

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. Defendant is a Delaware corporation with its principal place of business at 4950 College Boulevard Overland Park, Kansas 66211. Defendant may be served with process through its registered agent, CT Corporation System, at 1999 Bryan Street, Ste 900, Dallas, Texas 75201.

JURISDICTION AND VENUE

5. 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.

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

7. Defendant is subject to this Court's personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to its substantial business in this State and judicial district, including: (A) at least part of its 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.

PATENTS-IN-SUIT

8. 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.

9. 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.

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

11. 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.

12. The '526 Patent spent over two years being examined at the United States Patent and Trademark Office. During examination of the '526 Patent, trained United States Patent Examiners considered at least twenty-four (24) references before determining that the inventions claimed in the '526 Patent deserved patent protection. Such references include, for example, various references from Emtex Health Care Systems, Inc., Motorola, Inc., Spacelabs Medical, Inc., and Hewlett-Packard Company.

13. Each claim of the '526 Patent is directed to a "process" as defined in 35 U.S.C. § 100.

14. The '451 Patent spent nearly three years being examined at the United States Patent and Trademark Office. During examination of the '451 Patent, trained United States Patent Examiners considered at least twenty-three (23) references before determining that the inventions claimed in the '451 Patent deserved patent protection. Such references include, for example, various references from Emtex Health Care Systems, Inc., Motorola, Inc., Spacelabs Medical, Inc., and Hewlett-Packard Company.

15. Over 20 years ago (when the applications that issued as the '526 and '451 Patents was filed), the general-purpose databases and rigid patient information databases then available took a one-size-fits-all approach, one that failed to address the technical and often dynamic needs of particular medical practices. (*See, e.g.*, '526 Patent, col. 1, lines 39-58). Certain systems were encumbered with features and data structures that particular practices never used. Other systems omitted features and data structures necessary for other medical practices. None of the electronic medical/health record systems available at that time (including those cited during prosecution) enabled users—regardless of their programming experience—to flexibly design a *patient information hierarchy* according to the present needs of a particular medical practice, let alone in the particular manner set forth in claims of the '526 and '451 Patents.

16. The '526 and '451 Patents claim technical solutions to problems unique to electronic medical/health records and computer networks involving the same, including the non-limiting example problems described above.

17. Further, the '526 and '451 Patent claims improve upon the functioning of computer systems. For example, certain (if not all) claims teach a much improved user-interface that, among

other features, enables virtually any user, regardless of his or her programming experience, to flexible design a patient information hierarchy according to the specific and often dynamically changing needs of a particular practice.

18. At least certain (if not all) claims of the '526 and '451 Patents require special-purpose software.

19. The '526 and '451 Patents are directed to computer-implemented technologies that have no pen-and-paper analog. As a non-limiting example, there is no pen-and-paper analog to the automatic and conditional display of a linked-to parameter in conjunction with the display of a new parameter having the linked-from possible result value. That is, if someone writes a particular dosage on a piece of paper, there is no way for the paper to automatically display an alert indicating that the dosage is too high, or that the medication interacts with other medication, or that the patient may have an allergic reaction to a particular medication.

20. The '526 and '451 Patent claims are not directed to a “method of organizing human activity,” “fundamental economic practice long prevalent in our system of commerce,” or “a building block of the modern economy.” Further, the claims are not directed to a longstanding or fundamental economic practice at the time of patented inventions. Nor do they involve a method of doing business that happens to be implemented on a computer. Nor were they fundamental principles in ubiquitous use on the Internet or computers in general.

21. Instead, as explained above, the '526 and '451 Patent claims are directed toward solutions rooted in computer technology and use technology unique to computers and computer networking to overcome a problem specifically arising in the realm of electronic medical records.

22. The '526 and '451 Patents both issued after *Bilski v. Kappos*, 561 U.S. 593 (2010), and *Mayo Collaborative Servs'. v. Prometheus Labs., Inc.*, 132 S. Ct. 1289 (2012). And although

the examinations predated *Alice Corp. v. CLS Bank Int'l*, 134 S. Ct. 2347 (2014), that case applied the *Mayo* framework and stated that its holding “follows from our prior cases, and *Bilski* in particular”

23. Because the claims of the ‘526 and ‘451 Patents are directed to improving the functioning of such computers and computer networks, they cannot be considered abstract ideas. *Enfish, LLC v. Microsoft Corp.*, 2015-1244, 2016 WL 2756255, at *8 (Fed. Cir. May 12, 2016).

24. Indeed, the Federal Circuit in *Enfish* reaffirmed that software is a “large field of technological progress” which patents can protect:

Much of the advancement made in computer technology consists of improvements to software that, by their very nature, may not be defined by particular physical features but rather by logical structures and processes. We do not see in *Bilski* or *Alice*, or our cases, an exclusion to patenting this large field of technological progress.

Id.

25. The patents-in-suit do not claim, or attempt to preempt, the performance of an abstract business practice on the Internet or using a conventional computer.

26. The patents-in-suit do not claim a pre-existing but undiscovered algorithm.

27. Although the systems and methods taught in the ‘526 and ‘451 Patents have been adopted by leading businesses today, at the time of invention, the claimed inventions were innovative and novel, as evidenced, for example, by the breadth and volume of the references considered during prosecution.

28. The ‘526 Patent has been referenced by more than one hundred (100) other patent applications. The ‘451 Patent has been referenced by more than two hundred forty (240) other patent applications. Such patent applications citing the patents-in-suit include patents applications by General Electric Company; Siemens Medical Solutions USA, Inc.; Baxter International, Inc.;

OptumInsight, Inc.; NASA; The United States Army; International Business Machines (IBM); Microsoft Corporation; Koninkl Philips Electronics Nv; GE Medical Systems Global Technology Company; St. Louis University; Washington University; and The University Of Texas System.

COUNT I
(INFRINGEMENT OF '526 PATENT)

29. Uniloc incorporates the preceding paragraphs herein by reference.

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

31. 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.

32. Defendant directly or through intermediaries has infringed (literally and/or under the doctrine of equivalents) one or more claims of the '526 patent in this judicial district and elsewhere in Texas, including at least Claims 2-7, 10-19, and 25 without Uniloc's consent or authorization. Defendant's infringing products include, as a non-limiting examples, the products listed in Exhibit C, which have received federal certification by the Office of the National Coordinator (ONC) as being either modular or complete Electronic Health Record ("EHR") products (hereinafter "Infringing Products").

33. Defendant's Infringing Products enabled users, including Defendant itself, to flexibly modify the operation of the Infringing Products.

34. Defendant's Infringing Products enabled users, including Defendant itself, to create and modify clinical decision support rules.

35. Defendant's Infringing Products enabled users, including Defendant itself, to create and modify linkages amongst parameters within the Infringing Products corresponding to patients, procedures, tests, medications, and diagnoses.

36. Defendant's Infringing Products implemented automated, electronic clinical decision support rules based on the data elements included in: problem list; medication list; demographics; and laboratory test results.

37. Defendant's Infringing Products automatically and electronically generated and indicated in real-time, notifications and care suggestions based upon clinical decision support rules.

38. Defendant's Infringing Products enabled a limited set of identified users to select or activate one or more electronic clinical decision support interventions based on each one and at least one combination of the following data: problem list, medication list, medication allergy list, demographics, laboratory test and values/results, and vital signs.

