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14 *Attorneys for Plaintiffs Aristocrat Technologies, Inc.*
15 *and Aristocrat Technologies Australia Pty Ltd.*

16 **UNITED STATES DISTRICT COURT**
17 **DISTRICT OF NEVADA**

18 ARISTOCRAT TECHNOLOGIES, INC. and
19 ARISTOCRAT TECHNOLOGIES
AUSTRALIA PTY LTD.,

20 Plaintiffs,

21 v.

22 LIGHT & WONDER, INC., LNW GAMING,
23 INC., and SCIPLAY CORPORATION,

24 Defendants.

Civil Case No.:

COMPLAINT

JURY DEMAND

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1 Aristocrat Technologies, Inc. and Aristocrat Technologies Australia Pty Ltd.
2 (together, “Aristocrat”) bring this complaint for trade secret misappropriation, copyright
3 infringement, trade dress infringement and unfair competition, and deceptive trade practices, with
4 a request for monetary damages, an injunction, and other relief, against Defendants Light &
5 Wonder, Inc., LNW Gaming, Inc., and SciPlay Corporation (together, “L&W”). Aristocrat alleges
6 as follows:

7 INTRODUCTION

8 1. Aristocrat brings this complaint to stop L&W from free-riding on the
9 significant time, effort, and creativity Aristocrat has devoted over many years to developing
10 innovative and award-winning games that bring joy to players around the world.

11 2. Aristocrat makes, markets, sells, and leases electronic gaming machines
12 (“EGMs”). One of its most successful games—in Nevada and worldwide—is Dragon Link.
13 Dragon Link combines innovative and exciting game mechanics, which operate based on complex
14 math models implemented at the code level to create a uniquely compelling player experience,
15 with visually striking imagery and audiovisual effects—centered around an Asian theme—that
16 consumers have come to associate with Dragon Link and Aristocrat.

17 3. Aristocrat has invested substantial time, effort, and creativity in developing
18 and popularizing the gameplay, imagery, audiovisual effects, and logos of Dragon Link and its
19 predecessor, Lightning Link, which is also one of the most popular games in the world.

20 4. Aristocrat owns trade secrets relating to the development and operation of
21 the game mechanics for Dragon Link and Lightning Link, including the underlying math and
22 implementing source code. In addition to the substantial time, effort, and resources that went into
23 its development, the game math for Dragon Link and Lightning Link is the product of significant
24 creativity and innovation, and the continued success of both games many years after their initial
25 release demonstrates that the math is unique, difficult (if not impossible) for others to replicate,
26 and highly valuable.

27 5. Aristocrat also owns copyrights in Dragon Link’s original artwork,
28 animations, and sounds, which help make Dragon Link unique and easily identifiable to

1 consumers. In addition, the imagery, effects, logos, and arrangement of game elements create a
2 unique look and feel for Dragon Link that has been very successful in making strong, positive
3 impressions with consumers.

4 6. Unwilling (or unable) to compete fairly with Aristocrat, L&W has engaged
5 in a wide-ranging campaign to copy Dragon Link that coincides with the hiring of multiple former
6 Aristocrat executives and game designers. This campaign began in 2022 with L&W renaming one
7 of its games—from Dragon Unleashed to Dragon Unleashed *Link*—in a transparent attempt to
8 sow confusion with, and trade on Aristocrat’s goodwill in, Dragon Link.

9 7. Later in 2022, L&W released a game, Jewel of the Dragon, that copies
10 Dragon Link’s original audiovisual elements and distinctive trade dress, resulting in a game whose
11 artwork, animations, and sounds are strikingly similar to Dragon Link. L&W’s intent was clear:
12 rather than try to develop its own successful game, L&W sought to confuse players about whether
13 L&W’s Jewel of the Dragon game comes from or is related to Aristocrat, whose Dragon Link
14 game consumers know and enjoy.

15 8. But Jewel of the Dragon was a cheap knock-off. Despite copying the
16 graphics, sounds, and trade dress of Dragon Link, and despite including similar game features as
17 Dragon Link, Jewel of the Dragon failed to capture the unique player experience created by the
18 underlying Dragon Link math. So L&W has now tried to emulate the math. This effort took the
19 form of a game that L&W recently released in Australia (and showcased at the 2023 Global
20 Gaming Expo in Las Vegas), called Dragon Train.

21 9. L&W’s lead developer for Dragon Train was a former Aristocrat game
22 designer, Emma Charles, who had worked on Dragon Link and Lightning Link and was intimately
23 familiar with the math models on which those games are based. On information and belief, L&W
24 developed Dragon Train using Ms. Charles’s knowledge about how Dragon Link and Lightning
25 Link work. The game provides a very similar gameplay experience as Dragon Link and appears
26 to have significant similarities to the Dragon Link math—similarities that seemingly cannot be
27 explained by any legitimate reverse engineering. Dragon Train has enjoyed considerable success
28 in Australia, and, on information and belief, L&W plans to launch the game in the United States

THE PARTIES

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2 14. Aristocrat Technologies, Inc. (“ATI”) is a Nevada corporation with its
3 principal place of business at 10220 Aristocrat Way, Las Vegas, Nevada 89135.

4 15. Aristocrat Technologies Australia Pty Ltd. (“ATA”) is an Australian
5 corporation with its principal place of business at Building A, Pinnacle Office Park, 85 Epping
6 Road, North Ryde, New South Wales, Australia 2113.

7 16. On information and belief, Light & Wonder, Inc. is a gaming company
8 based at 6601 Bermuda Road, Las Vegas, Nevada 89119.

9 17. On information and belief, LNW Gaming, Inc. is a gaming company based
10 at 6601 Bermuda Road, Las Vegas, Nevada 89119. On information and belief, LNW Gaming,
11 Inc. is a wholly owned subsidiary of Light & Wonder, Inc.

12 18. On information and belief, SciPlay Corporation is a digital gaming
13 company based at 6601 Bermuda Road, Las Vegas, Nevada 89119. On information and belief,
14 SciPlay Corporation is a wholly owned subsidiary of Light & Wonder, Inc.

15 19. On information and belief, L&W manufactures, uses, distributes, offers,
16 provides, and sells or leases gaming machines, servers, systems, websites, online apps, and
17 supporting software, in Nevada and elsewhere in the United States.

18 **FACTS ENTITLING ARISTOCRAT TO RELIEF**

19 **A. Aristocrat and Its Dragon Link Product**

20 20. Aristocrat is a leading provider of games, gaming machines, social gaming
21 apps, games accessible in real-money online gaming apps, and casino management systems.
22 Aristocrat’s product portfolio includes gaming machines with mechanical reels, EGMs with video
23 displays, and digital games featured in social gaming apps and real-money gaming apps. EGMs
24 run on sophisticated computer programs that, among other things, implement the underlying game
25 math and control the mechanics of the game, the display of graphics and animations, and the play
26 of music and sound effects associated with various game features. These programs let developers
27 like Aristocrat create unique gaming experiences for their customers.

1 21. One of Aristocrat’s most successful games is Dragon Link. Released in the
2 United States in 2017, Dragon Link is the successor to Lightning Link, an earlier family of
3 Aristocrat games that pioneered many of the key features present in both games. Both Lightning
4 Link and Dragon Link are multi-denomination, meaning players can choose different amounts to
5 bet, and linked progressive jackpot games, meaning that each EGM with the game installed is part
6 of a network of EGMs that all contribute to a total jackpot accumulated by multiple players. Both
7 Lightning Link and Dragon Link are among the most successful games Aristocrat has ever
8 released, and both have been flagships for Aristocrat in terms of popularity and commercial
9 performance around the world.

10 22. When it launched in 2014, Lightning Link introduced to the gaming market
11 an innovative “Hold & Spin” bonus feature that offers players free spins during which symbols
12 with designated prize amounts are collected and counted on screen. This “Hold & Spin” feature
13 was unique to Lightning Link when first released and has since been imitated by many other games
14 in the industry because of its proven success for Aristocrat.

15 23. The popularity of this and other unique gameplay features in Lightning Link
16 proved enduring, spanning four initial game themes and several new themes, or game titles, that
17 Aristocrat later released under the Lightning Link umbrella brand.

18 24. Dragon Link features similar gameplay to Lightning Link, is based on
19 similar underlying math models, and incorporates—and expands upon—many of the signature
20 features that made Lightning Link so popular, including its jackpot tiers and the signature “Hold
21 & Spin” feature. Dragon Link enjoyed exceptionally strong uptake in both the United States and
22 international markets, spanning a collection of ten Asian-themed games that are all built on the
23 successful formula first developed in Lightning Link. Dragon Link remains Aristocrat’s highest-
24 performing game to this day.

25 25. When Dragon Link is installed on an EGM, the cabinet—which contains
26 the electronics that run the game’s software and the displays players see and interact with when
27 playing or deciding whether to play the game—prominently shows certain graphical features and
28 layouts that make Aristocrat’s Dragon Link EGMs recognizable and inherently distinctive.

