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10 *Attorneys for Plaintiff Monument Peak Ventures, LLC*

11 UNITED STATES DISTRICT COURT
12 SOUTHERN DISTRICT OF CALIFORNIA

13 MONUMENT PEAK VENTURES,
14 LLC

15 Plaintiff,

16 vs.

17 GE HEALTHCARE, INC.,
18 GENERAL ELECTRIC CO.

19 Defendants.

Case No. 18-CV-1158 JLS (JLB)

**SECOND AMENDED
COMPLAINT FOR PATENT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 **COMPLAINT**

2 Plaintiff Monument Peak Ventures, LLC (“MPV”) hereby submits its Second
3 Amended Complaint against Defendants GE Healthcare, Inc. (“GE Healthcare”) and
4 General Electric Co. (“GE”) (collectively “Defendants”) and alleges as follows:

5 **NATURE OF THE ACTION**

6 1. This is a civil action for infringement under the patent laws of the
7 United States, 35 U.S.C. § 1 *et seq.*

8 2. Defendants have infringed and continues to infringe, have induced and
9 continues to induce infringement of, and have contributed to and continue to
10 contribute to the infringement of, one or more claims of MPV’s U.S. Patent Nos.
11 7,092,573 (“the ’573 patent”), 7,212,668 (“the ’668 patent”), and 6,509,910 (“the
12 ’910 patent”)(collectively the “Asserted Patents”) at least by providing software
13 tools and other instrumentalities as described below.

14 3. On or about July 26, 2017, MPV contacted Defendants with a list of all
15 patents then owned by MPV and a presentation introducing the Kodak portfolio and
16 its application to Defendants’ products. On or about August 15, 2017, MPV further
17 informed Defendants of their infringement through a data room that included a full
18 list of all Patents then owned by MPV and evidence of use presentations detailing
19 Defendants’ infringement of sixteen MPV Patents, including all but one the
20 Asserted Patents. The data room has been accessible to Defendants for a full year
21 and remains accessible to Defendants as of the filing of this First Amended
22 Complaint.

23 **THE PARTIES**

24 4. Plaintiff MPV is a Texas limited liability company with its principal
25 place of business in Plano, Texas.

5. Upon information and belief, Defendant GE Healthcare is a corporation organized and existing under the laws of the State of Delaware with its principal place of business in Chicago, Illinois.

6. Upon information and belief, Defendant GE is a corporation organized and existing under the laws of the State of New York with its principal place of business in Boston, Massachusetts.

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction over MPV's claims for patent infringement pursuant to the 28 U.S.C. §§ 1331 and 1338(a).

8. Upon information and belief, this Court has personal jurisdiction over Defendants in this action because Defendants have committed acts within this District giving rise to this action and have established minimum contacts with this forum such that the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice. Defendants have committed acts of patent infringement and have regularly and systematically conducted and solicited business in this District by and through at least their sales and offers for sale of Defendants products and/or services in this District and, on information and belief, leases or owns office space in this District.

9. Venue is proper in this District under 28 U.S.C. §§ 1391(b) and 1400(b) at least because Defendants have committed acts of infringement in this District and have a regular and established place of business in this District. On information and belief, Defendants employ many people in this District, including at least at their facility at 4877 Mercury St, San Diego, CA 92111.

The Three Asserted Patents Come From the Iconic Kodak Patent Portfolio

10. Three of the four Asserted Patents claim inventions born from the ingenuity of the Eastman Kodak Company (“Kodak”), an iconic American imaging

1 technology company that dates back to the late 1800s. The first model of a Kodak
2 camera was released in 1888.



10 11. In 1935 Kodak introduced “Kodachrome,” a color reversal stock for
11 movie and slide film. In 1963 Kodak introduced the Instamatic camera, an easy-to-
12 load point-and-shoot camera.



21 12. By 1976 Kodak was responsible for 90% of the photographic film and
22 85% of the cameras sold in the United States.

23 13. At the peak of its domination of the camera industry, Kodak invented
24 the first self-contained digital camera in 1975.



14. By 1986 Kodak had created the first megapixel sensor that was capable of recording 1,400,000 pixels. While innovating in the digital imaging space, Kodak developed an immense patent portfolio and extensively licensed its technology in the space. For example, in 2010, Kodak received \$838,000,000 in Patent licensing revenue. As part of a reorganization of its business, Kodak sold many of its Patents to some of the biggest names in technology that included Google, Facebook, Amazon, Microsoft, Samsung, Adobe Systems, HTC and others for \$525,000,000.

15. While scores of digital imaging companies have paid to license the Kodak Patent portfolio owned by MPV, Defendants have refused to do so without justification.

