

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

UNILOC USA, INC. and UNILOC  
LUXEMBOURG S.A.,

Plaintiffs,

V

MERIDIANEMR, INC.,  
HEALTHTRONICS, INC., ENDO HEALTH  
SOLUTIONS INC., and ALTARIS  
CAPITAL PARTNERS, LLC,

Defendants.

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CIVIL ACTION NO. 6:14-cv-  
**JURY TRIAL DEMANDED**

**PLAINTIFFS' ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiffs Uniloc USA, Inc. (“Uniloc USA”) and Uniloc Luxembourg S.A. (“Uniloc Luxembourg”) (collectively, “Uniloc”) file this Original Complaint against meridianEMR, Inc., HealthTronics, Inc., Endo Health Solutions, Inc., and Altaris Capital Partners, LLC for infringement of U.S. Patent Nos. 5,682,526 (“the ’526 patent”) and 5,715,451 (“the ’451 patent”).

**THE PARTIES**

1. Uniloc USA, Inc. (“Uniloc USA”) is a Texas corporation with its principal place of business at Legacy Town Center I, Suite 380, 7160 Dallas Parkway, Plano, Texas 75024. Uniloc USA also maintains a place of business at 102 N. College, Ste. 806, Tyler, Texas 75702.

2. Uniloc Luxembourg S.A. (“Uniloc Luxembourg”) is a Luxembourg public limited liability company, with its principal place of business at 15, Rue Edward Steichen, 4th Floor, L-2540, Luxembourg (R.C.S. Luxembourg B159161).

3. Uniloc Luxembourg and Uniloc USA are collectively referred to as “Uniloc.” Uniloc has researched, developed, manufactured, and licensed information security technology solutions, platforms and frameworks, including solutions for securing software applications and digital content. Uniloc owns and has been awarded a number of patents. Uniloc’s technologies enable, for example, software and content publishers to securely distribute and sell their high-value technology assets with maximum profit to its customers and/or minimum burden to legitimate end-users. Uniloc’s technologies are used in several markets including, for example, electronic health record software, software and game security, identity management, intellectual property rights management, and critical infrastructure security.

4. meridianEMR, Inc. (“meridianEMR”) is a subsidiary of HealthTronics, Inc. and has its principal place of business at 354 Eisenhower Parkway, Livingston, New Jersey, 07039. meridianEMR may be served with process through its Chief Executive Officer, Michael J. Custode at 354 Eisenhower Parkway, Livingston, New Jersey, 07039. meridianEMR maintains or in the relevant time period maintained a business address at 9825 Spectrum Drive, Building 3, Austin, Texas 78717. Upon information and belief, meridianEMR does business in the State of Texas and in the Eastern District of Texas.

5. HealthTronics, Inc. (“HealthTronics”) is a Georgia corporation with its principal place of business at 100 Endo Boulevard, Chadds Ford, Pennsylvania. HealthTronics may be served with process through its registered agent, CT Corporation System, 1201 Peachtree Street, NE, Atlanta, Georgia 30361. HealthTronics may also be served with process through its Texas registered agent, CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201. Upon information and belief, HealthTronics does business in the State of Texas and in the Eastern District of Texas. HealthTronics’ business in the State of Texas is evidenced in part by its maintenance of a registered agent in Texas.

6. Endo Health Solutions Inc. (“Endo Health”) is a Delaware corporation with its principal place of business at 1400 Atwater Drive, Malvern, Pennsylvania 19355. Endo Health may be served with process through its registered agent, The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801. Upon information and belief, Endo Health does business in the State of Texas and in the Eastern District of Texas.

7. Altaris Capital Partners, LLC (“Altaris Capital”) is a Delaware limited liability company with its principal place of business at 600 Lexington Avenue, 11<sup>th</sup> Floor, New York, New York 10022. Altaris Capital may be served with process through its registered agent, National Registered Agents, Inc., 160 Greentree Drive, Suite 101, Dover, Delaware 19904. Upon information and belief, Altaris Capital does business in the State of Texas and in the Eastern District of Texas through its 2014 acquisition of HealthTronics.

### **JURISDICTION AND VENUE**

8. Uniloc brings this action for patent infringement under the patent laws of the United States, namely 35 U.S.C. §§ 271, 281, and 284-285, among others. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1338(a), and 1367.

9. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendants are deemed to reside in this judicial district, have committed acts of infringement in this judicial district, have purposely transacted business involving their accused products in this judicial district and/or, have regular and established places of business in this judicial district.

10. Defendants are subject to this Court’s personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this State and judicial district, including: (A) at least part of their infringing activities alleged herein; and

(B) regularly doing or soliciting business, engaging in other persistent conduct, and/or deriving substantial revenue from goods sold and services provided to Texas residents.

**COUNT I**  
**(INFRINGEMENT OF '526 PATENT)**

11. Uniloc incorporates paragraphs 1 through 7 herein by reference.

12. Uniloc Luxembourg is the owner, by assignment, of the '526 patent, entitled "METHOD AND SYSTEM FOR FLEXIBLY ORGANIZING, RECORDING, AND DISPLAYING MEDICAL PATIENT CARE INFORMATION USING FIELDS IN FLOWSHEET." A true and correct copy of the '526 patent is attached as Exhibit A.

13. Uniloc USA is the exclusive licensee of the '526 patent with ownership of all substantial rights in the '526 patent, including the right to grant sublicenses, exclude others and to enforce, sue and recover damages for past and future infringements.