39. Defendant's Infringing Products enabled electronic clinical decision support interventions to be configured by a limited set of identified users (e.g., system administrator) based on a user's role.

40. Upon information and belief, the following describes, at least in part, certain aspects of a representative sample of Defendant's Infringing Products.

Netsmart Solution Certifications

ONC HIT 2014 Edition Certification

Our myAvatar™, myEvolv™ and TIER® CareRecords were the first EHRs designed specifically for the health and human services organization to achieve ONC HIT 2014 Certification.

Behavioral health, addiction treatment, I/DD, child and family, public health, and other health and human services providers are currently eligible for Medicaid or Medicare Meaningful Use funds based on the number of Eligible Professionals (EPs), such as physicians and nurse practitioners, in their organizations. All three of these CareRecords are Meaningful Use Stage 2 compliant.



Available at: <http://www.ntst.com/About-Us/certifications.aspx>.

41. Upon information and belief, the following describes, at least in part, certain aspects of a representative sample of Defendant's Infringing Products:

Test Results Summary for 2014 Edition EHR Certification
Version EHR-Test-144 ■ Rev 17-Feb-2014



ONC HIT Certification Program
Test Results Summary for 2014 Edition EHR Certification

Part 1: Product and Developer Information

1.1 Certified Product Information

Product Name: myAvatar
Product Version: 2014
Domain: Inpatient
Test Type: Complete EHR

1.2 Developer/Vendor Information

Developer/Vendor Name: Netsmart Technologies
Address: 4950 College Blvd Overland Park KS 66211
Website: www.ntst.com
Email: creynolds@ntst.com
Phone: 9136962818
Developer/Vendor Contact: Carol Reynolds

Available at:

https://www.drummondgroup.com/images/ehr_pdf/Netsmart.myAvatar2014_05222014-1914-6.pdf.

Test Results Summary for 2014 Edition EHR Certification
 Version EHR-Test-144 ■ Rev 17-Feb-2014



3.2.6 2014 Edition Certification Criteria* Successfully Tested

Criteria #	Version		Criteria #	Version	
	TP**	TD***		TP	TD
<input type="checkbox"/> (a)(1)	1.2	1.5	<input checked="" type="checkbox"/> (c)(3)	1.6	1.6
<input checked="" type="checkbox"/> (a)(2)	1.2		<input type="checkbox"/> (d)(1)	1.2	
<input checked="" type="checkbox"/> (a)(3)	1.2	1.4	<input checked="" type="checkbox"/> (d)(2)	1.4	
<input checked="" type="checkbox"/> (a)(4)	1.4	1.3	<input checked="" type="checkbox"/> (d)(3)	1.3	
<input checked="" type="checkbox"/> (a)(5)	1.4	1.3	<input checked="" type="checkbox"/> (d)(4)	1.2	
<input type="checkbox"/> (a)(6)	1.3	1.4	<input type="checkbox"/> (d)(5)	1.2	
<input type="checkbox"/> (a)(7)	1.3	1.3	<input type="checkbox"/> (d)(6)	1.2	
<input checked="" type="checkbox"/> (a)(8)	1.2		<input checked="" type="checkbox"/> (d)(7)	1.2	
<input checked="" type="checkbox"/> (a)(9)	1.3	1.3	<input checked="" type="checkbox"/> (d)(8)	1.2	
<input checked="" type="checkbox"/> (a)(10)	1.2	1.4	<input type="checkbox"/> (d)(9) <i>Optional</i>	1.2	
<input checked="" type="checkbox"/> (a)(11)	1.3		<input checked="" type="checkbox"/> (e)(1)	1.7	1.4
<input checked="" type="checkbox"/> (a)(12)	1.3		<input type="checkbox"/> (e)(2) <i>Amb. only</i>	1.2	1.5
<input checked="" type="checkbox"/> (a)(13)	1.2		<input type="checkbox"/> (e)(3) <i>Amb. only</i>	1.3	
<input checked="" type="checkbox"/> (a)(14)	1.2		<input type="checkbox"/> (f)(1)	1.2	1.2
<input checked="" type="checkbox"/> (a)(15)	1.5		<input checked="" type="checkbox"/> (f)(2)	1.3	1.7.1
<input checked="" type="checkbox"/> (a)(16) <i>Inpt. only</i>	1.3	1.2	<input checked="" type="checkbox"/> (f)(3)	1.3	1.7
<input type="checkbox"/> (a)(17) <i>Inpt. only</i>	1.2		<input checked="" type="checkbox"/> (f)(4) <i>Inpt. only</i>	1.3	1.7
<input checked="" type="checkbox"/> (b)(1)	1.6	1.3	<input type="checkbox"/> (f)(5) <i>Optional & Amb. only</i>	1.2	1.2
<input checked="" type="checkbox"/> (b)(2)	1.4	1.5			
<input checked="" type="checkbox"/> (b)(3)	1.4	1.2	<input type="checkbox"/> (f)(6) <i>Optional & Amb. only</i>	1.3	1.0.3
<input checked="" type="checkbox"/> (b)(4)	1.3	1.4			
<input checked="" type="checkbox"/> (b)(5)	1.4	1.7	<input type="checkbox"/> (g)(1)	1.6	1.8
<input checked="" type="checkbox"/> (b)(6) <i>Inpt. only</i>	1.3	1.7	<input checked="" type="checkbox"/> (g)(2)	1.6	1.8
<input checked="" type="checkbox"/> (b)(7)	1.4	1.5	<input checked="" type="checkbox"/> (g)(3)	1.3	
<input checked="" type="checkbox"/> (c)(1)	1.6	1.6	<input checked="" type="checkbox"/> (g)(4)	1.2	
<input checked="" type="checkbox"/> (c)(2)	1.6	1.6			

No criteria tested

*For a list of the 2014 Edition Certification Criteria, please reference <http://www.healthit.gov/certification> (navigation: 2014 Edition Test Method)


**Indicates the version number for the Test Procedure (TP)

***Indicates the version number for the Test Data (TD)

Available at:
https://www.drummondgroup.com/images/ehr_pdf/Netsmart.myAvatar2014_05222014-1914-6.pdf.

42. Upon information and belief, the following describes, at least in part, certain aspects of a representative sample of Defendant's Infringing Products:

Test Results Summary for 2014 Edition EHR Certification
Version EHR-Test-144 ■ Rev 10-Dec-2013



ONC HIT Certification Program Test Results Summary for 2014 Edition EHR Certification

Part 1: Product and Developer Information

1.1 Certified Product Information

Product Name: TIER
Product Version: 8.0
Domain: Ambulatory
Test Type: Complete EHR

1.2 Developer/Vendor Information

Developer/Vendor Name: Netsmart Technologies, Inc.
Address: 4950 College Blvd Overland Park KS 66211
Website: www.ntst.com
Email: creynolds@ntst.com
Phone: 913-696-2813
Developer/Vendor Contact: Martin Teat

Part 2: ONC-Authorized Certification Body Information

2.1 ONC-Authorized Certification Body Information

ONC-ACB Name: Drummond Group
Address: 13359 North Hwy 183, Ste B-406-238, Austin, TX 78750
Website: www.drummondgroup.com
Email: ehr@drummondgroup.com
Phone: 817-294-7339
ONC-ACB Contact: Bill Smith

Available at: https://www.drummondgroup.com/images/ehr_pdf/Netsmart_TIER8.0_01232014-2171-6.pdf.