1 26. These distinctive graphical features include the DRAGON LINK logos.
 2 These logos appear on a rectangular landscape topper above the various displays that comprise the
 3 gaming cabinet used for the DRAGON LINK game, as well as on signage used in connection with
 4 the game. The primary variation of the DRAGON LINK logo (the “Dragon Link Standard Logo”)
 5 consists of the words DRAGON LINK in a red-to-black fade, superimposed on a glowing gold
 6 orb. The orb contains various shades of yellow, including a bright, light-yellow outline around its
 7 circumference, and is ringed with realistic-looking flames. The entire rectangular landscape topper
 8 is lit with a bright red border. Below is a representative image:



15 27. The primary game display for Dragon Link has multiple uses.¹ The lower
 16 portion of the display shows the reels on which the games are played. The upper portion of the
 17 display features a screen that incorporates the DRAGON LINK name and shows the game’s
 18 jackpots and bonuses (the “Dragon Link Jackpot Display”). Its main features include but are not
 19 limited to:

- 20 • An animated variation of the DRAGON LINK Logo in which a realistic red flame
 21 flares through the DRAGON LINK name.
 22 • A tiered list of gaming jackpots and bonuses, which appear below the DRAGON
 23 LINK name.
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25 _____
 26 ¹ Dragon Link is offered in multiple types of cabinets, including a cabinet with a single large,
 27 concave display (the “Arc” cabinet) and a cabinet that includes two smaller displays, one above
 28 the other. This complaint includes images from the Arc cabinet, but the gameplay and
 audiovisual elements are substantially similar regardless of the cabinet on which the game
 appears, giving all versions of the game a consistent look and feel.

- Each list level is outlined on each side by the same glowing gold orb that appears on the Dragon Link Standard Logo, with the words GRAND, MAJOR, MINOR, and MINI (for jackpot sizes) written in red, green, blue, and orange, respectively.
- The prize amounts of each jackpot appear in the same color as their corresponding jackpot title (for example, the word GRAND for the grand jackpot is red, so the prize for the grand jackpot is also in red).
- Each jackpot prize amount appears against a black background.
- Both the names of the jackpots and the prize amounts are outlined in gold.
- All of the foregoing elements are set in front of a background that fades to black at the top of the display where the DRAGON LINK name appears, as seen in the illustrative image below.



28. The red flame flare and glowing orb graphics appear consistently throughout various aspects of the Dragon Link games (the “Dragon Link Orb-and-Flame Graphics”).

29. The Dragon Link Orb-and-Flame Graphics are incorporated prominently in Dragon Link’s “Hold & Spin” bonus feature, which, as explained further above, allows players to accumulate bonus symbols in a series of free spins (the “Dragon Link Hold & Spin Feature”). These bonus symbols display either a credit value or one of the game’s jackpots inside a glowing golden orb. The appearance of six or more bonus symbols on a single spin in the base game triggers the Dragon Link Hold & Spin Feature, which awards the player three free spins. During the bonus, the symbols that triggered the bonus, along with any additional bonus symbols collected during the bonus, are held in place on each spin. Any additional bonus symbols that are collected during the bonus reset the number of free spins to three.

1 30. The upper display in the Dragon Link Hold & Spin Feature contains a large
 2 golden orb that says “HOLD & SPIN” when the bonus is first activated, and then when the bonus
 3 game is in progress, the orb includes a count of the bonus symbols, along with the message “15
 4 WIN GRAND JACKPOT.” Each time a bonus symbol appears on the reels, flames flare around
 5 the bonus symbol on the lower display and around the golden orb on the upper display.

6 31. An image of the Dragon Link Hold & Spin Feature when first triggered is
 7 below, left, and an image of the Dragon Link Hold & Spin Feature in progress is below, right.



18 32. At the end of the bonus game, a flame flares out of each bonus symbol and
 19 flies along a curving trajectory towards a meter on the upper display that keeps track of the total
 20 credits won, activating a gong sound when the flame hits the meter. Directly above the meter is
 21 the word “WINNER,” which appears in a similar font and with a similar red-to-black gradient as
 22 the Dragon Link Standard Logo. After all the bonus awards have been tallied, animated coins
 23 appear to fly upward from the bottom display. This animation is referred to as a “Coin Shower.”
 24 The images below left and center show the flame flare effect when bonus symbols are tallied, while
 25 the image below right shows the Coin Shower at the bonus game’s conclusion.



33. Often, additional displays or signage will be located above the Dragon Link EGMs themselves. Due to their height, people can see these displays and signage from farther away in the casino. These displays and signage are readily recognizable to players and draw them towards the Dragon Link games.

34. The Dragon Link games are also available in digital format on various mobile applications (*i.e.*, apps). Users can download free-to-play versions of Dragon Link to their mobile phones, to play and win virtual tokens. Mobile applications where Dragon Link can be played include Heart of Vegas, Cashman Casino, Lightning Link, and Mighty Fu Casino, which together have been downloaded by over 25 million users. The gameplay features and audiovisual elements that appear in the Dragon Link digital games are materially the same as those that appear in the Dragon Link EGMs.

35. The game mechanics of the Dragon Link series embody Aristocrat's trade secret information, including without limitation the underlying game math and functionality that control the gameplay and the timing, frequency, and amount of payouts in both the base game and the bonuses (*e.g.*, the Dragon Link Hold & Spin Feature).

36. For example, the game math and functionality includes, among other things, the composition and operation of reel strips, symbols, and other game features; the combinations, pathways, and probabilities for winning or triggering particular outcomes (*e.g.*, activation of the

1 “Hold & Spin” feature); the assignment of payouts per win; the magnitude of risk or potential
2 reward associated with the game (*i.e.*, volatility); and the percentage of wagered money returned
3 to players (*i.e.*, “return to player” or “RTP”). The game math and functionality also include
4 Aristocrat’s proprietary implementation of the “Hold & Spin” bonus game, which relies on unique
5 and complicated math models. These and other trade secrets, including the source code that
6 implements the game math and functionality, contribute to the overall excitement, experience, and
7 “feel” of playing a game and are integral to the game’s commercial success.

8 37. As noted above, Dragon Link includes similar gameplay features as
9 Lightning Link and is based on similar math models. Aristocrat invested considerable time, effort,
10 and resources in developing the underlying game math and functionality for the Dragon Link and
11 Lightning Link games. The development of Lightning Link took a substantial amount of time, in
12 part because of the complexity of the math.

13 38. The underlying game math and functionality also reflect significant
14 creativity and innovation on the part of Aristocrat. In developing Lightning Link and Dragon Link,
15 the team of Aristocrat game designers made innumerable choices resulting in the creation of unique
16 and innovative techniques for implementing the game mechanics and features (*e.g.*, the “Hold &
17 Spin” feature), including, for example, innovative techniques for controlling probabilities and the
18 volatility of the game.

19 39. This information is not generally known to the public or in the industry. It
20 is also particularly complex—even compared to other casino games—and cannot be ascertained
21 through proper means (including reverse engineering) from merely observing or playing the games
22 themselves, as illustrated by the fact that many companies have tried and failed to mimic the
23 signature gameplay elements of Dragon Link and Lightning Link over time. For example, IGT’s
24 Fireball game, and L&W’s Dragon Unleashed, Kraken Unleashed, and Jewel of the Dragon games,
25 utilized similar features—including their own versions of a “Hold & Spin” feature—but failed to
26 replicate the uniquely appealing “feel” and commercial success of Dragon Link and Lightning
27 Link. Both Dragon Link and Lightning Link have been successful in part because competitors do
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1 not know, and cannot emulate through proper means, the underlying math and functionality of the
2 games.

3 40. Aristocrat owns all rights in and to the confidential and trade secret
4 information associated with Dragon Link's and Lightning Link's underlying game math,
5 functionality, and source code. Since the secrecy of this information is integral to the continued
6 commercial success and competitive advantage of these games, Aristocrat keeps the information
7 highly confidential and subject to tight controls and protections even within the company.

8 41. For example, Aristocrat has adopted strict practices, policies, and
9 procedures to protect its trade secrets, including by requiring employees and contractors to enter
10 into written agreements setting forth material obligations and restraints (which continue even after
11 termination) against the unauthorized disclosure or use of Aristocrat's confidential and proprietary
12 information. Aristocrat also provides employees with regular training and has implemented
13 physical and technical security measures designed to secure and safeguard its intellectual property,
14 including trade secrets. Aristocrat's security measures include system access restrictions tailored
15 to specific personnel, mandatory passwords, and an internal policy prohibiting the use of any
16 devices or equipment that have not been authorized for use by Aristocrat or that do not meet
17 Aristocrat's technical security requirements. Aristocrat has also regularly taken legal action to
18 enforce its intellectual property rights throughout the world, including in numerous proceedings in
19 recent years in the United States and Australia.

20 42. The audiovisual elements of the Dragon Link games (the "Dragon Link
21 Audiovisual Elements") are original works of authorship entitled to copyright protection. The
22 Dragon Link Audiovisual Elements include, but are not limited to, original artwork, animations,
23 and computer-generated graphics that appear on the game displays, along with original sounds that
24 are played on the game speakers. Examples of the Dragon Link Audiovisual Elements are
25 described and shown herein.

26 43. Aristocrat owns the copyright in the Dragon Link Audiovisual Elements and
27 has obtained copyright registrations covering at least certain of those elements. *See* Ex. A. More
28 particularly, the copyright in the Dragon Link Audiovisual Elements is assigned to ATA, which

1 has granted an exclusive license to ATI for use in the United States. This copyrighted work was
2 first published in Australia.

3 44. The look and feel of the Dragon Link Standard Logo, Dragon Link Jackpot
4 Display, Dragon Link Orb-and-Flame Graphics, and Dragon Link Bonus Feature, along with other
5 distinctive audiovisual elements in the Dragon Link games (collectively, the “Dragon Link Trade
6 Dress”), make the Dragon Link games instantly recognizable to consumers. Consumers recognize
7 the collection of features comprising the Dragon Link Trade Dress as a distinctive indicator of
8 source separate from the underlying game mechanics.