14. The '526 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

15. Defendants have been and are now directly infringing one or more claims of the '526 patent in this judicial district and elsewhere in Texas, including at least Claim 1, without Uniloc's consent or authorization. Defendants' direct infringement occurs and has occurred through operation of Defendants' infringing products, which practice the method of one or more claims of the '526 patent. Defendants' infringing products include, as non-limiting examples, meridianEMR and UroChartEHR v.40.

16. Defendants have induced and continue to induce others to infringe the '526 patent under 35 U.S.C. § 271(b) in this judicial district and elsewhere in Texas, including at least Claim 1, without Uniloc's consent or authorization. Direct infringement has and continues to occur by activities performed by parties that may have operated Defendants' infringing products. Such

activities included, as non-limiting examples, operation of Defendants' infringing products by Defendants' customers, (such as medical groups, medical providers, etc.), and/or by servicing Defendants' customers.

17. Defendants specifically intended such parties to infringe the '526 patent, or, alternatively, have been willfully blind to the possibility that their inducing acts would cause infringement. By way of example, and not as a limitation, Defendants induced and continue to induce such infringement by their affirmative action of at least providing instruction manuals on the operation of the infringing products. Additionally, through their sales and support activities and advertising of the infringing product's compliance with federal regulations, Defendants' specifically intended that their infringing products perform the methods recited in one or more claims of the '526 Patent.

18. On information and belief, to the extent any marking was required by 35 U.S.C. § 287, Uniloc and all predecessors in interest to the '526 patent complied with any such requirements.

19. Uniloc has been damaged as a result of Defendants' infringing conduct described in this Count. Defendants are, thus, liable to Uniloc in an amount that adequately compensates it for Defendants' infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

20. Unless a preliminary and permanent injunction is issued enjoining Defendants and their agents, servants, employees, representatives, affiliates, and all others acting in concert therewith from infringing the '526 patent, Uniloc will be greatly and irreparably harmed.

**COUNT II  
(INFRINGEMENT OF THE '451 PATENT)**

21. Uniloc incorporates paragraphs 1 through 7 herein by reference.

22. Uniloc Luxembourg is the owner, by assignment, of the '451 patent, entitled "METHOD AND SYSTEM FOR CONSTRUCTING FORMULAE FOR PROCESSING MEDICAL DATA." A true and correct copy of the '451 patent is attached as Exhibit B.

23. Uniloc USA is the exclusive licensee of the '451 patent with ownership of all substantial rights in the '451 patent, including the right to grant sublicenses, exclude others and to enforce, sue and recover damages for past and future infringements.

24. The '451 patent is valid, enforceable and was duly issued in full compliance with Title 35 of the United States Code.

25. Defendants have been and are now directly infringing one or more claims of the '451 patent in this judicial district and elsewhere in Texas, including at least Claim 6, without Uniloc's consent or authorization. Defendants' direct infringement occurs and has occurred through operation of Defendants' infringing products, which practice the method of one or more claims of the '451 patent. Defendants' infringing products include, as non-limiting examples, meridianEMR and UroChartEHR v.40.

26. Defendants have induced and continue to induce others to infringe the '451 patent under 35 U.S.C. § 271(b) in this judicial district and elsewhere in Texas, including at least Claim 6, without Uniloc's consent or authorization. Direct infringement has occurred and continues to occur by activities performed by parties that may have operated Defendants' infringing products. Such activities included, as non-limiting examples, operation of Defendants' infringing products by Defendants' customers, (such as medical groups, medical providers, etc.), and/or by servicing Defendants' customers.

27. Defendants specifically intended such parties to infringe the '451 patent, or, alternatively, has been willfully blind to the possibility that their inducing acts would cause

infringement. By way of example, and not as a limitation, Defendants induced and continue to induce such infringement by their affirmative action of at least providing instruction manuals on the operation of the infringing products. Additionally, through their sales and support activities and advertising of the infringing product's compliance with federal regulations, Defendants specifically intended that their infringing products perform the methods recited in one or more claims of the '451 Patent.

28. On information and belief, to the extent any marking was required by 35 U.S.C. § 287, Uniloc and all predecessors in interest to the '451 patent complied with any such requirements.

29. Uniloc has been damaged as a result of Defendants' infringing conduct described in this Court. Defendants are, thus, liable to Uniloc in an amount that adequately compensates it for Defendants' infringements, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

30. Unless a preliminary and permanent injunction is issued enjoining Defendants and their agents, servants, employees, representatives, affiliates, and all others acting in concert therewith from infringing the '451 patent, Uniloc will be greatly and irreparably harmed.

**JURY DEMAND**

31. Uniloc hereby requests a trial by jury pursuant to Rule 38 of the Federal Rules of Civil Procedure.

**PRAYER FOR RELIEF**

Uniloc requests that the Court find in its favor and against Defendants, and that the Court grant Uniloc the following relief:

- a. Judgment that one or more claims of the '526 and '451 patents have been infringed, either literally and/or under the doctrine of equivalents, by Defendants;
- b. Judgment that Defendants account for and pay to Uniloc all damages to and costs incurred by Uniloc because of Defendants' infringing activities and other conduct complained of herein;
- c. Judgment enjoining Defendants, its employees and agents, and any other persons in active concert or participation with it from directly enjoining the '526 and '451 patents;
- d. That Uniloc be granted pre-judgment and post-judgment interest on the damages caused by Defendants' infringing activities and other conduct complained of herein; and
- e. That Uniloc be granted such other and further relief as the Court may deem just and proper under the circumstances.

**Dated: July 18, 2014**

Respectfully submitted,

/s/ E. LEON CARTER

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