as “Summoner’s
24 Rift,” as illustrated below.

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Screenshot from LoL



Screenshot from *Mobile Legends: Bang bang*



“Mini-Map” of LoL’s “Summoner’s Rift”



“Mini-Map” of *Mobile Legends: Bang bang*

30. Riot is informed and believes, and on that basis alleges, that Defendants continue to develop *Mobile Legends: Bang bang*, including by adding new servers and making updates to *Mobile Legends: Bang bang*, despite notice of Riot’s claims of copyright infringement.

COUNT I
COPYRIGHT INFRINGEMENT
(Magic Rush: Heroes)

31. Riot realleges and incorporates by reference the allegations in paragraphs 1 through 30, as if set forth fully herein.

1 32. Riot is the owner of valid and enforceable copyrights in LoL. Riot
2 has registered or applied for registration for copyrights in LoL, including PA 1-
3 906-694, PA 1-397-659 and PA 1-971-560.

4 33. Defendants have deliberately and intentionally copied protectable
5 expression from LoL in *Magic Rush*. Riot has never authorized or given consent to
6 Defendants to use their copyrighted works in the manner complained of herein.

7 34. Thus, Defendants have infringed Riot's copyrights by reproducing,
8 adapting, distributing, publicly performing, and publicly displaying, and
9 authorizing others to reproduce, adapt, distribute, publicly perform, and publicly
10 display copyrighted elements of LoL without authorization, in violation of the
11 Copyright Act, 17 U.S.C. § 501 *et seq.*

12 35. Defendants' acts of infringement are willful, in disregard of, and with
13 indifference to, the rights of Riot.

14 36. As a direct and proximate result of the infringements alleged herein,
15 Riot is entitled to damages and to Defendants' profits in amounts to be proven at
16 trial, which are not currently ascertainable. Alternatively, Riot is entitled to
17 maximum statutory damages of \$150,000 for each copyright infringed, or in such
18 other amount as may be proper under 17 U.S.C. § 504(c).

19 37. Riot further is entitled to its attorneys' fees and full costs pursuant to
20 17 U.S.C. § 505.

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COUNT II

23

COPYRIGHT INFRINGEMENT

24

(*The Mobile Legends Games*)

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38. Riot realleges and incorporates by reference the allegations in
paragraphs 1 through 30, as if set forth fully herein.

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1 39. Riot is the owner of valid and enforceable copyrights in LoL. Riot
2 has registered or applied for registration for copyrights in LoL, including PA 1-
3 906-694, PA 1-397-659 and PA 1-971-560.

4 40. Defendants have deliberately and intentionally copied protectable
5 expression from LoL in *Mobile Legends: 5v5 MOBA* and in *Mobile Legends: Bang*
6 *bang*. Riot has never authorized or given consent to Defendants to use their
7 copyrighted works in the manner complained of herein.

8 41. Thus, Defendants have infringed, and are continuing to infringe,
9 Riot's copyrights by reproducing, adapting, distributing, publicly performing, and
10 publicly displaying, and authorizing others to reproduce, adapt, distribute, publicly
11 perform, and publicly display copyrighted elements of LoL without authorization,
12 in violation of the Copyright Act, 17 U.S.C. § 501 et seq.

13 42. Defendants' acts of infringement are willful, in disregard of, and with
14 indifference to, the rights of Riot.

15 43. As a direct and proximate result of the infringements alleged herein,
16 Riot is entitled to damages and to Defendants' profits in amounts to be proven at
17 trial, which are not currently ascertainable. Alternatively, Riot is entitled to
18 maximum statutory damages of \$150,000 for each copyright infringed, or in such
19 other amount as may be proper under 17 U.S.C. § 504(c).

20 44. Riot further is entitled to its attorneys' fees and full costs pursuant to
21 17 U.S.C. § 505.

22 45. As a result of Defendants' acts and conduct, Riot has sustained and
23 will continue to sustain substantial, immediate, and irreparable injury for which
24 there is no adequate remedy at law. Riot is informed and believes, and on that
25 basis alleges, that unless enjoined and restrained by this Court, Defendants will
26 continue to infringe Riot's rights in LoL. Riot is entitled to temporary,
27 preliminary, and permanent injunctive relief to restrain and enjoin Defendants'
28 continuing infringing conduct.

COUNT III

FEDERAL TRADEMARK INFRINGEMENT

(15 U.S.C. § 1114)

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4 46. Riot incorporates herein by reference the allegations of paragraphs 1
5 through 30 as though fully set forth herein.

6 47. Riot is the owner of all right, title, and interest in the LoL Marks and
7 has standing to maintain an action for trademark infringement under 15 U.S.C.
8 § 1114. With actual and constructive notice of Riot’s federal trademark
9 registrations and of Riot’s extensive and continuous use of the LoL Marks,
10 Defendants have used, and are continuing to use, its confusingly similar marks and
11 name (the “Infringing Marks”) in the United States upon goods and services
12 closely related to the goods and services in connection with which Riot uses the
13 LoL Marks.

14 48. Defendants’ use of the Infringing Marks, including in connection with
15 its mobile games, is likely to cause confusion, deception, and mistake among
16 consumers. Buyers and persons who encounter the Infringing Games will think
17 that they are licensed or approved by Riot. This includes initial interest confusion,
18 confusion at the time of sale, and post-sale confusion. In actual fact, Riot does not
19 authorize Defendants’ use of the Infringing Marks on any of its goods or services,
20 and strongly objects thereto.

21 49. Defendants know that their use of the Infringing Marks is infringing,
22 have reason to know that it is infringing, and/or have been recklessly indifferent to
23 the fact that such use was and is infringing.