Test Results Summary for 2014 Edition EHR Certification
 Version EHR-Test-144 ■ Rev 10-Dec-2013



3.2.6 2014 Edition Certification Criteria* Successfully Tested

Criteria #	Version		Criteria #	Version	
	TP**	TD***		TP	TD
<input checked="" type="checkbox"/> (a)(1)	1.2	1.5	<input checked="" type="checkbox"/> (c)(3)	1.6	1.6
<input checked="" type="checkbox"/> (a)(2)	1.2		<input type="checkbox"/> (d)(1)	1.2	
<input checked="" type="checkbox"/> (a)(3)	1.2	1.4	<input checked="" type="checkbox"/> (d)(2)	1.4	
<input checked="" type="checkbox"/> (a)(4)	1.4	1.3	<input checked="" type="checkbox"/> (d)(3)	1.3	
<input checked="" type="checkbox"/> (a)(5)	1.4	1.3	<input checked="" type="checkbox"/> (d)(4)	1.2	
<input checked="" type="checkbox"/> (a)(6)	1.3	1.4	<input type="checkbox"/> (d)(5)	1.2	
<input checked="" type="checkbox"/> (a)(7)	1.3	1.3	<input type="checkbox"/> (d)(6)	1.2	
<input checked="" type="checkbox"/> (a)(8)	1.2		<input checked="" type="checkbox"/> (d)(7)	1.2	
<input checked="" type="checkbox"/> (a)(9)	1.3	1.3	<input type="checkbox"/> (d)(8)	1.2	
<input checked="" type="checkbox"/> (a)(10)	1.2	1.4	<input checked="" type="checkbox"/> (d)(9) <i>Optional</i>	1.2	
<input checked="" type="checkbox"/> (a)(11)	1.3		<input checked="" type="checkbox"/> (e)(1)	1.7	
<input checked="" type="checkbox"/> (a)(12)	1.3		<input checked="" type="checkbox"/> (e)(2) <i>Amb. only</i>	1.2	1.5
<input checked="" type="checkbox"/> (a)(13)	1.2		<input checked="" type="checkbox"/> (e)(3) <i>Amb. only</i>	1.3	
<input checked="" type="checkbox"/> (a)(14)	1.2		<input type="checkbox"/> (f)(1)	1.2	1.2
<input checked="" type="checkbox"/> (a)(15)	1.5		<input checked="" type="checkbox"/> (f)(2)	1.3	1.2
<input type="checkbox"/> (a)(16) <i>Inpt. only</i>	1.3		1.2	<input checked="" type="checkbox"/> (f)(3)	1.3
<input type="checkbox"/> (a)(17) <i>Inpt. only</i>	1.2		<input type="checkbox"/> (f)(4) <i>Inpt. only</i>	1.3	1.2
<input checked="" type="checkbox"/> (b)(1)	1.6	1.3	<input type="checkbox"/> (f)(5) <i>Optional & Amb. only</i>	1.2	1.2
<input checked="" type="checkbox"/> (b)(2)	1.5	1.5			
<input checked="" type="checkbox"/> (b)(3)	1.4	1.2	<input type="checkbox"/> (f)(6) <i>Optional & Amb. only</i>	1.3	1.2
<input checked="" type="checkbox"/> (b)(4)	1.3	1.4			
<input checked="" type="checkbox"/> (b)(5)	1.4	1.2	<input type="checkbox"/> (g)(1)	1.6	1.8
<input type="checkbox"/> (b)(6) <i>Inpt. only</i>	1.3	1.2	<input checked="" type="checkbox"/> (g)(2)	1.6	1.8
<input checked="" type="checkbox"/> (b)(7)	1.4	1.5	<input checked="" type="checkbox"/> (g)(3)	1.3	
<input checked="" type="checkbox"/> (c)(1)	1.6	1.6	<input checked="" type="checkbox"/> (g)(4)	1.2	
<input checked="" type="checkbox"/> (c)(2)	1.6	1.6			

No criteria tested

*For a list of the 2014 Edition Certification Criteria, please reference <http://www.healthit.gov/certification> (navigation: 2014 Edition Test Method)


**Indicates the version number for the Test Procedure (TP)

***Indicates the version number for the Test Data (TD)

Available at: https://www.drummondgroup.com/images/ehr_pdf/Netsmart_TIER8.0_01232014-2171-6.pdf.

43. Upon information and belief, the following describes, at least in part, certain aspects of a representative sample of Defendant's Infringing Products:

Test Results Summary for 2014 Edition EHR Certification
Version **EHR-Test-144** ■ Rev 01-Jan-2014



ONC HIT Certification Program

Test Results Summary for 2014 Edition EHR Certification

Part 1: Product and Developer Information

1.1 Certified Product Information

Product Name:	myHelper
Product Version:	9.0
Domain:	Ambulatory
Test Type:	Complete EHR

1.2 Developer/Vendor Information

Developer/Vendor Name:	Netsmart Technologies, Inc.
Address:	570 Metro Place North Dublin OH 43017
Website:	www.ntst.com
Email:	creynolds@ntst.com
Phone:	800-842-1973
Developer/Vendor Contact:	Carol Reynolds

Part 2: ONC-Authorized Certification Body Information

2.1 ONC-Authorized Certification Body Information

ONC-ACB Name:	Drummond Group
Address:	13359 North Hwy 183, Ste B-406-238, Austin, TX 78750
Website:	www.drummondgroup.com
Email:	ehr@drummondgroup.com
Phone:	817-294-7339
ONC-ACB Contact:	Bill Smith

Available at:
https://www.drummondgroup.com/images/ehr_pdf/Netsmart_myHelper9.0_02072014-2177-6.pdf.

Test Results Summary for 2014 Edition EHR Certification
Version EHR-Test-144 ■ Rev 01-Jan-2014



