

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

INTEGRATED CLAIMS SYSTEMS, LLC,)	
)	
Plaintiff,)	Case No.: 2:15-cv-712
)	
v.)	DEMAND FOR JURY TRIAL
)	
SOUTH TEXAS DENTAL, LP,)	
)	
Defendant.)	
)	

**COMPLAINT FOR PATENT INFRINGEMENT
AGAINST SOUTH TEXAS DENTAL, LP**

Plaintiff Integrated Claims Systems, LLC (“ICS”), for its complaint for patent infringement against Defendant South Texas Dental, LP (“STD”) alleges as follows:

THE PARTIES

1. Plaintiff ICS is a limited liability company organized and existing under the laws of the State of New York, with its principal place of business at 118 Weaver Road, Elizaville, New York 12523.

2. Upon information and belief, STD is a corporation organized and existing under the laws of the State of Texas, with a principal place of business at 6300 West Loop South, Bellaire, Texas 77401.

JURISDICTION AND VENUE

3. This action arises under the United States Patent Laws, 35 U.S.C. §§ 1, *et seq.* The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

4. This Court has personal jurisdiction over STD because it has committed acts of patent infringement within this Judicial District in violation of 35 U.S.C. § 271, maintains offices in this Judicial District, including at 1120 E. Parker Road, Suite 105, Plano, Texas 75074, is incorporated in Texas, transacts business within this Judicial District, has purposely availed itself of the privileges and benefits of the laws of the State of Texas, solicits customers in the State of Texas, and has paying customers who are residents of the State of Texas and who each use STD's products and services in the State of Texas. Upon information and belief, STD derives substantial revenue from the infringing products and services used within this Judicial District, and should reasonably expect its actions to have consequences within this Judicial District.

5. Venue is proper in this Judicial District pursuant to 28 U.S.C. §§ 1391(b)-(c) and 1400(b).

THE PATENTS-IN-SUIT AND BACKGROUND

6. ICS is the owner of all right, title, and interest in U.S. Patent No. 8,155,979 ("the '979 patent") entitled "Attachment Integrated Claims Systems and Operating Method Therefor." The '979 patent was duly and properly issued by the United States Patent and Trademark Office on April 10, 2012 and is assigned to ICS. A true and correct copy of the '979 patent is attached hereto as Exhibit A.

7. The named inventor of the '979 patent, Andrew DiRienzo, Ph.D., has a Bachelor of Science degree in astronomy from the University of Arizona, and a doctorate in Physics from the University of Arizona. He has authored several technical articles, including *Superconductivity and Quantum Mechanics*, *Coherence in Spectroscopy and Modern Physics*, *NATO ASI Series B: Physics*, Vol. 37 (1978) and *Charge-Excess Superconductors and the*

Pseudo-Angular-Momentum Approach to Josephson Tunneling, Physics Review B, pp. 6648-95 (1982).

8. While serving as a Senior Staff Scientist with the United States Navy, Dr. DiRienzo's primary research area was Synthetic-Aperture Radar ("SAR"), a form of tomography. SAR can create the image of a ship at great distances. This is accomplished by having a plane follow the arc of a circle centered on the ship. As it follows the arc, the plane emits radar pulses. These pulses bounce off the ship and are detected by the plane's radar as reflected pulses. Computer software converts these reflected pulses into images of the ships. Through his work for the Navy, Dr. DiRienzo developed a level of expertise in tomography.

9. Tomography is utilized widely in the healthcare field. For example, Magnetic Resonance Images ("MRIs"), Positron Emission Tomography ("PET") images, and Computer Assisted Tomography ("CAT") scans are all examples of tomography. These images are often filed in connection with insurance claim forms such as healthcare, dental and workers' compensation claims. Other documents frequently submitted with claim forms include x-rays, strip charts, lab reports and narratives, and explanation of benefits, among others.

10. In 1994, a surgeon who was aware of Dr. DiRienzo's radar work asked if it would be possible to electronically send an MRI from upstate New York to a New York City hospital. Based on his experience, Dr. DiRienzo believed that this could be done and he began conducting research. Dr. DiRienzo was further spurred to action when his mother required dental surgery in 1995. The dentist complained that for many procedures, he was required to obtain prior approval from insurance companies. That involved mailing hard copies of the approval form and x-rays that supported the medical need for the procedure to the insurance companies and then waiting for their reply before performing the procedures.

11. Dr. DiRienzo immediately recognized how inefficient this process was. For over 20 years now, Dr. DiRienzo has researched and developed systems and methods for processing insurance claims and the forms that typically accompany them. Dr. DiRienzo's efforts have been rewarded with twelve United States Patents in this field. He is also the named inventor of numerous other United States Patents and has a number of pending patent applications.