24 50. Defendants’ acts have caused or are likely to cause, unless restrained
25 by this Court, Riot and the public to suffer great and irreparable damage and injury
26 through, *inter alia*: (a) a likelihood of confusion, mistake, and deception among the
27 relevant purchasing public and trade as to the source of the infringing products and

1 services; and (b) the loss of Riot’s valuable goodwill and business reputation
2 symbolized by the LoL Marks. Riot has no adequate remedy at law.

3 51. Defendants’ continued and knowing use of the LoL Marks without
4 Riot’s consent or authorization constitutes intentional infringement of Riot’s
5 federally registered LoL Marks in violation of Section 32 of the Lanham Act, 15
6 U.S.C. § 1114, and renders this an “exceptional case” under 15 U.S.C. § 1117(a).
7 Based on such conduct, Riot is entitled to injunctive relief as well as monetary
8 damages, and other remedies provided by Sections 1116, 1117, and 1118,
9 including Defendants’ profits, treble damages, reasonable attorneys’ fees, costs and
10 prejudgment interest.

11
12 **COUNT IV**

13 **FALSE DESIGNATION OF ORIGIN**

14 **(15 U.S.C. § 1125(A))**

15 52. Riot incorporates herein by reference the allegations of paragraphs 1
16 through 30 as though fully set forth herein.

17 53. Riot, as the owner of all common law right, title, and interest in and to
18 the LoL Marks, has standing to maintain an action for false designation of origin
19 and unfair competition under the Section 43(a) of the Lanham Act, 15 U.S.C.
20 § 1125.

21 54. Defendants have, without authorization, on or in connection with their
22 services, used in commerce marks that are confusingly similar to the LoL Marks,
23 and/or has made false designations of origin which are likely to cause confusion or
24 cause mistake or to deceive as to the affiliation, connection or association of
25 Defendants with Riot, and/or as to the origin, sponsorship or approval of
26 Defendants’ services and commercial activities.

27 55. Defendants knew or by the exercise of reasonable care should have
28 known that the adoption and commencement of use in commerce and continuing

1 use of marks that are confusingly similar to the LoL Marks would cause confusion,
2 mistake, or deception among purchasers, users and the public.

3 56. Defendants' wrongful conduct has permitted or will permit it to make
4 substantial sales and profits on the strength of Riot's marketing, advertising, sales
5 and consumer recognition. As a direct and proximate result of Defendants'
6 wrongful conduct, as alleged herein, Riot has been deprived and will be deprived
7 of the value of its LoL Marks in an amount as yet unknown but to be determined at
8 trial. Riot seeks an accounting of Defendants' profits, and requests that the Court
9 grant Riot three times that amount.

10 57. Defendants' acts and omissions have caused and, unless restrained by
11 this Court, will continue to cause Riot and the public to suffer great and irreparable
12 damage and injury through, *inter alia*, (a) a likelihood of confusion, mistake and
13 deception among the relevant purchasing public and trade as to the source of
14 Defendants' infringing services; and (b) the loss of Riot's valuable goodwill and
15 business reputation symbolized by its LoL Marks. Riot has no adequate remedy at
16 law.

17 58. Based on Defendants' wrongful conduct, Riot is entitled to injunctive
18 relief as well as monetary damages and other remedies as provided by the Lanham
19 Act, including Defendants' profits, treble damages, reasonable attorneys' fees,
20 costs and prejudgment interest.

21 59. Upon information and belief, the intentional nature of the
22 aforementioned acts renders this an exceptional case under 15 U.S.C. § 1117(a),
23 and Riot is further entitled to its attorneys' fees and costs of suit herein pursuant to
24 15 U.S.C. § 1117.

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PRAYER FOR RELIEF

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WHEREFORE, Riot prays that this Court enter judgment in its favor on each and every claim for relief set forth above and award it relief, including but not limited to an order:

1. Preliminarily and permanently enjoining Defendants, their officers, employees, agents, subsidiaries, representatives, distributors, dealers, members, affiliates, and all persons acting in concert or participation with Defendants from:

(a) manufacturing, producing, distributing, adapting, displaying, advertising, promoting, offering for sale or selling, or performing any materials that are substantially similar to LoL;

(b) using, selling, offering for sale, holding for sale, advertising or promoting any goods or services under or in connection with any trade name, trademark, service mark, or other designation of origin that is comprised in whole or in part of the LoL Marks, or any terms, designs or styles confusingly similar thereto; or

(c) doing any act or thing that is likely to induce the belief that Defendants' goods or services, or activities are in some way connected with Riot or that is likely to injure or damage Riot or its LoL Marks.

2. Requiring Defendants to deliver to Riot all copies of materials that infringe or violate any of Riot's rights described herein, including without limitation all copies of the Infringing Games and all signage, brochures, labels, stickers, displays, written materials and other promotional material bearing any mark or logo confusingly similar to the LoL Marks.

3. Requiring Defendants to provide Riot with an accounting of any and all sales of products or services that infringe or violate any of Riot's rights, as described herein.

4. Awarding Riot actual or statutory damages for copyright infringement and under 17 U.S.C. § 504, as appropriate.

1 5. Awarding Riot the compensatory damages sustained by Riot as a
2 result of the unlawful acts of trademark infringement alleged herein and that such
3 damages be trebled pursuant to 15 U.S.C. § 1117 because of the willful and
4 unlawful acts alleged herein.

5 6. Awarding Riot its full costs and attorneys' fees in this action.

6 7. Imposing a constructive trust over the proceeds unjustly obtained by
7 Defendants through the sale of the Infringing Games in the United States, and/or
8 any other products or services that violate any of Riot's rights described herein.

9 8. Awarding such other and further relief as this Court may deem just
10 and appropriate.