FIRST CAUSE OF ACTION
Infringement of Patent No. 7,092,573

16. MPV incorporates the foregoing paragraphs as though fully set forth herein.

17. MPV owns by assignment the entire right, title, and interest in the '573 Patent.

1 18. The '573 Patent was issued by the United States Patent and Trademark
2 Office on August 15, 2006 and is titled "Method and system for selectively applying
3 enhancement to an image." A true and correct copy of the '573 patent is attached
4 hereto as Exhibit B.

5 19. Upon information and belief, Defendants have directly infringed at
6 least claim 1 of the '573 Patent by making, using, testing, selling, offering for sale,
7 importing and/or licensing in the United States without authority image analysis
8 software, including without limitation Defendants' Advanced Visualization software
9 tools, including, as just one example, Thoracic VCAR ("the '573 Infringing
10 Instrumentalities").

11 20. One or more of the '573 Infringing Instrumentalities meets all the
12 limitations of claim 1 of the '573 Patent. Set forth below (with claim language in
13 italics) is an exemplary description of the infringement of claim 1 of the '573 patent
14 in connection with the Thoracic VCAR advanced visualization software tool. MPV
15 reserves the right to modify this description, including, for example, on the basis of
16 information about the '573 Infringing Instrumentalities that it obtains during
17 discovery:

18 *1. A method for processing a digital image, comprising the steps of:* To the
19 extent the preamble is limiting, Thoracic VCAR is one of a wide range of image
20 analysis tools offered by Defendants for processing digital images.

21 [1a] *applying a subject matter detector to the digital image to produce a*
22 *belief map of values indicating the degree of belief that pixels in the digital image*
23 *belong to target subject matter, said values defining a plurality of belief regions;* On
24 information and belief, Thoracic VCAR applies a subject matter detector in order to
25 identify the desired subject matter, e.g., lungs or elements within the lung, to
26 produce a belief map of which pixels in the image belong to the target subject
27 matter.

Thoracic VCAR gives you the ability to make quantitative measurements of the lungs to aid in the diagnosis of lung disease. The application blends automated lung and airway segmentation with basic review and advanced lung tissue analysis. Using Thoracic VCAR you can generate a clear, concise report that communicates vital medical information to referring physicians and patients..

Highlights

- Visually indicates location of condition for specific discussion of diagnosis and prognosis.
- One-click basic 2D review of wall thickness. Shows inner and outer contours.
- Automated segmentation of lungs and airways.
- One-touch 3D airway tracking.
- Automated measurements of wall thickness for intuitive airway analysis.
- Lobe segmentation and visualization.
- Application-specific tools that facilitate analysis of the anatomy and potential diseases.
- Fast, interactive electronic patient reporting.



http://www3.gehealthcare.com/en/products/categories/advanced_visualization/applications/thoracic_vcar.

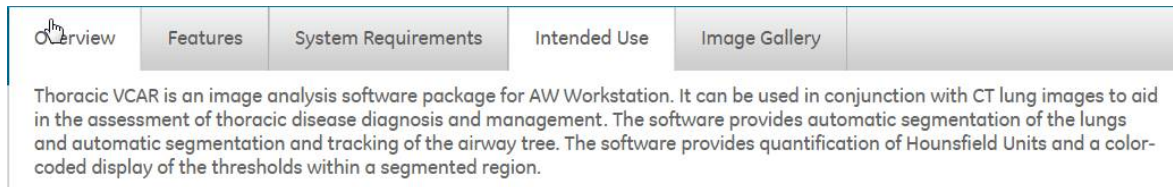
[1b] *determining the sizes of each of said belief regions in said belief map;*
On information and belief, after creating the belief map, the size of the different regions of the image, *e.g.* those believed to be lung, those believed to be airways or other elements, are determined.



- Basic review provides an overall view of the lungs immediately after application launch.
- Parenchyma analysis tool automatically segments lungs and airways.
- Lobe segmentation provides measurements related to the individual lung lobes.
- Airway analysis automatically segments and tracks the airways and displays the results for analysis.
- Selected airways can be further visualized in lumen view, providing you with additional measurements.
- Compare mode allows you to load two exams for disease progress comparison.

Id.

[1c] *enhancing the digital image, said enhancing varying pixel by pixel in accordance with both the degree of belief and the size of the respective said belief region.* On information and belief, once the different belief regions are identified and their size determined, the image is enhanced on pixel-by-pixel basis based on the degree to which that pixel is believed to be the target subject matter and the size of the belief region.



Id.

21. Defendants have thus infringed at least claim 1 of the '573 Patent by making, using, testing, selling, offering for sale, importing and/or licensing the '573 Infringing Instrumentalities such that all steps of at least claim 1 are performed.

22. The users, customers, agents and/or other third parties of the '573 Infringing Instrumentalities (collectively, "third-party infringers") infringed, including under 35 U.S.C. § 271(a), at least claim 1 of the '573 Patent by using the '573 Infringing Instrumentalities.