3.2.6 2014 Edition Certification Criteria* Successfully Tested

Criteria #	Version		Criteria #	Version	
	TP**	TD***		TP	TD
<input checked="" type="checkbox"/> (a)(1)	1.2	1.5	<input checked="" type="checkbox"/> (c)(3)	1.6	1.6
<input checked="" type="checkbox"/> (a)(2)	1.2		<input type="checkbox"/> (d)(1)	1.2	
<input checked="" type="checkbox"/> (a)(3)	1.2	1.4	<input checked="" type="checkbox"/> (d)(2)	1.4	
<input checked="" type="checkbox"/> (a)(4)	1.4	1.3	<input checked="" type="checkbox"/> (d)(3)	1.3	
<input checked="" type="checkbox"/> (a)(5)	1.4	1.3	<input checked="" type="checkbox"/> (d)(4)	1.2	
<input checked="" type="checkbox"/> (a)(6)	1.3	1.4	<input type="checkbox"/> (d)(5)	1.2	
<input checked="" type="checkbox"/> (a)(7)	1.3	1.3	<input type="checkbox"/> (d)(6)	1.2	
<input checked="" type="checkbox"/> (a)(8)	1.2		<input checked="" type="checkbox"/> (d)(7)	1.2	
<input checked="" type="checkbox"/> (a)(9)	1.3	1.3	<input type="checkbox"/> (d)(8)	1.2	
<input checked="" type="checkbox"/> (a)(10)	1.2	1.4	<input type="checkbox"/> (d)(9) <i>Optional</i>	1.2	
<input checked="" type="checkbox"/> (a)(11)	1.3		<input checked="" type="checkbox"/> (e)(1)	1.7	1.4
<input checked="" type="checkbox"/> (a)(12)	1.3		<input checked="" type="checkbox"/> (e)(2) <i>Amb. only</i>	1.2	1.5
<input checked="" type="checkbox"/> (a)(13)	1.2		<input checked="" type="checkbox"/> (e)(3) <i>Amb. only</i>	1.3	
<input checked="" type="checkbox"/> (a)(14)	1.2		<input checked="" type="checkbox"/> (f)(1)	1.2	1.2
<input checked="" type="checkbox"/> (a)(15)	1.5		<input checked="" type="checkbox"/> (f)(2)	1.3	1.2
<input type="checkbox"/> (a)(16) <i>Inpt. only</i>	1.3	1.2	<input checked="" type="checkbox"/> (f)(3)	1.3	1.2
<input type="checkbox"/> (a)(17) <i>Inpt. only</i>	1.2		<input type="checkbox"/> (f)(4) <i>Inpt. only</i>	1.3	1.2
<input checked="" type="checkbox"/> (b)(1)	1.6	1.3	<input type="checkbox"/> (f)(5) <i>Optional & Amb. only</i>	1.2	1.2
<input checked="" type="checkbox"/> (b)(2)	1.5	1.5	<input type="checkbox"/> (f)(6) <i>Optional & Amb. only</i>	1.3	1.2
<input checked="" type="checkbox"/> (b)(3)	1.4	1.2	<input type="checkbox"/> (g)(1)	1.6	1.8
<input checked="" type="checkbox"/> (b)(4)	1.3	1.4	<input checked="" type="checkbox"/> (g)(2)	1.6	1.8
<input checked="" type="checkbox"/> (b)(5)	1.4	1.2	<input checked="" type="checkbox"/> (g)(3)	1.3	
<input type="checkbox"/> (b)(6) <i>Inpt. only</i>	1.3	1.2	<input checked="" type="checkbox"/> (g)(4)	1.2	
<input checked="" type="checkbox"/> (b)(7)	1.4	1.5			
<input checked="" type="checkbox"/> (c)(1)	1.6	1.6			
<input checked="" type="checkbox"/> (c)(2)	1.6	1.6			

No criteria tested

*For a list of the 2014 Edition Certification Criteria, please reference <http://www.healthit.gov/certification> (navigation: 2014 Edition Test Method)

**Indicates the version number for the Test Procedure (TP)


***Indicates the version number for the Test Data (TD)

Available at:

https://www.drummondgroup.com/images/ehr_pdf/Netsmart_myHelper9.0_02072014-2177-6.pdf.

44. Upon information and belief, the following describes, at least in part, certain aspects of a representative sample of Defendant's Infringing Products:

Test Results Summary for 2014 Edition EHR Certification
Version **EHR-Test-144** ■ Rev 22-Nov-2013



ONC HIT Certification Program

Test Results Summary for 2014 Edition EHR Certification

Part 1: Product and Developer Information

1.1 Certified Product Information

Product Name:	myEvolv
Product Version:	9.0
Domain:	Ambulatory
Test Type:	Complete EHR

1.2 Developer/Vendor Information

Developer/Vendor Name:	Netsmart Technologies, Inc.
Address:	570 Metro Place North Dublin OH 43017
Website:	www.ntst.com
Email:	creynolds@ntst.com
Phone:	800-842-1973
Developer/Vendor Contact:	Carol Reynolds

Part 2: ONC-Authorized Certification Body Information

2.1 ONC-Authorized Certification Body Information

ONC-ACB Name:	Drummond Group
Address:	13359 North Hwy 183, Ste B-406-238, Austin, TX 78750
Website:	www.drummondgroup.com
Email:	ehr@drummondgroup.com
Phone:	817-294-7339
ONC-ACB Contact:	Bill Smith

Available at:
https://www.drummondgroup.com/images/ehr_pdf/netsmart_myevolv9.0_12192013-2175-6.pdf.

Test Results Summary for 2014 Edition EHR Certification
Version EHR-Test-144 ■ Rev 22-Nov-2013



3.2.6 2014 Edition Certification Criteria* Successfully Tested

Criteria #	Version		Criteria #	Version	
	TP**	TD***		TP	TD
<input checked="" type="checkbox"/> (a)(1)	1.2	1.5	<input checked="" type="checkbox"/> (c)(3)	1.6	1.6
<input checked="" type="checkbox"/> (a)(2)	1.2		<input type="checkbox"/> (d)(1)	1.2	
<input checked="" type="checkbox"/> (a)(3)	1.2	1.4	<input checked="" type="checkbox"/> (d)(2)	1.4	
<input checked="" type="checkbox"/> (a)(4)	1.4	1.3	<input checked="" type="checkbox"/> (d)(3)	1.3	
<input checked="" type="checkbox"/> (a)(5)	1.4	1.3	<input checked="" type="checkbox"/> (d)(4)	1.2	
<input checked="" type="checkbox"/> (a)(6)	1.3	1.4	<input type="checkbox"/> (d)(5)	1.2	
<input checked="" type="checkbox"/> (a)(7)	1.3	1.3	<input type="checkbox"/> (d)(6)	1.2	
<input checked="" type="checkbox"/> (a)(8)	1.2		<input checked="" type="checkbox"/> (d)(7)	1.2	
<input checked="" type="checkbox"/> (a)(9)	1.3	1.3	<input type="checkbox"/> (d)(8)	1.2	
<input checked="" type="checkbox"/> (a)(10)	1.2	1.4	<input type="checkbox"/> (d)(9) <i>Optional</i>	1.2	
<input checked="" type="checkbox"/> (a)(11)	1.3		<input checked="" type="checkbox"/> (e)(1)	1.7	1.4
<input checked="" type="checkbox"/> (a)(12)	1.3		<input checked="" type="checkbox"/> (e)(2) <i>Amb. only</i>	1.2	1.5
<input checked="" type="checkbox"/> (a)(13)	1.2		<input checked="" type="checkbox"/> (e)(3) <i>Amb. only</i>	1.3	
<input checked="" type="checkbox"/> (a)(14)	1.2		<input checked="" type="checkbox"/> (f)(1)	1.2	1.2
<input checked="" type="checkbox"/> (a)(15)	1.5		<input checked="" type="checkbox"/> (f)(2)	1.3	1.2
<input type="checkbox"/> (a)(16) <i>Inpt. only</i>	1.3	1.2	<input checked="" type="checkbox"/> (f)(3)	1.3	1.2
<input type="checkbox"/> (a)(17) <i>Inpt. only</i>	1.2		<input type="checkbox"/> (f)(4) <i>Inpt. only</i>	1.3	1.2
<input checked="" type="checkbox"/> (b)(1)	1.6	1.3	<input type="checkbox"/> (f)(5) <i>Optional & Amb. only</i>	1.2	1.2
<input checked="" type="checkbox"/> (b)(2)	1.5	1.5	<input type="checkbox"/> (f)(6) <i>Optional & Amb. only</i>	1.3	1.2
<input checked="" type="checkbox"/> (b)(3)	1.4	1.2	<input type="checkbox"/> (g)(1)	1.6	1.8
<input checked="" type="checkbox"/> (b)(4)	1.3	1.4	<input checked="" type="checkbox"/> (g)(2)	1.6	1.8
<input checked="" type="checkbox"/> (b)(5)	1.4	1.2	<input type="checkbox"/> (g)(3)	1.3	
<input type="checkbox"/> (b)(6) <i>Inpt. only</i>	1.3	1.2	<input checked="" type="checkbox"/> (g)(4)	1.2	
<input checked="" type="checkbox"/> (b)(7)	1.4	1.5			
<input checked="" type="checkbox"/> (c)(1)	1.6	1.6			
<input checked="" type="checkbox"/> (c)(2)	1.6	1.6			

No criteria tested

*For a list of the 2014 Edition Certification Criteria, please reference <http://www.healthit.gov/certification> (navigation: 2014 Edition Test Method)

**Indicates the version number for the Test Procedure (TP)

***Indicates the version number for the Test Data (TD)

Available at:

https://www.drummondgroup.com/images/ehr_pdf/netsmart_myevol9.0_12192013-2175-6.pdf.