11

12 Dated: July 6, 2017

MARC E. MAYER
MATTHEW S. BEASLEY
MITCHELL SILBERBERG & KNUPP LLP

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By: /s/Marc E. Mayer
Marc E. Mayer
Attorneys for Plaintiff
Riot Games, Inc.

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JURY DEMAND

Plaintiff Riot Games, Inc. hereby demands a trial by jury on all matters and issues so triable.

Dated: July 6, 2017

MARC E. MAYER
MATTHEW S. BEASLEY
MITCHELL SILBERBERG & KNUPP LLP

By: /s/Marc E. Mayer
Marc E. Mayer
Attorneys for Plaintiff
Riot Games, Inc.

EXHIBIT A



Dan Nabel, Esq.
Riot Games, Inc.
12333 W. Olympic Blvd.
Los Angeles, CA 90064
dnabel@riotgames.com

March 31, 2016

VIA EMAIL

David Lesht
Eugene M. Cummings, P.C.
55 West Monroe Street, Suite 3500
Chicago, Illinois 60603
dlesht@emcpc.com

Re: Magic Rush: Heroes – Copyright Infringement;
Apple Ref No. APP57985

Dear Mr. Lesht:

Our company has complained to both Apple and Google about your client’s video game, *Magic Rush: Heroes*, which infringes the copyright in our game, *League of Legends*® (U.S. Copyright Registration No. PA 1-906-694). As we previously explained, your client blatantly misappropriated our original, copyrighted content, including our well-known game characters and icons. In your response letter dated March 24, 2016, you told us that, after investigating, you both failed to see any infringement and that copyright law does not protect stock characters or “scenes a faire” characters.

Although copyright law does not protect “stock” characters, it does protect the unique traits and abilities of expressive, distinctly marked video game characters just as it does with a literary or film character. Atari, Inc. v. N. Am. Philips Consumer Elecs. Corp., 672 F.2d 607, 617 (7th Cir. 1982) (copyright infringement found based on substantial appropriation of PAC-MAN characters). In determining whether a character in a second work infringes a character in a prior work, “courts have generally considered not only the visual resemblance but also the totality of the characters’ attributes and traits.” Warner Bros. Inc. v. Am. Broad. Companies, Inc., 720 F.2d 231, 241 (2d Cir. 1983). In other words, misappropriating a game’s distinctive characters infringes the copyright in the game, even if the visual appearances differ. E.g. DaVinci Editrice S.R.L. v. ZiKo Games, LLC, No. CIV.A. H-13-3415, 2014 WL 3900139, at *11 (S.D. Tex. Aug. 8, 2014) (“characteristics and manner in which the characters interact, not



merely the names and pictures used to depict them, are creative and expressive elements in a role-playing game and are protectable.”)

Your client did not just copy the idea of our *League of Legends*® characters (e.g., a mermaid character or a werewolf character). Instead, your client copied the distinctive suite of characteristics and abilities that make our characters distinctive (and legally protectable) while barely bothering to change the art. Please see the enclosed side-by-side comparisons for just a few of the characters your client copied without our permission, including images of each character; icons representing their different abilities; and short descriptions of their abilities. We have not undertaken an exhaustive review and merely offer this comparison as an expedient tool to aid in your (and Apple’s) review. Needless to say, if we must pursue this action further, we will conduct an exhaustive, detailed examination; although we hope that will not be necessary.

Please confirm that your client will cease distributing its infringing game immediately. All rights and remedies are hereby expressly reserved.

Sincerely,

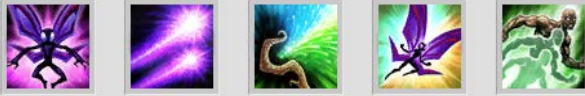
Dan Nabel

Dan D. Nabel

Enclosures



<i>League of Legends®</i>	<i>Magic Rush: Heroes</i>
<div data-bbox="235 321 846 682" data-label="Image"> </div> <div data-bbox="235 688 836 787" data-label="Image"> </div> <p data-bbox="235 856 321 888">Annie</p> <ol data-bbox="284 930 846 1505" style="list-style-type: none"> 1. <u>Summon Tibbers</u>: Summons a toy bear to stun and damage nearby enemies. Annie can then control the bear to attack her enemies. 2. <u>Disintegrate</u>: Attacks a single enemy with fire, dealing magic damage. 3. <u>Incinerate</u>: Deals magic damage to enemies in a fan shaped area near in front of the hero. 4. (passive ability) <u>Pyromania</u>: after casting 4 spells, the next spell will stun the target. 5. <u>Molten Shield</u>: increases Annie's armor and magic resistance and causes damage to enemies who hit Annie while Molten Shield is active 	<div data-bbox="868 321 1161 819" data-label="Image"> </div> <p data-bbox="868 856 954 888">Emily</p> <ol data-bbox="917 930 1479 1329" style="list-style-type: none"> 1. <u>Summon: Bonas</u>: Summons a toy bear to stun and damage nearby enemies. The bear will then attack nearby enemies. 2. <u>Flame Jet</u>: Attacks a single enemy with fire, dealing magic damage. 3. <u>Burning</u>: Deals magic damage to enemies in a fan shaped area near in front of the hero. 4. <u>Flame Strike</u>: After every 4 attacks cast, the next attack will stun the target.



