

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

POLLIN PATENT LICENSING, LLC,  
9801 Washingtonian Boulevard, Suite 200  
Gaithersburg, Maryland 20878,

and

AUTOSCRIBE CORPORATION,  
9801 Washingtonian Boulevard, Suite 200  
Gaithersburg, Maryland 20878,

Plaintiffs,

v.

AKRON GENERAL HEALTH SYSTEM  
1 Akron General Avenue  
Akron, Ohio 44307,

Defendant.

Case No.: 5:14-cv-425

Judge:

**JURY DEMAND**

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**COMPLAINT**

Plaintiffs Pollin Patent Licensing, LLC and Autoscribe Corporation (collectively, “Plaintiffs”), by and through undersigned counsel, and for their Complaint against Defendant Akron General Health System (“Akron General Health”) state as follows:

**NATURE OF ACTION**

1. Plaintiffs assert claims for patent infringement of United States Patent No. 7,117,171 (“the ‘171 Patent”) under the patent laws of the United States, Title 35 of the United States Code. Plaintiffs collectively own all right, title and interest in and to the '171 Patent and the Autoscribe processes and products covered by that patent, including the right to collect for past damages. Akron General Health has knowingly engaged in conduct that infringes upon said

rights. Autoscribe and PPL have each suffered injury from Akron General Health's acts of patent infringement.

### **JURISDICTION AND VENUE**

2. The Court has general and specific personal jurisdiction over Akron General Health. Akron General Health has purposely availed itself of the privileges and benefits of conducting business in the State of Ohio. Akron General Health, an Ohio Corporation with headquarters in Akron, Ohio, has among other things: (a) provided payment processing services in Ohio; (b) contracted by mail or otherwise with Ohio residents, which contracts were to be performed in whole or in part in Ohio; (c) operated at least one call center in Ohio; (d) collected debt from debtors' checking accounts through the use of live operators in Ohio; and (e) violated certain patent laws, which are the subject of this action, in whole or in part, in Ohio.

3. Venue is proper in this district under 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

### **PARTIES**

#### **Plaintiffs**

4. Pollin Patent Licensing, LLC ("PPL") is a Florida limited liability company with a business address of 9801 Washingtonian Boulevard, Suite 200, Gaithersburg, Maryland 20878.

5. Autoscribe Corporation ("Autoscribe") is a Maryland corporation with a principal place of business at 9801 Washingtonian Boulevard, Suite 200, Gaithersburg, Maryland 20878.

#### **Defendant**

6. Akron General Health is an Ohio Corporation that maintains its corporate headquarters at 1 Akron General Avenue, Akron, Ohio 44307.

### **FACTUAL BACKGROUND**

7. On October 3, 2006, the United States Patent and Trademark Office granted U.S. Patent No. 7,117,171, entitled "System and Method for Making a Payment from a Financial

Account," which claims priority from an application filed on October 15, 1992, and names Robert Pollin as the inventor. A true and accurate copy of '171 Patent is attached as Exhibit 1.

8. As of October 3, 2006, Autoscribe is the owner by assignment of all legal rights, title, and interest in and to the '171 Patent. Autoscribe has been in business for over twenty years. Autoscribe is in the business of, and specializes in, various forms of electronic payment solutions, including software and services for payment capture, risk management, ACH processing and check by phone payment (see, e.g., www.paymentvision.com). In addition to its other business activities, Autoscribe practices the check by phone methods claimed in the '171 Patent.

9. PPL is an exclusive licensee to rights in the '171 Patent and is responsible for the licensing of the '171 Patent.

10. Akron General Health is a healthcare organization headquartered in Akron, Ohio. Akron General Health provides check-by-phone payment processing services to its customer via call centers located at least in Akron, Ohio.

#### **INFRINGEMENT OF U.S. PATENT NO. 7,117,171**

11. Akron General Health infringed the '171 Patent until its expiration on October 15, 2012 by, among other activities, making, using and/or conducting business through its call centers to collect debt over the telephone from a checking or other demand deposit accounts in a manner that is covered by at least claims 6 and 12 of the '171 Patent. A representative claim chart is attached as Exhibit 2.

12. Specifically, Akron General Health offers a service whereby customers can make payments over the telephone, through a conversation with a live operator, from a checking or other demand deposit account. Akron General Health does not publicly advertise any particular name for this checks-by-telephone service.

13. Akron General Health's checks-by-telephone system includes a computing system with an input screen and requires entry of a customer's financial institution routing and account numbers.

14. The required routing and account numbers are obtained by a live operator of Akron General Health's checks-by-telephone system.

15. Akron General Health's checks-by-telephone system confirms the identity of the customer's financial institution based on the routing number provided by the customer and, in instances where the provided routing number does not match a valid routing number, the system provides an indication to the operator that there is an error.

16. Akron General Health creates electronic records containing the information obtained from a customer and Akron General Health processes and transmits those records to a clearing system to cause a transfer of funds.

17. Akron General Health may operate more than one system to obtain payments from customers' checking accounts over the telephone. An opportunity for discovery will enable Plaintiffs to identify all systems that infringed the '171 Patent with greater particularity.

18. At all times, Autoscribe and PPL have complied with the provisions of 35 U.S.C. § 287 as and to the extent required by law.

19. Akron General Health's direct infringement of the '171 Patent has injured Plaintiffs and Plaintiffs are entitled to recover damages adequate to compensate them for such infringement, but in no event less than a reasonable royalty.

#### **PRAYER FOR RELIEF**

WHEREFORE, Autoscribe and PPL respectfully ask this Court to enter judgment against Akron General Health, granting the following relief:

A. The entry of judgment in favor of Plaintiffs and against Akron General Health;

- B. An award of damages adequate to compensate Plaintiffs for the infringement that has occurred, but in no event less than a reasonable royalty as permitted by 35 U.S.C. § 284, together with pre-judgment interest from the date the infringement began or February 2008, whichever is later;
- C. Increased damages and/or attorneys' fees as permitted under 35 U.S.C. § 284 and § 285;
- D. All other relief, in law or in equity, to which Plaintiffs may be entitled, and any other and further relief that this Court or a jury may deem just and proper.

**JURY DEMAND**

Plaintiffs hereby demand trial by a jury of not less than eight (8) jurors on all issues so triable.

Respectfully submitted,

/s/Nicholas J. Gingo

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