

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

INFO-HOLD, INC.

Plaintiff,

-v-

APPLIED MEDIA TECHNOLOGIES
CORPORATION.

Defendant.

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CASE NO. 1:07CV249

JUDGE: Sandra S. Beckwith

FIRST AMENDED COMPLAINT AND JURY DEMAND

Pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, Plaintiff Info-Hold, Inc., by its counsel and for its First Amended Complaint against, Applied Media Technologies Corporation alleges as follows:

THE PARTIES

1. Plaintiff Info-Hold, Inc. ("Info-Hold") is a Delaware corporation with its principal place of business at 4120 Airport Rd., Cincinnati, OH 45226.
2. Upon information and belief, Defendant Applied Media Technologies Corporation is a Florida Corporation with its principal place of business at 4091 AMTC Center Drive, Clearwater, FL 33764.

3. Applied Media Technologies has committed acts of patent infringement in the United States, including this district, and conducts continual, substantial and systematic business in this district.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction under 35 U.S.C. §1 *et. seq.* and 28 U.S.C. §1331 and §1338(a).

5. Venue properly lies in this judicial district pursuant to 28 U.S.C. §1391(a)(2).

BACKGROUND FACTS

6. Two United States Letters Patents relevant to this action, entitled “On-Hold Messaging System and Method”, were duly and legally issued to Joey C. Hazenfield, as follows: On August 7, 2001, Patent No. 6,272,211 B1 (hereinafter “the ‘211 patent”), a copy of which is attached hereto as “Exhibit A”; and on February 3, 2004, Patent No. 6,687,352 B2 (hereinafter “the ‘352 patent”), a copy of which is attached hereto as “Exhibit B”.

7. Defendant Applied Media Technologies Corporation has committed and continues to commit acts of infringement in violation of 35 U.S.C. § 271, including but not limited to, making, using, selling, offering for sale and/or importing on-hold messaging systems and methods claimed by the ‘211 and ‘352 patents and/or material components thereof, having no substantial non-infringing use.

COUNT 1 FOR PATENT INFRINGEMENT

8. This cause arises under the Patent Act of 1952, 35 U.S.C. § 1 *et. seq.*, particularly 35 U.S.C. § 271 and alleges patent infringement.

9. Plaintiff restates and realleges all the allegations contained in ¶ 1 through 8 of this Complaint as is fully rewritten and set forth herein.

10. Upon information and belief, Defendant has infringed and continues to infringe the '211 patent by direct infringement, inducing infringement and contributory infringement of the patent by others with its on-hold messaging device commercially known as the "TraxMaster."

11. Applied Media Technologies Corporations acts of infringement have been, are and will continue to be willful and deliberate, and in reckless disregard of Plaintiff's patent rights.

12. Defendant's acts complained of herein have caused, and if not enjoined will continue to cause irreparable harm and damage to Plaintiff for which there is no adequate remedy at law, and have caused Plaintiff actual monetary damage on an amount thus far not determined.

COUNT 2 FOR PATENT INFRINGEMENT

13. This cause arises under the Patent Act of 1952, 35 U.S.C. § 1 *et. seq.*, particularly 35 U.S.C. § 271 and alleges patent infringement.

14. Plaintiff restates and realleges all the allegations contained in ¶ 1 through 13 of this Complaint as is fully rewritten and set forth herein.

15. Upon information and belief Defendant has infringed and continues to infringe the '352 patent by direct infringement, inducing infringement and contributory infringement of the patent by others with its on-hold messaging device commercially known as the "TraxMaster."

16. Applied Media Technology Corporations acts of infringement have been, are and will continue to be willful and deliberate, and in reckless disregard of Plaintiff's patent rights.

17. Defendant's acts complained of herein have caused, and if not enjoined will continue to cause irreparable harm and damage to Plaintiff for which there is no adequate remedy at law, and have caused Plaintiff actual monetary damage in an amount thus far not determined.

WHEREFORE, Plaintiff demands judgment against Defendant as follows:

A. That judgment be entered that Defendant has infringed and continues to infringe United States Letters Patent No. 6,272,211 B1; and Patent No. 6,687,352 B2, and that such infringements are willful;

B. That said U.S. Patents are not invalid and are not unenforceable.

C. The Defendant, their agents, sales representatives, employees, associates, distributors, attorneys, successors and assigns, and any and all persons or entities acting as, through, under or in active participation with any or all of them, be enjoined and restrained preliminarily and permanently from making, using, offering for sale or selling within the United States, or importing into the United States, any products or any methods that infringe said United States Patents.

D. That a judgment be entered that Defendant be required to pay over to Plaintiff all damages sustained by it due such patent infringement and that such damages to be trebled pursuant to U.S.C. § 284 for the willful acts of infringement complained of herein;

E. That this case be adjudged exceptional under U.S.C. § 284 for the willful acts of infringement complained of herein;

F. That Plaintiff be awarded its costs and prejudgment interest on all damages; and

G. For any and all other such relief as the Court deems just and equitable.

Plaintiff demands a trial by jury.

Dated: July 12, 2007



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Attorney for Plaintiff Info-Hold, Inc.

CERTIFICATE OF SERVICE

I certify that on July 12, 2007, I caused to be served, via EF/CMF and regular U.S. mail, a true copy of the foregoing First Amended Complaint and Jury Demand upon the following:

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A handwritten signature in black ink, appearing to read 'D. Wood', written over a horizontal line.

Daniel J. Wood, (0037632)
Attorney for Plaintiff