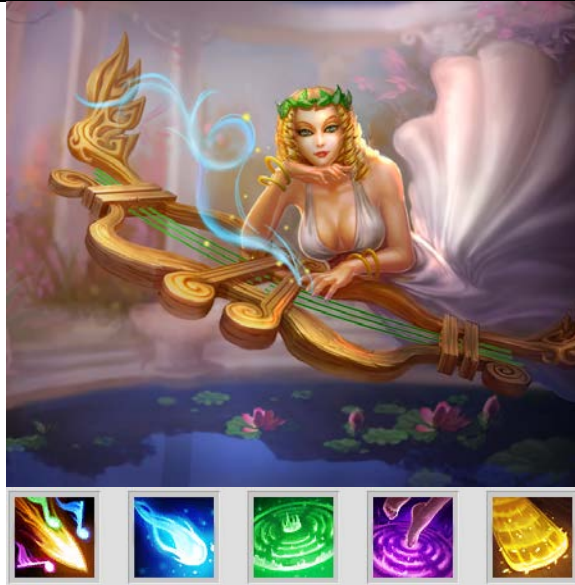
Lulu

1. (passive ability) Pix, Faerie Companion: wild faerie accompanies Lulu attacking the same targets as Lulu and increasing damage
2. Glitterlance: fires bolts of magical energy that damage and slow enemies while penetrating through them.
3. Whimsy: grants movement speed to an ally, or if cast on an enemy, turns them into a small animal.
4. Help, Pix!: if cast on an ally, shields the ally and increases the ally's attacks, or causes damage if cast on an enemy
5. Wild Growth: enlarges an ally, knocking nearby enemies into the air, slowing nearby enemies and granting the ally bonus health



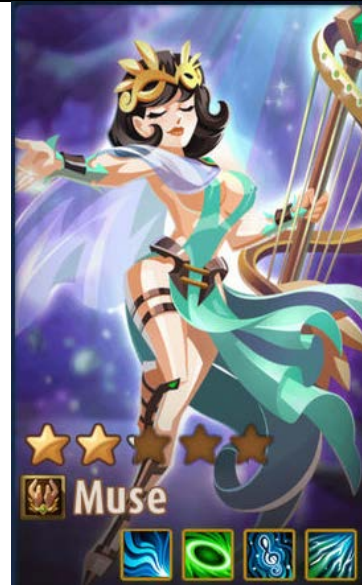
Merlynn

1. Elven Shield: Boosted by elf magic, her ability power and magic lifesteal increase
2. Elven Magic: fires bolts of magical energy that damage and slow enemies while penetrating through them.
3. Magic Morph: Turns enemy into a small animal.
4. Forest Blessing: The power of the forest increases the ability power of the whole team.



Sona

1. Hymn of Valor: sends out bolts of sound, dealing magic damage to nearby enemies
2. Crescendo: Deals magic damage and stuns enemies in front of her.
3. Aria of Perseverance: plays a protective melody that heals herself and a nearby wounded ally, shields nearby allies
4. (passive ability) Power Chord: after casting 3 spells, Sona's next attack deals bonus magic damage
5. Song of Celerity: grants herself and nearby allies increased movement speed



Muse

1. Mad Symphony: sends out bolts of sound, dealing magic damage to nearby enemies
2. Endless Waltz: Deals magic damage and stuns enemies in front of her and heals allies.
3. Healing Chord: Plays a whirling melody that heals herself and the most severely-damaged ally
4. Sound of Music: a soothing melody increases the ability power of herself and her allies



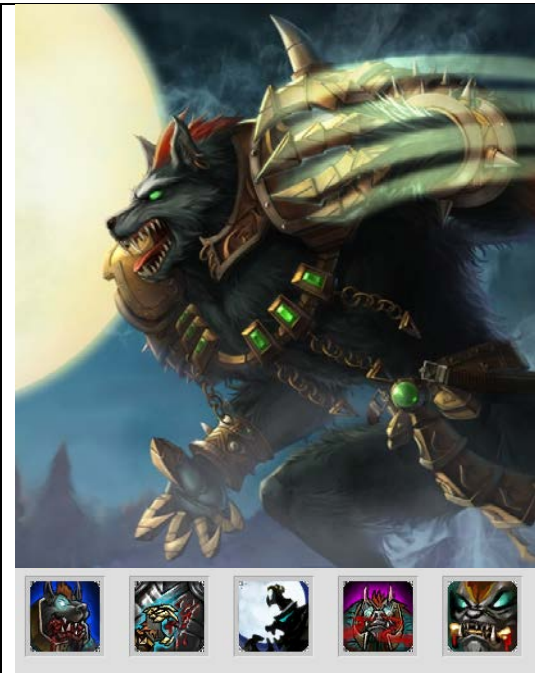
Garen

1. Demacian Justice: deals damage to a single enemy based on how much of the enemy's health is missing.
2. Judgement: deals physical damage to enemies in a circular area.
3. Courage: Garen gradually increases armor over time and can activate the ability for a short term significant shield decreasing damage received.
4. Decisive Strike: breaks free of all slows and deals bonus damage to an enemy and silences them



Bedivere

1. Eliminate: deals damage to a single enemy based on how much of the enemy's health is missing.
2. Cleaver: deals physical damage to enemies in a rectangular area.
3. Heavy Armor: increases Bedivere's armor.
4. King's Guard: increases armor, attack damage and ability power for self and surrounding allies.



