

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

QUALITY HEALTHCARE INTERMEDIARY, )	)
LLC, )	)
	)
Plaintiff, )	Case No.: 13-CV-5182
	)
v. )	)
	)
CORESOURCE, INC. )	<b>JURY TRIAL DEMANDED</b>
	)
Defendant. )	)

**COMPLAINT FOR PATENT INFRINGEMENT**

Quality Healthcare Intermediary, LLC hereby files this Complaint for Patent Infringement against CoreSource, Inc. and alleges as follows:

**PARTIES**

1. Plaintiff Quality Healthcare Intermediary, LLC (“QHI”) is an Indiana limited liability company with its principal place of business at 8330 Allison Pointe Trail, Indianapolis, Indiana 46250.

2. QHI is informed and believes that Defendant CoreSource, Inc. (“CoreSource”) is a Delaware corporation with its principal place of business at 400 Field Drive, Lake Forest, Illinois 60045.

**JURISDICTION AND VENUE**

3. This Court has jurisdiction over QHI’s patent infringement claims pursuant to 28 U.S.C. § 1338(a), in that the claims arise under an Act of Congress relating to patents, in particular 35 U.S.C. § 101 *et seq.*

4. CoreSource is subject to personal jurisdiction in this District because its principal place of business is in this District. Moreover, on information and belief, CoreSource has

purposefully directed the actions identified herein at the State of Illinois and within this District, which actions constitute direct and/or indirect acts of patent infringement from which this Complaint arises.

5. Venue is proper in this District under the provisions of 28 U.S.C. § 1391(b) and 1400(b) because CoreSource resides in this District and conducts continuous and systematic business in this District, and because certain of the acts complained of herein occurred in this District.

### **FACTUAL ALLEGATIONS**

6. QHI is the owner of all right, title, and interest in United States Patent No. 8,036,916 B2 entitled “Method of Optimizing Healthcare Services Consumption,” which was duly and legally issued on October 11, 2011 from a patent application filed on May 4, 2010, which was a continuation of a patent application filed on December 6, 2002 (“the ‘916 patent”). QHI possesses all rights of recovery under the ‘916 patent, including the right to bring a lawsuit, and recover damages, for past infringement. A true and correct copy of the ‘916 patent is attached to this Complaint as Exhibit A.

7. Claim 39 of the ‘916 patent claims a method of optimizing the use of healthcare services by participants in a healthcare plan provided by an employer by:

- using a computing device to identify, based on claims data generated by plan participants, a first group of plan participants that are likely to generate expensive healthcare claims relative to other plan participants;
- using a computing device to identify, based on data relating to past practice patterns of healthcare providers who provide services to the participants, a first group of such healthcare providers who provide high quality, cost efficient healthcare services relative to other healthcare providers who provide healthcare services to the plan participants;
- periodically determining whether participants in the first group suffer from one or more chronic conditions;

- determining whether those participants in the first group who do suffer from one or more chronic conditions have obtained healthcare services that meet a predetermined set of minimum annual care requirements associated with the participant's particular chronic condition(s); and
- corresponding, through the use of an electronic communication device, with participants in the first group who have one or more chronic conditions but have not obtained healthcare services that satisfy the minimum annual care requirements for the participant's chronic condition(s) in order to instruct such participants to obtain from a provider in the first group of providers additional healthcare services to satisfy the minimum annual care requirements.

8. QHI is the owner of all right, title, and interest in United States Patent No. 8,489,420 B2 entitled "Method of Optimizing Healthcare Services Consumption," which was duly and legally issued on July 16, 2013 from a patent application filed on July 7, 2011, which was a continuation of a patent application filed on May 4, 2010, which itself was a continuation of a patent application filed on December 6, 2002 ("the '420 patent"). The U.S. Patent and Trademark Office published the application that issued as the '420 patent on January 12, 2012 as Publication No. US 21012/0010898 A1 ("the '898 publication"). QHI possesses all rights of recovery under the '420 patent, including the right to bring a lawsuit, and recover damages, for past infringement. A true and correct copy of the '420 patent is attached to this Complaint as Exhibit B.