9 45. Aristocrat owns the Dragon Link Trade Dress and has used it exclusively
10 and continuously in commerce in Australia since at least 2016, and in the United States since at
11 least 2017. More particularly, all U.S. rights in the Dragon Link Trade Dress either are owned by
12 ATI or are owned by ATA and exclusively licensed to ATI.

13 46. Because the Dragon Link Trade Dress is arbitrary and non-functional, the
14 Dragon Link Trade Dress is inherently distinctive and has become an indicator that the product is
15 made by Aristocrat.

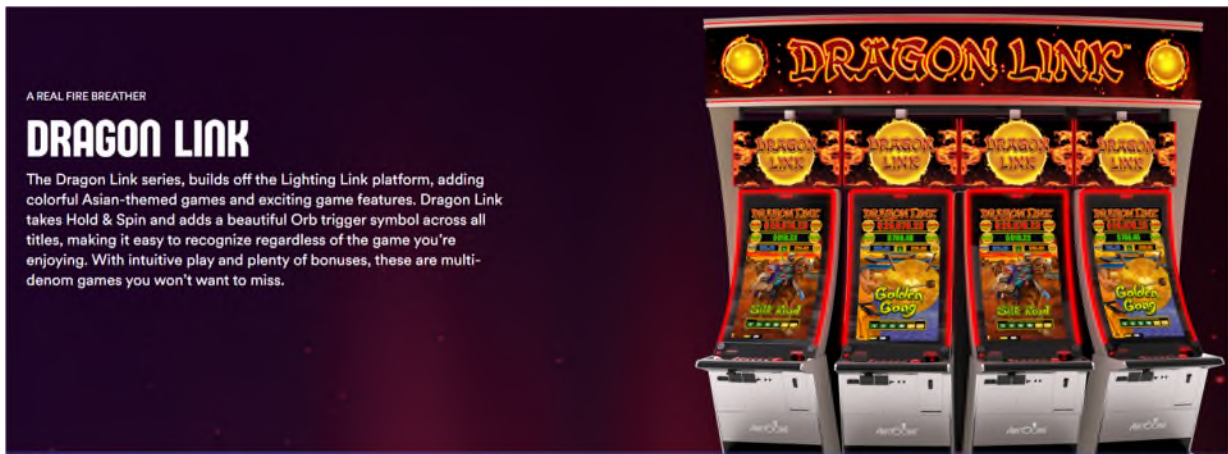
16 47. Even if the Dragon Link Trade Dress were not inherently distinctive, it has
17 acquired distinctiveness through its widespread use and success and its association with Aristocrat.

18 48. Aristocrat has made enormous investments in developing and marketing its
19 Dragon Link games and expended resources fostering the reputation, recognition, and goodwill
20 associated with the games. This includes millions of dollars spent on various marketing avenues,
21 including social media advertising, online search advertising, player promotion partnerships,
22 casino promotion partnerships, and apparel promotions. Aristocrat’s advertising for Dragon Link
23 prominently features many of the Dragon Link Trade Dress elements, including the Dragon Link
24 Standard Logo and the Dragon Link Orb-and-Flame Graphics. See, for example, the following
25 two images of promotions at Wheeling Island Casino, West Virginia, featuring the Dragon Link
26 Standard Logo and Orb-and-Flame Graphics:
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1 49. Similarly, Aristocrat uses the Dragon Link Trade Dress to advertise its
2 Dragon Link games, as seen in the following screenshot of Aristocrat’s website²:



11 50. As shown above, the website specifically mentions the “beautiful Orb
12 trigger symbol,” which “mak[es] it easy to recognize regardless of the game you’re enjoying.”

13 51. As a result of Aristocrat’s investments in development and marketing,
14 Dragon Link has been very successful around the world, including in the United States and Nevada
15 in particular. There currently are thousands of Dragon Link EGMs available in casinos across
16 more than 35 states, including Nevada.

17 52. Since its launch, Dragon Link has received a significant amount of
18 publicity, including awards and recognition of the game as a unique industry-leading product.
19 These awards include *Casino Journal*’s Top 20 Most Innovative Gaming Technology Awards for
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² See Aristocrat, *Dragon Link*, ARISTOCRAT GAMING (last visited February 24, 2024), <https://www.aristocratgaming.com/us/slots/game-groups/dragon-link>.

1 2016,³ the EKG Slot Awards Top Performing Premium Game for the years 2021⁴ and 2022,⁵ the
2 EKG Slot Awards Top Performing Proprietary Branded Game for the years 2021⁶ and 2023,⁷ and
3 the EKG Slot Awards Top Performing New Premium Game for 2022 (for a new Dragon Link
4 game variation).⁸ ReelMetrics, a data science and market research firm, found that Dragon Link
5 games were the top five best performing premium slot games on the market.⁹ Seminole Casino
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10 ³ See Marketwired, *Aristocrat's New Dragon Link(TM) and Fast Cash(TM) Slot Games Named*
11 *to Casino Journal's Top 20 Most Innovative Gaming Technology Products List*, YAHOO FINANCE
12 (Mar. 28, 2017), https://finance.yahoo.com/news/aristocrats-dragon-tm-fast-cash-151843771.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guc_e_referrer_sig=AQAAADQpSUO4mG8-gI1P8afGkJfD_cBocLHO2z67hlyC1oF4M02a-ZQQX3XNSVDIT5Vzh6MKsUPPETLkO0YFezWsuHo3Xujjt_gqES452vU0p_Ldzv7_crXulFeJzDh783vIXIOxGfozXoyNITJiwf65OHZ0Ozy0YQBz326rxBNfo5eW (Ex. B at 1–2).

14 ⁴ See *Aristocrat Gaming™ Repeats "Best Overall Supplier of Slot Content" Win at EKG Slot*
15 *Awards*, PR NEWSWIRE (Apr. 7, 2021), <https://www.prnewswire.com/news-releases/aristocrat-gaming-repeats-best-overall-supplier-of-slot-content-win-at-ekg-slot-awards-301264528.html>
16 (Ex. C at 1–3).

17 ⁵ See *Aristocrat Gaming™ Three-peats "Best Overall Supplier of Slot Content" Win at EKG Slot*
18 *Awards*, PR NEWSWIRE (Mar. 7, 2022), <https://www.prnewswire.com/news-releases/aristocrat-gaming-three-peats-best-overall-supplier-of-slot-content-win-at-ekg-slot-awards-301496886.html> (Ex. D at 1–2).

19 ⁶ See *Aristocrat Gaming™ Repeats "Best Overall Supplier of Slot Content" Win at EKG Slot*
20 *Awards*, PR NEWSWIRE (Apr. 7, 2021), <https://www.prnewswire.com/news-releases/aristocrat-gaming-repeats-best-overall-supplier-of-slot-content-win-at-ekg-slot-awards-301264528.html>
21 (Ex. C at 3).

22 ⁷ See PR Newswire, *Casino Industry Experts Honor Aristocrat Gaming™ with "Best Overall*
23 *Supplier" at EKG Slot Awards*, YAHOO FINANCE (Mar. 1, 2023),
<https://finance.yahoo.com/news/casino-industry-experts-honor-aristocrat-140000033.html>
24 (Ex. E at 1–2).

25 ⁸ See *Aristocrat Gaming™ Three-peats "Best Overall Supplier of Slot Content" Win at EKG Slot*
26 *Awards*, PR NEWSWIRE (Mar. 7, 2022), <https://www.prnewswire.com/news-releases/aristocrat-gaming-three-peats-best-overall-supplier-of-slot-content-win-at-ekg-slot-awards-301496886.html> (Ex. D at 1).

27 ⁹ See *Aristocrat Gaming Keeps On Leading the Way In Core and Premium Slots*, G&M NEWS
28 (Jan. 27, 2023), <https://g-mnews.com/en/aristocrat-gaming-keeps-on-leading-the-way-in-core-and-premium-slots/> (Ex. F at 4).

1 Hotel Immokalee opened a lounge dedicated exclusively to Dragon Link and Lightning Link,
2 recognizing that Dragon Link is one of “the most popular games in the industry.”¹⁰

3 53. Much of this publicity explicitly highlights the Dragon Link Audiovisual
4 Elements and the Dragon Link Trade Dress. For example, *Casino Review*, in recognizing Dragon
5 Link’s player interest and awards, declared that Dragon Link “is breathing a fire of excitement on
6 casino floors across North America”—a reference to the various Dragon Link audiovisual
7 elements that incorporate fire imagery and graphics.¹¹ *Casino Review* further recognized that
8 Dragon Link’s “orb” graphic element “makes it simple for players to easily recognise the Hold &
9 Spin trigger across all game themes.”¹² Similarly, another article, noting Dragon Link’s “premium
10 appeal,” specifically pointed to its “common trigger symbol,” which “makes it easy for players to
11 recognize the Hold & Spin mechanic, regardless of which [Dragon Link] game they are
12 enjoying.”¹³ And another article touted Dragon Link’s “rich audio-visual elements,” including
13 noting that its bonus feature “fires up the entire screen in a frenzy of glittering golden pyrotechnics”
14 and that the “musical score and in-game mechanics perfectly complement the action.”¹⁴

15 54. Dragon Link’s popularity has expanded worldwide. One publication,
16 covering Dragon Link’s expansion into Manila, specifically noted the game’s “phenomenal
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21 ¹⁰ See *Seminole Casino Hotel Immokalee Opens Florida’s First Aristocrat Lightning Link*
22 *Lounge*, INDIAN GAMING (Dec. 15, 2022), <https://www.indiangaming.com/seminole-casino-hotel-immokalee-opens-floridas-first-aristocrat-lightning-link-lounge/> (Ex. G at 1).

