

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CASCADES PUBLISHING	)	
INNOVATION, LLC.,	)	
	)	Civil Action No. 3:13-cv-00422-WHR
Plaintiff,	)	
vs.	)	
	)	
REED ELSEVIER, INC.,	)	JURY TRIAL DEMANDED
	)	
Defendant.	)	

**SECOND AMENDED COMPLAINT**

Plaintiff Cascades Publishing Innovation LLC amends its complaint. Cascades complains of defendant Reed Elsevier, Inc.:

**PARTIES, JURISDICTION AND VENUE**

1. This is a claim for patent infringement arising under the patent laws of the United States, including 35 U.S.C. §271. This Court has exclusive jurisdiction over the subject matter of this action under 28 U.S.C. §1338(a).

2. Cascades Publishing Innovation LLC is a limited liability company established under the laws of Illinois, having its principal place of business at 500 Skokie Boulevard, Suite 250, Northbrook, Illinois 60062. Cascades is the exclusive licensee and has standing to sue for infringement of United States Patents Nos. 7,293,228 B1 and 8,386,484 B2. The patents are Exhibits A and B to this amended complaint. TimeBase Pty Ltd. is the patent owner, developed the patented technology, and has a financial interest in the outcome of this litigation.

3. According to <http://www.lexis.com>, “LexisNexis [is] a division of Reed Elsevier, Inc.” LexisNexis has an office at 70 W. Madison, Chicago, IL 60602, according to the “About LexisNexis” link on its website. Reed’s Motion to Transfer Venue to the Southern District of Ohio pursuant to 28 U.S.C. § 1404 says that Reed operates facilities related to Lexis in this

district. Through its Lexis services, Reed Elsevier provides legal research products and services nationwide and in this judicial district.

4. Reed Elsevier has used, sold or offered to sell products and services that infringe the patent within this judicial district, and has advertised the sale of such products in this judicial district, including its Academic service.

5. Reed Elsevier's Motion to Transfer Venue represents that it is subject to personal jurisdiction in this judicial district.

6. Reed Elsevier's Motion to Transfer Venue represents that venue is proper in this district under 28 U.S.C. §§1391(d) and 1400(b).

### **PATENT INFRINGEMENT**

7. Reed Elsevier has infringed the patents at least by making, using, importing, selling or offering to sell products and services that fall within the scope of at least claims 1 and 28 of the 228 patent, and at least claim 1 of the 484 patent. The patents are Exhibits A and B to this amended complaint. Exhibits C and D to this amended complaint are tables describing the infringement of claims 1 and 24 of the 228 patent and claim 1 of the 484 patent by the LexisNexis® Academic service. Exhibit H is a table describing the infringement of claims 1 and 24 of the 228 patent and claim 1 of the 484 patent by the LexisNexis® Advance service.

Additional claims may apply depending upon discovery in the case.

8. The LexisNexis® Academic and Advance services publish electronic data. In other words, it makes text available to subscribers using a computer and browser. The Declaration of William Donald Kilgallon in support of Reed Elsevier's Motion to Transfer Venue says at paragraph 3 that "LexisNexis originally pioneered online information with its Lexis® and Nexis® services." The Declaration, executed under penalty of perjury, is Exhibit E to this amended complaint.

9. Paragraph 4 of the Kilgallon Declaration says that the “LexisNexis® Academic, a product offered under the LexisNexis division, helps students and faculty members at colleges and universities save valuable research time by offering them quick, easy access to more than 15,000 of the most credible business, legal and news sources available in a single location.” The information provided therefore includes text-based data.

10. Paragraph 6 of the Kilgallon Declaration says that “LexisNexis® Academic is offered through <http://www.lexisnexis.com/hottopics/lnacademic>.” It is therefore available to subscribers online and via the Internet.

11. Paragraph 8 of the Kilgallon Declaration says that “Both the databases and computer servers for LexisNexis® Academic are physically located in Miamisburg, Ohio, with data center backups in Springboro, Ohio and Lebanon, Ohio.” The product, LexisNexis® Academic, therefore employs computerized databases where textual information is stored.

12. The databases store text data. Paragraph 9 of the Kilgallon Declaration says that “Mr. Bergeron’s group obtains data from a variety of sources from paper documents that are scanned using optical character recognition (OCR) to highly structured data feeds.” The same paragraph says that Mr. Bergeron is expected to testify about “the content used within the LexisNexis® Academic product, the format that that Lexis either receives or purchases that content and the structure of the databases into which that content is organized for use in the LexisNexis® Academic product.” The data therefore stores text data in organized, structured databases.

13. LexisNexis® Academic uses versions of text-based documents. Paragraph 9 of the Kilgallon Declaration says that “Mr. Andrew Smith . . . drafted technical requirements for legislative versioning as it was to be implemented in the underlying platform for LexisNexis®

Academic. He would be expected to testify as to the development of the LexisNexis® Academic product across versions as well as various aspects of testing the product.”

14. Paragraph 9 of the Kilgallon Declaration says that Mareck Doniec, who is believed to reside in Poland, “originated the concept of legislative versioning.” He “would be expected to testify, as to his historical knowledge regarding the state of the art for legislative versioning, at the time the LexisNexis division of Reed Elsevier was considering implementing this technology.”