9. Claim 54 of the '420 patent claims a method of optimizing healthcare services consumption of a population of patients who receive services from providers by:

- performing a computerized analysis of information about the past health of the patients to identify a group of patients having a high likelihood of requiring healthcare services;
- accessing a computerized analysis of information about the practices of the providers to identify a group of preferred providers; and
- attempting to contact a patient in the group to urge the patient to obtain future services from a preferred provider.

10. CoreSource is in the business of administering employee healthcare benefit plans that are self-funded by employers.

11. CoreSource promotes behavior change among plan participants in order to maximize participants' health and to control healthcare costs. CoreSource offers employers a choice of healthcare benefit plans with multiple programs, including:

- “Chronic Condition Monitoring” to help plan participants who suffer from chronic conditions comply with evidence-based standards of care or to fill gaps in their care;
- “Focused Disease Management and Health Coaching” to identify and help plan participants who are at high risk of incurring major medical costs in the future;
- “Preventive Care Reminders” to increase the use of wellness benefits and preventive testing by plan participants; and
- “Health Advising and Coaching” to modify particular participants' behaviors related to physical activity, healthy eating and healthy living.

12. CoreSource performs Chronic Condition Monitoring by first examining claims data to identify plan participants with chronic illnesses such as asthma, high blood pressure, high cholesterol, and diabetes. Participants suffering from such chronic illnesses have a high likelihood of requiring healthcare services, and they are likely to generate more expensive healthcare claims relative to other plan participants. CoreSource then determines whether a gap exists in each such participant's healthcare, such that the participant's healthcare does not meet a predetermined minimum annual care requirement for the participant's chronic illness(es). When CoreSource identifies such gaps, it corresponds at least with the participant, and informs the participant about opportunities to improve the participant's compliance with his treatment plan, and to encourage the participant to visit a preferred healthcare provider.

13. CoreSource performs Focused Disease Management and Health Coaching by using participants' claims, as well as participants' Health Risk Assessments and biometric data,

to identify participants having a high likelihood of requiring healthcare services. When CoreSource identifies such participants, CoreSource identifies preferred healthcare providers who correspond with those participants, including through online programs, to help the participants understand their conditions, learn about standards of care, and to create lasting lifestyle behavioral changes, in order to improve the participant's health, and also to minimize future healthcare-related costs generated by such participants.

14. CoreSource performs its Preventive Care Reminders service by continually scanning data from a health benefit plan and automatically generating reminders for plan participants and their healthcare providers, encouraging them to schedule screenings and other preventive tests. Such reminders increase the likelihood that plan participants will obtain regular healthcare check-ups and follow prescribed treatment plans, so that the employers' healthcare benefit plan incurs less cost.

15. CoreSource provides Health Advising and Coaching by assessing the Health Risk Assessments submitted by participants to identify participants having a high likelihood of requiring healthcare services, and attempting to contact such participants in order to encourage them to obtain future healthcare services from an identified preferred provider. Such providers correspond with participants by phone, via an on-line message board provided and administered by CoreSource, and/or through an on-line, self-directed program. The providers focus on multiple behavioral areas related to physical activity, healthy eating and healthy living, to assist the participant in aligning his behavior to meet minimum care requirements.

#### **COUNT I**

#### **(Infringement of United States Patent No. 8,036,916)**

16. QHI incorporates by reference paragraphs 1 through 15 as if set forth here in full.

17. QHI is informed and believes, and based thereon alleges, that CoreSource has performed, and is still performing, in this District and elsewhere in the United States the methods described above, which infringe at least claim 39 of the '916 patent, literally and/or under the doctrine of equivalents, in violation of QHI's statutory rights.

18. To the extent there are differences between the relevant methods performed by CoreSource and the methods claimed in the '916 patent, such differences still fall within at least claim 39 of the '916 patent pursuant to the doctrine of equivalents, insofar as the methods performed by CoreSource perform substantially the same function, in substantially the same way, to obtain substantially the same result as the methods claimed in the '916 patent.