23. Defendants have, since at least no later than August 15, 2017, known or been willfully blind to the fact that the third-party infringers' use of the '573 Infringing Instrumentalities directly infringes the '573 Patent.

24. Defendants' knowledge of the '573 Patent, which covers operating the '573 Infringing Instrumentalities in their intended manner and such that all limitations of at least claim 1 of the '573 Patent are met, made it known to Defendants that the third-party infringers' use of the '573 Infringing Instrumentalities would directly infringe the '573 Patent, or, at the very least, render Defendants willfully blind to such infringement.

25. Having known or been willfully blind to the fact that the third-party infringers' use of the '573 Infringing Instrumentalities in their intended manner and such that all limitations of at least claim 1 of the '573 Patent are met would directly infringe the '573 Patent, Defendants, upon information and belief, actively encouraged the third-party infringers to directly infringe the '573 Patent by making, using, testing, selling, offering for sale, importing and/or licensing said '573 Infringing Instrumentalities, and by, for example, marketing '573 Infringing

1 Instrumentalities to the third-party infringers; supporting and managing the third-
2 party infringers' continued use of the '573 Infringing Instrumentalities; and
3 providing technical assistance to the third-party infringers during their continued use
4 of the '573 Infringing Instrumentalities. *See, e.g.*, Thoracic VCAR User Guide,
5 available at

6 [http://rezervio.ro/awe/AWS_doc_files/documentation/EN/Thoracic%20-](http://rezervio.ro/awe/AWS_doc_files/documentation/EN/Thoracic%20-%20VCAR/5757795-1EN_r1.pdf)
7 [%20VCAR/5757795-1EN_r1.pdf](http://rezervio.ro/awe/AWS_doc_files/documentation/EN/Thoracic%20-%20VCAR/5757795-1EN_r1.pdf).

8 26. Thus, Defendants have specifically intended to induce, and have
9 induced, the third-party infringers to infringe at least claim 1 of the '573 Patent, and
10 Defendants have known of or been willfully blind to such infringement. Defendants
11 have advised, encouraged, and/or aided the third-party infringers to engage in direct
12 infringement, including through their encouragement, advice, and assistance to the
13 third-party infringers to use the '573 Infringing Instrumentalities.

14 27. Based on, among other things, the foregoing facts, Defendants have
15 induced infringement under 35 U.S.C. § 271(b) of at least claim 1 of the '573
16 Patent.

17 28. Further, Defendants provided and/or licensed to the third-party
18 infringers '573 Infringing Instrumentalities that are especially made and adapted—
19 and specifically intended by Defendants—to be used as components and material
20 parts of the inventions covered by the '573 Patent. For example, Defendants
21 provided the accused software and related product documentation and instructions,
22 which the third-party infringers used in a manner such that all limitations of at least
23 claim 1 of the '573 Patent are met, and without which the third-party infringers
24 would be unable to have used and availed themselves of the '573 Infringing
25 Instrumentalities in their intended manner.

1 29. Upon information and belief, Defendants also knew that the '573
2 Infringing Instrumentalities operate in a manner that satisfies all limitations of at
3 least claim 1 of the '573 Patent.

4 30. The image enhancement technology in the '573 Infringing
5 Instrumentalities is specially made and adapted to infringe at least claim 1 of the
6 '573 Patent. Upon information and belief, the image enhancement technology in the
7 '573 Infringing Instrumentalities is not a staple article or commodity of commerce,
8 and, because the functionality is designed to work with the '573 Infringing
9 Instrumentalities solely in a manner that is covered by the '573 Patent, it does not
10 have a substantial non-infringing use. At least by no later than August 15, 2017,
11 based on the foregoing facts, Defendants have known or been willfully blind to the
12 fact that such functionality is especially made and adapted for—and is in fact used
13 in—'573 Infringing Instrumentalities in a manner that is covered by the '573 Patent.

14 31. Based on, among other things, the foregoing facts, Defendants have
15 contributorily infringed at least claim 1 of the '573 Patent under 35 U.S.C. § 271(c).

16 32. Defendants' acts of infringement of the '573 Patent have been willful
17 and intentional under the standard of *Halo Elecs., Inc. v. Pulse Elecs., Inc.*, 136 S.
18 Ct. 1923 (2016). Since at least August 15, 2017, Defendants have willfully
19 infringed the '573 Patent by refusing to take a license and continuing the foregoing
20 infringement.

21 33. Defendants' acts of direct and indirect infringement have caused
22 damage to MPV, and MPV is entitled to recover damages sustained as a result of
23 Defendants' wrongful acts in an amount subject to proof at trial.

24 **SECOND CAUSE OF ACTION**
25 **Infringement of Patent No. 7,212,668**

26 34. MPV incorporates the foregoing paragraphs as though fully set forth
27 herein.