23 ¹¹ See *Aristocrat’s Dragon Link™ Flies Into North America*, CASINO REVIEW (December 21,
2017), <https://www.casino-review.co/dragon-link-aritocrat/> (Ex. H at 1).

24 ¹² *Id.* at 2.

25 ¹³ See Marketwired, *Aristocrat’s New Dragon Link(TM) and Fast Cash(TM) Slot Games Named*
26 *to Casino Journal’s Top 20 Most Innovative Gaming Technology Products List*, YAHOO FINANCE
(Mar. 28, 2017), <https://finance.yahoo.com/news/aristocrats-dragon-tm-fast-cash-151843771.html?guccounter=1> (Ex. I at 1).

27 ¹⁴ See 888 Casino, *What’s Hot About Dragon Link Slot*, CASINO BLOG (July 14, 2020),
28 <https://us.888casino.com/blog/dragon-link-slot> (Ex. J at 1–2).

1 success” globally.¹⁵ And as the trade publication *Gaming America* concluded, “Dragon Link is
2 one of the most popular slot games in the world.”¹⁶

3 55. As a result of Dragon Link’s popularity, many casinos in the United States
4 explicitly advertise the fact that they carry Dragon Link slot machines to attract customers. Such
5 casinos have included Seminole Hard Rock Hotel & Casino of Tampa,¹⁷ Hollywood Casino at
6 Kansas Speedway,¹⁸ Seminole Casino Coconut Creek,¹⁹ Plainridge Park Casino,²⁰ and Bristol
7 Casino.²¹

8 56. Dragon Link is an extremely valuable asset for Aristocrat—and Aristocrat
9 continues to invest in the brand. In response to Dragon Link’s immense popularity, Aristocrat
10 continues to develop new Dragon Link games and variations, all of which employ the core aspects
11 of the Dragon Link Trade Dress that make the game so easily recognizable to and popular with
12 customers.

13 57. Because of Dragon Link’s widespread success, consumers recognize the
14 Dragon Link Trade Dress and favorably associate it with Aristocrat. This contributes to
15 Aristocrat’s goodwill and reputation. For instance, on a discussion forum on Vegas Fanatics, a
16 user posted a video of themselves playing Dragon Link with the caption “Some HUGE ORBS with
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18 ¹⁵ Ben Blaschke, *Chasing the Dragon*, INSIDE ASIAN GAMING (July 28, 2022),
19 <https://www.asgam.com/index.php/2022/07/28/chasing-the-dragon/> (Ex. K at 3).

20 ¹⁶ *Product Review: Dragon Link \$1m Slot by Aristocrat*, GAMING AMERICA (Jan. 16, 2023),
21 <https://gamingamerica.com/magazine/6852/product-review-dragon-link-1m-slot-by-aristocrat>
(Ex. L at 3).

22 ¹⁷ *See Slots*, SEMINOLE HARD ROCK TAMPA (last visited February 24, 2024),
<https://www.seminolehardrocktampa.com/casino/slots>.

23 ¹⁸ *See Casino*, HOLLYWOOD CASINO AT KANSAS SPEEDWAY (last visited February 24, 2024),
24 <https://www.hollywoodcasinokansas.com/casino/slots>.

25 ¹⁹ *See Slots*, SEMINOLE CASINO COCONUT CREEK (last visited February 24, 2024),
<https://www.seminolecoconutcreekcasino.com/casino/slots>.

26 ²⁰ *See Casino*, PLAINRIDGE PARK CASINO (last visited February 24, 2024),
27 <https://www.plainridgeparkcasino.com/casino/slots>.

28 ²¹ *See Slots*, BRISTOL CASINO (last visited February 24, 2024),
<https://www.hardrockhotelcasinobristol.com/casino/slots>.

1 63. This shift has coincided with L&W’s hiring of a number of former
2 Aristocrat executives and game designers. As *Global Gaming Business Magazine* recognized,
3 since 2020 L&W has hired “many executives . . . who formerly were with Aristocrat.”²⁵ These
4 executives include Jamie Odell, Executive Chairman of L&W, formerly CEO of Aristocrat; Matt
5 Wilson, Director and CEO of L&W, formerly President and Managing Director, Americas, at
6 Aristocrat; Toni Korsanos, Executive Vice-Chair of L&W, formerly Chief Financial Officer and
7 Head of Strategy at Aristocrat; Siobhan Lane, Executive Vice President and CEO of Gaming of
8 L&W, formerly Senior Vice President of Marketing and Gaming Operations at Aristocrat; Ted
9 Hase, Senior Vice President, Game Design, of L&W, formerly Senior Vice President of R&D at
10 Aristocrat; Victor Blanco, Chief Technology Officer of L&W, formerly Chief Technology Officer
11 of Aristocrat; Oliver Chow, Chief Financial Officer of L&W, formerly Chief Financial Officer,
12 Americas, of Aristocrat; Anthony Firmani, Chief Operations Officer of L&W, formerly Senior
13 Vice President, Operations, at Aristocrat; and Nathan Drane, Senior Vice President, Global
14 Product Management, at L&W, formerly Vice President, Commercial Strategy, at Aristocrat.

15 64. In addition to these former employees, Rich Schneider joined L&W as
16 Chief Product Officer in July 2021, hired directly from his job as Chief Product Officer of
17 Aristocrat. Mr. Schneider’s L&W biography states that he “oversees L&W’s land-based gaming
18 product strategy,”²⁶ which, on information and belief, includes the Jewel of the Dragon slot
19 machine. Mr. Schneider’s biography also states that he was hired because of his “product
20 expertise,” including from his experience at Aristocrat, where he held the same role. Based on his
21 experience, Mr. Schneider “knows what makes a good game.” Mr. Schneider was Chief Product
22 Officer of Aristocrat when Dragon Link was developed, and he has firsthand knowledge of Dragon
23 Link’s and Lightning Link’s success and features.

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26 ²⁵ Frank Legato, *Light & Wonder*, GLOBAL GAMING BUSINESS MAGAZINE (Sep. 27, 2022),
<https://ggbmagazine.com/article/light-wonder-2/> (Ex. P at 2).

27 ²⁶ *Rich Schneider*, LIGHT & WONDER (last visited February 24, 2024),
28 <https://explore.lnw.com/about/our-leadership/rich-schneider/> (Ex. Q at 1).

1 65. Emma Charles is another former Aristocrat employee now working for
2 L&W. Ms. Charles was a senior game designer at Aristocrat from around December 2008 to
3 October 2012, and from October 2012 to July 2017, she worked on secondment to High Roller
4 Gaming Pty Ltd. (“HRG”)—which develops games exclusively for Aristocrat, including Lightning
5 Link and Dragon Link.²⁷ While at Aristocrat and HRG, Ms. Charles worked extensively on
6 Lightning Link and Dragon Link and thus had unfettered access to, and was knowledgeable about,
7 highly confidential information relating to these games, including details of the underlying math
8 and functionality. Ms. Charles has firsthand knowledge of Lightning Link and Dragon Link’s
9 success and the features responsible for that success.

10 66. Ms. Charles’s employment agreement with Aristocrat includes standard
11 confidentiality obligations, including obligations, during her employment and thereafter, not to
12 (a) disclose Aristocrat’s confidential information, or (b) use or facilitate, or allow others to use,
13 Aristocrat’s confidential information.

14 67. Another former Aristocrat employee, Lloyd Sefton, now works for L&W as
15 an artist. Mr. Sefton was previously employed by Aristocrat for around 15 years, from around
16 May 2001 to February 2016. Mr. Sefton was initially a Graphics Designer/Illustrator, and then
17 became a Lead Artist. During that time, he had access to highly confidential information relating
18 to Lightning Link and other Aristocrat games. Under Mr. Sefton’s employment contract with
19 Aristocrat, he was subject to the same restraint as Ms. Charles prohibiting disclosure or use of
20 Aristocrat’s confidential information following his employment.

21 68. In addition to the individuals identified above, Dinh Toan Tran worked for
22 Aristocrat as a game designer since 2008. Under Mr. Tran’s employment contract with Aristocrat,
23 he was subject to the same restraint as Ms. Charles and Mr. Sefton prohibiting disclosure or use of
24 Aristocrat’s confidential information following his employment. Mr. Tran resigned from
25 Aristocrat at the end of 2023 and notified Aristocrat that he would be joining L&W. Before leaving
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27 ²⁷ Aristocrat is the owner of all IP in the games created by HRG, including Lightning Link and
28 Dragon Link.

1 Aristocrat, Mr. Tran allegedly downloaded to a personal device, without authorization, an
2 extensive cache of Aristocrat trade secrets and proprietary information, including over **6,800** files.
3 Aristocrat is currently pursuing legal recourse against Mr. Tran in Australia, and a court has
4 ordered the seizure and inspection of his devices.²⁸

5 **1. *Dragon Unleashed Link***

6 69. L&W's improper efforts to capitalize on Dragon Link's success hit the
7 market in March 2022, when L&W unveiled a game it called DRAGON UNLEASHED LINK at
8 the annual Australasian Hospitality and Gaming Expo, a premier showcase for the gaming
9 industry. The game was a repurposed version of a previously deployed L&W game called
10 DRAGON UNLEASHED, with the addition of the word LINK at the end of the title giving it a
11 confusingly similar title to Aristocrat's Dragon Link game. Aristocrat promptly contacted L&W
12 objecting to the infringement of Aristocrat's DRAGON LINK trademark due to the obvious
13 similarity between the two games' prominent use of both DRAGON and LINK in their titles, and
14 demanding that L&W cease use of the name DRAGON UNLEASHED LINK. But the copying
15 did not stop there.