19. On information and belief, CoreSource had knowledge of the '916 patent at least as early as December 20, 2012, when CoreSource's parent received a letter from QHI in which QHI identified the '916 patent, a copy of which was included with the letter, cited certain publicly-available information regarding CoreSource's methods that was sufficient to inform CoreSource that it infringes at least claim 39 of the '916 patent, and invited a discussion regarding licensing of the '916 patent. Further, CoreSource had direct and specific knowledge of its infringement at least by the date of service of this Complaint. Despite having knowledge of the '916 patent and its infringement of at least claim 39 of the '916 patent, CoreSource has continued to infringe the '916 patent. CoreSource's continued infringement of the '916 patent is deliberate and intentional, making this an exceptional case within the meaning of the United States Patent Laws.

20. QHI has been, and will continue to be, irreparably harmed by CoreSource's infringement of the '916 patent.

## COUNT II

### **(Infringement of United States Patent No. 8,489,420)**

21. QHI incorporates by reference paragraphs 1 through 21 as if set forth here in full.

22. QHI is informed and believes, and based thereon alleges, that CoreSource has performed, and is still performing, in this District and elsewhere in the United States the methods described above, which infringe at least claim 54 of the '420 patent, literally and/or under the doctrine of equivalents, in violation of QHI's statutory rights.

23. To the extent there are differences between the relevant methods performed by CoreSource and the methods claimed in the '420 patent, such differences still fall within at least claim 54 of the '420 patent pursuant to the doctrine of equivalents, insofar as the methods performed by CoreSource perform substantially the same function, in substantially the same way, to obtain substantially the same result as the methods claimed in the '916 patent.

24. On information and belief, CoreSource had knowledge of the '420 patent at least as early as December 20, 2012, when CoreSource's parent received a letter from QHI in which QHI identified the '898 publication, a copy of which was included with the letter, and invited a discussion regarding licensing of the patent that would issue from that application, namely the '420 patent. Further, CoreSource had direct and specific knowledge of its infringement at least by the date of service of this Complaint. Despite having knowledge of the '420 patent and its infringement of at least claim 54 of the '420 patent, CoreSource has continued to infringe the '420 patent. CoreSource's continued infringement of the '420 patent is deliberate and intentional, making this an exceptional case within the meaning of the United States Patent Laws.

25. QHI has been, and will continue to be, irreparably harmed by CoreSource's infringement of the '420 patent.

**PRAYER FOR RELIEF**

**WHEREFORE**, QHI prays for the following judgment and relief:

a. for a judicial determination and declaration that CoreSource has infringed the '916 patent;

b. for a judicial determination and declaration that CoreSource has infringed the '420 patent;

c. for a judicial determination and declaration that CoreSource's infringement of the '916 patent has been willful;

d. for a judicial determination and declaration that CoreSource's infringement of the '420 patent has been willful;

e. for damages resulting from CoreSource's infringement of the '916 patent, and trebling of such damages because of the willful and deliberate nature of CoreSource's infringement;

f. for damages resulting from CoreSource's infringement of the '420 patent, and trebling of such damages because of the willful and deliberate nature of CoreSource's infringement;

g. for Provisional Rights damages, pursuant to 35 U.S.C. § 154, in the form of a reasonable royalty, from at least as early as December 19, 2012 through July 15, 2013.

h. for injunctive relief enjoining ongoing infringement of the '916 patent by CoreSource, its officers, directors, shareholders, agents, servants, employees, and all other entities and individuals acting in concert with them and/or on their behalf;

i. for injunctive relief enjoining ongoing infringement of the '420 patent by CoreSource, its officers, directors, shareholders, agents, servants, employees, and all other entities and individuals acting in concert with them and/or on their behalf;



- j. for an assessment of pre-judgment and post-judgment interest on all damages;
- k. for a judicial determination and declaration that this case is exceptional pursuant to 35 U.S.C. § 285, and for an award of attorneys' fees and costs in this action; and
- l. any other award or relief that the Court finds just and equitable.

**DEMAND FOR JURY TRIAL**

A jury trial is demanded for all issues so triable, pursuant to Federal Rule of Civil Procedure 38.

Dated: July 19, 2013

Respectfully submitted,

s/ Kevin J. O'Shea  
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