1 35. MPV owns by assignment the entire right, title, and interest in the '668
2 Patent.

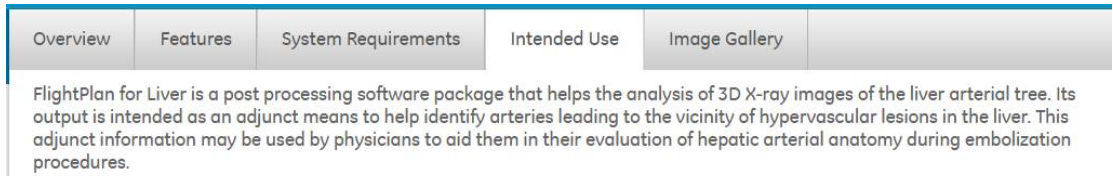
3 36. The '668 Patent was issued by the United States Patent and Trademark
4 Office on May 1, 2007 and is titled "Digital image processing system and method
5 for emphasizing a main subject of an image." A true and correct copy of the '668
6 patent is attached hereto as Exhibit C.

7 37. Upon information and belief, Defendants have directly infringed at
8 least claim 1 of the '668 Patent by making, using, testing, selling, offering for sale,
9 importing and/or licensing in the United States without authority image analysis
10 software, including without limitation Defendants' Advanced Visualization software
11 tools, including, as just one example, FlightPlan for Liver ("the '668 Infringing
12 Instrumentalities").

13 38. One or more of the '668 Infringing Instrumentalities meets all the
14 limitations of claim 1 of the '668 Patent. Set forth below (with claim language in
15 italics) is an exemplary description of the infringement of claim 1 of the '668 patent
16 in connection with the FlightPlan for Liver advanced visualization software tool.
17 MPV reserves the right to modify this description, including, as just one example,
18 on the basis of information about the '668 Infringing Instrumentalities that it obtains
19 during discovery:

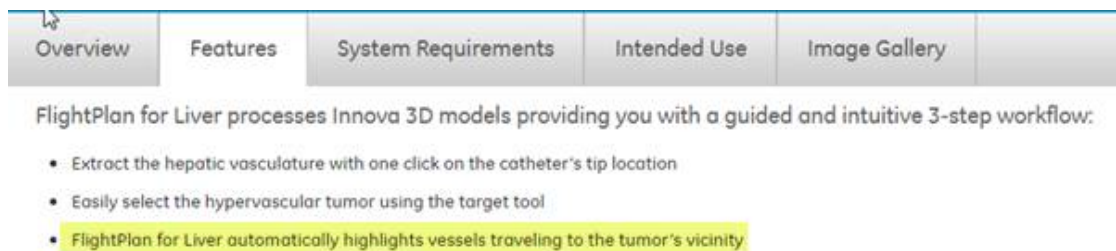
20 *1. A computer method for modifying an image having a main subject and a*
21 *background pixels, comprising the steps of:* To the extent the preamble is limiting,
22 FlightPlan for Liver is one of a wide range of image analysis tools offered by
23 Defendants for processing digital images. FlightPlan for Liver performs a method
24 of modifying an image with main subject and background pixels
25
26
27
28

[1a] *automatically identifying the main subject of the image*; FlightPlan for Liver is designed to identify the arterial tree of a liver, i.e., the main subject.



http://www3.gehealthcare.com/en/products/categories/advanced_visualization/applications/flightplan_for_liver#tabs/.

[1b] *automatically altering pixel values of said image to emphasize said main subject, said altering following said identifying*; Once the main subject is identified, the pixels are altered to emphasize the main subject.



Id. (emphasis added).

[1c] *said altering follows any and all identifying of said main subject and wherein said identifying further comprises: segmenting said image into a plurality of regions; and generating a plurality of belief values, each said belief value being associated with one of a plurality of regions of the image, said belief values each being related to the probability that the associated region is a main subject of the image, to provide a main subject belief map.* On information and belief, the highlighting occurs after the main subject has been identified and the process of identifying the main subject matter uses segmentation techniques to develop belief values and a belief map that a part of the image is the main subject.

39. Defendants have thus infringed at least claim 1 of the '668 Patent by making, using, testing, selling, offering for sale, importing and/or licensing the '668 Infringing Instrumentalities such that all steps of at least claim 1 are performed.

1 40. The users, customers, agents and/or other third parties of the '668
2 Infringing Instrumentalities (collectively, "third-party infringers") infringed,
3 including under 35 U.S.C. § 271(a), at least claim 1 of the '668 Patent by using the
4 '668 Infringing Instrumentalities.

5 41. Defendants have, since at least no later than August 15, 2017, known or
6 been willfully blind to the fact that the third-party infringers' use of the '668
7 Infringing Instrumentalities directly infringes the '668 Patent.

