

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

POLLIN PATENT LICENSING, LLC and  
AUTOSCRIBE CORPORATION,

Plaintiffs,

v.

MERCHANTS' CREDIT GUIDE  
COMPANY,

Defendant.

Case No.

**JURY TRIAL DEMANDED**

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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs Pollin Patent Licensing, LLC and Autoscribe Corporation complain of Defendant Merchants' Credit Guide Company 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") (Exhibit 1), 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](http://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. Merchants' Credit Guide Company ("MCG") is an Illinois corporation with its principal place of business at 223 W. Jackson Blvd., Suite 400, Chicago, Illinois 60606 and having a registered agent at National Registered Agents, Inc., 200 W. Adams St., Chicago, Illinois 60606. Upon information and belief, MCG is a third party collection agency based in and operating out of Chicago. MCG provides check-by-phone payment processing services in Illinois and this judicial district, including through a call center in this judicial district.

10. Accordingly, this Court has personal jurisdiction over MCG because, among other things, it resides in this judicial district and it transacts substantial business in Illinois and this judicial district, including the collection of debt from debtors' checking accounts through the use of telephones and a call center having live operators located in this judicial district and from residents of Illinois and this judicial district.

11. 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**

12. MCG has infringed and continues to infringe the '171 Patent by, among other activities, making, using and/or conducting business through its 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, MCG's check-by-phone system practices the steps of these claims as set forth in a preliminary and representative claim chart attached as Exhibit 2. Alternatively, upon information and belief, MCG will have also infringed the '171 Patent with actual notice of infringement at least as early as December 30, 2010 and by 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 its call center(s).

13. On December 30, 2010, MCG was contacted by Autoscribe concerning MCG's infringement of the '171 Patent and provided with an element-by-element claim chart illustrating MCG's infringement of claims 6 and 12 of the '171 Patent, the provided chart being similar to that attached as Exhibit 2. Thereafter, MCG referred the matter to its outside counsel and Autoscribe provided these materials to that counsel. Despite numerous follow-up attempts, the last in May 2011, neither MCG nor its counsel substantively responded to Autoscribe.

14. Autoscribe and PPL have complied with the provisions of 35 U.S.C. § 287, as and to the extent required.

15. MCG's 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 MCG, as well as its 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 MCG;
- 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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