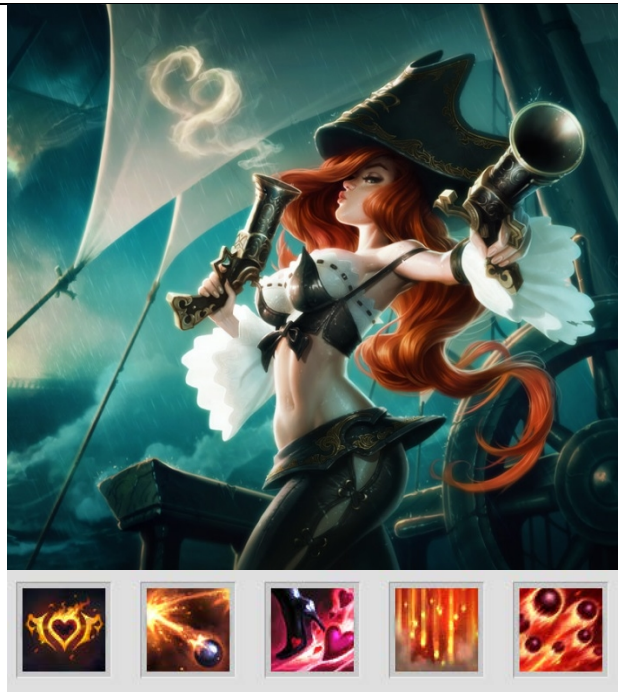
Warwick

1. Infinite Duress: lunges at an enemy, stuns him and starts hitting him wildly, causing magic damage and absorbing some health.
2. Hungering Strike: damages an enemy with magic and absorbs some health.
3. Hunter's Call: increases attack speed for nearby champions.
4. Blood Scent: senses champions with low health, increasing movement speed.



Jacob

1. Bloody Raid: lunges at an enemy, stuns him and starts hitting him wildly, causing magic damage and absorbing some health.
2. Fierce Blow: damages an enemy with magic and absorbs some health.
3. Wild Roar: increases attack speed, if an enemy hero has health under 50%, attack speed increases more.
4. Werewolf Blood: resist magic and raises his magic resist attribute.



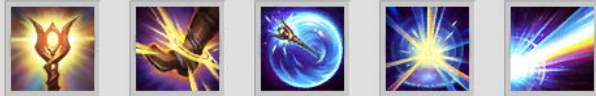
Miss Fortune

1. Bullet Time: fires a series of bullets in a conic area in front of her, dealing physical damage
2. Make It Rain: bullets rain down from the sky in an area, dealing damage and slowing enemies
3. Double Up: deals physical damage to 2 enemies standing in a line
4. (passive ability) Love Tap: deals bonus physical damage when attacking a new target
5. Strut: increases movement speed and attack speed



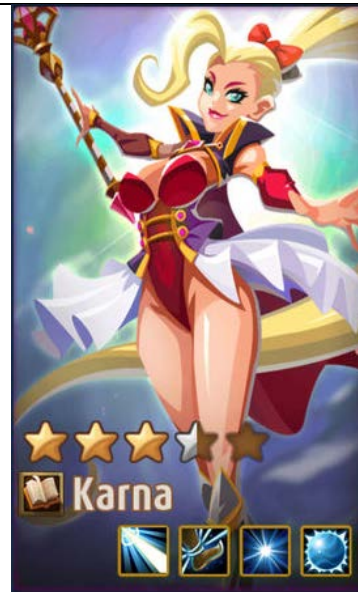
Jolie

1. Shooting Frenzy: causes physical damage and lowers armor to enemies within a conic area in front of her.
2. Barrage Fire: causes continuous magic damage for 5 seconds to enemies in the area and slows them down
3. Killshot: deals physical damage to 2 enemies standing in a line
4. Killer Instinct: increases Jolie's attack damage



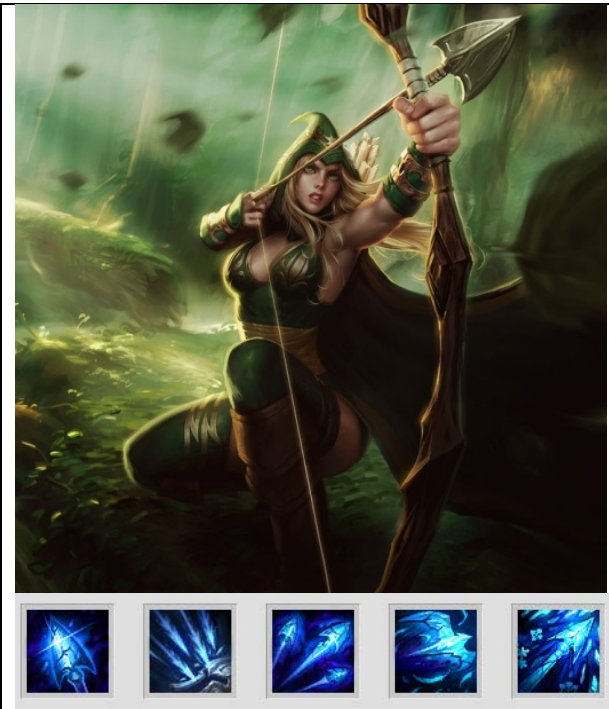
Lux

1. Final Spark: fires a beam of light that deal damage to all enemies in a straight line
2. Light Binding: binds and deals damage to up to 2 enemies
3. Lucent Singularity: creates a magic snare on the ground which after exploding causes magic damage to enemies and slows them down
4. Prismatic Barrier: protects herself and an ally from damage



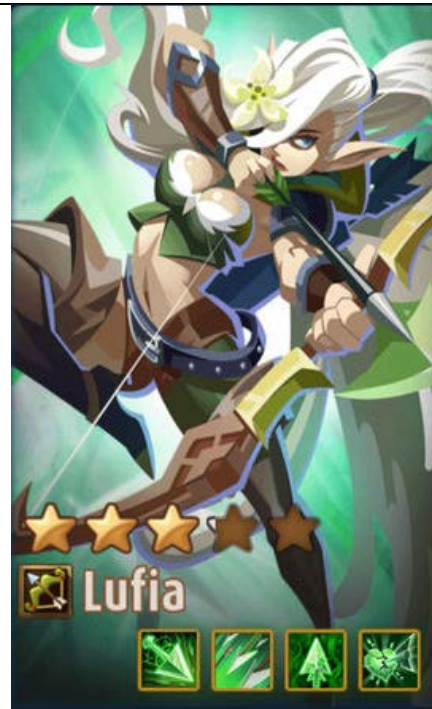
Karna

1. Magic Flash: causes great magic damage to enemies standing in a straight line
2. Magic Imprison: imprisons enemies and causes magic damage
3. Magic Halo: creates a magic snare on the ground which after exploding causes magic damage to enemies and slows them down
4. Magic Life: Karna strengthens the body of an ally, raising her and her ally's max health limit