8 42. Defendants' knowledge of the '668 Patent, which covers operating the
9 '668 Infringing Instrumentalities in their intended manner and such that all
10 limitations of at least claim 1 of the '668 Patent are met, made it known to
11 Defendants that the third-party infringers' use of the '668 Infringing
12 Instrumentalities would directly infringe the '668 Patent, or, at the very least, render
13 Defendants willfully blind to such infringement.

14 43. Having known or been willfully blind to the fact that the third-party
15 infringers' use of the '668 Infringing Instrumentalities in their intended manner and
16 such that all limitations of at least claim 1 of the '668 Patent are met would directly
17 infringe the '668 Patent, Defendants, upon information and belief, actively
18 encouraged the third-party infringers to directly infringe the '668 Patent by making,
19 using, testing, selling, offering for sale, importing and/or licensing said '668
20 Infringing Instrumentalities, and by, for example, marketing '668 Infringing
21 Instrumentalities to the third-party infringers; supporting and managing the third-
22 party infringers' continued use of the '668 Infringing Instrumentalities; and
23 providing technical assistance to the third-party infringers during their continued use
24 of the '668 Infringing Instrumentalities. *See, e.g.*, FlightPlan for Liver User Guide
25 Available at

26 [http://rezervio.ro/awe/AWS_doc_files/documentation/EN/FlightPlan%20for%20Liv](http://rezervio.ro/awe/AWS_doc_files/documentation/EN/FlightPlan%20for%20Liver/5483345-1EN_r3.pdf)
27 [er/5483345-1EN_r3.pdf](http://rezervio.ro/awe/AWS_doc_files/documentation/EN/FlightPlan%20for%20Liver/5483345-1EN_r3.pdf).

1 44. Thus, Defendants have specifically intended to induce, and have
2 induced, the third-party infringers to infringe at least claim 1 of the '668 Patent, and
3 Defendants have known of or been willfully blind to such infringement. Defendants
4 have advised, encouraged, and/or aided the third-party infringers to engage in direct
5 infringement, including through their encouragement, advice, and assistance to the
6 third-party infringers to use the '668 Infringing Instrumentalities.

7 45. Based on, among other things, the foregoing facts, Defendants have
8 induced infringement under 35 U.S.C. § 271(b) of at least claim 1 of the '668
9 Patent.

10 46. Further, Defendants provided and/or licensed to the third-party
11 infringers '668 Infringing Instrumentalities that are especially made and adapted—
12 and specifically intended by Defendants—to be used as components and material
13 parts of the inventions covered by the '668 Patent. For example, Defendants
14 provided the accused software and related product documentation and instructions,
15 which the third-party infringers used in a manner such that all limitations of at least
16 claim 1 of the '668 Patent are met, and without which the third-party infringers
17 would be unable to have used and availed themselves of the '668 Infringing
18 Instrumentalities in their intended manner.

19 47. Upon information and belief, Defendants also knew that the '668
20 Infringing Instrumentalities operate in a manner that satisfies all limitations of at
21 least claim 1 of the '668 Patent.

22 48. The main subject emphasis technology in the '668 Infringing
23 Instrumentalities is specially made and adapted to infringe at least claim 1 of the
24 '668 Patent. Upon information and belief, the main subject emphasis technology in
25 the '668 Infringing Instrumentalities is not a staple article or commodity of
26 commerce, and, because the functionality is designed to work with the '668
27 Infringing Instrumentalities solely in a manner that is covered by the '668 Patent, it
28

1 does not have a substantial non-infringing use. At least by no later than August 15,
 2 2017, based on the foregoing facts, Defendants have known or been willfully blind
 3 to the fact that such functionality is especially made and adapted for—and is in fact
 4 used in—'668 Infringing Instrumentalities in a manner that is covered by the '668
 5 Patent.

6 49. Based on, among other things, the foregoing facts, Defendants have
 7 contributorily infringed at least claim 1 of the '668 Patent under 35 U.S.C. § 271(c).

8 50. Defendants' acts of infringement of the '668 Patent have been willful
 9 and intentional under the standard of *Halo Elecs., Inc. v. Pulse Elecs., Inc.*, 136 S.
 10 Ct. 1923 (2016). Since at least August 15, 2017, Defendants have willfully
 11 infringed the '668 Patent by refusing to take a license and continuing the foregoing
 12 infringement.

13 51. Defendants' acts of direct and indirect infringement have caused
 14 damage to MPV, and MPV is entitled to recover damages sustained as a result of
 15 Defendants' wrongful acts in an amount subject to proof at trial.

16 **THIRD CAUSE OF ACTION**
 17 **Infringement of Patent No. 6,509,910**

18 52. MPV incorporates the foregoing paragraphs as though fully set forth
 19 herein.

20 53. MPV owns by assignment the entire right, title, and interest in the '910
 21 Patent.