45. Upon information and belief, the following describes, at least in part, certain aspects of a representative sample of Defendant's Infringing Products:

Test Results Summary for 2014 Edition EHR Certification
Version EHR-Test-144 ■ Rev 10-Feb-2014

Drummond group

ONC HIT Certification Program
Test Results Summary for 2014 Edition EHR Certification

Part 1: Product and Developer Information

1.1 Certified Product Information

Product Name:	Insight
Product Version:	8
Domain:	Ambulatory
Test Type:	Complete EHR

1.2 Developer/Vendor Information

Developer/Vendor Name:	Netsmart Technologies, Inc.
Address:	4950 College Blvd Overland Park KS 66211
Website:	www.ntst.com
Email:	creynolds@ntst.com
Phone:	913-696-2818
Developer/Vendor Contact:	Carol J. Reynolds

Available at:
https://www.drummondgroup.com/images/ehr_pdf/NetsmartTechnologies_Insight8_05012014-2176-6.pdf.

46. Upon information and belief, the following describes, at least in part, certain aspects of a representative sample of Defendant's Infringing Products:

Test Results Summary for 2014 Edition EHR Certification
 Version EHR-Test-144 ■ Rev 10-Feb-2014



3.2.6 2014 Edition Certification Criteria* Successfully Tested

Criteria #	Version		Criteria #	Version	
	TP**	TD***		TP	TD
<input type="checkbox"/> (a)(1)	1.2	1.5	<input checked="" type="checkbox"/> (c)(3)	1.6	1.6
<input checked="" type="checkbox"/> (a)(2)	1.2		<input type="checkbox"/> (d)(1)	1.2	
<input checked="" type="checkbox"/> (a)(3)	1.2	1.4	<input checked="" type="checkbox"/> (d)(2)	1.4	
<input checked="" type="checkbox"/> (a)(4)	1.4	1.3	<input checked="" type="checkbox"/> (d)(3)	1.3	
<input checked="" type="checkbox"/> (a)(5)	1.4	1.3	<input checked="" type="checkbox"/> (d)(4)	1.2	
<input type="checkbox"/> (a)(6)	1.3	1.4	<input type="checkbox"/> (d)(5)	1.2	
<input type="checkbox"/> (a)(7)	1.3	1.3	<input type="checkbox"/> (d)(6)	1.2	
<input checked="" type="checkbox"/> (a)(8)	1.2		<input checked="" type="checkbox"/> (d)(7)	1.2	
<input checked="" type="checkbox"/> (a)(9)	1.3	1.3	<input type="checkbox"/> (d)(8)	1.2	
<input checked="" type="checkbox"/> (a)(10)	1.2	1.4	<input type="checkbox"/> (d)(9) <i>Optional</i>	1.2	
<input checked="" type="checkbox"/> (a)(11)	1.3		<input checked="" type="checkbox"/> (e)(1)	1.7	1.4
<input checked="" type="checkbox"/> (a)(12)	1.3		<input checked="" type="checkbox"/> (e)(2) <i>Amb. only</i>	1.2	1.5
<input checked="" type="checkbox"/> (a)(13)	1.2		<input checked="" type="checkbox"/> (e)(3) <i>Amb. only</i>	1.3	
<input checked="" type="checkbox"/> (a)(14)	1.2		<input type="checkbox"/> (f)(1)	1.2	1.2
<input checked="" type="checkbox"/> (a)(15)	1.5		<input checked="" type="checkbox"/> (f)(2)	1.3	1.7.1
<input type="checkbox"/> (a)(16) <i>Inpt. only</i>	1.3	1.2	<input checked="" type="checkbox"/> (f)(3)	1.3	1.7
<input type="checkbox"/> (a)(17) <i>Inpt. only</i>	1.2		<input type="checkbox"/> (f)(4) <i>Inpt. only</i>	1.3	1.7
<input checked="" type="checkbox"/> (b)(1)	1.6	1.3	<input type="checkbox"/> (f)(5) <i>Optional & Amb. only</i>	1.2	1.2
<input checked="" type="checkbox"/> (b)(2)	1.4	1.5			
<input checked="" type="checkbox"/> (b)(3)	1.4	1.2	<input type="checkbox"/> (f)(6) <i>Optional & Amb. only</i>	1.3	1.0.3
<input checked="" type="checkbox"/> (b)(4)	1.3	1.4			
<input checked="" type="checkbox"/> (b)(5)	1.4	1.7	<input type="checkbox"/> (g)(1)	1.6	1.8
<input type="checkbox"/> (b)(6) <i>Inpt. only</i>	1.3	1.7	<input checked="" type="checkbox"/> (g)(2)	1.6	1.8
<input checked="" type="checkbox"/> (b)(7)	1.4	1.5	<input checked="" type="checkbox"/> (g)(3)	1.3	
<input checked="" type="checkbox"/> (c)(1)	1.6	1.6	<input checked="" type="checkbox"/> (g)(4)	1.2	
<input checked="" type="checkbox"/> (c)(2)	1.6	1.6			