Ashe

1. Enchanted Crystal Arrow: fires an ice arrow in a straight line, stunning the first enemy it hits and causing damage and slowing targets within an area.
2. Volley: fires a series of arrows in a cone in front of Ashe, dealing physical damage
3. (passive ability) Frost Shot: physical attacks slow the target
4. Ranger's Focus: increases Ashe's attack speed and damage
5. Hawkshot: reveals an area of the map for a short period



Lufia

1. Divine Arrow: fires an arrow which deals physical damage to an area and stuns the first enemy it hits
2. Rain of Arrows: shoots a volley of arrows dealing physical damage in a cone shape in front of her
3. Poison Shot: fires a poison arrow, dealing physical damage and slowing the enemy down
4. Lethal Shots: increases the whole team's physical attack power



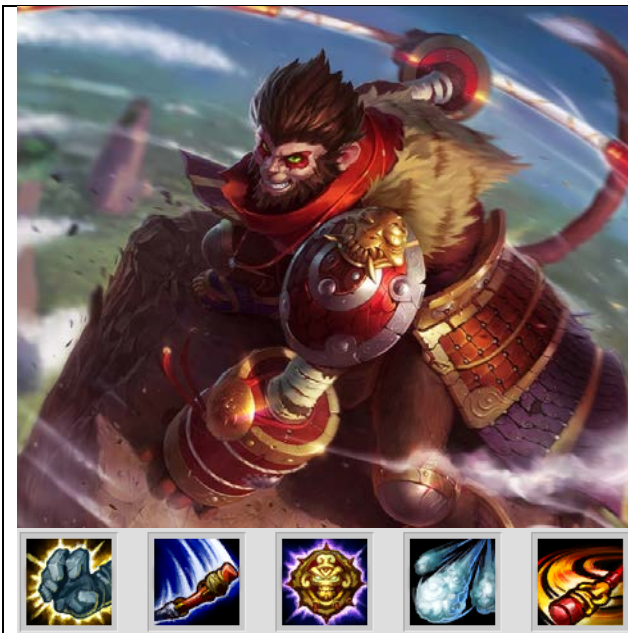
Nami

1. Tidal Wave: summons a massive tidal wave that knocks enemies into the air and damages them
2. Tidecaller's Blessing: blesses an ally, increasing their damage
3. Ebb and Flow: unleashes a stream of water that bounces back and forth between allies and enemies, healing allies and damaging enemies
4. Aqua Prison: sends a bubble towards a targeted area, dealing damage and stunning all enemies on impact



Murphy

1. Raging Sea: Summons a giant wave to knock enemies up into the air and causing magic damage
2. Ocean Blessing: sends blessings to allies, increasing their attack damage
3. Sea Guardian: Summons a bouncing orb which regens allies' health and deals magic damage to enemies
4. Ocean's Power: increases allies' attack damage and ability power



Wukong

1. Cyclone: spins around dealing damage and knocking enemies into the air.
2. Crushing Blow: attack deals physical damage and reduces enemy's armor.
3. Decoy: releases a phantom hat will deal damage to nearby enemies
4. (passive ability) Stone Skin: increases Wukong's armor and magic resistance
5. Nimbus Strike: dashes towards an enemy and sends out images to attack up to 2 additional enemies



Monk Sun

1. Whirlwind Assault: spins around dealing damage and knocking enemies into the air.
2. Nightmare Attack: hits front row enemies with a stick, dealing physical damage and lowering their armor.
3. Phantom Strike: releases a phantom to attack the enemy dealing physical damage.
4. King Kong Defense: increases armor and magic resist.



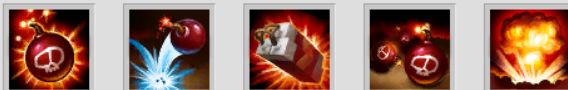
Ryze

1. Spell Flux: releases an orb of magical power that bounces between enemies, causing magic damage
2. Overload: throws a charge of energy in a line, dealing damage to the first enemy struck
3. Rune Prison: traps an enemy in a cage, preventing them from moving and deals magic damage
4. (passive ability) Arcane Mastery: all spells can be cast faster
5. Desperate Power: increases, speed, damage, and abilities can be cast faster



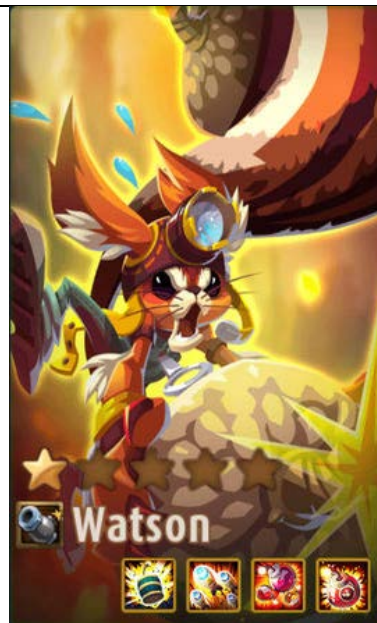
Salman

1. Spell Storm: unleashes an orb which absorbs enemies' health and bounces around enemies dealing magic damage
2. Lightning Bomb: unleashes a magic orb, dealing magic damage
3. Magic Prison: imprisons opponents and causes magic damage
4. Combat Mastery: all skills can be cast faster



