

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

ADDICTION & DETOXIFICATION  
INSTITUTE, LLC, a New Jersey Limited  
Liability Corporation

Plaintiff,

v.

KINDRED HEALTHCARE, INC.,  
a Delaware Corporation and KINDRED  
HOSPITALS LIMITED PARTNERSHIP,  
a Kentucky Limited Partnership

Defendants.

Civil Action No. 1:14-CV-05336  
Judge Gary Feinerman

**FIRST AMENDED COMPLAINT**

Pursuant to the recommendation of the court as reflected in its order on November 10<sup>th</sup>, 2014. ( Docket Number 29 ), Plaintiff, Addiction & Detoxification Institute LLC (“ADI”) for its Complaint for Patent Infringement against Defendants Kindred Healthcare, Inc., and Kindred Hospitals Limited Partnership, (hereafter, collectively, (“Kindred”) or (“Defendants”), herby submits its amended complaint naming as an additional defendant Kindred Hospitals Limited Partnership, a Kentucky Limited Partnership and hereby alleges as follows:

**PARTIES**

1. Plaintiff ADI is a New Jersey corporation having an address located One South Center1 Street, Suite 202, Merchantville, New Jersey.
2. On information and belief, Defendant Kindred Healthcare, Inc., has an address located at 1802 Highway 157 N., Mansfield Texas 76063 and operates Texas Opiate

Detoxification Specialist, LLC., (“TODS”) under [www.texasopiatedetox.com](http://www.texasopiatedetox.com), 773-883-3906 which is operated by John Epperly, a named Defendant in an infringement action in co-pending case 11-cv-05947, N.D. ILL.

3. On information and belief, Defendant Kindred Hospitals Limited Partnership has an address located 1313 Saint Anthony Pl., Louisville, Kentucky 40204, and owns and operates Defendant Kindred Healthcare, Inc.

4. On information and belief. Defendants have engaged, and are engaged, in the operation, use, and offering for sale within the United States of opiate detoxification services and methods. including, but not limited to, anesthesia assisted opiate detoxification services and methods.

#### **JURISDICTION AND VENUE**

5. This is an action for patent infringement arising under the patent laws of the United States, Title 35, United States Code.

6. This Court has subject matter jurisdiction to 28 U.S.C. §§ 1391(b), 1391(c), 1391(d), and 1400(b).

7. On information and belief, Defendants are subject to personal jurisdiction in the Northern District of Illinois, the (“District”), consistent with the principles of due process, because Defendants by way of John Epperly and Texas Opiate Detoxification Specialists, LLC, (“TODS”) and through its address at [www.texasopiatedetox.com](http://www.texasopiatedetox.com) , 773-883-3906, offers their products, services, and methods for sale, and do sell same , in this District, have transacted business in this District, have committed and/or contributed to and/or induced acts of patent infringement in this District.

8. Venue is proper in this District pursuant to 28 U.S.C. §§1391(b), 1391(c), 1391(d), and 1400(b).

### **PATENT INFRINGEMENT**

9. ADI is the owner of all right, title, and interest in U.S. Patent No. 5,789,411, the (“411”) patent (“ADI Patent”) which Defendants have and/or are infringing and /or are contributorially infringing and/or inducing others to infringe by using, offering to sell, and/or selling methods and services that practice one or more inventions claimed in the ADI Patent. A copy of the ‘411 patent is attached hereto as Exhibit A.

10. Defendants have constructive knowledge of the ‘411 patent which was duly issued by the United States Patent and Trademark Office on August 4, 1998, and actual notice of the ‘411 patent by way of John Epperly and Texas Opiate Detoxification Specialist, LLC, being named Defendants in an infringement action of the ‘411 patent in 11-CV-05947 currently pending in the Northern District of Illinois, Eastern Division.

11. On information and belief, Defendants have practiced and/or are practicing the subject matter, including each and every element thereof, recited in at least method claim 1 of the ‘411 Patent, without authorization, by making, using, selling, and/or offering to sell said claimed method and/or otherwise treating patients thereby, and/or have contributed or induced others to make, use, sell, and/or offering to sell said claimed method and/or otherwise treating patents thereby with specific intent to do so and have continued to do so despite their knowledge of the ‘411 Patent and it is believed that discovery shall uncover additional infringement(s) by said Defendants of additional claims of the ‘411 Patent.

12. Defendants have profited through infringement, direct and/or indirect of the ADI '411 Patent. As a result of Defendants' unlawful infringement of the ADI Patent, ADI has suffered and will continue to suffer damage. ADI is entitled to recover from Defendants the damages suffered by ADI as a result of Defendants' unlawful acts.

13. On information and belief, Defendants' infringement, direct, and/or indirect, of one or more of the claims in the ADI Patent is willful and deliberate, entitling ADI to enhanced damages and reasonable attorney's fees and costs.

14. On information and belief, Defendants intend to continue their unlawful infringing activity, and ADI continues to and will continue to suffer irreparable harm, for which there is no adequate remedy at law, from such unlawful infringing activity unless Defendants are enjoined by this Court.

15. On information and belief, Defendant Kindred Healthcare, Inc., has executed an indemnification agreement with John Epperly and/or Texas Opiate Detoxification Specialists ("TODS") covering Epperly's and TODS' and Defendants infringement of the '411 Patent.

## **COUNT I**

### **INFRINGEMENT OF U.S. PATENT NO 5,789,411**

16. ADI alleges and incorporates by reference the allegations set forth in paragraphs 1-13.

17. ADI is the owner of all right, title, and interest in the '411 Patent, entitled "Improvements to Rapid Opiate Detoxification", duly and properly issued by the U.S. Patent and Trademark Office on August 4, 1998. A copy of the '411 Patent is attached as Exhibit A.

18. Defendants have been and/or are contributorily infringing the '411 Patent by, among other things, making, using, selling, offering to sell in the United States methods and



services that are covered by at least one claim of the '411 Patent and/or contributing and/or inducing others to make, use, sell, or offering to sell in the United States methods and services that are covered by at least on claim of the '411 Patent with specific intent to do so despite their knowledge of the '411 Patent.

**DEMAND FOR JURY TRIAL**

19. Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, ADI respectfully requests a trial by jury of all issues properly triable by jury.

**PRAYER FOR RELIEF**

WHEREFORE, ADI prays for relief as follows:

- a. For a judgment declaring that Defendants have infringed the ADI Patent;
- b. For a judgment awarding ADI compensatory damages as a result of Defendants' infringement of the ADI Patent and in no event less than a reasonable royalty;
- c. For a judgment declaring that Defendants' infringement of the ADI Patent has been willful and deliberate;
- d. For a judgment awarding ADI treble damages and pre-judgment interest under 35 U.S.C. § 284 as a result of Defendants' willful and deliberate infringement of the ADI Patent;
- e. For a judgment declaring that his case is exceptional and awarding ADI its expenses, costs, and attorneys' fees in accordance with 35 U.S.C. §§284 and 285 and Rule 54 of the Federal Rules of Civil Procedure;
- f. For a grant of a permanent injunction pursuant to 35 U.S.C. §283, enjoining the Defendants from further acts of infringement; and

g. For such additional relief as the Court deems jus and proper

Dated this 8<sup>th</sup> day of December, 2014

Respectfully submitted,

By 

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*One of Plaintiff's Attorneys*

**CERTIFICATE OF FILING AND SERVICE**

I hereby certify that on this 8<sup>th</sup> day of December, 2014, I enclosed a copy of the foregoing PLAINTIFF'S FIRST AMENDED COMPLAINT, to be filed electronically with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

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