22 54. The '910 Patent was issued by the United States Patent and Trademark
 23 Office on January 21, 2003, and is titled "Method and system for interfacing with a
 24 digital media frame network." A true and correct copy of the '910 patent is attached
 25 hereto as Exhibit D.

26 55. Upon information and belief, Defendants have directly infringed at
 27 least claim 1 of the '910 Patent by making, using, testing, selling, offering for sale,
 28

1 importing and/or licensing in the United States without authority a medical image
2 and document exchange solution, including without limitation Defendants'
3 Centricity Solutions for Enterprise Imaging and GE Health Cloud applications,
4 which in turn include one or more of Centricity Imaging Collaboration Suite, AW
5 Advanced Visualization, Centricity Universal Viewer, Centricity Clinical Archive,
6 Centricity Radiology Workflow, Centricity Universal Viewer 100 edition, Centricity
7 Cardio Enterprise ("the '910 Infringing Instrumentalities").

8 56. One or more of the '910 Infringing Instrumentalities meets all the
9 limitations of claim 1 of the '910 Patent. Set forth below (with claim language in
10 italics) is an exemplary description of the infringement of claim 1 of the '910 patent
11 in connection with the Centricity Solutions for Enterprise Imaging solution. MPV
12 reserves the right to modify this description, including, for example, on the basis of
13 information about the '910 Infringing Instrumentalities that it obtains during
14 discovery:

15 *1. A method for sharing digital images over at least one network comprising*
16 *the steps of:* To the extent the preamble is limiting, Centricity Solutions for
17 Enterprise Imaging is part of a "common viewing, analytics and vendor-neutral
18 archiving experience across specialties" It provides a method for sharing digital
19 images over a network.

20 ///

21 ///

(a) providing a network service over the network; Centricity Solutions for Enterprise Imaging uses the Internet to provide at least one network service, including the distribution of patient images.

Centricity Solutions for Enterprise Imaging

Centricity Solutions for Enterprise Imaging deliver a common viewing, analytics and vendor-neutral archiving experience across specialties. Designed to support multiple care-specific workflows, and offering clinicians the ability to work independent of location, Centricity Solutions for Enterprise Imaging offer healthcare organizations the tools they need to build collaborative care networks.



Collaboration

Share images and insight with providers inside and outside your network through cloud-based tools

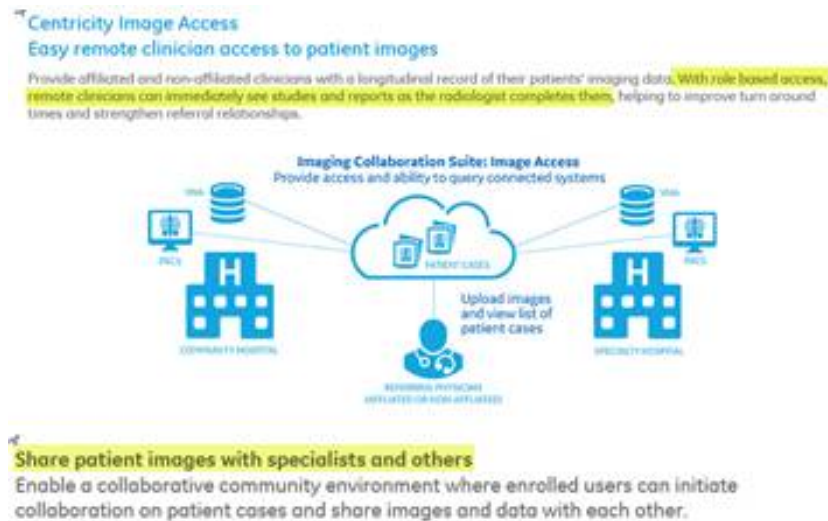
As organizations look to build collaborative care networks, they must find ways to efficiently share relevant patient images and data among distributed care teams. We've seen clinicians connect in under five minutes using our collaboration tools. This is a time savings from current methods of collaboration which involve coordination, consultation, and communication by phone, fax, and email.^{1,2}



<http://www3.gehealthcare.com/~media/documents/us-global/products/healthcare%20it/brochures/imaging/centricity-solutions-for-enterprise-imaging-brochure-jb35684xx5.pdf> (emphasis added).

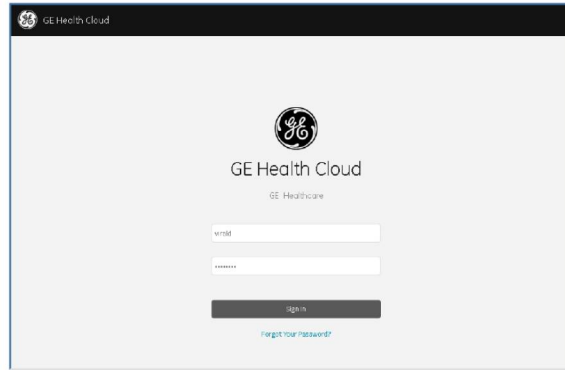
(b) permitting at least one share group to access a network server via the network service, the at least one share group including a plurality of members;

Centricity permits a share group to access the network services over the Internet, including the sharing of patient images.



http://www3.gehealthcare.com/en/products/categories/healthcare_it/medical_imaging_informatics_-_ris-pacs-cvris/centricity-imaging-collaboration-suite#tabs (emphasis added).