No criteria tested

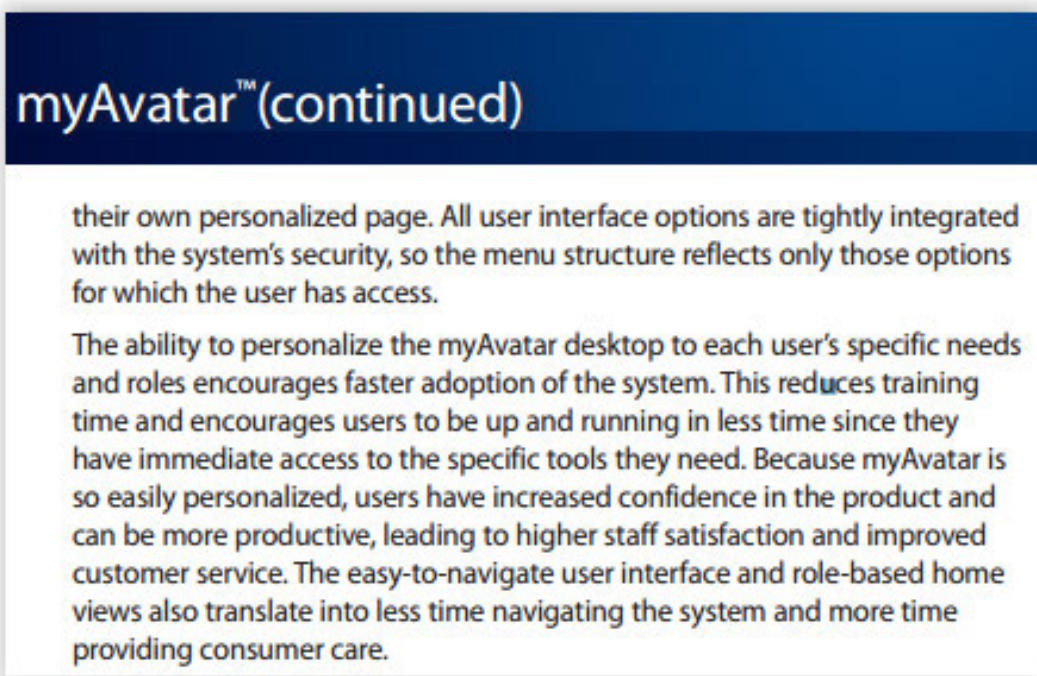
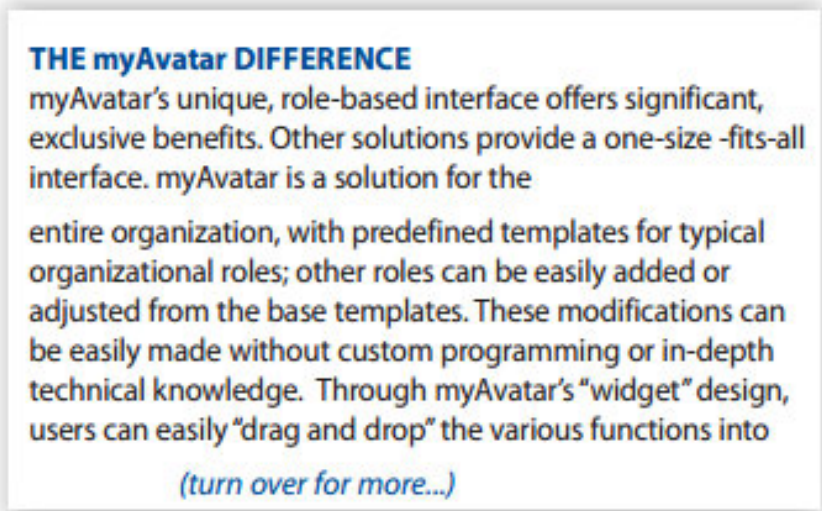
*For a list of the 2014 Edition Certification Criteria, please reference <http://www.healthit.gov/certification> (navigation: 2014 Edition Test Method)

**Indicates the version number for the Test Procedure (TP)

***Indicates the version number for the Test Data (TD)

Available at:
https://www.drummondgroup.com/images/ehr_pdf/NetsmartTechnologies_Insight8_05012014-2176-6.pdf.

47. Upon information and belief, the following describes, at least in part, certain aspects of a representative sample of Defendant's Infringing Products:



Available at: http://www.ntst.com/Solutions-We-Offer/datasheets/myAvatar_03_14.pdf

48. Upon information and belief, the following describes, at least in part, certain aspects of a representative sample of Defendant's Infringing Products:

Netsmart's myAvatar™: Intuitive and Role-Based

Netsmart, the leading provider of clinical solutions for health and human services organizations, took that advice to heart when developing myAvatar, its showcase EHR for behavioral health.

As behavioral health's leading complete ARRA-certified electronic health record and practice management solution, myAvatar can be completely tailored to each user's individual role - no matter what job they do. Whether coordinating consumer schedules, accessing charts, measuring key performance indicators, checking eligibility, tracking claims, monitoring system status or doing all of these at the same time, myAvatar can be customized to best meet each user's needs.

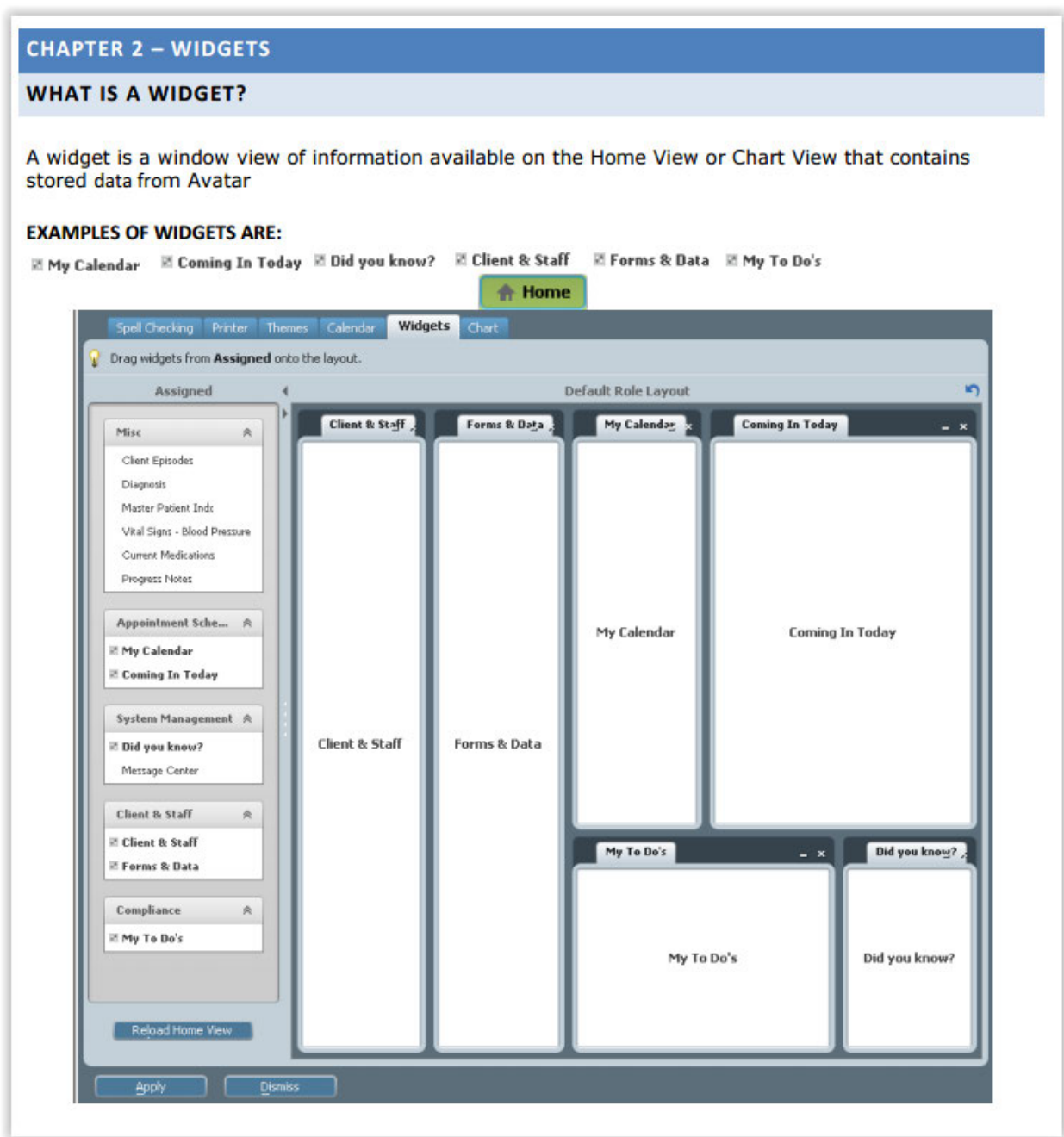
One of the important user-focused foundations of myAvatar is widgets – small applications that can display data completely tailored to the user's needs. With more than 50 pre-installed widgets in all, users can customize their screen views and move from gathering data to looking at information in a seamless, integrated way. Widgets provide quick views into exceptions such as client electronic health records out of compliance, clients without financial eligibility, and how your organization is doing complying with Meaningful Use. myAvatar, through the use of widgets, eliminates the need to run lengthy reports to analyze your data. The analysis is completed and presented in a way that draws the attention of those that can act upon the information. Users can also develop their own custom widgets to meet organizational and role-based requirements.