16 **2. *Jewel of the Dragon***

17 70. After its initial attempt to copy Dragon Link's name, L&W then decided to
18 copy Dragon Link's distinctive audiovisual and design elements.

19 71. In 2022, approximately a year after Mr. Schneider joined L&W, the
20 company introduced a new slot machine game called Jewel of the Dragon. This game is an
21 extensive redesign of an older L&W slot machine game also called Jewel of the Dragon. The new
22 game bears little resemblance to the old Jewel of the Dragon game and instead copies heavily from
23 Aristocrat's Dragon Link game.

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26 ²⁸ See Sarah Danckert, *Pokies Giant Gets Orders Against Senior Staffer Who Allegedly*
27 *Downloaded Cache of Company Documents*, THE SYDNEY MORNING HERALD (Jan. 11, 2024),
28 <https://www.smh.com.au/business/companies/pokies-giant-gets-orders-against-senior-staffer-who-allegedly-downloaded-cache-of-company-documents-20240111-p5ewho.html> (Ex. R 1–3).

1 72. Much like Dragon Link, Jewel of the Dragon is a game series that appears
2 on EGMs with linked progressive jackpots and that offers multiple game themes under the name
3 JEWEL OF THE DRAGON. On information and belief, a digital version of Jewel of the Dragon
4 has been offered, promoted, or displayed in substantially the same form through Defendant
5 SciPlay, Inc.’s Jackpot Party mobile app and/or website.

6 73. Jewel of the Dragon uses a logo (the “Jewel of the Dragon Standard Logo”)
7 consisting of the words JEWEL OF THE DRAGON written in all capital letters, in a red-to-black
8 fade, with the word DRAGON far larger and more prominent than the other words. The words
9 are superimposed on a glowing gold orb containing various shades of yellow, including a bright,
10 white-yellow outline around the orb’s circumference. The orb is ringed with realistic-looking
11 flames, and the entire logo appears on a rectangular landscape cabinet topper lit with a bright red
12 border. Many striking similarities between L&W’s Jewel of the Dragon Standard Logo and
13 Aristocrat’s Dragon Link Standard Logo may be seen below:



23 **Aristocrat’s Dragon Link**



28 **L&W’s Jewel of the Dragon**

24 74. These similarities include the words “Dragon” written in red-to-black fade
25 text coloring, central placement of the words on a glowing golden orb with varied yellow coloring,
26 realistic-looking flames ringing the golden orb, and a lit, bright red border around the landscape
27 topper.

1 75. The two games’ logos even include similar detailing resembling dragon
2 scales:



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7 **Aristocrat’s Dragon Link**



8 **L&W’s Jewel of the Dragon**

9 76. The large, prominent presentation of the word DRAGON in the Jewel of the
10 Dragon Standard Logo is particularly noteworthy given that dragons do not appear in or play any
11 significant role in the Jewel of the Dragon game.

12 77. Also much like Dragon Link, Jewel of the Dragon features a display
13 showing the game’s jackpots and bonuses (the “Jewel of the Dragon Jackpot Display”) and
14 including the following features (compared side-by-side further below to Aristocrat’s Dragon Link
15 Jackpot Display):

- 16 • The Jewel of the Dragon Standard Logo.
- 17 • A tiered list of gaming jackpots and bonuses, which appears below the Jewel of the
18 Dragon Standard Logo.
 - 19 • The top list level is outlined on each side by the same glowing gold orb that
20 appears on the cabinet topper, and the other list levels are outlined by similar
21 glowing orbs, with the words GRAND, MAJOR, MINOR, and MINI (for jackpot
22 sizes) written in red, purple, blue, and green, respectively.
 - 23 • The prize amounts of each jackpot appear in the same color as their corresponding
24 jackpot title (for example, the word GRAND for the grand jackpot is red, so the
25 prize for the grand jackpot is also in red).
 - 26 • Each jackpot prize amount appears against a black background.
 - 27 • All of the foregoing elements are set in front of a background that fades to black at
28 the top of the display where the Jewel of the Dragon Standard Logo appears.

78. The Jewel of the Dragon Jackpot Display (below left) is strikingly similar
to the Dragon Link Jackpot Display (below right). These similarities include a tiered list of gaming
jackpots and bonuses appearing below the game name, each list level being surrounded by

1 glowing, animated golden yellow orbs, the same words for each jackpot/bonus (GRAND, MAJOR,
 2 MINOR, and MINI), each jackpot/bonus appearing in a different color, three of the four colors,
 3 including the most prominent GRAND jackpot, being identical, and each jackpot/bonus amount
 4 appearing on a black background, outlined in gold. The foregoing elements are set in front of a
 5 background that fades to black at the top of the display where game logos appear.



Aristocrat's Dragon Link



L&W's Jewel of the Dragon

79. Jewel of the Dragon offers a "Hold & Spin" bonus feature that incorporates several features highly similar to the Dragon Link Hold & Spin Feature that customers associate with Aristocrat's games. Like Dragon Link, the upper display contains a large golden orb that says "HOLD & SPIN" when the feature is first activated, and then, when the bonus game is in progress, includes a count of the bonus symbols collected. The lower display contains reels on which the bonuses (either credit values or one of the four jackpots/bonuses) appear inside glowing golden orbs, just like Dragon Link. Each time a bonus symbol appears on the reels, a drum sounds and a flame flares around the bonus symbol on the lower display and around the golden orb on the upper display. Also like Dragon Link, a dark gradient appears over the positions in the reels that do not contain bonus symbols. Below are images of the Jewel of the Dragon "Hold & Spin" feature when first activated (left) and when in progress (right).



80. As in the Dragon Link Hold & Spin Feature, at the end of the Jewel of the Dragon “Hold & Spin” feature, a flame flares out of each bonus symbol and flies in a curved trajectory towards a meter on the upper display that keeps track of the total credits won, activating a gong sound when the flame hits the meter. After all the bonus awards have been tallied, the Coin Shower animation is displayed. The image below left shows the flame flare effect when bonus symbols are tallied, while the image below right shows the Coin Shower at the bonus game’s conclusion.



81. The similarities between Jewel of the Dragon’s Hold & Spin feature and the Dragon Link Hold & Spin Feature are readily apparent when viewing images of each side-by-side,

1 including but not limited to those listed below (Jewel of the Dragon on the left and Dragon Link
 2 on the right):

- 3 • Both games feature a large glowing gold orb over a red and black background,
 4 superimposed with the words HOLD & SPIN.
- 5 • Above the orb, rectangular meter boxes with gold circles at the sides surrounded by
 6 illuminated rings, and labels appearing in the circles where the color of the label
 7 matches the color of the jackpot amount (including identical jackpot labels and three
 8 of the four same colors). The meter boxes have gold borders, and the jackpot amounts
 9 are outlined in gold.
- 10 • Below the orb, a 3 x 5 grid of boxes with gold borders.



- 11 • During the game, the gold orb changes to a symbol counter, with a large numeral
 12 showing the number of bonus symbols that have appeared on the reels, directly above
 13 the word COLLECTED and text indicating that 15 symbols result in the GRAND
 14 JACKPOT, where GRAND appears in red and JACKPOT appears in yellow.
- 15 • The bonus game features glowing gold bonus symbols displaying numerical values or
 16 jackpot/bonus names, surrounded by a ring of fire. A dark gradient appears over the
 17 reel positions that do not contain bonus symbols.
- 18 • A small rectangular box with gold borders that overlays the top edge of the grid and
 19 indicates the number of FREE SPINS REMAINING, which appears in yellow.

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- Reddish-gold fire bolts that arc off of the gold bonus symbols and up to a total win box, where they explode to the sound of a gong as the score accumulates. The word WINNER appears in all caps directly above the win box, which is surrounded by light.



- A Coin Shower at the conclusion of the feature.



82. Another similarity appears in the Red Phoenix version of the Jewel of the Dragon game, which prominently features a dark-haired woman in an ornate headdress facing the viewer. This woman appears just below the Jewel of the Dragon Jackpot Display. Rather than connecting to the game’s phoenix theme, this artwork appears designed to resemble the equivalent artwork in the Autumn Moon version of Dragon Link, which also features a dark-haired woman in an ornate headdress facing the viewer. See Dragon Link Autumn Moon, below left, and Jewel of the Dragon Red Phoenix, below right.



83. Jewel of the Dragon’s audiovisual elements are substantially similar to the Dragon Link Audiovisual Elements and copy protectable expression of Aristocrat in those elements.

84. Beyond those similarities discussed above, other striking similarities between the audiovisual elements of Jewel of the Dragon and Dragon Link include:

- a. similar graphics during the games’ bonus features, *e.g.*, the large glowing yellow orb graphic at the top of the screen; the yellow flaming graphics that flank the large yellow orb; glowing yellow orb graphics on which bonus amounts appear; the flame graphics that spin around the yellow orbs; the synchronization between all the spinning flames on the screen at the same time; the audiovisual representation of a flaming “explosion” when yellow orb bonuses appear on the reels; the flame graphics that burst out of the yellow orbs on the reels when the jackpots are tallied and curve around the screen until they collide with and appear to ignite the box containing the total jackpot amount; the flame graphics that surround the total

1 jackpot amount; and the Coin Shower animation upon completion of the “Hold &
2 Spin” bonus feature;

3 b. similar sounds during the games’ bonus features, *e.g.*, music that plays in the
4 background; the “push” sound that plays when reels are spun; and the gong,
5 firework, and other sounds that play when jackpot amounts are totaled; and

6 c. similar reel artwork during the games’ standard play, *e.g.*, various reel symbol
7 graphics that spin or increase in size when activated; royal symbols; and flora and
8 fauna symbols.