(c) associating a device with each of the plurality of members, each device in communication with the server, the device of one or more members of each of the at least one share group being a continuously operating display, each of the plurality of members of the at least one share group capable of being a sharing member and a receiving member; Centricity Solutions for Enterprise Imaging provides access through a web-portal accessible from desktop or mobile devices. Users access the portal by entering a username and password, which puts that “device” in communication with the server. These devices, whether a desktop or a mobile device, have a “continuously operating display.” Once a user has access to the Centricity server, they can share and receive images.



After you successfully login to the system, your registration process is completed and you become an active user of GE Case Exchange and Image Access portal.

4 Creating a Case

A case on Centricity Case Exchange and Image Access Portal may contain attachments (such as one or more DICOM studies and associated reports for a patient), or no attachments. If a case contains studies, each study can have multiple series of image data.

5 Accessing the Case Inbox

To access the Case Inbox, please follow the steps listed below:

- From the Home page, click **Case Inbox**.

The Case Inbox page is displayed. It shows a list of cases in left vertical pane that displays received and shared cases. A new case you have received for review is displayed in bold. You can scroll through the case list to view cases.

Images from Centricity Case Exchange and Image Access Portal User Guide, available through <http://apps.gehealthcare.com/servlet/ClientServlet> (emphasis added).

///

///

(d) allowing each sharing member to share digital files with the receiving members of the at least one share group by uploading from the device associated with the sharing member at least one digital file to the network service; Centricity Case Exchange users can share digital files with other authorized users, including files contained on their local device.

To share a case with one person (👤), enter the first name, last name, or email address of the person you wish to share the case.

To share a case with one group (👥), enter the name of the group you wish to share the case.

If you wish to share the case with more than one person/group, separate each person's name or group's name with a comma.

Using CD/DVD or File Folder

To create a case from CD/DVD or file folder, please follow the steps listed below:

1. On the Create a Case page, from the Add Attachments section, click Add Imaging from CD/DVD/Local DICOM.
The Browse for Folder window is displayed.
2. Select a folder location that contains DICOM study files on your computer or network, and then click OK.

Id.

(e) downloading from the network service the at least one digital file to the devices associated with the receiving members of the at least one share group; Users can download cases from the cloud to the local device.

- Select View All from the drop-down list next to Case Summary label to view all translations of the case. Each transaction shows the Sender (From), Recipients (To), Transaction Date and Time in the header section, and Clinical Reason, Message, Images & Documents, and Thumbnails for each attachment (both non-DICOM and DICOM with the name and date). Every translation of the case is separated by a horizontal line.

Id.

(f) automatically displaying the at least one digital file on the continuously operating displays associated with the receiving members of the at least one share group. Downloaded files are displayed on the device.

- Select View All from the drop-down list next to Case Summary label to view all translations of the case. Each transaction shows the Sender (From), Recipients (To), Transaction Date and Time in the header section, and Clinical Reason, Message, Images & Documents, and Thumbnails for each attachment (both non-DICOM and DICOM with the name and date). Every translation of the case is separated by a horizontal line.

Id.

57. Defendants have thus infringed at least claim 1 of the '910 Patent by making, using, testing, selling, offering for sale, importing and/or licensing the '910 Infringing Instrumentalities such that all steps of at least claim 1 are performed.

58. The users, customers, agents and/or other third parties of the '910 Infringing Instrumentalities (collectively, "third-party infringers") infringed, including under 35 U.S.C. § 271(a), at least claim 1 of the '910 Patent by using the '910 Infringing Instrumentalities.

59. Defendants have, since at least no later than August 15, 2017, known or been willfully blind to the fact that the third-party infringers' use of the '910 Infringing Instrumentalities directly infringes the '910 Patent.

60. Defendants' knowledge of the '910 Patent, which covers operating the '910 Infringing Instrumentalities in their intended manner and such that all limitations of at least claim 1 of the '910 Patent are met, made it known to Defendants that the third-party infringers' use of the '910 Infringing Instrumentalities would directly infringe the '910 Patent, or, at the very least, render Defendants willfully blind to such infringement.

