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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 COGENT MEDICINE INC.,
15 Plaintiff,
16 v.
17 SKYSCAPE.COM, INC., PHYSICIANS
18 INTERACTIVE HOLDINGS, INC., and
PHYSICIANS INTERACTIVE INC.,
19 Defendants.

Case No. 3:13-cv-04483

**COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

Date: September 27, 2013

1 Plaintiff Cogent Medicine Inc. states its complaint against Defendants
2 Skyscape.com, Inc., Physicians Interactive Holdings Inc., and Physicians Interactive Inc.,
3 and alleges as follows:
4

5 THE PARTIES

6 1. Plaintiff Cogent Medicine Inc. (“Plaintiff” or “Cogent”) is a corporation
7 organized and existing under the laws of the State of Delaware, with its principal place of
8 business at 4104 24th St., Suite 402, San Francisco, CA 94114.

9 2. Defendant Skyscape.com, Inc. is a corporation organized and existing under
10 the laws of the State of Delaware, with its principal place of business at 293 Boston Post Rd.
11 West, Suite 320, Marlborough, MA 01752-4615.

12 3. On information and belief, Defendant Physicians Interactive Holdings Inc. is a
13 corporation organized and existing under the laws of the State of Delaware, with its
14 principal place of business at 55 Walkers Brook Drive, Suite 500, Reading, MA 01867.

15 4. On information and belief, Defendant Physicians Interactive Inc. is a
16 corporation organized and existing under the laws of the State of Delaware, with its
17 principal place of business at 55 Walkers Brook Drive, Suite 500, Reading, MA 01867.

18 JURISDICTION AND VENUE

19 5. Plaintiff realleges and incorporates by reference paragraphs the above
20 paragraphs of this Complaint, inclusive, as though fully set forth herein.

21 6. This action is for patent infringement pursuant to the patent laws of the United
22 States, 35 U.S.C. §§ 1, *et seq.* This Court has subject matter jurisdiction over the action
23 pursuant to 28 U.S.C. §§ 1331 and 1338(a).

24 7. Personal jurisdiction exists generally over Defendants because they have
25 sufficient minimum contacts with the forum as a result of business conducted within the
26 State of California and within the Northern District of California. Personal jurisdiction also
27 exists specifically over Defendants because they, directly or through subsidiaries or
28 intermediaries, make, use, offer for sale, sell, import, advertise, make available and/or

1 market one or more products and/or services within the State of California, and more
2 particularly, within the Northern District of California, that infringe the patent-in-suit, as
3 described more particularly below.

4 8. Venue is proper in the Northern District of California pursuant to 28 U.S.C. §§
5 1391 and 1400(b), because Defendants have committed acts of infringement in the Northern
6 District of California and has transacted business in the Northern District of California.

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8 **CLAIM FOR RELIEF**
9 **(Infringement of United States Patent No. 7,133,879)**

10 9. Plaintiff realleges and incorporates by reference the above paragraphs of this
11 Complaint, inclusive, as though fully set forth herein.

12 10. Plaintiff is the owner of all right, title, and interest in United States Patent No.
13 7,133,879, entitled “Personalized Library Interface for Providing Data to a User,” duly and
14 legally issued by the United States Patent and Trademark Office on November 7, 2006 (the
15 “’879 patent”). A true and correct copy of the ’879 patent is attached hereto as Exhibit A.

16 11. The ’879 patent generally describes and claims a computer-implemented
17 method for providing users with a personal library interface containing medical literature.
18 In the method of claim 1 of the ’879 patent, one or more search strategies directed toward
19 medical literature in data folders are accepted from users and stored. Further, user requests
20 to view medical information are accepted and, based on said requests, medical information
21 having been preselected by a specialist and placed in data folders is selectively provided to
22 the user. The medical information provided, which corresponds to the saved search
23 strategies directed toward medical literature, is either added to one or more data sets since
24 the last time the user accessed the data sets or is not limited in time. Claims 2-21 of the ’879
25 patent describe various other methods and a system of personalized library interface for
26 providing users with medical data.

27 12. Defendants have infringed and continue to infringe, literally and/or under the
28 doctrine of equivalents, one or more claims of the ’879 patent under 35 U.S.C. § 271 by
making, using, offering to sell, selling, and/or importing into the United States the patented

1 invention within the United States. Specifically, Defendants have infringed and continue to
2 infringe the '879 patent by making, using, offering to sell, selling, and/or importing into the
3 United States the Omnio product and service, accessible through at least
4 <http://www.omnio.com/> and the Omnio iOS mobile application.

5 13. As a result of Defendants' infringing activities with respect to the '879 patent,
6 Plaintiff has suffered damages in an amount not yet ascertained. Plaintiff is entitled to
7 recover damages adequate to compensate it for Defendants' infringing activities in an
8 amount to be determined at trial, but in no event less than reasonable royalties, together with
9 interest and costs. Defendants' infringement of Plaintiff's exclusive rights under the '879
10 patent will continue to damage Plaintiff, causing irreparable harm for which there is no
11 adequate remedy at law, unless enjoined by this Court.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiff requests entry of judgment in its favor against Defendants
14 as follows:

15 a) For a declaration that Defendants have infringed, directly and/or indirectly,
16 the '879 patent;

17 b) For an award of damages adequate to compensate Plaintiff for Defendants'
18 infringement of the '879 patent, but in no event less than a reasonable royalty, together with
19 prejudgment and post-judgment interest and costs, in an amount according to proof;

20 c) For an entry of a permanent injunction enjoining Defendants, and their
21 respective officers, agents, employees, and those acting in privity, from further
22 infringement, including contributory infringement and/or inducing infringement, of the '879
23 patent, or in the alternative, awarding a royalty for post-judgment infringement; and

24 d) For an award to Plaintiff of such other costs and further relief as the Court
25 may deem just and proper.

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DEMAND FOR JURY TRIAL

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff respectfully requests a trial by jury.

Respectfully submitted,

Dated: September 27, 2013

GUTRIDE SAFIER LLP

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