9 85. The audiovisual elements that L&W copied from Dragon Link constitute
10 protectable expression of Aristocrat. They reflect original, creative, and expressive choices that
11 were made in designing and developing Dragon Link. The design choices available to L&W in
12 creating a slot machine game, including one that has similar game mechanics as Dragon Link (*e.g.*,
13 a hold-and-spin bonus), were virtually unlimited. L&W had no need to appropriate substantially
14 the same audiovisual elements as Dragon Link. For example, a hold & spin game—even one
15 having an Asian or dragon theme—does not require the use of golden orbs surrounded by rings of
16 fire as bonus symbols, a large golden orb as a symbol counter, animated fire bolts that arc off of
17 the bonus symbols and up to a total win box, and so on. These elements, along with the numerous
18 other Dragon Link Audiovisual Elements that appear in Jewel of the Dragon, are protectable
19 expression that L&W is not entitled to copy without Aristocrat’s permission.

20 86. L&W has publicly distributed copies of its Jewel of the Dragon game in the
21 United States at least by (a) offering EGMs containing the game to casinos, and (b) offering mobile
22 apps and/or websites, including Jackpot Party, that contain the game. In addition, L&W promotes
23 its Jewel of the Dragon games through, among other channels, a publicly accessible website, which
24 displays images of the game, including the Jewel of the Dragon Standard Logo and certain of the
25 artwork shown above.²⁹

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27 ²⁹ See *Jewel of the Dragon - Red Phoenix*, LIGHT & WONDER GAMING (last visited February 24,
28 2024), <https://gaming.lnw.com/games/Scientific-Games/class3/premium-games/Jewel-of-the-Dragon-Red-Phoenix-18757> (Ex. S at 1).

1 87. L&W’s use of the confusingly similar trade dress features described above
2 gives the Jewel of the Dragon games a nearly identical look and feel to the Dragon Link games
3 and the Dragon Link Trade Dress.

4 88. On information and belief, L&W intentionally seeks to confuse players and
5 to lead them to believe, incorrectly, that its Jewel of the Dragon games were developed by
6 Aristocrat, or are otherwise from or associated with or endorsed by Aristocrat, with the goal of
7 enticing players to play the Jewel of the Dragon games.

8 89. Confusion is particularly likely in the context of casinos and social gaming
9 apps, where players have ready access to a variety of games, often face low costs to play, and may
10 move quickly to and between games.

11 90. Indeed, L&W’s plan to confuse customers appears to be working. A video
12 posted on YouTube by a channel devoted to slot machines questions whether Jewel of the Dragon
13 is a “New Dragon Link?” and observes that the Hold & Spin bonus feature is “just like Dragon
14 Link.”³⁰ Another video posted on YouTube by a different channel devoted to slot machines reports
15 about Jewel of the Dragon that “[I’ve] never played it before, [but] I’m pretty sure it’s gonna be
16 just like a Dragon Link slot.”³¹

17 91. Moreover, to the extent such players have unsatisfactory experiences with
18 the Jewel of the Dragon games, it harms the reputation of Aristocrat and its Dragon Link games.

19 92. On information and belief, L&W has knowingly and for profit engaged in
20 this infringing use of the Aristocrat trade dress to attract players, knowing that players would
21 wrongly believe that the games are associated or affiliated with, or sponsored or endorsed by,
22 Aristocrat.

23 93. The likelihood of confusion created by this intentional offering of nearly
24 identical goods with confusingly similar trade dress is even greater because L&W offers its Jewel
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26 ³⁰ See *New Dragon Link? Jewel of the Dragon and Release the Kraken HOT SLOT Bonuses*
27 *Yaamava’ Casino*, YOUTUBE (Oct. 1, 2022), <https://www.youtube.com/watch?v=xOkbStkJ5Is>.

28 ³¹ See *I TRIPLED MY Money On This New Jewel Of The Dragon Slot Machine In Las Vegas!!*,
YOUTUBE (Dec. 31, 2022), <https://www.youtube.com/watch?app=desktop&v=-CqupGMUF3w>.

1 of the Dragon games through identical marketing channels in direct competition with the Dragon
2 Link games, such as through EGM placements in casinos, including casinos that also feature
3 Dragon Link, and in digital format for playing on the internet and on mobile applications.

4 94. On December 19, 2022, Aristocrat notified L&W by letter of L&W's
5 unauthorized use of Aristocrat's Dragon Link trade dress and copyrights in connection with Jewel
6 of the Dragon, and asked L&W to cease such use. The parties engaged in discussions over several
7 months, but no resolution was reached.

8 95. L&W's unauthorized use of the Dragon Link Audiovisual Elements and the
9 Dragon Link Trade Dress continues.

10 **3. *Dragon Train***

11 96. After copying the Dragon Link name and audiovisual and design elements,
12 L&W's next move was to copy Dragon Link's signature game elements and gameplay.

13 97. In August 2023, at the Australian Gaming Expo, L&W launched in
14 Australia a game called DRAGON TRAIN that was apparently designed and developed by Emma
15 Charles. On information and belief, Dragon Train is an attempt to mimic many of the unique game
16 mechanics of Dragon Link, including the underlying math and functionality. Both Dragon Link
17 and Dragon Train feature Asian-inspired dragon themes, including by using a large red and gold
18 swirling dragon. Both games also use DRAGON as the first word of a two-word game name and
19 contain a number of visual similarities. But the similarities between Dragon Link and Dragon
20 Train go far beyond appearances. Both Dragon Link and Dragon Train are multi-denomination
21 games, meaning players can bet different amounts of money. Both allow bets in the following
22 denominations: 1 cent, 2 cents, 5 cents, 10 cents, \$1, and \$2. And both utilize a 3 x 5 reel grid
23 (*i.e.*, five reels, each of which consist of three visible symbol positions).

24 98. Dragon Link and Dragon Train also have very similar symbol sets,
25 including five royal symbols, four "picture" symbols, a scatter symbol, a wild symbol, and a "Hold
26 & Spin" bonus symbol.

27 99. Video slot machine games typically feature a "pay table," which provides
28 an overview of payout amounts and win conditions for the various symbols that appear on the

1 reels. The Dragon Link and Dragon Train pay tables are highly similar. For example, the images
 2 below show the pay tables for both games' 10-cent bets.



Dragon Link 10-cent pay table



Dragon Train 10-cent pay table

100. Both of these pay tables feature the identical payout amounts and win
 23 conditions, with the sole exception being one small difference in the first bullet point below:

- i. A “scatter” symbol that pays out when it appears 5, 4, or 3 times. The
 25 amounts paid out are nearly identical: 5 symbols pay 100, 4 pay 15 (Dragon
 26 Link) or 10 (Dragon Train), and 3 pay 2.
- ii. Both feature a “substitute” (or wild) symbol that can appear on reels 2, 3, 4,
 27 and 5 only.

- 1 iii. Both feature one picture symbol that pays out 150 when it appears 5 times,
- 2 50 when it appears 4 times, 10 when it appears 3 times, and 2 when it
- 3 appears 2 times.
- 4 iv. Both feature one picture symbol that pays out 100 when it appears 5 times,
- 5 30 when it appears 4 times, and 5 when it appears 3 times.
- 6 v. Both feature two picture symbols that pay out 100 when they appear 5 times,
- 7 25 when they appear 4 times, and 5 when they appear 3 times.
- 8 vi. Both feature one royal symbol that pays out 75 when it appears 5 times, 20
- 9 when it appears 4 times, and 5 when it appears 3 times.
- 10 vii. Both feature four royal symbols that pay out 50 when they appear 5 times,
- 11 10 when they appear 4 times, and 5 when they appear 3 times.
- 12 101. As a further example, the images below show the pay tables for the games’

13 \$1 bets.



Dragon Link \$1 pay table



Dragon Train \$1 pay table

102. Both of these pay tables have identical payout amounts and win conditions, including:

- i. A “scatter” symbol that pays out when it appears 5, 4, or 3 times. The amounts paid out are identical: 5 symbols pay 100, 4 pay 10, and 3 pay 2.
- ii. Both feature a “substitute” (or wild) symbol that can appear on reels 2, 3, 4, and 5 only.
- iii. Both feature one picture symbol that pays out 250 when it appears 5 times, 50 when it appears 4 times, 10 when it appears 3 times, and 3 when it appears 2 times.
- iv. Both feature one picture symbol that pays out 150 when it appears 5 times, 30 when it appears 4 times, 5 when it appears 3 times, and 2 when it appears 2 times.
- v. Both feature two picture symbols that pay out 100 when they appear 5 times, 25 when they appear 4 times, 5 when they appear 3 times, and 2 when they appear 2 times.
- vi. Both feature one royal symbol that pays out 75 when it appears 5 times, 20 when it appears 4 times, and 5 when it appears 3 times.

1 vii. Both feature four royal symbols that pay out 50 when they appear 5 times,
2 10 when they appear 4 times, and 5 when they appear 3 times.

