

FILED

2008 FEB -1 PM 3: 33

KING COUNTY
SUPERIOR COURT CLERK
SEATTLE, WA

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THE HONORABLE _____

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

08-2-04911-6 SEA

NINTENDO OF AMERICA, INC., a
Washington corporation,

Plaintiff,

v.

JOHN DOES 1-10, individuals,

Defendant.

No. _____

SUMMONS BY PERSONAL SERVICE

20 DAYS

CATHERINE SHAFFER

TO DEFENDANT JOHN DOE:

A lawsuit has been started against you in the above-entitled court by plaintiff
NINTENDO OF AMERICA, INC.. Plaintiff's claim is stated in the written complaint, a
copy of which is served upon you with this summons.

In order to defend against this lawsuit, you must respond to the complaint by stating
your defense in writing, and by serving a copy upon the person signing this summons within

- 20 days (if service is made on you within the State of Washington)
- 60 days (if service is made on you outside the State of Washington)

SUMMONS BY PERSONAL SERVICE - 1

Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1 after the service of this summons, excluding the day of service, or a default judgment may
2 be entered against you without notice. A default judgment is one where plaintiff is entitled
3 to what has been asked for because you have not responded. If you serve a notice of
4 appearance on the undersigned person, you are entitled to notice before a default judgment
5 may be entered.
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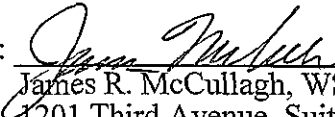
10 You may demand that the plaintiff file this lawsuit with the court. If you do so, the
11 demand must be in writing and must be served upon the person signing this summons.
12 Within 14 days after you serve the demand, the plaintiff must file this lawsuit with the court,
13 or the service on you of this summons and complaint will be void.
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18 If you wish to seek the advice of an attorney in this matter, you should do so
19 promptly so that your written response, if any, may be served on time.
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22 This summons is issued pursuant to Rule 4 of the Superior Court Civil Rules of the
23 State of Washington.
24
25

26 DATED this 30th day of January, 2008.
27
28

29 **PERKINS COIE LLP**

30
31 By: 
32 James R. McCullagh, WSBA No. 27744
33 1201 Third Avenue, Suite 4800
34 Seattle, Washington 98101
35 Tel: (206) 359-6329
36 Fax: (206) 359-7329
37 JMccullagh@perkinscoie.com
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40 Attorneys for Plaintiff Nintendo of America,
41 Inc.
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SUMMONS BY PERSONAL SERVICE -- 2

FILED

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THE HONORABLE _____

SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

08-2-04911-6 SEA

NINTENDO OF AMERICA INC., a
Washington corporation,

No. _____

Plaintiff,

COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF

v.

John Does 1-10, individuals,

Defendant.

I. NATURE OF ACTION

Plaintiff Nintendo of America Inc., ("Nintendo") brings this action for damages and injunctive relief against defendant John Does 1-10 ("Defendants") for misappropriation of trade secrets.

II. SUMMARY

Nintendo markets and sells Nintendo brand video game hardware and software in the United States. Defendants have obtained proprietary and confidential trade secrets and

COMPLAINT - 1

Perkins Coie LLP
1201 Third Avenue, Suite 4800
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

ORIGINAL

1 disclosed them to the public. Nintendo brings this action to protect the intellectual property
2 and reputation of Nintendo.
3
4

5 III. PARTIES

6 1. Plaintiff Nintendo of America Inc. ("Nintendo") is, and at all times relevant
7 to this Complaint was, a corporation with its principal place of business in King County,
8 Washington.
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11 2. Nintendo is unaware of the true names and capacities of defendants JOHN
12 DOES 1-10 ("Defendants") and therefore sues Defendants by fictitious names. Nintendo
13 will amend the Complaint to allege the true names and capacities of the Defendants once
14 ascertained. Nintendo is informed and believes and therefore alleges that each of the
15 Defendants is responsible in some manner for the acts and events alleged in the Complaint
16 and for proximately causing the injuries to Nintendo alleged in the Complaint.
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24 3. The actions by Defendants alleged in the Complaint were undertaken by each
25 Defendant individually; were actions that each Defendant caused to occur; were actions that
26 each Defendant authorized, controlled, directed, or had the ability to authorize, control or
27 direct; and/or were actions each Defendant assisted, participated in, or otherwise
28 encouraged; and are actions for which each Defendant is liable.
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35 IV. JURISDICTION AND VENUE

36 4. Jurisdiction is vested in this Court pursuant to RCW 2.08.010, as the amount
37 in controversy exceeds \$300. This Court has personal jurisdiction over Defendants, who
38 have engaged in activities in and directed to Washington, the damages suffered as a result of
39 Defendants' conduct are suffered by a Washington Resident, and/or Defendants are
40 domiciled in the this state.
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3 **VI. FIRST CAUSE OF ACTION**
4 **[Violation of Washington Uniform Trade Secrets Act, RCW § 19.108 *et seq*]**
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6 13. Nintendo realleges and incorporates by this reference each and every
7 allegation set forth in paragraphs 1 through 12 of this Complaint with the same force and
8 effect as if set forth fully herein.
9

10
11 14. The Washington Uniform Trade Secrets Act (the "UTSA"), at RCW
12 19.108.010(4), defines a "trade secret" as "information, including a formula, pattern,
13 compilation, program, device, method, technique, or process that:
14
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16 (a) Derives independent economic value, actual or potential, from not
17 being generally known to, and not being readily ascertainable by proper means by,
18 other persons who can obtain economic value from its disclosure or use; and
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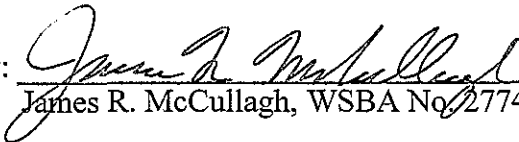
23 (b) Is the subject of efforts that are reasonable under the circumstances to
24 maintain its secrecy."
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27 15. Nintendo's proprietary and confidential information are "trade secrets" as
28 defined by the UTSA. Nintendo derives independent economic value, actual and potential,
29 from the information not being generally known to, and not being readily ascertainable by
30 proper means by, other persons who can obtain economic value from its disclosure or use,
31 and it is the subject of efforts that are reasonable under the circumstances to maintain its
32 secrecy.
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39 16. Defendants willfully and maliciously misappropriated Nintendo's trade
40 secrets by purposefully disclosing Nintendo's trade secrets to public sources.
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DATED this 1st day of February, 2008.

PERKINS COIE LLP

By: 
James R. McCullagh, WSBA No. 27744

Attorneys for Plaintiff Nintendo of America Inc.

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