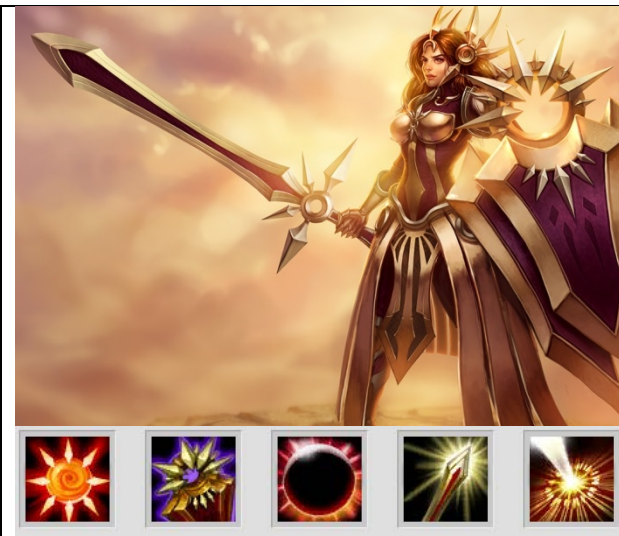
Ziggs

1. Mega Inferno Bomb: hurls a large bomb which deals magic damage to enemies within an area
2. Satchel Charge: fires a bomb that detonates after a period of time, dealing damage and knocking an enemy away
3. Hexplorative Minefield: scatters proximity mines that detonate on contact, dealing magic damage and slowing enemies
4. (passive ability) Short Fuse: every 12 seconds, Ziggs deals additional magic damage.
5. Bouncing Bomb: throws a bouncing bomb that deals magic damage



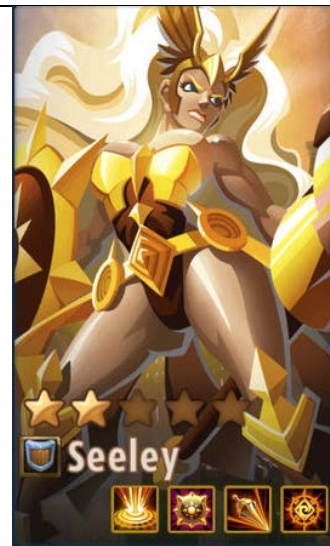
Watson

1. Bombardment: hurls a large bomb at enemies within an area, dealing massive magic damage
2. Time Bomb: sets a time bomb which explodes after a period of time, dealing magic damage and knocking an enemy into the air
3. Minefield: covers the ground with bombs, dealing damage to and slowing enemies that walk through
4. Explosives Expert: increases his own ability power



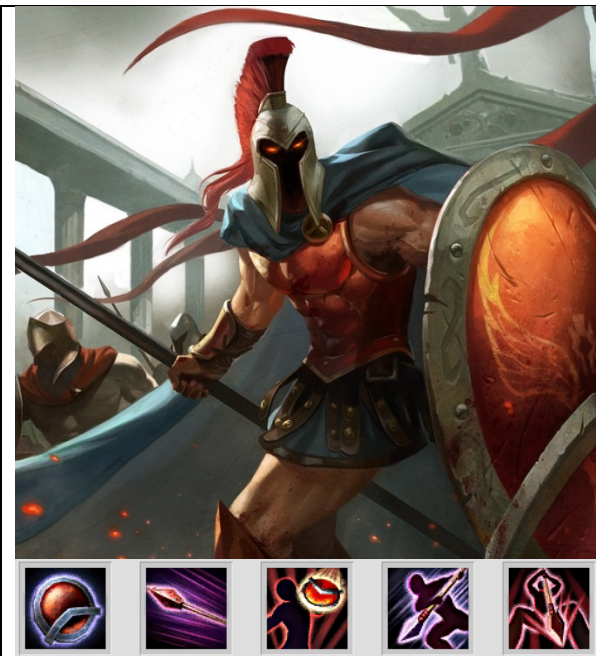
Leona

1. Solar Flare: Leona calls down a beam of solar energy, dealing damage to enemies in an area. Enemies in the center of the area are stunned, while enemies on the outside are slowed.
2. Shield of Daybreak: Leona uses her shield to perform her next basic attack, dealing bonus magic damage and stunning the target
3. Zenith Blade: projects a solar image of her sword, dealing magic damage to all enemies in a line. The last enemy struck will be immobilized and Leona will dash to them.
4. Eclipse: raises Leona's armor and magic resistance



Seeley

1. Solar Punishment: calls down a beam of solar energy, dealing magic damage to enemies within a range and stunning them
2. Shield Bash: a shield slam, dealing magic damage and stunning the target
3. Imprisonment: casts a strong light, dealing magic damage. Temporarily imprisons the enemy and rushes you towards them
4. Blazing Light: projects a solar image of the shield, blinding the enemy and reducing the enemy's hit rate



Pantheon

1. Grand Skyfall: leaps into the air and lands on a target, dealing damage to all enemy units in an area
2. Spear Shot: hurls a spear at an opponent, dealing damage
3. Heartseeker Strike: unleashes 3 swift strikes to the area in front of him. Does critical damage to enemies below 15% health.
4. (passive ability) Aegis Protection: after attacking or casting spells 4 times, Pantheon will block the next incoming basic attack or turret attack
5. Aegis of Zeonia: leaps at an enemy and bashes them with his shield, stunning them. Blocks the next incoming attack



Spartacus

1. Mountain Crush: rises towards the sky and lands in front of a target, dealing physical damage to enemies in the area and knocking them back
2. Flaming Spear: hurls a flaming spear, dealing physical damage to an enemy. If the target's health is lower than 30%, his critical strike chance increases by 30%
3. Spear Puncture: deals physical damage to enemies in a conical area in front of him
4. Bright Shield: every 4th attack, Spartacus's armor increases for a period of time