3 103. Like Dragon Link, Dragon Train features a “Hold & Spin” bonus feature.
4 The two games’ “Hold & Spin” features are functionally (and visually) similar, following nearly
5 identical rules. In both games, six or more golden orb symbols trigger the “Hold & Spin” feature,
6 which awards the player three free games. The orbs are held in place as the player enters the
7 feature. Any additional orbs that appear during the feature are also held, and the number of spins
8 resets to three each time a new orb lands on the reels. The orbs that appear on the reels display the
9 bonus names and amounts as they appear, and a large golden orb in the upper display shows the
10 number of orbs collected and the number of orbs required to win the Grand Jackpot (fifteen in both
11 games). At the end of the feature, the value of each of the held orbs is counted, with an electrical
12 bolt (in Dragon Train) or a flame (in Dragon Link) connecting each orb to a win meter that appears
13 underneath the word “WINNER” in the upper display. In addition to the Grand Jackpot, there is
14 an option to win a Major Jackpot, a Minor Bonus, and a Mini Bonus during the feature. In both
15 games, if a player is playing a 1-cent, 2-cent, 5-cent or 10-cent denomination, the values on the
16 orbs are displayed in credit prizes. If the player is playing a \$1 or \$2 denomination, the values on
17 the orbs changes to dollar prizes.



Dragon Link Hold & Spin



Dragon Train Hold & Spin

104. In both games, a Coin Shower animation occurs with any win of 25 (or more) times the bet made during the base game, free games, or Hold & Spin feature. In both games the coin image is an ancient Chinese coin, with a square shaped hole and 4 Chinese characters. The similarities are evident from the images below:



Dragon Link Winner screen



Dragon Train Winner screen

1 105. Also like Dragon Link, Dragon Train includes a separate free games feature
 2 that is triggered when three or more scatter symbols appear on the reels.

3 106. Dragon Train also offers players a set of tiered jackpots or bonuses closely
 4 resembling those in Dragon Link, including a Grand Jackpot, Major Jackpot, Minor Bonus, and
 5 Mini Bonus, even featuring identical colors for three of the jackpots or bonuses. Both games have
 6 the same win conditions for the Grand and Major Jackpots.



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12 **Dragon Link attract screen**



13 **Dragon Train attract screen**

14 107. In addition to the substantially similar symbol set, pay tables, game rules,
 15 and game features, including similar “Hold & Spin” and free games bonus features, Dragon Train
 16 is, on information and belief, an attempt to replicate Dragon Link’s underlying math and
 17 functionality that provides the game’s unique “feel.” As explained further above, the “feel”
 18 includes how players experience the underlying math of a game, such as the game’s volatility—
 19 *i.e.*, how often a game pays out prizes and the amounts of those prizes. Achieving the right feel is
 20 critical to a successful game, and is what attracts and retains player engagement above and beyond
 21 flashy visual elements. It results from the detailed, complex, and highly confidential math and
 22 functionality that govern the game’s outcomes.

23 108. The underlying math and functionality of a game, and the resulting feel of
 24 the game, distinguish video slot machine games from one another that otherwise share audiovisual
 25 elements, and is frequently the reason why some games are successful while other visually similar
 26 games are not. The success of Lightning Link and Dragon Link are due in part to their unique feel.
 27 There have been dozens of unsuccessful competitors that have offered “Hold & Spin” games, some
 28

1 of which incorporate visually similar elements (including L&W’s Jewel of the Dragon), but failed
2 because they did not achieve a comparable feel.

3 109. Successful replication of the player experience and “feel” of a game,
4 especially one as complex as Dragon Link or Lightning Link, requires mimicry of many different
5 components of the game mechanics (*e.g.*, the composition of reel strips and symbols;
6 combinations, pathways, and probabilities for winning or triggering particular outcomes;
7 assignment of payouts per win; overall volatility; RTP; the methodology underlying the operation
8 of the base and bonus games) that turn on sophisticated underlying game math and functionality,
9 as further described above. Merely copying the public-facing aspects of a game would be unlikely
10 to produce a cohesive, functional game that could operate in the same way and provide the same
11 player experience as the original.

12 110. The complex and interrelated game mechanics underlying sophisticated
13 games like Dragon Link and Lightning Link are carefully designed, calibrated, and operationalized
14 to provide a seamless, attractive, and engaging player experience—including, for example, how
15 high-stakes a game appears to players, how exciting each player decision can be, how often a
16 player interacts with particular features or bonus games triggered on specific conditions, how
17 satisfying a player finds the frequency and amount of rewards, and how incentivized the player
18 feels to continue playing and coming back to the game time after time—that cannot plausibly be
19 reproduced by luck or accident.

20 111. Dragon Train appears to replicate the experience or “feel” of Aristocrat’s
21 Dragon Link and Lightning Link games to an unusual degree. As noted above, Dragon Train has
22 substantially similar functional elements, including the symbol sets, pay tables, game rules, and
23 bonus features, including the “Hold & Spin” and free games features. Further, the game appears
24 to have a highly similar mathematical implementation, resulting in similar gameplay experiences.
25 For example, Dragon Train appears to have similar volatility, and the Hold & Spin bonus symbols
26 seem to appear on the reels with similar frequency. Dragon Train also appears to implement the
27 Hold & Spin feature in a similar way as Dragon Link and Lightning Link. On information and
28 belief, and against the backdrop of L&W’s seriatim efforts to piggyback on the success of Dragon

1 Link, L&W could only have achieved this degree of similarity with Dragon Link’s gameplay by
2 use of Aristocrat’s trade secrets.

3 112. The many similarities between the games, including the copied feel, are no
4 surprise, given that, on information and belief, Dragon Train was the first game to be designed and
5 developed by a new L&W studio, Star Studio, that is led by former Aristocrat game designer Emma
6 Charles. As described *supra*, paragraph 65, Ms. Charles previously worked for Aristocrat for
7 many years, including working on both Dragon Link and its predecessor, Lightning Link. As part
8 of that work, Ms. Charles had access to the Lightning Link and Dragon Link mathematical models,
9 and worked extensively on Lightning Link’s and Dragon Train’s underlying mathematics and
10 technical specifications. Under Ms. Charles’s employment contract with Aristocrat, she was
11 restrained from disclosing, or using, facilitating or allowing others to use, Aristocrat’s trade
12 secrets, secret formulae, game designs and game specifications.

13 113. Also working as a member of the Star Studio team was Lloyd Sefton, who,
14 as described *supra*, paragraph 67, is a former Aristocrat artist who also worked on Lightning Link
15 and Dragon Link alongside Ms. Charles and had access to confidential information about these
16 games.

17 114. On information and belief, Ms. Charles and/or Mr. Sefton used Aristocrat’s
18 confidential information in developing Dragon Train, including information concerning the
19 underlying math and functionality of Lightning Link and Dragon Link (*e.g.*, pay tables,
20 combination/PAR sheets, reel strips, mathematical spreadsheets, game specifications, and
21 methodologies for the operation of the Hold & Spin bonus).

22 115. On information and belief, when L&W hired Ms. Charles, it knew that she
23 had been working with the highly confidential math for Lightning Link and Dragon Link. In fact,
24 as noted above, L&W has used this as a major selling point to promote her “inaugural product” for
25 L&W, Dragon Train. At a 2023 investor presentation³², Siobhan Lane, L&W’s CEO of Gaming,
26 introduced Ms. Charles as follows (emphasis added):

27 _____
28 ³² Accessible at <https://vimeo.com/855246637/748525a3d0#t=0m0s>, at 27:55.

1 **Emma Charles worked with Scott Olive on the Lightning Link**
2 **product for many years** and she made the decision to join the Light
3 & Wonder team and start to run her own studio, Star Studio, out of
4 Australia. And we're proud that Emma just this week in Australia
 launched her inaugural product under the Light & Wonder brand,
 Dragon Train, you'll see it at the Star Casino on the floor today.

5 116. On information and belief, L&W was aware of and complicit in any use of
6 Aristocrat's confidential information by Ms. Charles and Mr. Sefton.

7 117. In September 2023, Aristocrat's Australian counsel initiated discussions
8 with L&W in which Aristocrat shared its concerns about the misappropriation of its trade secrets
9 in connection with Dragon Train. Aristocrat requested that L&W produce documents about the
10 design and development of Dragon Train. L&W provided some of the documents requested by
11 Aristocrat to Aristocrat's Australian counsel. Among the documents that L&W produced are files
12 referring to "Aristocrat," "Dragon Link," and/or "Lightning Link." L&W, however, refused to
13 provide other key documents, including math documents, reel strip layouts, weighting tables, and
14 source code.

15 118. Given L&W's refusal to provide this key information, and based on the
16 documents L&W did produce, in December 2023, Aristocrat filed a preliminary discovery
17 proceeding in the Federal Court of Australia to seek further information from L&W.

18 119. On information and belief, L&W is planning to release its Dragon Train
19 game in the United States in the coming weeks or months. L&W unveiled this game to the U.S.
20 market at the October 2023 Global Gaming Expo ("G2E") in Las Vegas.

21 120. In January 2024, Aristocrat's U.S. counsel initiated discussions with L&W
22 in which Aristocrat shared its concerns about Dragon Train's upcoming launch in the United
23 States, again pointing to the apparent misappropriation of Aristocrat's trade secrets. Aristocrat
24 requested the same documents sought by Aristocrat's Australian counsel, including the documents
25 L&W already shared with Aristocrat's Australian counsel pursuant to confidentiality undertakings.
26 L&W rejected Aristocrat's requests and would not even give Aristocrat's U.S. counsel access to
27 the materials L&W already turned over to Aristocrat's Australian counsel.

28

1 Lightning Link games, including insofar as L&W knew or had reason to know that it had received
2 the information from persons, including Ms. Charles and/or Mr. Sefton, who owed a duty to
3 Aristocrat to maintain the secrecy of the information, to not disclose the information, and to not
4 use it for the benefit of others.