12. ICS has licensed Dr. DiRienzo's patents in this field to a number of prominent insurance companies including, among others, Allstate, Amerisure, Assurant, Cigna, Southern Vanguard, Wellcare, Zenith, Community Health Choice, Texas Mutual, Connecticare, Delta Dental of California, Delta Dental Insurance Company, Arizona Dental Insurance Service d/b/a Delta Dental of Arizona, Delta Dental of Colorado, Delta Dental of Idaho, Delta Dental of Kentucky, Delta Dental of South Dakota, Delta Dental of Virginia, Delta Dental of Washington, Delta Dental of Wisconsin, Delta Dental Plan of Wyoming, Delta Dental of New Jersey, Delta Dental of Missouri, Delta Dental of Tennessee, Delta Dental Plan of New Hampshire d/b/a Northeast Delta Dental, Delta Dental of Kansas and Delta Dental of Iowa.

13. Upon information and belief, STD uses, offers for sale or sells, within the United States, a system and method that allow the electronic completion and submission of insurance claims (i.e., bills) and corresponding attachments. Exemplary attachments may include, for example, x-rays, strip charts, lab reports and narratives, and explanation of benefits, among others.

FIRST CAUSE OF ACTION
(INFRINGEMENT OF THE '979 PATENT)

14. ICS restates and realleges the allegations set forth in paragraphs 1 through 13 above and incorporates them by reference.

15. Upon information and belief, STD provides dental services to patients who are insured by Care 'N Care Insurance Company, Inc. ("CNC"). Pursuant to Texas Department of Insurance regulations, healthcare providers must submit medical bills in an electronic format. STD electronically completes and submits insurance claims and corresponding electronic attachments to CNC.

16. Upon information and belief, STD, through its electronic completion and submission of insurance claims and corresponding attachments to CNC, has infringed and continues to infringe, either literally or under the doctrine of equivalents, at least claims 12, 35 and 36 of the '979 patent in violation of 35 U.S.C. § 271(a) by using, offering for sale or selling, within the United States, products or processes that practice the inventions claimed in the '979 patent. STD also directly infringes at least claims 12, 35 and 36 of the '979 patent by directing and/or controlling its employees, executives, users, agents, affiliates, suppliers, vendors, insurance providers, customers and others to electronically complete and submit insurance claims and corresponding attachments to CNC.

17. Upon information and belief, STD, through its electronic completion and submission of insurance claims and corresponding attachments to CNC, has infringed and continues to infringe at least claims 12, 35 and 36 of the '979 patent in violation of 35 U.S.C. § 271(b) by inducing vendors, insurance providers, customers and others to make, use, sell, or offer for sale, within the United States, products or processes that practice inventions claimed in the '979 patent with knowledge of and intent that such vendors, insurance providers, customers

and others infringe the '979 patent. STD has intentionally caused, urged, encouraged, or aided in the actions that induced infringement, including direct infringement, of the '979 patent by vendors, insurance providers, customers and others. Upon information and belief, such intentional actions includes, for example, contracting with vendors or others to make or use certain infringing systems and processes; causing, urging, encouraging, or aiding certain actions by vendors or others to make or use products or processes that practice the inventions claimed in the '979 patent; and causing, urging, encouraging or aiding insurance providers, customers or others to make or use products or processes that practice the inventions claimed in the '979 patent. As a result of its conduct, STD has induced and is inducing such employees, executives, users, agents, affiliates, suppliers, vendors, insurance providers, customers and others to make or use systems and methods that infringe at least claims 12, 35 and 36 of the '979 patent. Additionally and in the alternative, STD has induced and is inducing employees, executives, users, agents, affiliates, suppliers, vendors, insurance providers, customers and others to implement and utilize parts of or all of the systems and methods that infringe at least claims 12, 35 and 36 of the '979 patent. STD has engaged and is engaging in this conduct while aware of the '979 patent and with the intent to infringe, at least as of the filing of the Complaint.

18. ICS has been damaged by STD's infringement of the '979 patent, has been irreparably harmed by that infringement, and will suffer additional damages and irreparable harm unless this Court enjoins STD from further infringement.

PRAYER FOR RELIEF

WHEREFORE, ICS prays for judgment:

A. that STD has infringed and is infringing the '979 patent;

B. enjoining STD, its officers, agents, servants, employees, attorneys, successors and assigns and all other persons in active concert or participation with any of them from infringing, and/or inducing infringement of the '979 patent;

C. awarding ICS compensatory damages for STD's infringement, together with interest and costs pursuant to 35 U.S.C. § 284; and

D. granting ICS such other and further relief in law or in equity as this Court deems just or proper.

DEMAND FOR JURY TRIAL

ICS demands a trial by jury on all issues so triable.

DATED: May 12, 2015

Respectfully submitted,

/s/ Charles Ainsworth

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