

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

RESPONSIVE INNOVATIONS, LLC,	)	Civil Action No.: 4:08-cv-01184-PCE
and	)	
TURNING TECHNOLOGIES, LLC,	)	
	)	
Plaintiffs,	)	<b>AMENDED COMPLAINT FOR PATENT</b>
	)	<b>INFRINGEMENT</b>
vs.	)	
	)	<b>JURY TRIAL DEMANDED</b>
HOLTZBRINCK PUBLISHERS, LLC,	)	
and	)	
MACMILLAN PUBLISHERS, INC.,	)	
	)	
Defendants.	)	

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Plaintiffs, Responsive Innovations, LLC, and Turning Technologies, LLC, for their complaint against Defendants Holtzbrinck Publishers, LLC and Macmillan Publishers, Inc. (“Defendants”), allege as follows:

**THE PARTIES**

1. Plaintiff Responsive Innovations, LLC (“Responsive”) is an Ohio company having its principal place of business at 66 Lake Front Drive, Akron, Ohio 44319.
2. Turning Technologies, LLC (“Turning Technologies”) is an Ohio company with its principal place of business at 255 West Federal Street, Youngstown, Ohio, 44503-1207.
3. Responsive and Turning Technologies are both owned by Turning Tech Holdings, LLC (“Turning Tech Holdings”). Turning Tech Holdings is an Ohio company with its principal place of business at 255 West Federal Street, Youngstown, Ohio, 44505-1207.
4. Upon information and belief, Defendant Holtzbrinck Publishers, LLC (“Holtzbrinck”) is a domestic limited liability company with its principal place of business at 175

Fifth Avenue, New York, New York, 10010.

5. Upon information and belief, Holtzbrinck is a wholly owned subsidiary of a privately held company, Georg von Holtzbrinck GmbH publishing group (“von Holtzbrinck”).

6. Upon information and belief, Defendant MacMillan Publishers, Inc. (“MacMillan”) is a corporation existing under the laws of Delaware, with its principal place of business at 175 Fifth Avenue, New York, New York, 10010.

7. Upon further information and belief, MacMillan is a wholly owned subsidiary of von Holtzbrinck.

8. Upon information and belief, von Holtzbrinck has its principal place of business at Gänsheidestraße 26 70184 Stuttgart and exists under the laws of Germany.

9. Upon information and belief, i>clicker is an authorized d/b/a of Holtzbrinck.

10. Upon information and belief, i>clicker is an authorized d/b/a of Macmillan.

### **JURISDICTION AND VENUE**

11. This is an action for patent infringement arising under the patent laws, Title 35 of the United States Code.

12. This Court also has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

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

### **BACKGROUND FACTS**

14. On February 12, 2008, the United States Patent and Trademark Office (“USPTO”) granted U.S. Patent No. 7,330,716 for an invention entitled “Wireless Communication System” (“the ‘716 patent”). A true and correct copy of the ‘716 patent is

attached hereto as Exhibit A. The inventor of the claimed subject matter of the '716 patent is Kevin G. Adkins. The '716 patent is assigned on its face to Responsive Innovations, LLC.

15. Turning Technologies is the exclusive licensee of the '716 patent with the right to enforce the patent and collect damages for infringement thereof.

16. Responsive has developed and manufactured the hardware components that form part of an audience response system. The system includes a receiver and one or more handheld devices sold under the product name Response Card® (collectively "the ResponseCard system"). Turning Technologies develops the software components capable of interfacing with the ResponseCard system. Responsive, through Turning Technologies, promotes and offers for sale in the United States and this judicial district the ResponseCard system (incorporating the Turning Technologies software) marked with U.S. Patent Number 7,330,716. A true and correct copy of product literature for the ResponseCard system is attached hereto as Exhibit B.

17. On information and belief, Holtzbrinck, alone and through authorized representatives, offers for sale and sells an audience response system under the product name i>Clicker ("the i>clicker product"). A true and correct copy of product literature for the i>clicker product is attached hereto as Exhibit C.

18. On further information and belief, Holtzbrinck, alone and through authorized representatives, offers for sale and sells the i>clicker product throughout the United States, including this judicial district.

19. On further information and belief, Macmillan, alone and through authorized representatives, offers for sale and sells the i>clicker product throughout the United States, including this judicial district.

20. On information and belief, Defendants have sold and offered for sale the i>clicker product at Youngstown State University in Youngstown, Ohio.

21. On further information and belief, Holtzbrinck employs a sales force in Ohio that offers the i>clicker product for sale to individuals and universities.

## **COUNT I**

### **(Patent Infringement)**

22. Paragraphs 1-18 are re-alleged and restated as if fully set forth herein.

23. By virtue of the foregoing activities of Defendants concerning the i>clicker product, Defendants have directly and/or indirectly infringed one or more claims of the '716 patent, in violation of 35 U.S.C. §§ 271(a) and 271(b).

24. As a result of the infringement of the '716 patent by the Defendants, Responsive and Turning Technologies have suffered, and continue to suffer, irreparable harm and damages in an amount to be established at trial.

## **PRAYER**

**WHEREFORE**, Plaintiffs Responsive Innovations, LLC and Turning Technologies, LLC respectfully request that the Court enter judgment in their favor on all counts and:

A. Permanently enjoin Defendants, and their officers, employees, servants, and agents, and all persons in active concert with any of them, against any further acts of direct or indirect infringement under 35 U.S.C. § 283, including without limitation importing, manufacturing, offering for sale, and/or selling the i>clicker product.

B. Order Defendants to pay, in accordance with 35 U.S.C. § 284, damages adequate to compensate Responsive and Turning Technologies, but in no event, less than a reasonable royalty for the use made of the invention, together with interest and costs.

C. Grant Plaintiffs such other and further relief as the Court may deem proper and just under the circumstances.

**DEMAND FOR JURY TRIAL**

Plaintiffs Responsive Innovations, LLC and Turning Technologies, LLC hereby demand a trial by jury of all issues so triable in this action.

Respectfully submitted,

DATED: November 10, 2008

/s/ Steven M. Auvil  
Steven M. Auvil (0063827)  
[sauvil@bfca.com](mailto:sauvil@bfca.com)  
Bryan A. Schwartz (0078527)  
[bschwartz@bfca.com](mailto:bschwartz@bfca.com)  
Amanda M. Miller (IL6277253)  
[amiller@bfca.com](mailto:amiller@bfca.com)  
**BENESCH, FRIEDLANDER,  
COPLAN & ARONOFF LLP**  
2300 BP Tower, 200 Public Square  
Cleveland, Ohio 44114-2378  
Telephone: (216) 363-4500  
Facsimile: (216) 363-4588

Attorneys for Plaintiffs,  
**RESPONSIVE INNOVATIONS, LLC and  
TURNING TECHNOLOGIES, LLC**

**CERTIFICATE OF SERVICE**

The undersigned certifies that on November 10, 2008, a true and correct copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Steven M. Auvil

One of the Attorneys for Plaintiffs  
Responsive Innovations, LLC and  
Turning Technologies, LLC