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Technology

Pair claims 3D Realms took game idea

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So much for settlements -- at least for now.

Two California residents have sued Garland's Apogee Software Ltd., which now does business as 3D Realms Entertainment, claiming the computer-game developer is using a creation of theirs, a game called Earth No More, without their consent.

Among other things, the litigation, filed in federal court in the central district of California, seeks a permanent injunction barring Apogee, from further development or other "exploitation" of the game.

The suit claims the pair pitched their idea for Earth No More to "an extensive number of companies and publishers" in the gaming business back in 2005. In June of last year, court documents claim, 3D Realms announced plans to make and sell a game that bore the same title and that was "virtually identical in substance" to what the plaintiffs had developed.

Last summer, 3D Realms said in an article posted on its Web site (www.3drealms.com) that it expected "Earth No More" to be released in 2009.

Plaintiffs Darin Scott and Edward Polygardy, who run a California company called Cinemagraphix Entertainment that is also a plaintiff in the action, are seeking unspecified damages, which they want tripled. Causes of action in the litigation include copyright infringement, unfair competition, unfair business practices and conspiracy.

Faithful readers of these pages may recall that 3D Realms took Scott et al. to federal district court in Dallas last fall, seeking a judgment that "Earth No More" does not infringe on the California crowd's trademark rights and copyrights.

In that petition, 3D Realms says that it and its partner in creating the game, Recoil Games, developed Earth No More "without access to, or use of materials created by" the California group who have since sued the company.

Last fall, the California group's attorney, Tre Lovell, told me that talks were under way to resolve the matter.

Lovell recently asked a Dallas judge to either dismiss Apogee's complaint here or move the litigation to California.

Attempts to reach Lovell and 3D Realms' attorney in Dallas, J. Pat Heptig, for comment were unsuccessful.

New contract

The Dallas-based infrared technologies division of DRS Sensors & Targeting Systems Inc. recently won a \$6.4 million contract from the United States Navy to build a new sensor system. The work will be done in Dallas, according to the Navy. DRS Sensors & Targeting is based in California. Web site: www.drs-sts.com.

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