

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

POLLIN PATENT LICENSING, LLC and
AUTOSCRIBE CORPORATION,

Plaintiffs,

v.

JPMORGAN CHASE BANK, N.A. and
JPMORGAN CHASE & CO.,

Defendants.

Case No.

JURY TRIAL DEMANDED

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiffs Pollin Patent Licensing, LLC and Autoscribe Corporation complain of Defendants JPMorgan Chase Bank, N.A. and JPMorgan Chase & Co., as follows:

1. This is a claim for patent infringement that arises under the patent laws of the United States, Title 35 of the United States Code. This Court has original jurisdiction over the subject matter of this claim under 28 U.S.C. §§ 1331 and 1338(a).

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

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

4. 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" and naming Robert Pollin as the inventor (the "'171 Patent"), which claims priority from an application filed on October 15, 1992.

5. Autoscribe is the owner by assignment of all legal rights, title, and interest in and to the '171 Patent.

6. PPL is an exclusive licensee to rights in the '171 Patent.

7. Among other activities, Autoscribe 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). Among other things, PPL is responsible for the licensing of the '171 Patent.

8. Autoscribe and PPL have standing to sue for infringement of the '171 Patent because they 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. Autoscribe and PPL have each suffered injury from the Defendants' acts of patent infringement.

9. Upon information and belief, JPMorgan Chase Bank, National Association ("Chase") is a national bank doing business as "Chase" and maintains its retail and commercial bank headquarters at 10 South Dearborn Street, Chicago, Illinois 60603. Chase is a consumer and commercial banking subsidiary of JPMorgan Chase & Co. and provides, among other things, traditional banking services in the Chicago metropolitan area, including a variety of banking products and services to customers in branches, online and over the telephone. Particularly, Chase provides check-by-phone payment processing services in Illinois and this judicial district, including through call centers in Illinois and this judicial district.

10. Upon information and belief, JPMorgan Chase & Co. ("JPMorgan") is a multinational banking corporation organized under the laws of the State of Delaware and authorized to conduct business in this judicial district with an agent at CT Corporation System, 208 South LaSalle Street, Suite 814, Chicago Illinois 60604. JPMorgan is the parent corporation of Chase and includes a credit card division called "Chase Card Services" (or "Chase Cardmember Services"). Chase Card Services maintains an office at 2500 Westfield Drive,

Elgin, Illinois 60124. JPMorgan merged with Chicago-based Bank One Corporation in 2004 and purchased most of the banking operations of Washington Mutual in 2008. JPMorgan, alone and/or through its subsidiaries and/or business divisions, provides a variety of banking products and services to customers in branches, online and over the telephone. Particularly, JPMorgan provides check-by-phone payment processing services in Illinois and this judicial district.

11. Upon information and belief, Defendants operate call centers throughout the United States, including Illinois and this judicial district.

12. Accordingly, upon information and belief, and as set forth above, this Court has personal jurisdiction over Chase and JPMorgan (collectively "Defendants") because, among other things, they transact substantial business in Illinois and this judicial district, including the collection of debt from a debtors' checking accounts through the use of telephones and call centers located in this judicial district and from residents of Illinois and this judicial district.

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

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

14. Upon information and belief, Defendants have infringed and continue to infringe the '171 Patent by, among other activities, making, using and/or conducting business through their call centers to collect debt throughout the United States, including within this judicial district, in a manner that is covered by at least claims 6 and 12 of the '171 Patent. For example, Defendants' check-by-phone system for credit cards practices the steps of these claims. Alternatively, upon information and belief, Defendants will have also infringed the '171 Patent with actual notice of infringement as of the filing of this Complaint, by knowingly and actively inducing others to infringe and by contributing to the infringement of others by making, using and/or conducting check-by-phone services through call centers.

15. Upon information and belief, Defendants' credit card, mortgage, auto loan and other customers can make payments from their checking account over the telephone by conducting a conversation with a customer representative. For example and as indicated, Plaintiffs are aware that Defendants conduct such pay-by-phone services for credit card customers. Upon information and belief, Defendants 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 infringing systems with greater particularity.

16. Autoscribe and PPL have complied with the provisions of 35 U.S.C. § 287.

17. Defendants' direct infringement, contributory infringement and/or inducement to infringe 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 each of Defendants, Chase and JPMorgan, as well as their respective subsidiaries, successors, parents, affiliates, officers, directors, agents, servants and employees, and all persons in active concert or participation with them, granting the following relief:

- A. The entry of judgment in favor of Plaintiffs and against each Defendant;
- 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 prejudgment interest from the date the infringement began;
- C. Increased damages and/or attorneys' fees as permitted under 35 U.S.C. § 284 and § 285;

D. Such other relief that Plaintiffs are entitled to under law, and any other and further relief that this Court or a jury may deem just and proper.

JURY DEMAND

Plaintiffs demand a trial by jury of all issues properly triable to a jury.

Respectfully submitted,

/s/ Robert A. Vitale, Jr.

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