EXHIBIT B



Dan D. Nabel, Esq.
Riot Games, Inc.
12333 W. Olympic Blvd.
Los Angeles, CA 90064
dnabel@riotgames.com

August 15, 2016

VIA EMAIL

Google Removals Team
removals@google.com

Re: Mobile Legends: 5v5 MOBA

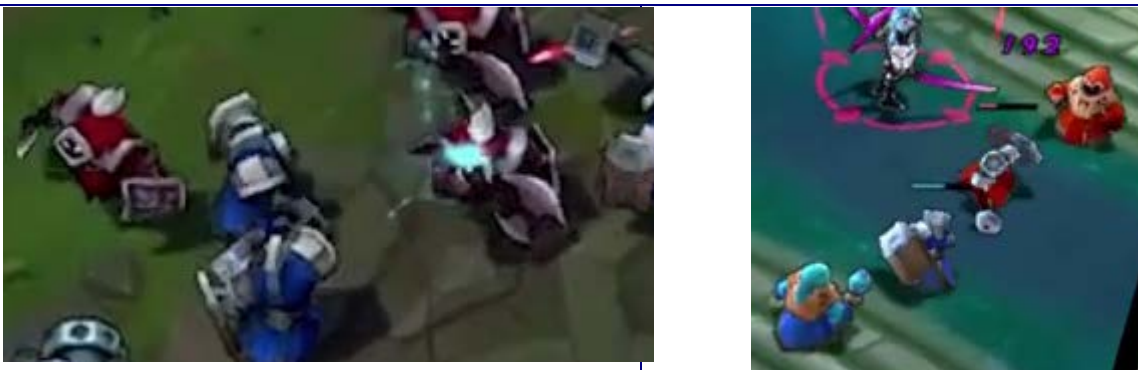
Dear Google Removals Team:

Last week, you requested more information about our claim that Moonton's "Mobile Legends" game, currently available for download on your GooglePlay store, infringes our intellectual property rights in our game, League of Legends. Please refer to the table below, with side-by-side screenshots, demonstrating Moonton's egregious, bad faith copying:





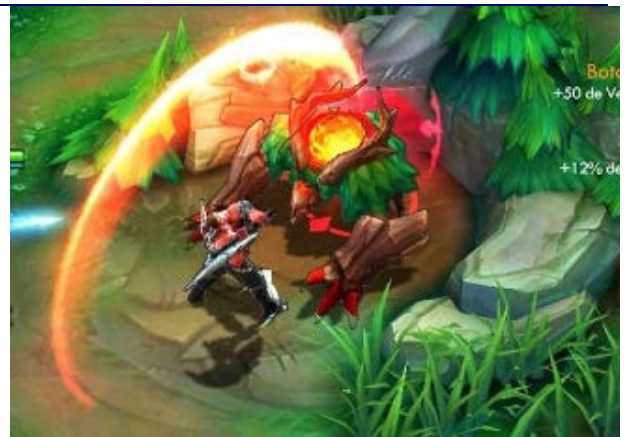
Moonton copied almost every detail of our "Summoner's Rift" map, including the distinctive areas featuring our "dragon," "baron," "blue buff" and "red buff" monsters, the river, brush, etc., start positions and rock/brush features with very few changes.



Moonton copied the exact appearance of our melee and caster "minions" (as well as the larger siege minions not shown here).



Moonton copied every feature from Summoner's rift, including the blue and red Nexus main objectives in each base, with nearly identical texturing around each structure.



Moonton copied our unique monsters, including this “Red Buff” monster, down to the last detail. Even the rocks and brush in the bottom right corner of the images are identical.



Our respective logos are each comprised of stacked words against a shield background, with the same final word LEGENDS. In both logos, the capital “L” and capital “S” in the word LEGENDS feature more prominently than the other letters, all of which are capitalized and in extremely similar font.



Moonton copied almost every logo and font, including our “Victory” screen font.





Moonton copied substantial portions from our unique characters including “Garen” (left).





As of August 12, 2016, the very first page of user reviews at the game's home address (<https://play.google.com/store/apps/details?id=com.mobile.legends>) on the Google Play store, all point to the infringing nature of this game (highlights added):


User reviews


 **Thalles Santos** August 8, 2016
★★★★★
Muito bom Uma **cópia de LoL** nítida ,
porém, muito bem feito e divertido de
jogar.

 **_HeroSlayer** August 7, 2016
★★★★★
Legal É um jogo bom, porém é uma
cópia muito óbvia de League of
Legends com a interface de
Overwatch. Se os controles do jogo
fossem um pouco melhores eu daria 4
estrelas. Sobre os controles: As
habilidades tem um controle ok, mas o
ataque básico é ruim demais para ser
controlado, eu estava batendo em
uma torre quando de repente eu
comecei a atacar um herói inimigo,
pelo fato de que não dá pra direcionar
meu ataque. Se possível melhorem o
controle do ataque básico.

 **lucas freitas**
★★★★★
Mt bom Lgl

 **Wesley Davson** August 4, 2016
★★★★★
- Otimo 🍌🍌🍌🍌 - Recomendo para
quem é Fã **de League of Legends** kkk

 **Luiz Davi** July 27, 2016
★★★★★
Perfeito O jogo tende a melhorar
muito

 **fulano pou** August 10, 2016
★★★★★
É MOBA POH@ Claro q é "igual" lol, é
moba.

One does not even need to use your terrific Google Translate service to know that these users are complaining that Moonton's game is a cheap knock-off of League of Legends. We hope you will agree and remove it immediately.

We expressly reserve all rights and remedies.

Sincerely,

Dan Nabel

Dan D. Nabel