These widgets and other user-friendly features make myAvatar easy to adopt and use across all functional areas in a behavioral healthcare organization while also helping to achieve important organizational goals:

- **Increase Quality of Care** – Real-time clinical dashboard widgets make it easy for clinicians to access information, while vital signs and immunization tracking widgets make key data easy to record and review. And because physical health care information is integrated, the record and the care can both be more complete. Also, to make check-in faster and easier, myAvatar has a Coming in Today widget, which allows front desk staff to open and review records and tend to any special requirements before the patients arrive; and a widget for bed management to view bed availability at a glance.
- **Facilitate Clinical and Financial Decision Making** – Multiple widgets make appointment data and client information easy to find, and the chart review widget puts the most critical information right at the clinician's fingertips. This easy access to data allows clinical staffs to more quickly and effectively make decisions and care recommendations for the consumers they serve.

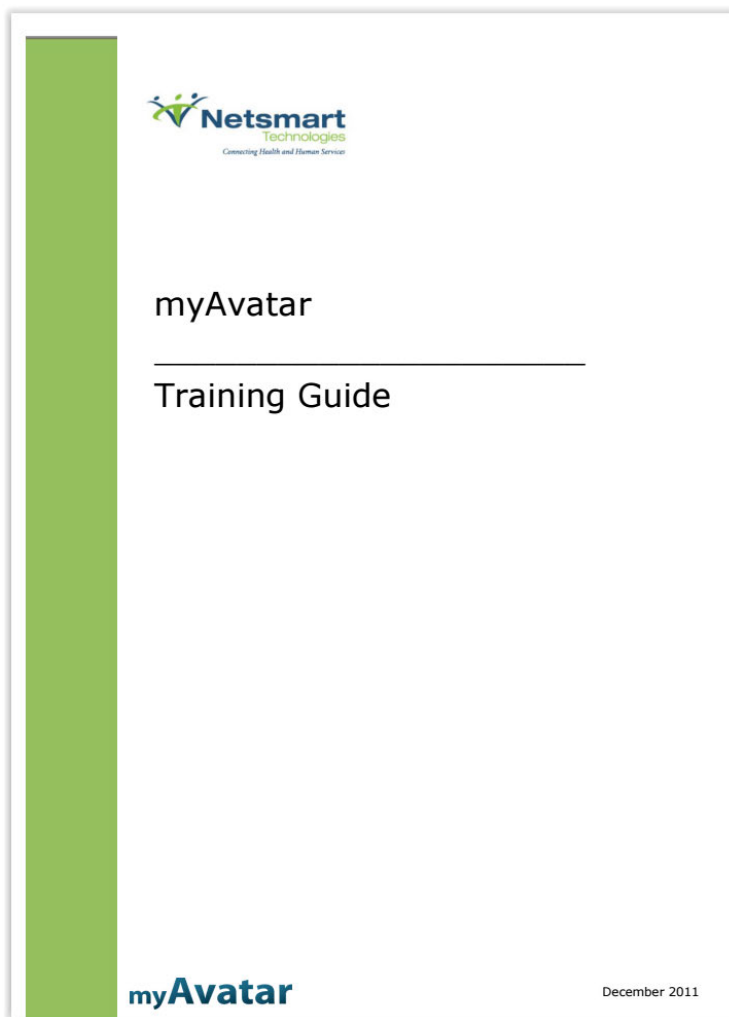
Available at: <http://www.ntst.com/wp/NetsmartWhitepaperContent/12>

49. Upon information and belief, the following describes, at least in part, certain aspects of a representative sample of Defendant’s Infringing Products:



Available at: http://www.mtyhd.org/QI/wp-content/uploads/2014/09/Chapter_2_Widgets_revised_4_2_13.pdf.

50. Defendant published a manual entitled myAvatar training guide showing December 2011 on the cover. Two screenshots from this manual are shown below.



DOCUMENT CHANGE HISTORY

VERSION NUMBER	DESCRIPTION OF CHANGE	NAME OF AUTHOR	DATE PUBLISHED
1.0	FINAL VERSION RELEASED	JANAN ZEIBAQ	9/30/11
1.1	EXPANDED CHART VIEW SECTION TO SHOW NEW CRYSTAL REPORTS FEATURES.	JANAN ZEIBAQ	10/6/11
1.2	DATABASE ARCHITECTURE CHANGES FOR NEW CLIENT INSTALLATIONS ADDED SOFT STOP/HARD STOP OVERVIEW PRODUCT CHANGES WITHIN MYAVATAR UNDOCKING/DOCKING FORMS ADDED FORM DESIGN IMPORT ENHANCEMENTS NOTE ADDED FORM DESIGN STANDARDS FOR USER DEFINED FORMS ADDED REGISTRY SETTING OVERVIEW ADDED SCHEDULING CALENDAR OVERVIEW REVIEWED STANDARD WIDGETS	JANAN ZEIBAQ	12/28/11

This module will be referred to hereinafter as the myAvatar Training Guide.

51. Upon information and belief, the following describes, at least in part, certain aspects of a representative sample of Defendant's Infringing Products:

myAvatar Training Guide

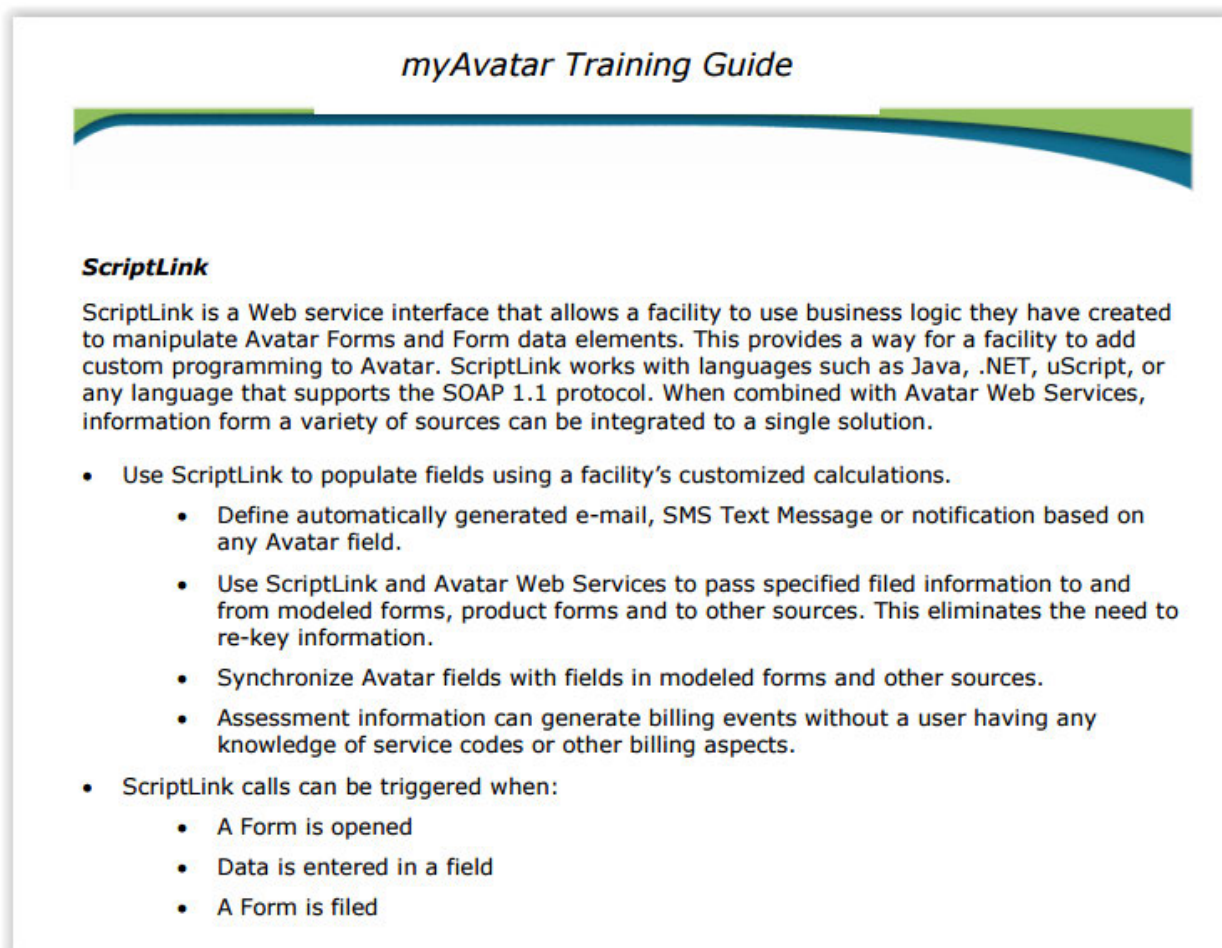
Widget Wizard

The *Widget Wizard* Form allows Users a quick way to add their own Widgets based on Avatar tables without knowing SQL knowledge. This is accomplished by selecting SQL tables and fields from a SQL table to display in a Widget.

How to Create a New Widget:

- Enter the *Widget ID*, which must contain alphanumeric characters and '_' and start with a letter.
- Enter a *Title* for the Widget that is descriptive enough to identify the Widget's function.
- *Widget Attributes*- you have the ability to allow or restrict a Widget from being minimized, refreshed or undocked.
- Click the *Select Table* command button to launch a table selection screen.

myAvatar Training Guide, p. 108.



myAvatar Training Guide, p. 80.

52. Defendant's infringement has occurred through operation of the Infringing Products, which each practice the method of one or more claims of the '526 patent. Such operation includes Defendant's own operation (directly or through intermediaries) including, but not limited to, testing of the Infringing Products prior to federal certification; testing of the Infringing Products during federal certification; testing of the Infringement Products after federal certification; operation of the Infringing Products during classes and demonstrations; hosting of the operation of the Infringing Products on behalf of third parties such as medical groups or medical providers; installing, setting up, or maintaining the Infringing Products on behalf of third parties such as

medical groups or medical providers; and operation of the Infringing Products on behalf of third parties such as medical groups or medical providers.

53. In addition, should Defendant's Infringing Products be found to not literally infringe the asserted claims of the '526 Patent, Defendant's Infringing Products would nevertheless infringe the asserted claims of the '526 Patent. More specifically, the Infringing Products performed substantially the same function (contains instructions for enabling a user to flexibly establish linkages amongst elements in electronic health records software), in substantially the same way (comprising computer readable instructions contained in or loaded into non-transitory memory) to yield substantially the same result (effecting such a flexible linkage). Defendant would thus be liable for direct infringement under the doctrine of equivalents.

54. Defendant may have infringed the '526 Patent through other software, currently unknown to Uniloc, utilizing the same or reasonably similar functionality, including other versions of its EHR software. Uniloc reserves the right to discover and pursue all such additional infringing software.

55. Uniloc has been damaged as a result of Defendant's infringing conduct described in this Count. Defendant is thus liable to Uniloc in an amount that adequately compensates it for Defendant's 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.

COUNT II
(INFRINGEMENT OF THE '451 PATENT)

56. Uniloc incorporates the preceding paragraphs herein by reference.

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

58. 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.

59. Defendant directly or through intermediaries has infringed (literally and/or under the doctrine of equivalents) one or more claims of the '451 patent in this judicial district and elsewhere in Texas, including at least Claims 1, 2, and 7-8 without Uniloc's consent or authorization. Defendant's infringement has occurred through making, selling, offering to sell, using, and/or importing the Infringing Products, and, also, by operation of the Infringing Products, which each practice the method of one or more claims of the '451 patent. Such operation includes Defendant's own operation (directly or through intermediaries) including, but not limited to, testing of the Infringing Products prior to federal certification; testing of the Infringing Products during federal certification; testing of the Infringement Products after federal certification; operation of the Infringing Products during classes and demonstrations; hosting of the operation of the Infringing Products on behalf of third parties such as medical groups or medical providers; installing, setting up, or maintaining the Infringing Products on behalf of third parties such as medical groups or medical providers; and operation of the Infringing Products on behalf of third parties such as medical groups or medical providers.

60. In addition, should Defendant's Infringing Products be found to not literally infringe the asserted claims of the '451 Patent, Defendant's Infringing Products would nevertheless infringe the asserted claims of the '451 Patent. More specifically, the Infringing Products performed substantially the same function (contains instructions for configure clinical decision support rules and alerts), in substantially the same way (comprising computer readable instructions contained in or loaded into non-transitory memory) to yield substantially the same result (effecting

a clinical decision support rule). Defendant would thus be liable for direct infringement under the doctrine of equivalents.

61. Defendant may have infringed the '451 Patent through other software, currently unknown to Uniloc, utilizing the same or reasonably similar functionality, including other versions of its EHR software. Uniloc reserves the right to discover and pursue all such additional infringing software.

62. Uniloc has been damaged as a result of Defendant's infringing conduct described in this Count. Defendant is thus liable to Uniloc in an amount that adequately compensates it for Defendant's 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.

JURY DEMAND

63. 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 Defendant, 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 Defendant;
- b. Judgment that Defendant account for and pay to Uniloc all damages to and costs incurred by Uniloc because of Defendant's infringing activities and other conduct complained of herein;
- c. Judgment that Uniloc be granted pre-judgment and post-judgment interest on the damages caused by Defendant's infringing activities and other conduct complained of herein; and
- d. That Uniloc be granted such other and further relief as the Court may deem just and proper under the circumstances.

Dated: June 15, 2016

Respectfully submitted,

/s/ James L. Etheridge

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Ryan S. Loveless
Texas State Bar No. 24036997
Brett A. Mangrum
Texas State Bar No. 24065671
Travis L. Richins
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***Counsel for Plaintiffs Uniloc USA, Inc. and
Uniloc Luxembourg S.A.***