15. LexisNexis® Academic stores different versions of statutory sections for selected statutes. If a section is amended, both the original and amended versions are stored. Both are available to subscribers. For example, Academic stores the 1988 and 2001 versions of Section 431 of the Canadian Criminal Code. Section 431 was amended in 2001 to add the word “violent” to the crime proscribed by Section 431. The versions are stored in a structured database.

16. Versions can be located in the database by, for example, date, section title, section number, and jurisdiction. For example, a subscriber can locate all versions of Section 431 for the time period in which versions are available. A display pane in LexisNexis® Academic shows current and past versions of sections carrying the number “431.” A subscriber can click on the section of interest and see its text.

17. The various ways a version can be located in a database, for example, date, title, number, and so forth are attributes of the version. One or more attributes can be used to search the database for a version of interest.

18. The subscriber can use another, second pane to choose “Versioning” in a drop-down box. If another version of the statutory section exists, the pane will display the other versions by their dates. Each version is clickable. LexisNexis® Academic retrieves the section of

interest from one of its databases. For example, the pane showing versions of Section 431 includes the section number, the title, and the date.

19. LexisNexis® Advance can be accessed over the Internet using a browser. See Exhibit H. It stores text-based data using a plurality of sections, and stores both original and amended versions of sections. See Exhibit H. Each section has attributes, such as number, title, effective date, and jurisdiction. Sections that have been amended are linked to other versions of the section using an attribute, for example, the date of the section. Sections can be searched using an attribute, for example, the title or section number. Search results can be displayed, and can be displayed graphically. The displayed results include links to older versions of the displayed section.

20. Representatives of TimeBase Pty Ltd., the owner of the patents, exchanged information with, and met with, representatives of LexisNexis in 2004 and 2005. TimeBase provided technical details regarding the technology used in the 228 and 484 patents. TimeBase was told by a third party that an employee of LexisNexis in Dayton, Ohio, Mr. Paul Knodel, was evaluating TimeBase. Stephen Casbeer, Lawrence Stern and Ray Daley are believed to be other LexisNexis employees in the Dayton area who were exposed to TimeBase's technical information.

21. Reed Elsevier was notified of its infringement of the patent. Exhibit F to this complaint is a letter to the Chief Executive Officer of LexisNexis, sent on April 4, 2013. Cascades did not receive any response to its letter. Exhibit G is a letter sent on October 11, 2013 to the attorneys for Reed Elsevier.

22. Reed Elsevier's acts of infringement have injured Cascades, and it is entitled to recover damages adequate to compensate it for the infringement that has occurred, but in no event less than a reasonable royalty.

23. The infringement by Reed Elsevier has injured and will continue to injure Cascades unless and until the infringement is enjoined.

**DEMAND FOR RELIEF**

Cascades respectfully demands judgment against Reed Elsevier and its subsidiaries and affiliates as follows:

A. An award of damages adequate to compensate Cascades for the infringement that has occurred, together with prejudgment interest from the date infringement of the patent began and through the lifetime of the patent;

B. Any other damages permitted, including any for willful infringement, under 35 U.S.C. § 284;

C. A finding that this case is exceptional and an award to them of their attorneys' fees and expenses as provided by 35 U.S.C. § 285;

D. An injunction permanently prohibiting Reed Elsevier and all persons in active concert or participation with it, from further acts of infringement of the patent; and

E. Such other and further relief as this Court or a jury may deem proper.

**JURY DEMAND**

Plaintiff demands a trial by jury.

Respectfully submitted,

s/ Joseph N. Hosteny

Joseph N. Hosteny

Arthur A. Gasey

Niro, Haller & Niro

181 West Madison Street, Ste. 4600

Chicago, IL 60602

Phone: 312-236-0733

Fax: 312-236-1138

[jhosteny@hosteny.com](mailto:jhosteny@hosteny.com)

[gasey@nshn.com](mailto:gasey@nshn.com)

David A. Shough  
(Ohio Bar #0029678)  
Law Office of David A. Shough  
853 Dayton Oxford Road  
Carlisle, OH 45005-3412  
Phone: 937.242.7325  
Fax: 937.242.6274  
[dshough@das-law.com](mailto:dshough@das-law.com)

Attorneys for Cascades Publishing Innovation LLC

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on April 15, 2014 the foregoing:

**SECOND AMENDED COMPLAINT**

was filed electronically with the Clerk of the Court for the Southern District of Ohio using the Court's Electronic Case Filing System, which will send notification to the registered participants of the ECF System as listed:

Joshua A. Lorentz  
Robert M. Zimmerman  
Rachael L. Rodman  
Financial Center  
255 East Fifth Street, Suite 1900  
Cincinnati, Ohio 45202  
[joshua.lorentz@dinsmore.com](mailto:joshua.lorentz@dinsmore.com)  
[robert.zimmerman@dinsmore.com](mailto:robert.zimmerman@dinsmore.com)  
[rachael.rodman@dinsmore.com](mailto:rachael.rodman@dinsmore.com)

Attorneys for Defendant Reed Elsevier, Inc.

I certify that all parties in this case are represented by counsel who are CM/ECF participants.

*/s/ Joseph N. Hosteny* \_\_\_\_\_