61. Having known or been willfully blind to the fact that the third-party infringers' use of the '910 Infringing Instrumentalities in their intended manner and such that all limitations of at least claim 1 of the '910 Patent are met would directly infringe the '910 Patent, Defendants, upon information and belief, actively encouraged the third-party infringers to directly infringe the '910 Patent by making, using, testing, selling, offering for sale, importing and/or licensing said '910

1 Infringing Instrumentalities, and by, for example, marketing '910 Infringing
2 Instrumentalities to the third-party infringers; supporting and managing the third-
3 party infringers' continued use of the '910 Infringing Instrumentalities; and
4 providing technical assistance to the third-party infringers during their continued use
5 of the '910 Infringing Instrumentalities. *See, e.g.,* Centricity Case Exchange and
6 Image Access Portal User Guide, available through
7 <http://apps.gehealthcare.com/servlet/ClientServlet>.

8 62. Thus, Defendants have specifically intended to induce, and have
9 induced, the third-party infringers to infringe at least claim 1 of the '910 Patent, and
10 Defendants have known of or been willfully blind to such infringement. Defendants
11 have advised, encouraged, and/or aided the third-party infringers to engage in direct
12 infringement, including through their encouragement, advice, and assistance to the
13 third-party infringers to use the '910 Infringing Instrumentalities.

14 63. Based on, among other things, the foregoing facts, Defendants have
15 induced infringement under 35 U.S.C. § 271(b) of at least claim 1 of the '910
16 Patent.

17 64. Further, Defendants provided and/or licensed to the third-party
18 infringers '910 Infringing Instrumentalities that are especially made and adapted—
19 and specifically intended by Defendants—to be used as components and material
20 parts of the inventions covered by the '910 Patent. For example, Defendants
21 provided the accused software and related product documentation and instructions,
22 which the third-party infringers used in a manner such that all limitations of at least
23 claim 1 of the '910 Patent are met, and without which the third-party infringers
24 would be unable to have used and availed themselves of the '910 Infringing
25 Instrumentalities in their intended manner.

1 65. Upon information and belief, Defendants also knew that the '910
2 Infringing Instrumentalities operate in a manner that satisfies all limitations of at
3 least claim 1 of the '910 Patent.

4 66. The image exchange technology in the '910 Infringing
5 Instrumentalities is specially made and adapted to infringe at least claim 1 of the
6 '910 Patent. Upon information and belief, the image exchange technology in the
7 '910 Infringing Instrumentalities is not a staple article or commodity of commerce,
8 and, because the functionality is designed to work with the '910 Infringing
9 Instrumentalities solely in a manner that is covered by the '910 Patent, it does not
10 have a substantial non-infringing use. At least by no later than August 15, 2017,
11 based on the foregoing facts, Defendants have known or been willfully blind to the
12 fact that such functionality is especially made and adapted for—and is in fact used
13 in—'910 Infringing Instrumentalities in a manner that is covered by the '910 Patent.

14 67. Based on, among other things, the foregoing facts, Defendants have
15 contributorily infringed at least claim 1 of the '910 Patent under 35 U.S.C. § 271(c).

16 68. Defendants' acts of infringement of the '910 Patent have been willful
17 and intentional under the standard of *Halo Elecs., Inc. v. Pulse Elecs., Inc.*, 136 S.
18 Ct. 1923 (2016). Since at least August 15, 2017, Defendants have willfully
19 infringed the '910 Patent by refusing to take a license and continuing the foregoing
20 infringement.

21 69. Defendants' acts of direct and indirect infringement have caused
22 damage to MPV, and MPV is entitled to recover damages sustained as a result of
23 Defendants' wrongful acts in an amount subject to proof at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff MPV respectfully requests the following relief:

A. A judgment that Defendants have infringed the '573 Patent, and that that infringement has been willful;

B. A judgment that Defendants have infringed the '668 Patent, and that that infringement has been willful;

C. A judgment that Defendants have infringed the '910 Patent, and that that infringement has been willful;

D. A judgment that MPV be awarded damages adequate to compensate it for Defendants' past infringement and any continuing or future infringement of the '573 Patent, the '668 Patent, and the '910 Patent including pre-judgment and post-judgment interest, costs and disbursements as justified under 35 U.S.C. § 284 and an accounting;

E. That this be determined to be an exceptional case under 35 U.S.C. § 285 and that MPV be awarded enhanced damages up to treble damages for willful infringement as provided by 35 U.S.C. § 284;

F. That MPV be granted its reasonable attorneys' fees in this action;

G. That this Court award MPV its costs; and

H. That this Court award MPV such other and further relief as the Court deems proper.

1 DATED: September 27, 2018

QUINN EMANUEL URQUHART &
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DEMAND FOR JURY TRIAL

Plaintiff MPV hereby demands trial by jury for all causes of action, claims, or issues in this action that are triable as a matter of right to a jury.

DATED: September 27, 2018

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on September 27, 2018 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5.4. Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

DATED: September 27, 2018 By: /s/ Amar L. Thakur

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