5 128. On information and belief, as described above, L&W has used without
6 authorization one or more of Aristocrat’s trade secrets to develop L&W’s Dragon Train games,
7 which L&W intentionally designed to copy and compete with Aristocrat’s Dragon Link and
8 Lightning Link games. On information and belief, at the time of the use, L&W knew or had reason
9 to know that it had derived the information from persons, including Ms. Charles and/or Mr. Sefton,
10 who owed a duty to Aristocrat to maintain the secrecy of the information, to not disclose the
11 information, and to not use it for the benefit of others.

12 129. On information and belief, as described above, absent this misappropriation
13 of Aristocrat’s trade secrets, L&W could not have replicated the signature gameplay and “feel” of
14 Dragon Link and Lightning Link to the degree it did. Moreover, absent misappropriation of
15 Aristocrat’s trade secrets, L&W would have had to invest substantially more time, effort, and
16 resources to develop even a pale imitation of these games—as other Aristocrat competitors and
17 L&W itself had previously done.

18 130. On information and belief, as described above, L&W’s misappropriation of
19 Aristocrat’s trade secrets has been willful, malicious, and part of a sustained and systematic effort
20 to rip off the signature elements—and free-ride on the commercial success—of Aristocrat’s
21 Dragon Link games.

22 131. As a direct and proximate result of L&W’s misappropriation, Aristocrat has
23 suffered—and, absent prompt injunctive relief, will continue to suffer—injury in the form of lost
24 money and market share as a result of direct competition from Dragon Train; lost goodwill and
25 brand reputation as a result of customers, players, media, and industry experts comparing Dragon
26 Link to Dragon Train; lost time and resources expended in trying to put a stop to L&W’s blatant
27 plagiarism; and a significant risk of further unauthorized dissemination of Aristocrat’s trade
28 secrets.

COUNT II
COPYRIGHT INFRINGEMENT UNDER 17 U.S.C. § 501

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132. Aristocrat re-alleges and incorporates by reference all preceding paragraphs.

133. Aristocrat is the owner of the copyright in the Dragon Link Audiovisual Elements.

134. This copyrighted work is not a United States work within the meaning of Section 101 of the Copyright Act, 17 U.S.C. § 101, and thus is not subject to the registration requirement of Section 411(a). Aristocrat has registered copyrights in at least certain Dragon Link Audiovisual Elements (*e.g.*, Reg. Nos. PA 2-422-266, PA 2-424-274, VA 2-369-827, VA 2-372-588, VA 2-372-489, VA 2-372-589). *See* Ex. A.

135. On information and belief, during the development of Jewel of the Dragon, L&W had access to, and copied, the Dragon Link Audiovisual Elements.

136. Jewel of the Dragon contains audiovisual elements (including artwork, sounds, and animations) that are substantially and strikingly similar to, and copy protectable expression from, the Dragon Link Audiovisual Elements.

137. L&W reproduced, publicly distributed, publicly performed, and publicly displayed these copied audiovisual elements in the course of developing, promoting, offering, and selling or leasing Jewel of the Dragon, without Aristocrat's authorization.

138. L&W's conduct infringes upon Aristocrat's exclusive rights granted by Section 106 of the Copyright Act, 17 U.S.C. § 106, to reproduce, prepare derivative works of, publicly display, publicly perform, and distribute its copyrighted works to the public.

139. L&W's conduct constitutes copyright infringement under Section 501 of the Copyright Act, 17 U.S.C. § 501. Dragon Link includes a copyright notice in screens viewable to all players. Because L&W knew its conduct infringed Aristocrat's copyright, or alternatively L&W acted with reckless disregard for or willful blindness to Aristocrat's rights, L&W's infringement is willful under Section 504 of the Copyright Act, 17 U.S.C. § 504.

1 competitive advantage of the games, which Aristocrat’s competitors—including L&W—have
2 repeatedly tried and failed to replicate.

3 153. Aristocrat accordingly keeps this information highly confidential and
4 subject to reasonable measures to protect its secrecy, including through internal practices, policies,
5 and procedures; written agreements prohibiting the unauthorized disclosure or use of such
6 information; regular employee training; physical and technical security measures; and, where
7 necessary, legal action to enforce Aristocrat’s intellectual property rights throughout the world.

8 154. On information and belief, as described above, L&W has acquired through
9 improper means one or more of Aristocrat’s trade secrets embodied in the Dragon Link and
10 Lightning Link games, including insofar as L&W knew or had reason to know that it had received
11 the information from persons, including Ms. Charles and/or Mr. Sefton, who owed a duty to
12 Aristocrat to maintain the secrecy of the information, to not disclose the information, and to not
13 use it for the benefit of others.

14 155. On information and belief, as described above, L&W has used without
15 authorization one or more of Aristocrat’s trade secrets to develop L&W’s Dragon Train games,
16 which L&W intentionally designed to copy and compete with Aristocrat’s Dragon Link and
17 Lightning Link games. On information and belief, at the time of the use, L&W knew or had reason
18 to know that it had derived the information from persons, including Ms. Charles and/or Mr. Sefton,
19 who owed a duty to Aristocrat to maintain the secrecy of the information, to not disclose the
20 information, and to not use it for the benefit of others.

21 156. On information and belief, as described above, absent this misappropriation
22 of Aristocrat’s trade secrets, L&W could not have replicated the signature gameplay and “feel” of
23 Dragon Link and Lightning Link. Moreover, absent misappropriation of Aristocrat’s trade secrets,
24 L&W would have had to invest substantially more time, effort, and resources to develop even a
25 pale imitation of these games—as other Aristocrat competitors and L&W itself had previously
26 done.

27 157. On information and belief, as described above, L&W’s misappropriation of
28 Aristocrat’s trade secrets has been willful, wonton, reckless, and part of a sustained and systematic

1 effort to rip off the signature elements—and free-ride on the commercial success—of Aristocrat’s
2 Dragon Link games.

3 158. As a direct and proximate result of L&W’s misappropriation, Aristocrat has
4 suffered—and, absent prompt injunctive relief, will continue to suffer—injury in the form of lost
5 money and market share as a result of direct competition from Dragon Train; lost goodwill and
6 brand reputation as a result of customers, players, media, and industry experts comparing Dragon
7 Link to Dragon Train; lost time and resources expended in trying to put a stop to L&W’s blatant
8 plagiarism; and a significant risk of further unauthorized dissemination of Aristocrat’s trade
9 secrets.

10 **COUNT V**
11 **DECEPTIVE TRADE PRACTICES UNDER NEV. REV. STAT. §§ 41.600 & 598.0915**

12 159. Aristocrat re-alleges and incorporates by reference all preceding
13 paragraphs.

14 160. By copying Aristocrat’s Dragon Link Trade Dress, L&W knowingly made
15 false representations as to the source, sponsorship, approval and/or certification of goods or
16 services for sale or lease—namely, its Jewel of the Dragon game.

17 161. As the direct and proximate result of L&W’s deceptive conduct, Aristocrat
18 has suffered, and will continue to suffer, monetary damages and irreparable injury to its business,
19 reputation and goodwill.

20 **DEMAND FOR JURY TRIAL**

21 Aristocrat demands a trial by jury on all issues raised in this action that are so
22 triable.

23 **RELIEF SOUGHT**

24 Aristocrat seeks the following relief:

25 1. That L&W be preliminarily and permanently enjoined from all trade secret
26 misappropriation, copyright infringement, false designation of origin, unfair competition, and
27 trade dress infringement.

1 2. That L&W be ordered to refrain from any use or disclosure of Aristocrat's
2 trade secrets.

3 3. That L&W be required to sequester and destroy any Aristocrat trade secrets,
4 identify all individuals and entities to whom L&W has disclosed such trade secrets, and make best
5 efforts to recover all copies of such trade secrets so disclosed.

6 4. That L&W be required to deliver to Aristocrat any and all packaging, labels,
7 displays, advertising or other materials in L&W's possession, or under its control, that include or
8 infringe any of Aristocrat's copyrights or trade dress rights.

9 5. That L&W be required to give Aristocrat a complete list of parties to whom
10 it has sold, offered to sell, provided or offered to provide, directly or indirectly, any goods or
11 services that infringe Aristocrat's rights.

12 6. That L&W be directed to file with this Court, and serve upon Aristocrat
13 within thirty (30) days after the entry of an injunction, a written report under oath detailing the
14 manner and form in which L&W has complied with the injunction.

15 7. That Aristocrat recover all damages suffered from L&W's acts, including
16 any available punitive damages, federal or state statutory damages, or actual damages, and L&W's
17 profits.

18 8. That L&W be required to account for and disgorge any profits or other
19 monetary or tangible benefits received as a result of its misappropriation and infringement.

20 9. That any damages and profits be enhanced in accordance with 15 U.S.C. §
21 1117, 17 U.S.C. § 504, 18 U.S.C. § 1836, Nevada Revised Statute § 600A.050, and other
22 applicable federal and state law.

23 10. That Aristocrat recover pre-judgment and post-judgment interest.

24 11. That Aristocrat recover its reasonable attorney fees, costs and
25 disbursements in accordance with 15 U.S.C. § 1117, 17 U.S.C. § 505, 18 U.S.C. § 1836, Nevada
26 Revised Statutes §§ 41.600 and 600A.060, and other applicable federal and state law.

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12. That Aristocrat recover such other relief as the Court deems just and proper.

February 26, 2024

Respectfully submitted,

/s/ Jason D. Smith

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